Sudanese Refugees and the "Syrian Refugee Response" in Lebanon: Racialised Hierarchies, Processes of *Invisibilisation*, and Resistance

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ABSTRACT

By focusing on Sudanese refugees and asylum-seekers in Lebanon, who in 2018 constituted 4 per cent of all persons of concern to United Nations High Commissioner for Refugees (UNHCR) in that country, this article explores how the UNHCR protects and assists refugees not encompassed by the mainstream humanitarian response. The article finds that in terms of refugee recognition, resettlement, and overall protection, Sudanese refugees receive differential treatment when compared with the more dominant refugee groups. More precisely, it argues that the humanitarian practices contribute to structural processes of *invisibilisation* of the particularities of the protection concerns and circumstances of Sudanese refugees. It spotlights how, while racism and racial discrimination remain major protection concerns for the Sudanese community in Lebanon, humanitarian vulnerability assessments are altogether blind to these categories of harm. In examining how Sudanese refugees respond to and resist such processes of *invisibilisation*, the article also examines two key collective action approaches through which Sudanese refugees seek to access better protection and assistance: the establishment of representative refugee committees, on the one hand, and refugee protest, on the other. It finds that refugee protest was an important means of countering humanitarian processes of *invisibilisation*.
KEYWORDS: Lebanon, UNHCR, Humanitarianism, Collective action, Refugee protest, Refugee committee, Discrimination

1. INTRODUCTION

Lebanon has long been a destination for persecuted Sudanese, who arrive in the country to seek asylum and access protection, aid, and the resettlement services of

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the United Nations High Commissioner for Refugees (UNHCR). In the past decades, however, their situation has been overshadowed by larger humanitarian emergency responses pertaining to refugees from, firstly, Iraq, and more recently, Syria. This state of affairs raises a number of questions: How do humanitarian actors such as UNHCR protect and assist refugees not encompassed by the mainstream humanitarian response? And in what ways do these refugees themselves negotiate this protection and assistance? By focusing on Sudanese refugees and asylum-seekers in Lebanon, this article explores these pertinent questions.

Up until the arrival of some 1.5 million Syrian refugees from 2011 and onwards, UNHCR's operation in Lebanon was fairly small. In 2003, its caseload consisted of less than 3000 mainly Iraqi and Sudanese refugees.[1] With the Syria response, however, UNHCR's operation in Lebanon became its largest globally, seeing an unprecedented increase in its budget – from 49 million USD in 2012 to 362 million USD in 2013.[2] At the same time, the majority of funding was conditioned for specific programs or on the basis of (Syrian) nationality.[3] By 2018, Sudanese refugees constituted 15 per cent of the approximately 18,000 "non-Syrian" population of concern, equalling to only a sheer 4 per cent of all persons of concern to UNHCR in Lebanon.[4]

Policy attention to certain refugee groups and not others has important implications for the focus of scholarly research.[5] Researchers working in the field of refugee studies have long known that refugee populations are unequally represented in the academic scholarship, and this division has recently been expressed in terms of "over-researched" and "under-researched" refugee groups.[6] While refugees in populations considered to be "over-researched" may experience research fatigue and frustration, under-researched groups, on the other hand, often feel marginalized by policymakers, humanitarian actors, and researchers alike. Academic scholarship on refugees in Lebanon is no exception in this regard; there is a wealth of research on the lives of

1 UNHCR, *Country Operations Plan: Lebanon*, Lebanon, UNHCR, 2004, available at: http://www.unhcr.org/protection/cops/3fd9c6a14/unhcr-country-operations-plan-2004-lebanon.html?query=refugee%20committee (last visited 25 Jun. 2021).

2 By 2020, the Lebanon budget had increased to 608 million USD. For an overview of UNHCR's budgets in Lebanon year by year, see UNHCR website, https://reporting.unhcr.org/node/2520?y=2015 (last visited 25 Jun. 2021).

3 Earmarking is so prevalent in UNHCR financing that only one major donor (Sweden) still provides a significant share of its contributions unearmarked. See S. Thorvaldsdottir, R. Patz & K. Goetz, "Mandate or Donors? Explaining the UNHCR's Country-Level Expenditures from 1967 to 2016", *Political Studies*, 2021. See also Inter-Agency Standing Committee (IASC), *Donors Conditions and their Implications for Humanitarian Response*, IASC, 2016, available at: https://reliefweb.int/report/world/donor-conditions-and-their-implications-humanitarian-response (last visited 25 Jun. 2021).

