

WORKING PAPER

EXPLORING THE DIMENSIONS AND FACTORS INFLUENCING REFUGEES' PARTICIPATION IN THE INFORMAL ECONOMY

**THE CASE OF REFUGEES FROM SYRIA
IN LEBANON AND JORDAN**

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ABSTRACT

This paper attempts to examine different dimensions and factors influencing refugees' participation in the informal economy as a means of securing their livelihoods, taking into consideration the Lebanese and Jordanian contexts. In doing so, it critically explores concepts widely used in studies on refugees from Syria and informs interventions targeting refugees in both Jordan and Lebanon. These concepts include resilience, livelihoods, adaptation, legality, and others.

The paper proposes and adopts the political economy of informality as its conceptual framework, which will be framing the overall analysis. Moreover, it provides a critical analysis to the policy context that is governing the living and working conditions of refugees from Syria in both Lebanon and Jordan. This paper intends to help national researchers to critically perceive and understand concepts such as resilience, adaptation, livelihoods and informality.

ACRONYMS AND ABBREVIATIONS

ASC	Asylum seeker certificate
EU	European Union
GoJ	Government of Jordan
ILO	International Labour Organization
ITS	Informal tented settlement
Mol	Ministry of Interior
NGO	Non-governmental organization
PRS	Palestine Refugees from Syria
VASyR	Vulnerability Assessment of Syrian Refugees in Lebanon
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

INTRODUCTION

Since the outbreak of the Syrian crisis, Lebanon and Jordan have adopted for several years an open-door policy towards refugees fleeing from Syria. Currently Lebanon and Jordan host together more than 1.7 million registered refugees from Syria, around 30 percent of the total refugee population (UNHCR, 2018). Nevertheless, neither Jordan nor Lebanon are signatories to the 1951 Refugee Convention. This has given the two host countries the pretext to deny Syrian refugees formal rights (guaranteed by the Convention), while still demanding aid and support from the international community. This has not prevented international support for the two countries, which was materialized by the World Bank calling on donors to recognize the “global public good” provided by Lebanon and Jordan (Mottaghi, 2018). Nevertheless, and despite these similarities, different landscapes of refugees’ conditions have been generated in Lebanon and Jordan, and in both countries, these landscapes have been shaped and produced by what we will call in this paper the political economy of informality.

This paper was developed as a result of a comprehensive desk review for secondary data available through the multitude of literatures on the living conditions and the interventions targeting Syrian refugees. It builds on the knowledge disseminated through needs assessments, fact sheets, thematic reports and peer-reviewed articles.

In the following sections, this paper will attempt to dissect the different concepts used in the widespread reports and academia on Syrian refugees in Jordan and Lebanon. In the first section of the paper, we will argue that the concept of resilience and other terms related to it lead to devising interventions serving the status quo, especially if the concept is not placed within a structural understanding of informality. In the second section, we will outline the traits of the political economy of informality as endured by refugees in Lebanon and Jordan.

Conceptual framework

In this paper, we adopt the political economy of informality as the main concept and lens through which we analyze refugees’ experiences. The term

informality, in this document, should be seen as an overall situation where millions of refugees are overtly, and formally expelled by governmental policies towards the peripheries of the enforced rules and regulations. Refugees experience an informal state of living in all aspects of their lives, including shelter, health and work. This situation could be portrayed as a sequence of exceptions; they are registered but denied the right to mobility and even legal residency, they are labeled as burdens on local economies but deprived of the right to work, nevertheless they contribute to the economy through their consumption and payment of indirect taxes. Even though they have the possibility to obtain health services, they can rarely access it, while being excluded from national social protection systems and safety nets. These series of exceptions constitute what we portray as an informal state of living that characterizes Syrian refugees’ existence in Lebanon and Jordan. In this sense, the concept of informality transcends the unidimensional understanding that limits its connotation to employment relations. In the case of the Syrian refugees, informality goes beyond employment to include housing, living, socializing and access to basic rights (security, education and health). Meanwhile, they are being responsabilized for their situation and for securing their basic needs. Dubbed the political economy of informality in the context of the Syrian refugees, we believe it should be understood as the governments’ executive policy arm to ensure the “warehousing of refugees” (Smith, 2004) until they are physically relocated outside the boundaries of the hosting country.

The above-mentioned framework can enable a better understanding of the refugee situation from a systemic and structural angle emphasizing relations of power. We consider it as the salient structure affecting refugees’ presence, where informality spreads to all aspects of their lives. Within this structure, refugees can only exercise their agency individually and collectively through negotiations, bargaining, deception, manipulation, and protest. This occurs in the spaces of employment, housing, health, education, and others. Such an approach, we argue, can enrich and give more sense to the endeavors and studies on Syrian refugees in Lebanon and Jordan, where resilience of refugees, their adaptive capacity while being in a new environment and their coping strategies as a result of the crisis could be read within the wider structural patterns governing refugees. Therefore, the ‘political economy of informality’ angle seeks to challenge and question

approaches, discourses, and interventions that have largely addressed the refugee situation while focusing on individuals and households, thus limiting the potential utility of the resilience and livelihoods framework in capturing the experiences of Syrian refugees.

THE LIMITATIONS OF AN INDIVIDUAL/ HOUSEHOLD CENTERED ANALYSIS

Shifting responsibilities from the state to the individual: Resilience, adaptation, and social networks, livelihoods, and agency

Since the outbreak of what was initially characterized as the Syrian revolution in 2011, and then the Syrian conflict in subsequent years, there has been a proliferation of studies and reports on Syrian refugees in neighboring countries, especially in Jordan and Lebanon. Many, if not most, of the publications are likely to revolve around, or include, concepts such as resilience, adaptation, coping mechanisms, etc. (such as Thorleifsson, 2016; Dioni, 2016; Alzoubi, Al-Smadi, & Gougazeh, 2017; Kukrety & Al-Jamal, 2016). Nevertheless, the studies that define or critically examine these concepts are rare. For instance, a 35-page paper produced by the LSE Middle East Centre entitled “The Syrian refugee crisis in Lebanon: State fragility and social resilience” (Dioni, 2016) mentions resilience six times, four of which to indicate the Regional Refugee and Resilience Plan (3RP), and two of which to indicate that the Lebanese society is resilient. In this regard, the 3RP, a regional plan that is aiming to enhance “resilience” of refugees and host communities does not define resilience. The same goes for other terms extensively employed when studying Syrian refugees, such as livelihoods, adaptation, etc. Such a widespread usage of these terms taken at face value has seen the manifestation of a prevailing framework that has been dominant since the outbreak of the crisis and that has likely shaped interventions targeting Syrian refugees and host communities.

Resilience

The concept of resilience can be traced back to the disciplines of engineering and life sciences and has been adapted to other disciplines such as management, international relations, and other social sciences (Brassett, Croft, & Vaughan-Williams, 2013). In this regard, resilience is invoked in the occurrence of a shock or a crisis. In engineering, it

refers to the ability of materials to return to their initial shape after they have endured an external shock, or in other words to bounce back. In ecology, the term refers to a situation where systems return to their original “imagined” equilibrium following an external shock as well. Usually, the latter is the most common definition used when it comes to relief and interventions tackling refugee, civil wars. Indeed, tracing the history of its multi-disciplinary usage gives us an indication of how it is used in social sciences. Thus, it is employed in referring to the way individuals or communities react or act when faced with an external shock, i.e., that is assumed to be strange to the existing social, political and economic systems. This can include disasters, be it natural catastrophes, civil wars, terrorist attacks, and others.

Based on the above, and drawing from other disciplines, resilience has sometimes been considered as a recovery to the pre-disturbance state or as an adaptation to a new environment, i.e., to survive a shock. In this regard, Boin et al. (2010) did not perceive the concept as a static state, either full recovery to the previous state or adaptation to a new situation, but rather as more dynamic and as a continuum between the two latter states. Therefore, they saw that resilience does not have to necessarily be a recovery, and most of the time it may not be, but that in its simplest form resilience can be making a post-shock situation better or simply not making it worse. Thus, in this sense the latter definition “captures the capacity to adapt, improvise and recover” (Boin, Comfort, & Demchak, 2010, p.8). Accordingly, they formally define resilience as “the capacity of a social system (e.g., an organization, city, or society) to proactively adapt to and recover from disturbances that are perceived within the system to fall outside the range of normal and expected disturbances” (Boin, Comfort, & Demchak, 2010, p.9). Within this continuum resilience becomes the ability to recover rather than the actual recovery, meaning the capacity of the social system to recover using its innovation, knowledge, etc. (De Bruijne, Boin, & Van Eeten, 2010). While the concept of resilience as defined by Boin et al. seems to be a dynamic and encompassing one, it remains very broad and vague such that it can mean anything as long as its attributes are deemed desirable (De Bruijne, Boin, & Van Eeten, 2010). Others like Brasset et al. (2013) have criticized the concept considering that it has been widely instrumentalized in the development discourse and practice to over-emphasize the role of community and individuals while side-lining the

role of the state and its institutions in bearing the responsibility of preventing and addressing crises and disturbances. The power of the term resides in its ability to be stretched and as Brasset et al. (2013, p.226) asserted resilience is beyond critique, “silent as it appears to be something of a common sense”.