4 UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (VARON) 2018*, Beirut, UNHCR, 2019, available at: https://www.unhcr.org/lb/wp-content/uploads/sites/16/2019/10/VARON-2018.pdf (last visited 25 Jun. 2021), 6.

5 A. Bloch, "Reflections and Directions for Research in Refugee Studies", *Ethnic and Racial* Studies, 43(3), 2020, 436–59; P. Gatrell, "Refugees—What's Wrong with History?", *Journal of Refugee Studies*, 30(2), 2017, 170–89.

6 N. Omata, "Over-researched' and 'Under-researched' refugee groups: Exploring the phenomena, causes and consequences", *Journal of Human Rights Practice*, 12(3), 2020, 681–695; M. Sukarieh & S. Tannock, "On the Problem of Over-Researched Communities: The Case of the Shatila Palestinian Refugee Camp in Lebanon", *Sociology*, 47(3), 2012, 494–508.

Syrian and Palestinian refugees, but little is known about the circumstances of less represented refugee groups like those from Sudan, Eritrea or Ethiopia.[7] This article speaks to this gap in the literature and represents a modest attempt at taking seriously and spotlighting the situation of a less represented group of refugees.

The causes of this citizenship-based discrepancy have in the literature been attributed to a number of factors, including race, population size, and the urban/camp dichotomy. As scholars like Achiume and Kyriakides and others have argued, there are clear racial implications of global refugee policy, and race continues to persist as a neo-colonial structure, allocating benefits and advantages to some and not others.[8] But as Omata points out, the size of a particular refugee group may also decide its significance on the political and economic agenda.[9] Even though refugees among less represented nationalities may be particularly vulnerable, comparatively smaller refugee groups are likely to fall out of the agendas of both researchers and policy-makers alike. Globally, as well as in Lebanon, there is furthermore a historical marginalization of urban refugees in humanitarian responses, and, as such, a strong bias towards research on camp-based refugees, who are easier to identify and reach.[10]

In this article, I show how these factors – with race as central – intertwine in humanitarian policy. I then argue that the mere design of the humanitarian response may – even if unintended – actively contribute to the *invisibilisation* of certain refugee groups. The article contends that in Lebanon, the institutional practices of humanitarian actors contribute to structural processes of invisibilisation of the particularities of the protection concerns and circumstances of Sudanese refugees and asylum-seekers. Most notably, the humanitarian vulnerability assessments in their current form fail to account for a category of harms that compromises – and uniquely so in the Lebanese context – the very core of protection of Sudanese refugees. These processes of invisibilisation are arguably further engrained by the humanitarian usage of insipid labels such as "non-Iraqis", "non-Syrians", and "Refugees of Other Nationalities".

In examining how Sudanese refugees and asylum-seekers respond to and resist such processes of invisibilisation, the article examines two key collective action approaches through which Sudanese refugees and asylum-seekers pursue better protection and assistance: the establishment of representative refugee committees, on

7 For an important exception, see A. Reumert, "Good Guys, Mad City: Etiquettes of Migration among Sudanese Men in Beirut", *Mashriq & Mahjar*, 7(2), 2020. The plight of Sudanese refugees in other Arab countries have drawn considerably more attention. See e.g. K. Grabska, "Marginalization in Urban Spaces of the Global South: Urban Refugees in Cairo", *Journal of Refugee Studies*, 19(3), 2006, 287–307; K. Jacobsen, M. Ayoub & A. Johnson, "Sudanese Refugees in Cairo: Remittances and Livelihoods", *Journal of Refugee Studies*, 27(1), 2014, 145–159.

8 T. Achiume, "Race, Refugees and International Law", in C. Costello, J. McAdam & M. Foster (eds) *Oxford Handbook of International Refugee Law*, Oxford, Oxford University Press, 2021, 43–59. See also C. Kyriakides, D. Taha, C.H. Charles & R.D. Torres, "Introduction: The Racialized Refugee Regime", *Refuge*, 35(1) Refuge, 2019, 3–6.

9 Omata, '*Over-researched and Under-researched*'. See also G. Cole, "Beyond Labelling: Rethinking the Role and Value of the Refugee 'Label' through Semiotics", *Journal of Refugee Studies* 31(1), 2018, 1–21.

10 A. Brouder, *Accountability to Affected Populations in Urban Crises: Who Cares?*, Urban Crises Learning Partnership (UCLP), 2017, available at: https://pubs.iied.org/G04278/ (last visited 25 Jun. 2021). See also J. Crisp, "Finding Space for Protection: An Inside Account of the Evolution of UNHCR's Urban Refugee Policy" *Refuge*, 33(1), 2017, 87–96.

the one hand, and refugee protest, on the other. I argue that there are clear constraints to UNHCR-sponsored representative committees and that refugee protest was widely considered to be a more successful strategy; for many protesters, it "worked" in the sense of being a catalyst for opening closed files and achieving refugee recognition, and for speeding up otherwise stagnant resettlement processes. In contrast to the arguably more discreet work in the refugee committee, refugee protest was also highly *visible* and attracted the attention of Lebanese media and key solidarity actors.

The research described in this article is part of a larger research project on refugee protection in Lebanon, for which fieldwork in Beirut was conducted between 2014 and 2017 and follow-up distanced interviews were made in 2020. The article is based on semi-structured interviews with 25 Sudanese asylum-seekers, refugees and individuals with closed files, as well as with 12 UNHCR staff at various levels of the organization. The analysis focuses thus both on refugee interpretations and the private interpretations of official actors. The interviews were conducted in English and in Arabic. In Beirut, the Migrant Community Center (MCC) was the starting point for individual refugee interviews, as it provides a safe meeting space for Sudanese refugees and other migrants, a space from which also migrant activism operates. In addition, participant observation for over one year was conducted at a protest camp outside UNHCR in 2015–16 and early 2017. Given the contentious legal status of most of the participants in this study, consent was taken from all respondents, and pseudonyms have been used throughout this article.

This article is divided into three main parts. This introductory part discusses pertinent theoretical insights on refugees, race, and processes of invisibilisation, as well as Lebanon's approach to the international refugee regime. The article's second part focuses on hierarchies of protection which unveil the invisibilisation of Sudanese refugees and asylum-seekers, highlighting in particular humanitarian vulnerability assessments, refugee recognition, and resettlement practices. Before concluding, the article's third part explores how Sudanese refugees and asylum-seekers resist humanitarian processes of invisibilisation through representative refugee committees and refugee protest.

1.1 Refugees, race, and processes of invisibilisation

While scholarship on humanitarianism has long side-lined the question of race in humanitarian encounters, recent literature has pointed to how racial hierarchies – constructed and marked in diverse ways[11] – long have pervaded humanitarian work. Adia Benton's trailblazing work has emphasized the "intimate relationship" between racialization and humanitarianism, arguing that "race has been erased, or at least minimized in analysis of humanitarianism and its effects".[12] In his recent scholarship on race in the context of the Syrian refugee response in Jordan, Lewis Turner similarly observes how "humanitarian actors rely on, and reproduce, globally circulating

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11 R. Grosfoguel, L. Oso & A. Christou, "'Racism', Intersectionality and Migration Studies: Framing some Theoretical Reflections", *Identities*, 22(6), 2015, 635–652.

12 A. Benton, "Risky Business: Race, Nonequivalence and the Humanitarian Politics of Life", *Visual Anthropology*, 29(2), 2016, 187–203, 191.

colonial hierarchies of race, which mediate their interactions with, and understandings of, the Syrian population of Za'tari [refugee camp]."[13] Turner details in particular how:

> [...] explicit comparisons between Syrians and 'Africans' appeared to be one of the central ways through which many humanitarians' understandings of, and relationships with, Syrian refugees were mediated. While the substance of the comparisons was varied, Syrian refugees were invariably compared favourably to 'African' refugees, and were always positioned higher on perceived civilisational hierarchies.[14]

This anti-blackness, Turner argues, should simultaneously be understood within the specificities of the Jordanian context – with a "legacy of an Arab nationalism that deemed Semitic Arab-ness superior to other types"[15] and as a reproduction of "the racial ordering system which has been continuous, yet morphing in form, from colonialism [...] into the present".[16] As I will show in a below section, also in Lebanon do we see how dynamics of Arab nationalism, colonial histories, and racism intertwine.