Stretching resilience as a concept to become an action framework has brought about individualized interventions that throw the burden of facing external shocks on individuals and affected communities. In this sense, Joseph (2013) asserts that resilience fits well within the neoliberal order where the states’ roles are changed and minimized to pave the way for individual initiative and the entrepreneurial subject. “Although the state ‘steps back’ and encourages the free conduct of individuals, this is achieved through active intervention into civil society and the opening up of new areas to the logic of private enterprise and individual initiative. This is the logic behind the rise of resilience” (Joseph, 2013, p.42). This critique is reiterated by Brasset et al. (2013) who affirm that resilience, as it is implemented, adopts the managerial and ecological approaches whereby it emphasizes the entrepreneurial skill of individuals and communities to manage their own risks, and pose no threat or burden on the state. It thus envisions individuals as autonomous subjects and responsible for their own situation regardless of the role and responsibility of the state or other regional or international actors. In this logic, resilience becomes a tool by actors to encroach on the lives of vulnerable actors who are not resilient to enhance their capacities and to become more “adaptable” to the ongoing disruption. The production of this “resilient neoliberal subject [thus legitimizes the] intervention [in] the lives of those who are ‘vulnerable’ or ‘at risk’ and yet ‘responsibility for the outcomes of intervention is placed squarely on the shoulders of the local actors themselves’” (Chandler, 2013, p.277). This has been witnessed in the interventions to enhance the “resilience” of Syrian refugees through skills training, microfinance, and other interventions such that Syrian refugees are targeted as isolated individuals and not as being within a specific political economy with distinguished relations of power within the labor market and outside it. Through this approach, resilience becomes a process of depoliticization where individuals and communities are expected to adapt and survive a certain shock while regardless of the overall political, social and economic processes. Furthermore, these approaches lead to interventions targeting refugees

without taking into account relations of power. Finally, they assume that shocks, crises and disturbances are alien to the existing social systems, which is again a depoliticized view of the sudden changes experienced by communities.

Resilience, as mentioned before, is closely related to the notions of adaptation and coping, as they are also associated with sudden shocks and crisis. In this sense, Syrian refugees are considered resilient as they can cope and adapt to the change in status from being Syrians or Palestinians residing in Syria to refugees trying to get by in neighboring countries. Thus, their degree of resilience lies in their capacity to endure this radical change, to deal with it, and to adapt and cope as a means of survival. Interestingly, like resilience, the concept of adaptation has its roots in natural sciences and “it broadly refers to the development of genetic or behavioural characteristics which enable organisms or systems to cope with environmental changes in order to survive and reproduce” (Smit & Wandel, 2006, p.283). Adaptation is key to resilience; it is the ability to survive in hard times. The term is also used when talking about food security and the ability of people to deal with food crises. It is vulnerable populations surviving through coping mechanisms. The latter oscillates within the same sphere of meanings as resilience and adaptation. Coping mechanisms “refer to all the strategically selected acts that individuals and households in a poor socioeconomic position use to restrict their expenses or earn some extra income to enable them to pay for the basic necessities (food, clothing, shelter) and not fall too far below their society’s level of welfare” (Snel & Staring, 2001, p.10). This definition of coping is closely related to survival, i.e., actions that enable households to cover their basic needs; it is about shelter and not decent shelter, food and not healthy nutrition, etc. While reports by international and local organizations do not clearly define coping, it is generally understood to follow the above-mentioned definition. For instance, the Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR) mentions that “two thirds of Syrian refugees have continued to adopt crisis and emergency coping strategies, such as selling household goods, productive assets and housing or land, or withdrawing children from school [...] Alarmingly, the adoption of food related coping strategies was nearly universal, with 96% of Syrian refugee households reporting having adopted them in the week prior to the survey” (UNHCR, UNICEF, & WFP, 2017, p.86). The same report further asserts

that 58 percent of Syrian refugee households are not spending enough to meet the basic needs for survival (UNHCR, UNICEF, & WFP, 2017). Thus, development and relief actors intervene in order to assist Syrian refugees in surviving. In this regard, it is important to underline the unique context of Palestine refugees from Syria (PRS) who are not covered by UNHCR services, as they are under the mandate of UNRWA, which estimates that around 31,000 refugees are living in Lebanon, while 16,000 are in Jordan (UNRWA, 2018). In both countries, PRS face hardships due to the restrictions on their mobility and legal status. The government of Jordan adopted a non-admittance policy since 2013 although it kept accepting Syrian refugees until 2016 (Amin, 2017). The situation in Lebanon shows similar features, as PRS had to cope with legal restrictions against their access to the territories while having to face threats of detention and exclusion from the labor market (UNRWA, 2017).

In both countries, Syrian refugees are adopting a wide range of coping mechanisms and strategies in order to improve their living conditions. Available data (Alzoubi, Al-Smadi, & Gougazeh, 2017) shows that building strong social relationships is the most adopted coping strategy among the Syrian refugees in Jordan. Similarly, in Lebanon refugees are more likely to use their own social network (families and kinship) to get access to jobs and shelter. They also tend to liquidate assets and spend their savings as the main coping strategy as a result of a lack of income (Merits, 2015). The above-mentioned VASyR report (2017) underlined that almost 96 percent were adopting food-related practices to address the shortage in food items or the inability to purchase food. Mostly those refugees are opting for cheaper food (92 percent) or reducing the number of daily food intakes (54 percent) or the portion quantity (47 percent). Moreover, to cope with the lack of decent access to livelihoods, a significant share of the refugees is reducing their expenditures on non-food items (53 percent) while others are adopting riskier strategies, such as reducing the expenditures on healthcare and medicines (53 percent).

Adaptation

In order to assess the resilience of Syrian refugees, reports and studies examine their coping and adaptation strategies. These look at how refugees secure their nutrition, shelter, and other basic needs. In this regard, social networks are seen as an important element affecting the resilience of

refugees. Here, again, social networks are rarely defined in the literature on Syrian refugees, as they are generally understood as social bonds or relations that include, but are not limited to, kinship. Stevens (2016) considers a social network “to be any group of individuals who are connected by identifiable common variables. This may be a shared identity (for example, an affinity among individuals who share a common place of origin or religion) or may be based on looser ties, such as present geographical location. In this sense, any individual may be a member of multiple social networks”. Furthermore, social networks are often used interchangeably with social capital. In other words, in the resilience/coping discourse, social networks matter only when they enhance the resilience of refugees, meaning that they can capitalize on them. In the same article Stevens (2016, p.60) concludes, “The collapse of social networks exacts a massive toll on displaced Syrians in Jordan. This can be measured in a loss of the economic support networks which traditionally tied households through unexpected shocks or by the withering of the *wasta*-based relations that Syrians and Jordanians alike must use to advance their standing through education, employment and bureaucratic access”. In the same fashion, the high unemployment among PRS is explained by the fact that “they tend to live in host community contexts in which there are already few opportunities for employment and because they lack the informal social networks related to employment enjoyed by Syrian refugees” (Oxfam GB, 2015. p.15).