There is additionally an ongoing discussion of the racial implications of global refugee policy, with Tendayi Achiume, currently the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, noting how "international legal scholarship on refugees has a race problem". It has not paid sufficient attention to the significance of race in this field, suffering from a sort of "racial aphasia", a collective inability to talk about or theorize race.[17] While UNHCR has pointed to xenophobic discrimination as among the greatest challenges to refugees globally,[18] Achiume argues that UNHCR's global policy for addressing foreignness or xenophobic discrimination is inadequate.[19] As a positive new development, in 2020, UNHCR nonetheless issued a *Guidance on Racism and Xenophobia* which considerably broadens its scope to engage with structural forms of racial and xenophobic discrimination.[20]

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13   L. Turner, "'#Refugees can be entrepreneurs too!' Humanitarianism, race, and the marketing of Syrian refugees", *Review of International Studies*, 46(1), 2020, 137–155, 138.

14   Turner "#Refugees can be entrepreneurs too!", 146.

15   R. Davis, A. Taylor, W. Todman & E. Murphy, "Sudanese and Somali refugees in Jordan", *Middle East Report*, 279, 2016, 2–10, 3.

16   L. Tilley & R. Shilliam, "Raced Markets: an Introduction", *New Political Economy*, 23(5), 2018, 534–543, 537.

17   T. Achiume, "Race, Refugees and International Law", 43. See also C. Kyriakides, D. Taha, C.H.. Charles & R.D. Torres, "Introduction: The Racialized Refugee Regime"; B.S. Chimni, "The Geopolitics of Refugee Studies: A View from the South", *Journal of Refugee Studies*, 11(4), 1998, 350–374.

18   A. Edwards, *Combating Xenophobia, Racism and Discrimination against Refugees and Asylum-seekers in Europe and Elsewhere*, Thematic Discussion "Racial discrimination against people of African descent", Geneva, Committee on the Elimination of Racial Discrimination (CERD), Mar. 2011, available at: http://www2.ohchr.org/english/bodies/cerd/docs/UNHCR7March2011.pdf (last visited 28 Jun. 2021).

19   T. Achiume, "Beyond Prejudice: Structural Xenophobic Discrimination Against Refugees", *Georgetown Journal of International Law*, 45, 2016, 323–381.

20   UNHCR, *Guidance on Racism and Xenophobia*, Geneva, UNHCR, 2020, available at: https://www.unhcr.org/protection/operations/5f7c860f4/unhcr-guidance-on-racism-and-xenophobia.html (last visited 28 Jun. 2021).

The concept of invisibilisation appears particularly apt as a lens to understand the humanitarian processes and dynamics at play with regard to Sudanese refugees and asylum-seekers in Lebanon. While I understand invisibilisation to include both deliberate and unintentional processes, the concept has been considered useful in forced migration studies when studying processes which involve the deliberate targeting of a particular group. Laura Hammond, for example, uses this concept when explaining the process by which the poorest of the poor in Ethiopia's food insecure regions are made invisible through their very participation in a programme whose explicit aim is to help deliver them from vulnerability.[21]

The processes of invisibilisation are closely interlinked with those of marginalization; as Benno Herzog has observed, exclusion and marginalization might be understood as "processes of silencing or of invisibilizing important social groups".[22] However, by highlighting how Sudanese refugees countered this invisibilisation through collective action aimed at improving protection and assistance, I depart from the understanding of invisibility as one resulting merely "from those who are marginalized being unable to exert any power to change the conditions under which they live or even speak for themselves, given their position in the arrangement of power".[23]

Thus, in order to understand both the institutional processes and governing technologies through which invisibility is produced (processes of invisibilisation) and how these are resisted by refugees themselves, this article also draws inspiration from scholarship focused on neo-governmentality. Scholarship in this tradition is typically concerned with relations of power and explaining how unequal relations of power are produced, shaped, and perpetuated, as well as resisted and challenged.[24] This also concerns relations of power in the humanitarian system. More specifically, scholarship along these lines has highlighted the links between representation and race on the one hand, and processes of invisibilisation, on the other. Focusing on the dynamics of in/visibilization in the marginalization and exclusion of African migrants across the globe, a recent collection edited by Jesper Bjarnesen and Simon Turner analyses the ways in which these migrants negotiate structural and strategic invisibilities, for example through advocacy for migrant rights.[25] This article seeks to further these critical enquiries.