Agency

Resilience, adaptation and coping are closely interlinked and serve to devise interventions, mostly at the individual or households levels. In this sense, Syrian refugees are considered to need assistance to enhance their resilience through helping them in better coping and adapting to their new situation as refugees. As mentioned above, these approaches individualize the conditions of refugee lives, and decontextualize them from the overall political, economic and social context, power relations, and systems. They risk treating refugees as an insulated community, even as individuals, and shift the responsibility of adaptation onto them by specifically equipping them with the necessary means to survive. As such, these terms and approaches assume a certain level of agency, as Snel and Staring (2001, p.11) put it: “Coping strategies are thus series of strategic acts, based on a conscious assessment of

alternative plans of action”. This assumption is not without its problems, as the idea of choice does not coexist with a situation of survival. In this regard, the concept of agency can also be operationalized to fit different approaches, amongst which one can include the mainstream approaches portrayed above, where agency and choice are considered as mere individual decision-making in order to be compatible with the concepts of adaptation and coping. However, agency cannot be understood without the overarching concept and endeavor of empowerment, which in itself involves conflictual relations (Kabeer, 2002). As Kabeer (2002, p.21) asserts “while agency often tends to be operationalized as ‘individual decision making’, particularly in the mainstream economic literature, in reality, it encompasses a much wider range of purposive actions, including bargaining, negotiation, deception, manipulation, subversion, resistance and protest as well as the more intangible, cognitive processes of reflection and analysis. Agency also encompasses collective, as well as individual, reflection and action”. From this stand point agency can be constrained by existing social, economic and political structures that heavily affect it and affect collective and individual actions.

This is of particular importance in the context of Kabeer’s (2002) larger concern of theorizing empowerment from a gendered perspective. In this sense, the discussion on resilience, livelihoods and adaptation takes another layer of complexities when gender power dynamics and relations are in play. In this regard, exploring resilience of refugees in an individualized manner as described above will probably fail to capture the experiences of women in particular. Thus, the adaptation of women refugees or “bouncing back” can take the form of coping with gender-based violence or designing interventions that work on women’s skills and self-confidence to address violence, while failing to recognize the wider structures of exploitation and violence. This is of particular importance to the cases of refugees from Syria (and other contexts) as incidences of gender-based violence have increased in parallel with changing gender roles (Ipsos Group SA, 2018a; 2018b). Furthermore, securing livelihoods for women can turn out to be more challenging for refugee women as they not only have to endure restrictions faced by all refugees but also the ones specifically related to gender norms and expectations. For instance, 43 percent of surveyed Syrian refugee women in Jordan reported that the main obstacle for employment is social pressure (UN Women &

REACH, 2017). The thinking on gender in this regard has evolved where it became necessary to recognize these gender inequalities and dynamics within the overall salient structures in society. In this regard, Moser (1993) distinguished between examining or addressing gender needs from a practical point of view and another from a strategic one. The first are a response of immediate needs that are perceived by men and women such as employment, health, etc., while the second are needs that challenge gender power dynamics, particularly women's subordinate positions. Thus, there is a need to address gendered experiences from this standpoint, that is the overall socio-economic and political structures of power that perpetuate refugee women's situation, meaning expanding beyond individualized views and interventions towards a more collective one aiming to harness collective power that challenges these structures.

Based on the above, understanding the conditions of Syrian refugees needs a framework that goes beyond the mainstream approaches depicted above. In order for resilience to be a critically useful concept, it ought not to be taken at face value and examined uncritically. There is a need to place resilience and agency within the larger structures and relations of power governing refugee lives and conditions, both individually and collectively, and not just as refugees but as groups that have become part of the overarching structures of host countries. In this regard, resilience, coping and agency are concepts that can elucidate the situation of Syrian refugees through placing them within the framework of the political economy of informality.

Bringing back agency to structures: The political economy of informality

Livelihoods

The issue of structures and dominating power relations has had its effects on the concept of livelihood, which can be a useful framework in understanding the experiences of marginalized populations in general, and refugees in particular. In fact, a livelihood as it was first introduced in development practice comprised "the capabilities, assets (stores, resources, claims and access) and activities required for a means of living: a livelihood is sustainable which can cope with and recover from stress and shocks, maintain or enhance its

capabilities and assets, and provide sustainable livelihood opportunities for the next generation; and which contributes net benefits to other livelihoods at the local and global levels and in the short and long term" (Chambers & Conway, 1992).

This definition resonated well with the resilience approach that in its first appearance seemed to adopt the livelihoods framework. Since its initial conceptualization, the livelihoods framework has undergone many developments due to heavy criticism. According to De Haan (2012), it failed to account for dominating structures that impeded people from improving their conditions and that affected people's lives. Indeed, it was reproached that it focused on how to improve the access to assets and not on the reasons behind unequal access (Shahbaz et al., 2010). More importantly, it was considered a part of the neo-liberal project as it focused more on opportunities and ignored inequalities in power (De Haan, 2012), and thus has not taken into account power relations (Baumann & Sinha, 2001). Thus, the concept developed to be "a dynamic and holistic concept. Moreover, agency became more clearly bounded by structure. Individual behaviour became socially constructed, embedded in norms and values and institutions. For example, structural constraints like the ownership and distribution of land explained limited access to assets and resources" (De Haan, 2017, p.26).

Despite the evolution in this framework, humanitarian and development actors often fail to adopt this holistic and structural approach to livelihood, and instead they individualize the livelihood approach and limit it to the individual or household levels. Consequently, the angle of focus when considering Syrian refugees in the region transforms to how they secure their living with livelihoods embedded within the overall resilience framework and not the other way around. This constitutes an extension of the responsabilization process, which instrumentally "empowers" people in order to make them responsible for their living conditions. As a result, this approach overlooks the complexities imposed by the power structures affecting people's lives and their abilities to make rational economic decisions. Such an apolitical perspective becomes very explicit when used to assess the abilities of vulnerable and marginalized groups (working poor, unemployed, women, migrants and refugees) to be in charge of initiating and successfully managing their own livelihoods in a disempowering environment.

In this context, Banks (2016) showed evidence on the limitation of the livelihoods approach in the case of urban poverty in Dhaka. He underlined that local power relations and politics constitute a key constraint for the development of livelihoods by low-income households. His empirical findings revealed that an “actor-oriented” livelihood approach “focuses on how a household’s ‘endowment’ of social capital shapes the opportunities it can access, but it does not go further to integrate this analysis within the local political economy that dictates the most productive forms of social capital and, crucially, who can access these” (Banks, 2016, p.269). It places too much attention on agency at the level of the individual and households while neglecting the political economy that affects and governs agency. In the same fashion, and in order for the livelihood approach to accurately capture the conditions of the Syrian refugees in Lebanon and Jordan, it ought to be a component of the political economy of informality.

Based on the above, we contend that a meaningful and critical examination of the situation of Syrian refugees and their resilience ought to be understood from within the framework of the political economy of informality. Therefore, the starting point of any analysis resides within the overarching structures that Syrian refugees have encountered in host countries. In other words, the ways in which refugees attempt to secure their livelihoods within the prevailing political economy of informality starts from an informal existence resulting from the non-recognition of host governments, namely in Lebanon and Jordan, and does not stop with informal employment. The pillars of this political economy of informality, as we argue, is structured on framing refugees as il/legal in both countries where the judicial instrument is used by the governing structures to il/legalize the presence of the refugees as per the interests of the dominant relations of power.

This political economy, which governs refugee lives, is heavily shaped by a process of excluding refugees legally, socially and economically. Indeed, Lebanon and Jordan are not signatories to the 1951 Refugee Convention, which has given them the pretext to avoid recognizing the basic rights of Syrian refugees. This has created a situation where refugees are placed in a state-sanctioned gray-zone stripped from formal rights and where internationally recognized basic rights are given to them as ad-hoc services with the support of donors and international organizations. This is witnessed in all aspects of their lives, starting

from the recognition of their personhood. On the one hand, they are formally registered with the UNHCR and largely within the local authorities’ parallel registration system, and on the other hand, they lack legal recognition as refugees, while being registered does not grant them official residency. As a result, millions of individuals are trapped in a deadlock situation. All parties formally acknowledge their physical presence, which is in fact instrumentalized as part of the host country’s overall development plan. This is the case of Lebanon, which designed its national development plan based on the influx of Syrian refugees (World Bank Group, 2013), yet their access to basic rights remains ad-hoc and informal. Local authorities undertook active measures to stop the registration of refugees’ newborns, which pushed thousands of children towards a hazardous situation and created a new category of refugees, who are not recognized by official records and UNHCR’s registrar.

Legality

Legality is usually referred to in order to delineate a dichotomy or a status in opposition to the one of an illegal or irregular classification of non-citizens. Public policies are more likely to adopt a dichotomic approach that serves hegemonic interests and structures of power especially when it comes to issues related to refugees and asylum seekers. However, a number of scholars (Bloch & Chimienti, 2011) believe that this dichotomy between legality and illegality is not clear-cut. In fact, in everyday life, undocumented migrants are invariably engaged in social relations with “legal” migrants as well as citizens, and they commonly live in quite intimate proximity to various categories of “documented” persons. In this regard, illegality only comes into existence in the individual’s interaction with the state authority in its direct embodiment or when it delegates its other actors to enforce its presence (i.e., businesses, private individuals, and others reporting persons of “illegal” status). Nevertheless, states sometimes choose not to enforce their laws or enforce them selectively to remind refugees and other migrants of its presence, as in the case of Lebanon that will be portrayed later. Other scholars like Cvajner and Sciortino (2010) assert that there are a hierarchy of irregularities; in this way illegal and legal is a continuum with individuals placed between its two extremes.

In the context of Syrian refugees in both Lebanon and Jordan, they are primarily affected by how local or regulatory authorities categorize them. Neither

country physically objected to their entrance to its territories, however both abstained themselves from undertaking the executive measures to formally accept and authorize their presence. Thus, the presence of Syrian refugees in host countries is only the result of the government's choice not to deport rather than legal recognition. In this sense, a refugee registered with the UNHCR is always at risk of deportation, as this registration does not translate into an authorization for residency. In this context, regulatory bodies formally acknowledge the presence of refugees, and it is even tolerated, though kept at the margins of the regulations governing the presence of non-citizens. Somehow, the refugees' relations with the host governments was kept as a juridical status as argued by De Genova (2002) which classifies them as "illegal" non-citizens. As such, from the moment they enter the host country, refugees are being formally labelled as individuals violating the law and being trapped in a conflictual relation with law-enforcement authorities. Therefore, this illegalization of the refugees' presence represents the structural basis of the refugees' exclusion as "others" who represent a direct threat to the overall well-being and the welfare of "us", the citizens of the hosting country. In such a context, illegality of the refugees becomes instrumental in mobilizing the public for the exclusion of the refugee from the sphere of human values, civic rights and moral obligations. It becomes explicit that public discourse and media propaganda will portray the others (refugees) as a public enemy or a menace towards the national identity of "us" (the privileged citizens) (Zembylas, 2010).

In this paper, we argue that research examining the living conditions and the resilience of refugees as well as their coping strategies should take into consideration this "illegalization" process. In this regard, research ought to thoroughly interrogate the power structures that are depriving refugees from their basic rights and automatically stigmatizing them as illegals. Such a process of illegalization could itself be an illegal one. Building on Foucault's notion of "dispositive of security" (Zembylas, 2010), there is a need to interpret the illegality of refugees as a profiling mechanism which targets refugees, criminalizes their presence as illegal aliens and disqualifies them from access to basic rights and means of securing their livelihoods. Moreover, illegality of refugees should be understood in its overall impact on the everyday life of refugees where they are pushed into invisibility and subjugation. As individuals classified as "illegal", refugees are

forced to seek informal means for living, working, studying and surviving. In this context, the juridical classification of refugees could be explicitly observed at any moment of their lives and shows its ability to exclude them from the social relations that citizens, and/or their fellow non-citizens fully recognized as legal, enjoy.

Acknowledging the functional positioning of refugees' illegality within the structure of power relations governing their lives is necessary towards building our understanding of the political economy of informality, which is articulated based on these illegalities. In the following section, we discuss the engagement of the Syrian refugees within the informal economic activities and how it is functionally linked to their judicial status, as sanctioned by the host governments.

Informal economy

In most cases, this term is extensively used by international actors to refer to the nature of the employment relations that do not abide by the set of rules and regulations framing the work relations in a given territory. Hence, it is important to underline that the state of being informal should not be limited to the occupational context. In the case of refugees, especially when hosted by countries that did not sign the 1951 Refugee Convention, researchers and development actors ought to adopt a more holistic approach towards informality that is endured by the different groups of refugees.

As we previously underlined, being trapped within the illegalization process, Syrian refugee workers are forced to seek informal employment. Accordingly, their informal economic activities should be interpreted as the direct result of their exclusion to the peripheries of the formal economic interaction rather than being portrayed as deliberative adaptation or coping mechanisms. However, one should take into consideration the structural characteristics of the labor market in the host country predating the Syrian crisis. In our case, available data shows that informal employment accounted for around 44 percent of the overall employment in Jordan and the number goes up to 55 percent within the private sector with more than half of the informal employment concentrated within sectors like retail, manufacturing and transportation (UNDP, 2012). Similarly, in Lebanon, reports shows that informality accounted for up to 50 percent of

all the employed individuals in Lebanon (Ajlouni & Kawar, 2015). In this context, it seems that the working refugees in both countries are being absorbed by an informalized market labor. Hence, they share the same path as the local informal workers trapped within precarious employment relations and poverty. They both represent a supply of cheap labor power that could easily be instrumentalized by the hegemonic power structure. This represents an important feature of the political economy of informality where the state, as argued by Agamben (Zembylas, 2010), treats its citizens not as free subjects but rather as “bare lives”. In the case of Syrian refugees, when it comes to access to the labor market, it seems the binary division of “us” (citizens) and the “others” (illegal refugees) is less visible. As argued by Darling (2017), “informality marks not the evasion of regulation and ‘policing’ as noted in some sanctuary contexts, but rather the production and negotiation of both ‘policing’ and ‘politicization’ in context [...] Thus, whilst urban refugees and asylum seekers may occupy ‘gray space’ between legality and illegality, in urban environments they are not alone in this situation as a wide range of urban subjects negotiate formal and informal practices on a daily basis.” Thus, the illegalization of refugees is kept as a political instrument used to trigger an inter-workers race to the bottom, which consolidates the hegemonic power balance and improves its resilience to external shocks as conflicts in neighboring countries.

In this regard, there is a need to consider the involvement of refugees in the informal economy from a structural perspective and to go beyond the dichotomy of legality and illegality of their work or economic activity. To do so, we adopt the works of Martha Alter Chen and Joann Vanek of the Women in Informal Employment Globalizing and Organizing - WIEGO (2013) for examining the informal economic activity in a context of protracted refugee situations as is the case with the Syrians in Lebanon and Jordan. Chen’s work builds on the “expanded definition” which addresses the nature of employment relations as well as the characteristics of the businesses or enterprises engaged in these activities. Chen’s definition includes all types of work arrangements in both formal and informal enterprises. She subdivides “informal employment” into two main categories. At first, she distinguishes between informal self-employment and the informal wage-employment. The table below shows the multitude of sub-categories covered by Chen’s analysis of informal work relations.

TABLE 1. CHEN’S ANALYSIS OF INFORMAL WORK RELATIONS

Informal self-employment	Informal wage-employment
Employers in informal enterprises	Employees of informal enterprises
Own account workers in informal enterprises	Casual or day laborers Temporary or part-time workers
Contributing family workers (in informal and formal enterprises)	Paid domestic workers Contract workers
Members of informal producers’ cooperatives (where these exist)	Unregistered or undeclared workers Industrial outworkers (also called homeworkers)

Chen’s research allows the investigation of the nature and modalities of linkages embedded within the informal economy (formal enterprises – informal enterprises, informal enterprises – informal workers, formal enterprises – informal workers). In the context of Syrian refugees, such an analytical framework gives more room to assess the two types of informalization, as argued by Salvnic (2009) from above where informalization is part of “corporate strategies of downsizing, outsourcing and subcontracting”, or from below where marginalized individuals opt for irregular work arrangements to secure income and survive. Herewith, one could easily nuance how informality, in effect, is never a deliberative choice, whether for citizens or refugees. It allows us to look beyond the narrow regulative interpretation of the informal work relation as claimed by international financial institutions such as the World Bank and the International Monetary Fund, which defines informality as a deliberative mechanism used by individuals to avoid taxation or to seek productivity outside the boundaries of a legal frame (Henley, Arabsheibani, & Carneiro, 2006).

Finally, the ILO Recommendation concerning the transition from the informal to the formal economy (R204, 2015) constitutes a key guiding framework for research on the informal work relations that should be given attention and could be used as a benchmark for assessing informality in the context of Syrian refugees. This recommendation defines “informal economy” as referring to “all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements; and does not cover illicit

activities, in particular the provision of services or the production, sale, possession or use of goods forbidden by law, including the illicit production and trafficking of drugs, the illicit manufacturing of and trafficking in firearms, trafficking in persons, and money laundering, as defined in the relevant international treaties". The recommendation requires that member states take active measures to respect, promote and realize the fundamental principles and rights at work for those in the informal economy, namely: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labor; (c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation". Moreover, it ensures that workers engaged in informal work relations have the right to healthy working conditions and occupational safety and health protection.

In this context, self-employed refugees, working as street vendors in host communities or those working on their own account should not be portrayed solely as entrepreneurs making deliberative and rational economic decisions. It is rather a forced informalization due to their illegalization and expulsion, which should not be underestimated when development agencies, practitioners and researchers highlight issues like the entrepreneurial skills, leadership and business development services among refugees. As highlighted by the ILO (2015), almost 90 percent of the micro- and small enterprises are defined as informal. In the Lebanese context, while we were unable to find a comprehensive assessment of the self-employment among the refugee community, it is explicitly understood that a large number of the refugees are engaged in starting their own small businesses. This is evidenced through the ongoing crackdown by the Lebanese authorities on the shops owned by refugees. In fact, refugees are not allowed to work as self-employed as they are required to work through a Lebanese partner which could give room for a wide range of exploitative practices (CARE, 2018). A more recent study (Somerville, 2017), using data from 18 countries, showed that business development practices like microfinance are driving informality among micro-enterprises.

In this regard, we contend that informality in relation to refugees is an unofficial policy adopted by authorities in both Lebanon and Jordan through the myriad of arrangements and actions or inactions they adopted both inside camps and settlements and outside them.

STATE-LED INFORMALIZATION OF SYRIAN REFUGEES IN LEBANON AND JORDAN

In-camp informality

Zaatari Camp in Jordan

As per the official numbers released by the Jordanian government, the country hosts 1.3 million Syrian refugees of whom 668,123 are registered with the UNHCR (Operational Portal UNHCR, 2018). The majority of the refugee community is living outside the camps as the latest available data show that five camps distributed across Jordan¹ are hosting only 19 percent of refugees (ibid). However, a number of refugees are living in informal tented settlements (ITS) that are becoming the shelter of last resort for refugees "who are either unable or unwilling to reside in formally established refugee camps and are unable to afford regular housing solutions within host communities" (REACH, 2014). The living conditions in ITS are considered the worst compared to refugees living in camps or integrated within urban areas (ibid). In the following passages, we will be examining the policy of refugee encampment and discussing its motivations and impacts on Syrian refugees, particularly as it relates to their informalization.

The Zaatari camp, established in 2012, located in the Mafraq governorate, hosts more than 80,000 refugees (Oxfam, 2017). It is built on a land owned by the Jordanian armed forces and it represents the second biggest refugee camp in the world. The Zaatari camp could easily be considered as equivalent to the fourth-largest populated city in Jordan (Ledwith, 2014). The camp includes around 24,000 pre-fabricated caravans, which are being used to shelter the refugee population. It provides schooling services through a network of 29 schools serving more than 20,000 school-aged children, healthcare services through a hospital and 11 centers, and psychosocial support and recreational activities through 27 community centers (UNHCR, 2018). Moreover,

1 Zaatari, Azraq, the Emirati-Jordanian Camp (EJC), King Hussein Park (KAP) and Cyber City.

Zaatari's informal market accounts for up to 3,000 informal businesses; a recent assessment conducted by Oxfam (2017) underlined that agriculture, animal husbandry, and local services are the main operating economic activities. The assessment highlighted that restricted mobility of individuals and goods, and unfavorable and constantly changing political and business environments are key challenges affecting the promotion of refugees' livelihoods. Moreover, it stated that the temporality of the cash-for-work schemes implemented by international NGOs presents an important challenge, noting that refugees engaged in these programs are mainly involved in the provision of low-paid services such as painting caravans, recycling, activities related to child protection and care, and cleaning services, which mainly target women refugees.

Hence, in order to better understand the context of the encampment policy of Syrian refugees and their conditions as characterized by the prevalence of informality, we suggest focusing on two of the above-mentioned challenges: the unfavorable political and business environment, and restricted mobility. These challenges, which are often stated generically by international organizations and humanitarian actors, represent a kind of euphemism to the informal conditions experienced by Syrian refugees in camps. Thus, there is a need to examine these challenges through looking at the political economy pertaining to encampment in Jordan and the functional role of the above-mentioned challenges within this context.

First, it is important to underline that the establishment of the Zaatari camp came upon the request of the local government due to claims that local communities were unable to continue absorbing the increasing influx of refugees. It was agreed that UNHCR would bear the running costs of the camp, which amount to half a million US Dollars per day (Turner, 2015). By the end of 2014, the authorities announced the opening of a new camp in the Azraq area designed to host up to 130,000 refugees. However, Azraq remained almost empty due to problems related to its deserted location, as it is isolated from services and livelihoods opportunities. Moreover, a number of refugees fled the camp due to tensions between them and surrounding communities, and to a lack of security (Achilli, 2015). The establishment of the Azraq camp correlated with an increase in the policing practices exerted by Jordanian authorities who tightened the restrictions on the refugees' mobility. As a result, UNHCR was instructed

to refrain from providing Asylum Seeker Certificates (ASC) to those refugees fleeing the camps or to those failing to show personal documents depriving those refugees from access to vital healthcare services and food assistance otherwise provided by UNHCR and the Jordanian authorities (Achilli, 2015). It is worth mentioning that the ASC is an important document used to identify refugees and facilitate their access to the multitude of available resources and services. This refrainment coincided with a shift in government practices towards an enforcement of the bailout system² and procedures aiming to lower the number of refugees leaving the camps. The latter is a system established in 2012 and designed to restrict the integration of refugees in urban areas in Jordan. It obliges refugees who are willing to move outside the camps to submit an official application co-signed by a Jordanian citizen (35 years old and above), and applicants must be married and employed with a stable income. This affected the lives of refugees on three levels: "It has shrunk the humanitarian space and raised considerable protection concerns; it has increased the number of ITS evictions, refugee deportations to camps, and refoulement to Syria; and it has forced refugees into negative coping mechanisms" (Achilli, 2015). Thus, it can be argued that the government of Jordan (GoJ) undertook a series of policy and executive measures to create a sort of encamping mechanism which pushed out refugees living in ITS or in urban areas to the camps and lowered the chances of those already encamped refugees to integrate within the host communities. This direct policing approach transformed the hosting camps into spaces of mass incarceration, despite a majority of Syrian refugees living in urban areas where they are still kept isolated from neighboring communities and systematically labelled as "others" who are threatening the well-being of Jordanian society.

This camp-oriented policy has been used instrumentally to serve the objectives of the government who has been implementing, even prior to the Syrian crisis, an action plan aimed at reducing its dependence on "low-wage foreign labor" (Turner,

² Lewis Turner (2015) asserts that "hundreds of thousands of Syrians have been able to use this system successfully, although it has led to the exploitation of refugees, many of whom have, in their desperation to leave the camps, paid 'middlemen' around \$500 to arrange to be 'bailed out' by Jordanian citizens unknown to them".

2015). Consequently, camps became an important spatial tool to ensure government control over the supply of labor and to negate any risks that might result from labor market competition. However, this was not the sole motive behind the shifts in government policy. In his analysis of the history of the Jordanian policy vis-à-vis regional crisis and the resulting influx of refugees, Turner (2015) downgraded the importance of security threats behind the government's motivations as he showed that local authorities took active measures to separate refugees defecting from the Syrian armed forces from civilian refugees and to deport those affiliated to terrorist groups. The defectors, around 2,000, were held in a military compound. Instead, he referred to the history of the government response to a refugee influx, namely Iraqis fleeing to Jordan following the ousting of the Iraqi regime in 2003, as an important reason behind the political decision to establish camps. He argued that the Jordanian authorities, having learned from their previous experience, opted for the encampment of Syrian refugees as an important instrument to make their presence more visible to the international community and to create an important center of attraction for international aid and donors, which was not the case with the Iraqi refugees who were fully integrated within urban areas. In this argument, Turner points to the rentier nature of the Jordanian economy and its addiction to external rents. In such a context, one should see the establishment of the Zaatari camp, and later Azraq, as more of a state-led initiative to secure stable rents for a country that has been known as one of the most marked rentier economies in the region.

Furthermore, one can deduce, based on the findings of the ILO-FAFO (2015) survey, that refugees living in Zaatari (87 percent) are more likely to be from rural backgrounds compared to those living outside camps (58 percent). Moreover, those encamped refugees are less likely to have completed higher education (secondary and university level). Furthermore, the bailout system is more likely to favor those refugees capable of having social relations outside the camps. This is not to overlook the findings revealed by Achilli (2015) which underlined that refugees seeking successful bailout applications, which are subject to the approval of the Jordanian department for Syrian refugees, had to pay \$500 USD to middlemen to secure a Jordanian sponsor. All these factors lead us to conclude that the encampment policy played an important role in implementing a sort of class segregation system among Syrian refugees, which

penalizes the poorest and the most vulnerable refugees and maintains an exit strategy for those better off. Meanwhile, living within these spaces of mass incarceration, the encamped refugees became a quarantined population labelled as a threat and pushed to take responsibility of their own lives through the informal economy inside the camp, which is referred to as micro-businesses or livelihoods promotion by some development agencies. This takes us back to the notion that informality is a state-sanctioned situation.

Informal refugee settlements in Lebanon

Unlike Jordan, and since the beginning of the Syrian crisis, Lebanon has been adamant in refusing to establish refugee camps to host the increasing number of Syrian refugees. A main reason for this non-encampment policy is the contentious history the country has with Palestinian refugees who have settled in formal camps since 1948 and the role these camps played in the Lebanese civil war. This is added to the conflicting positions the different Lebanese factions have towards the parties of the conflict in Syria and the fear that some factions would instrumentalize Syrian refugees in Lebanese politics (Turner, 2015). However, Turner (2015) asserts that the non-encampment policy can also be understood within a labor market rationale aimed at restoring the level of Syrian labor that existed before the assassination of former Prime Minister Hariri in 2005, particularly to drive down wages in construction and agriculture. This policy has had several implications such as increased rents, lower wages and construction costs, as well as an abundant resident labor force in agriculture. Real estate, construction and agriculture are the sectors that benefited the most from the Syrian refugee influx. In this regard, the establishment of informal settlements all over Lebanon as a result of the non-encampment policy had a direct effect on agriculture.

According to the UNHCR (2017), 246,126 Syrian refugees reside in informal settlements, that is approximately 20 percent of the Syrian refugee population, most of which live in the rural areas of the Bekaa and Akkar. These informal settlements are very heterogeneous, with some better off than others and more structured, nevertheless they constitute de-facto camps (Loveless, 2013). Although the establishment of settlements has been conducted in an informal way, we can contend that they constitute a form of state-sanctioned camps. They constitute a form of camps

that reside in a sort of gray area between formality and informality, between authorities' presence and private management. Within this perspective, informal settlements represent a form of informality that does not necessarily mean that they are outside the control or management of the state. Indeed, informality is not exclusive to the old and popular impoverished areas; on the contrary, it also stretches to more prosperous areas. As Roy (2011) asserts regarding India, "These forms of urban informality – from Delhi's farmhouses to Kolkata's new towns to Mumbai's shopping malls – are no more legal than the metonymic slum. But they are expressions of class power and can therefore command infrastructure, services and legitimacy. Most importantly, they come to be designated as 'formal' by the state while other forms of informality remain criminalized" (Roy, 2011). Similarly, prosperous informalities in the country were "formalized" and accommodated throughout time such as beach resorts that were illegally built on the shores during the civil war. These are tolerated and treated as sources of growth and development for the country, and became an indicator of the vibrant touristic and commercial activity. Whereas poor neighborhoods, or in our case informal settlements, are either disregarded by authorities or involved only to a certain extent, are often criminalized to remind the residents of the omnipresence of the state. As such, the army conducts recurrent raids in informal settlements (Fawaz, Saghiyeh, & Nammour, 2014) resulting in settlements being occasionally removed, and/or refugees being arrested and then released (Sanyal, 2017). This follows the theoretical framework of gray spaces set forth by Yiftachel (2009) where he contends that "the understanding of gray space as stretching over the entire spectrum, from powerful developers to landless and homeless 'invaders', helps us conceptualize two associated dynamics we may term here 'whitening' and 'blackening'. The former alludes to the tendency of the system to 'launder' gray spaces created 'from above' by powerful or favorable interests. The latter denotes the process of 'solving' the problem of marginalized gray space by destruction, expulsion or elimination. The state's violent power is put into action, turning gray into black" (Yiftachel, 2009).

The state sanctioned settlement practice, the de-facto (non-)encampment policy of Lebanon, manifests itself not only through army raids, but also through local authorities that coordinate with the shaweesh who acts as a representative of the settlement community (Sanyal, 2017). Furthermore, the authorities permit

local and international NGOs to actively intervene in the settlements either through running and managing informal settlements or by setting up their infrastructure (Sanyal, 2017). These are done overtly, with NGOs marking their presence through banners on the entrance of the informal settlement. The latter are open spaces for a variety of actors, where the informal and formal become more intertwined and are present on a continuum rather than a dichotomy. Settlements are established on a leased land through an agreement with a self-proclaimed representative of the community, such as a shaweesh, and/or the landlord. NGOs implement formal interventions in the camps through infrastructure or aid. Their interventions shape the landscape of the camp where they, in some cases, even actively reorganize the camp according to their aid distribution modalities (Sanyal, 2017). Their interventions also provide informal employment shaped around aid delivery among the residents of the camps as data collectors, volunteers, etc. Furthermore, they can shape power structures within the camps through coordinating aid delivery with specific members of the settlements. The interactions between these different actors create a very complex system within the settlements shaped by a structure of informality that takes many forms, which ought to be further investigated.

Many Syrian refugees seek to reside in the informal settlements out of necessity, as they are actually able to afford the cheap shelter, in contrast to the more expensive rental prices in cities and municipalities (Fawaz, Saghiyeh, & Nammour, 2014). As mentioned above, the majority of informal settlements are established in rural areas on the land of private individuals. This has also affected employment opportunities amongst Syrian refugees, as jobs are scarcer in rural areas than urban ones. Other than occasionally working with NGOs, many Syrian refugees in settlements find themselves working in agriculture for the owner of the land on which the settlement is located (Turner, 2015). Furthermore, refugees frequently work on the land without receiving a salary in exchange for living in the settlement without paying rent (Nayel, 2014). This creates a situation of forced labor where refugees do not really have a choice in terms of employment or shelter. They are subject to the prevailing power structures within the settlement and its environment defined by the political economy of the region they are in, where they often live on the land of powerful and connected landowners, as well as the landscape of NGOs and their interventions.

In sum, the settlements have been formed as a result of negotiations between different actors, namely local governments, landlords, and refugees. These are hybrid spaces that have also generated an informal economy inside the camp as well as in relation to the economies prevailing in the different regions in which they are settled, especially in rural areas. The degree of state presence in informal settlements ranges according to each case. Nevertheless, it is always present, sometimes strongly, through sporadic army raids, forced relocation, and eviction. In this sense, although settlements are neither closed nor spaces of confinement, authorities put them in a constant state of exception, which is currently also exercised in Palestinian camps, while reducing refugees to bare lives (Hanafi, 2008) where NGO interventions are meant to sustain survival and adaptation. The state of exception is salient, but nevertheless, not formal.

Off-camp informality

The illusion of formalization in an informalized economy: The case of Jordan

As previously mentioned, around 80 percent of Syrian refugees in Jordan are living in urban areas, with the capital Amman receiving around 30 percent of the overall Syrian refugee population (Operational Portal UNHCR, 2018). An ILO-FAFO (2015) survey underlined that “of the Syrian refugees who are employed, 99 per cent are working informally and outside Jordan’s labor regulation” (Stave & Hillesund, 2015), compared to a rate of informality that does not exceed the 50 percent threshold among Jordanian workers. In fact, the working refugees, as shown by the ILO figures, are working significantly more hours for less pay (Stave & Hillesund, 2015). Moreover, the survey underlined that unemployment within the host communities has been increasing in the areas with the highest rates of employment among the Syrian refugees. This was mainly due to the restrictive labor employment policies implemented by the Jordanian government, as the Jordanian law prohibited refugees from accessing the labor market. It was estimated that their unemployment rate amounted to 65 percent compared to 13 percent among Jordanians (Ajlouni & Kawar, 2014).

In 2016, at the London conference on the Syrian refugee crisis, the GoJ and the donor community signed a joint document, which became the Jordan Compact. The agreement entails that the GoJ commits

to formalizing and integrating Syrian refugee workers in the Jordanian labor market (through the issuance of 200,000 work permits) and improve their ability to start their own business. Moreover, the GoJ agreed to provide schooling services to all Syrian children and a limited supply of vocational training. This significant policy shift came as a trade-off for a bundle of services and commitments from the international community and donors. The latter rolled out a three-year plan pledging \$700 million USD in grants per year and \$1.9 billion USD as concessional loans. Moreover, the EU committed to provide Jordan with relaxed trade regulations to boost exports from 18 economic zones that employ a certain number of refugees (Barbelet, Hagen-Zanker, & Mansour-Ille, 2018). This agreement led to the establishment of the Syrian Refugees Unit at the Jordanian Ministry of Labor, which was in charge of the implementation of the agreement. As a result, more than 36,000 permits were issued in 2016 and 46,000 in 2017. The majority of those permits were issued in urban centers, namely in Amman, with an overconcentration in construction and agriculture activities (Ministry of Labor Syrian Refugee Unit, 2018). However, formalization was only dealt with in a procedural manner as it consisted of “(a) temporary waiving of fees (instead of an indefinite one); (b) lack of social protection requirements – a determinant of decent work” (ILO, 2017). The GoJ reconstructed the regulation for the work permits issued to Syrian workers; in May 2016, “the decision was made to allow cooperatives to apply for work permits on behalf of Syrian refugee workers in the sector of agriculture. This decision negated the requirement for the work permit to be tied to a single employer, necessary in enabling the worker to move between employers in the context of seasonal labor demand in agriculture” (ILO, 2017). Moreover, employers in the agriculture sector were requested to register Syrian workers in the social security system but were exempted from the relevant fees (ILO, 2017). Thus, formalizing Syrian workers was treated as an administrative issue, i.e., through permits without taking into consideration the core aspects of formalization related to basic workers’ rights. In this manner, the GoJ pushed Syrian workers into highly informalized sectors while giving the international and donor community the appearance of formalizing Syrian workers from a procedural perspective.

One year after the full implementation of this agreement, refugees seem discouraged to take part. Available data show that only 43 percent of the working refugees hold work permits. The rate

goes up to 73 percent among a minority of refugees employed in the public sector (8,000 out of 11,000 workers), while only 40 percent, which accounts for 37,000 workers out of the 92,000 workers, among those employed in the private informal sector holds a work permit (Krafft, Sieverding, Salemi, & Keo, 2018). Furthermore, employment for refugee women is still very low in absolute terms, standing at 6 percent, in contrast to their Jordanian female counterparts reaching 20 percent (UN Women and Reach, 2016). It is believed that the proposed formalization procedures and the imposition of a single employer sponsorship format of work permits played an important role in discouraging refugees from undertaking such an engagement as it might worsen their working conditions (Razzaz, 2017). This limited demand on work permits occurred despite the fact that refugees living in urban areas were subject to aggressive policing measures. In 2014, the GoJ launched a “verification” exercise, which required all Syrian refugees to visit the local police center in order to scan their biometrics. This was done so they could return their personal identification documents, which used to be confiscated. These measures were perceived as a step to help authorities in deporting refugees or towards boosting its encampment policy (Achilli, 2015). Moreover, the Jordanian authorities used to systematically enforce labor regulations as they closed more than 550 Jordanian-owned businesses that were employing Syrians without permits (Turner, 2015). The implementation of the Jordan Compact is challenged by additional organizational and structural barriers. These were highlighted by Katharina Lenner and Lewis Turner (2019), who pointed to three major structural impediments. First, the “work permit maze” (meaning the administrative procedures imposed by the GoJ to issue permits) which requires applicants to reclaim their confiscated documents, to be issued a service card from the Ministry of Interior (Mol), to undergo a security check, and to have a formal rental contract. Throughout this process, refugees have to pay a range of fees for each of the issued documents, and, more importantly, the Mol card cannot be issued to refugees fleeing the Zaatari camp without going through the bailout system. In April 2017, it was estimated that only 200,000 refugees held this card. Second, the re-orientation of policies targeting Syrian refugees beyond the humanitarian sphere and context towards more developmental outcomes aimed at reviving the economic potentials of the Jordanian economy and reframing refugees as “unused human capital”. This policy shift proved to

be very uncertain once the engaged stakeholders (Government of Jordan, European Union, international organizations and investors) started their negotiation for the implementation plan. Other factors include high production costs, inconsistencies with other trade regulations and the rules governing the rule of origins, the inability to ensure a quota of 50/50 between Jordanian and Syrian workers, and the limited number of firms interested in taking part. For example, by May 2017, only one out of 10 companies that started the registration process managed to export to the European Union. Another initiative aimed at employing Syrian refugees in the garment industry failed due to the reluctance of refugees to take part in the initiative. This reluctance arose mainly from the fact that refugees were afraid to risk their access to humanitarian assistance for jobs that were poorly paid and located in remote areas. Finally, the agreement was used to formalize the already existing informal employment of Syrian refugees in sectors like construction and manufacturing. However, this process is challenged by a lack of proper financial incentives for employers and the abundance of migrant labor from countries other than Syria (it is estimated that half a million Egyptian workers are already working in Jordan with more than 50 percent doing so without work permits).

Despite its endorsement by a large number of stakeholders and despite being portrayed as an important policy document, the Jordan Compact was unable to improve the living conditions of Syrian refugees in Jordan. It remained as an administrative formalization of working refugees while stripping them of all kinds of social protection services and basic rights. As a result, refugees managing to overcome the administrative barriers and succeeding in issuing a work permit do not enjoy formal access to healthcare, indemnities, and other protections. The main achievement of this Compact is the potential improvement of the GoJ’s ability to mobilize key financial resources (\$1.4 billion USD of credit at rates typically only available to lower-income countries and signing a \$300 million USD, 35-year loan in the months following the Jordan Compact (Lenner & Lewis, 2019), which was less likely to happen outside the framework of this compromise.

State-led urban informalization in Lebanon

The influx of Syrian refugees to Lebanon, combined with Lebanon’s non-encampment policy has added pressure to urban centers, which host approximately

83 percent of the refugee population (United Nations, 2014). Like in other urbanized countries of the Global South, Lebanese cities are characterized by a high level of informality on different levels, from employment to housing. For instance, Beirut has 24 informal neighborhoods housing nearly 300,000 inhabitants (te Lintelo, Lakshman, Mansour, Soye, Ficarelli, & Woodward, 2018). Tripoli, the second largest city in Lebanon, is also characterized by a high level of informality, with the latest ESCWA study asserting that Tripoli is a deprived city with pockets of prosperity. The study found that the city has a high incidence of deprivation, especially when it comes to the economic situation of its inhabitants as well as in terms of health and housing (Nehme, 2014). Furthermore, 85 percent of wage employees in the north are informally employed (World Bank Group, 2017). Syrian refugees have settled in Lebanon's urban areas and have integrated their informal systems. Indeed, refugees tend to settle in poor urban areas and often seek cities and crowded areas in the search for anonymity to protect themselves from being detected by authorities (Sanyal, 2012). In this regard, they face the same conditions and dynamics of the urban poor, albeit with a layer of xenophobia that they must endure (Jacobsen, 2004). As Darling (2017) describes, "Urban refugees occupy a gray area between legality and illegality, they share this with urban poor as they negotiate formal and informal practices on a daily basis. Informal practices defy the borders of the formal and undermine the legitimacy of authorities in their claims on what is a fixed sense of legitimate" (Darling, 2017).

This gray space is very salient when it comes to Syrian refugees in Lebanon, especially those residing in urban areas. They share similar conditions to local informal urban dwellers, although additional dimensions of complexity govern their condition. As mentioned above, Syrian refugees in Lebanon are officially labeled as displaced since Lebanon has not ratified the 1951 Convention and shies away from granting basic rights to refugees, especially the right to work. Nevertheless, at the beginning of the crisis the country opted for an open-door policy without imposing restrictions on refugees wanting to enter the country or seeking to enter the labor market. This open-door policy and the initial non-restriction of the refugees' movements was dictated by an intention to increase the supply of labor in view of reducing overall wages in the informal economy to benefit Lebanese business owners, as well as the construction sector and land owners. The large influx of Syrian refugees

has restored the level of Syrian workers in the country to levels prior to 2005 and has created an abundance of cheap labor (Turner, 2015). It has also created the need for Syrians to rent out land to set up their tents and in many occasions, the rent paid is in the form of providing labor to land owners (Turner, 2015). Nevertheless, in 2015, authorities imposed heavy restrictions on Syrian refugees ranging from requesting that UNHCR stop registering refugees, to requiring legal residency at hefty costs, and other burdensome requirements (Amnesty International, 2016). As a result, 74 percent of Syrian refugees above the age of 15 do not have a legal residency (UNHCR, 2018), meaning that they are threatened by deportation, imprisonment, harassment and exploitation. These policies have been labelled by Saghieh (2015) as "manufacturing vulnerability". He continues: "Such a policy aims to strip various groups of their fundamental rights in order to reject their presence and facilitate their exploitation. This policy will not only strengthen the Lebanese authorities' ability to intervene and reign arbitrarily, but, in many cases, also put victims of such a policy at the mercy of other people. The affected groups are left with two solutions: they either leave Lebanon, or accept exploitation. In some cases, the latter may amount to forced labor and, subsequently, human trafficking".

These practices have pushed Syrian refugees to an informal state of being where every aspect of their lives is characterized by informality and constant threat. In the labor market, 92 percent of Syrian refugees are working in the informal economy (ILO, 2013). Those who are engaged in the informal economy often lack formal contractual arrangements, social security and protection, in addition to suffering from poor working conditions (Chen, Jhabvala, & Lund, 2001). Syrian refugees in the labor market suffer from dire working conditions that range from exposure to risk at work and "a number of unfair job circumstances that they [are] forced to tolerate, including pressure to accept low income, long working hours, working without breaks, and late payment of wages. It should be noted that a very small number of cases have reported physical abuse at work" (ILO, 2013). The conditions endured by Syrian workers in Lebanon are not only due to the high incidence of informality already present in the country, but also due to active state policies to push Syrian refugees to work in the informal economy. Indeed, the denial of the right to work for Syrians, as well as the excessive legal requirements of a residency and work permit for Syrian refugees pushes them to seek employment

in the informal economy to secure their livelihoods. In this regard, 71 percent of active refugee women work in unskilled labor and 14 percent in skilled as well as semi-skilled labor (ILO, 2013). Thus, one can deduce that most active Syrian women work in sectors such as agriculture and low-added value services such as domestic work. The fact that Syrian refugees are only allowed to work in the highly informalized construction and agricultural sectors (where they can work without being arrested or harassed) shows that informality for Syrian refugees is state-led.

The above-described policies have been accompanied by national and international organizations' interventions to support Syrian refugees. As has been argued in the previous sections, these interventions have assisted refugees in surviving and not necessarily in improving their conditions. The VASyR report shows the toll of governmental policies on Syrian refugees, where 23 percent of refugee households reported that they derive their main income from construction (UNHCR, UNICEF, & WFP, 2017), nevertheless the majority of households declared that their main income does not derive from work. In fact, 62 percent of a household's main source of income is from informal debt and 40 percent from food vouchers and e-cards (UNHCR, UNICEF, & WFP, 2017). These figures show the way humanitarian interventions are contributing in sustaining governmental policies that informalize Syrian refugees' lives, at least in terms of undermining labor as a main source of livelihood by replacing it with humanitarian assistance.

Refugees also have to secure shelter, adding another layer of informality and exploitation to their lives. Syrian refugees in urban settings tend to seek shelter in poor neighborhoods, specifically in the city's informal settlements (Fawaz, 2017). The urgent need of housing for Syrian refugees has led to a spike in rental prices, especially in poor neighborhoods where Syrian refugees have settled (Fawaz, 2017). The absence of protection for Syrian refugees and the informality they endure has left many of them with no choice but to accept substandard shelters. Currently, 71 percent of Syrian refugees live in residential buildings that are often crowded and in poor condition and 12 percent live in non-residential units such as garages and workshops (Government of Lebanon & UNHCR, 2017). Within this context, the challenges faced by Syrian refugees concerning shelter are not limited to poor housing conditions, but also related to an absence of rental contracts (Fawaz, Saghiyeh, &

Nammour, 2014). This can be partly attributed to the Syrian refugees' desire for anonymity due to their fear of arrest, especially if they lack a residency permit. Furthermore, this informality is characterized by a high degree of instability where the VASyR report indicates that 12 percent of surveyed households had changed accommodation during the previous six months and 10 percent were planning to move in the following six months (UNHCR, UNICEF, & WFP, 2017). Indeed, the informal situation of Syrian refugees leaves them at risk of eviction by landlords where 30 percent moved due to eviction and 40 percent of those who are planning to move will do so for the same reason.

CONCLUSION

Since the outbreak of the Syrian crisis, Syrian refugees have been both the recipients and subjects of a large number of humanitarian and development oriented interventions. More than a million and a half individuals in both Lebanon and Jordan are living in despair, and struggling to make a living in a disempowering environment, while being stripped of their basic rights.

As we tried to show in this paper, the dominant framework and approach governing humanitarian interventions targeting refugees is unable to address the political and structural barriers governing the lives of refugees in both Jordan and Lebanon. These have been designed through a depoliticized and a fragmented framework based on enhancing resilience, adaptation and coping, and have led only to support refugees to survive while sustaining exclusionary governmental policies. This approach has made individual refugees responsible of their impoverished situation and responsible for their own recovery. Within this context, refugees are expected to possess the abilities to learn and to have the required social capital so they manage to individually improve their living conditions despite all the power relations they encounter in their everyday life.

Meanwhile, the cooperation between international actors, namely donors and development agencies, and local governments had limited effect in bringing about a significant change in the lives of refugees. As we showed, in both countries, the policy-making process is used instrumentally to serve the interests of the local power relations and dominant structures through improving the inflow of official development aids. The policy shift, in the case of Jordan, in addressing the refugee situation is more likely to be portrayed as a trade-off (relaxed influx of financial resources in exchange for preventing refugees from illegally migrating). A similar situation can be observed in the policies of the Lebanese government, which has been striving for financial support in exchange for hosting Syrian refugees. In both countries, the state-sanctioned informality is maintained as a key policy tool to consolidate the governing balance of power and to reproduce the economic and rentier structures.

The symbolic mass “incarceration” of refugees is explicitly present in both countries, though it is more

formal in Jordan with their encampment policy and is more informal in Lebanon with the proliferation of informal settlements, which are under the indirect control of the Lebanese authorities. This is not to underestimate the executive measures adopted by local municipalities to impose a refugee-targeted curfew at specific times of the day (mainly during the evenings) or to prohibit them from using public spaces such as parks and children playgrounds.

In such a situation, the informality of the Syrian refugees should never be seen as a deliberative rational economic decision. It is rather a survival strategy for hundreds of thousands of individuals who are stripped of their rights and stigmatized as public enemies, as burdens on national social protection schemes, and as an existential threat to the overall well-being of the hosting societies. Their informality is not limited to work relations, but it is extended to govern their everyday life in their housing and their social interactions whether at school, hospitals or at work.

In this regard, the adoption of a piecemeal approach in addressing the context of the Syrian refugees in both countries is an attempt designed to fail, especially when humanitarian actors overlook dominant structures and the prevailing political economy in both Lebanon and Jordan. The informality of refugees is the outcome of an exclusive political process that should not be overlooked by the patchwork of fragmented and depoliticized interventions. A real policy shift is required towards the adoption of a rights-based agenda, which relocates refugees within the local power structure and negotiates governments' (both hosting and donors) roles and collective responsibilities in ensuring the protection, the dignity and decent living of refugees.

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ABOUT THE PROGRAM

The Refugee Research and Policy Program

Lebanon and the Arab region are facing one of the largest refugee crises spawning serious public policy challenges. Given this context, the Refugee Research and Policy program generates refugee related/policy-oriented research that addresses an existing knowledge gap in the field of refugee studies. Moreover, the program seeks to enrich the quality of debate among scholars, officials, international organizations, and civil society actors, with the aim to inform policymaking relating to refugees in the Middle East and beyond.

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The Issam Fares Institute for Public Policy and International Affairs (IFI) at the American University of Beirut (AUB) is an independent, research-based, policy oriented institute. It aims to initiate and develop policy-relevant research in and about the Arab region.

The Institute is committed to expanding and deepening knowledge production and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society actors, and policy makers.

IFI goals:

- . Enhancing and broadening public policy-related debate and knowledge production in the Arab world and beyond;*
- . Better understanding the Arab world within shifting international and global contexts;*
- . Providing a space to enrich the quality of interaction among scholars, officials and civil society actors in and about the Arab world;*
- . Disseminating knowledge that is accessible to policy-makers, media, research communities and the general public.*