21 L. Hammond, "Strategies of Invisibilisation: How Ethiopia's Resettlement Programme Hides the Poorest of the Poor", *Journal of Refugee Studies*, 21(4), 2008, 517–536. Similarly, Biehl develops the concept of "technologies of invisibility" in relation to the Brazilian government's systemic failure to address the needs of poor and marginal people living with, or who are at risk of contracting, HIV/AIDS, in its ostensibly successful nationwide AIDS prevention programme. See J. Biehl, "Technologies of Invisibility: Politics of Life and Social Inequality", in J.X. Inda (ed.), *Anthropologies of Modernity: Foucault, Governmentality and Life Politics*, Malden, Blackwell Publishing, 2005.

22 B. Herzog, "Invisibilization and Silencing as an Ethical and Sociological Challenge", *Social Epistemology*, 32(1), 2018, 13–23, 13.

23 Hammond, "Strategies of Invisibilisation", 520.

24 E. Carmel, (ed.), *Governance Analysis: Critical Enquiry at the Intersection of Politics, Policy and Society*, Northampton, Edward Elgar Publishing, 2019; K. Masaki, *Power, Participation and Policy: The 'Emancipatory' Evolution of the 'Elite-Controlled' Policy Process*, Lanham, Lexington Books, 2007.

25 J. Bjarnesen & S. Turner, *Invisibility in African Displacements: from Structural Marginalization to Strategies of Avoidance*, London, Zed Books, 2020.

1.2 Lebanon's approach to refugee protection

Long being reliant on the cheap labour of foreign migrants, Lebanon is a major destination country for some 400,000 officially present migrant workers, of which an estimated 2-300,000 are employed as domestic workers.[26] In the past decade, Lebanon has also become the country in the world hosting the highest number of refugees in proportion to its estimated population size of 6.2 million.[27] While Syrians represent the vast majority of refugees in the country, there are also an estimated 470,000 Palestine refugees registered with the United Nations Relief and Works Agency (UNRWA) Lebanon (with 180,000 estimated for planning purposes to be residing in the country), and some 29,000 Palestine refugees from Syria, in addition to approximately 20,000 from countries such as Ethiopia, Iraq, and Sudan.[28]

Despite these large numbers, Lebanon is not a State party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees (the 1951 Refugee Convention). However, its alternative practices to asylum nonetheless include long-term reliance on UNHCR to conduct registration, documentation and refugee status determination (RSD), and to provide assistance and seek durable solutions for refugees. UNHCR continues to take a pragmatic approach towards the Lebanese Government, rarely pushing for a Lebanese ratification of the 1951 Refugee Convention, and rather focusing on establishing an acceptable "protection space" for the country's refugees.[29]

One example of UNHCR's "protection space"-approach is the negotiation in 2003 of a much criticized Memorandum of Understanding (MoU) with Lebanon's Directorate of General Security, permitting it to register asylum-seekers and conduct RSD in specific cases.[30] Although subject to considerable disagreements about its interpretation, the MoU affirms that "Lebanon does not consider itself an asylum country", and specifies that an "asylum-seeker" means a "person seeking asylum in a country other than Lebanon". The MoU has moreover had a number of negative consequences for Sudanese refugees, and I will discuss these closer in the second part of this article.

In line with not considering itself a country of asylum, Lebanon also rejects, in principle, the local integration of refugees.[31] This approach can be traced back to the

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26 International Organization for Migration (IOM), "Well-Being and Security of Migrant Workers in Lebanon Deteriorate Since Beirut Blast", *IOM*, 16 Oct. 2020, available at: https://www.iom.int/news/well-being-and-security-migrant-workers-lebanon-deteriorate-beirut-blast#:~:text=Lebanon%2C%20a%20country%20of%20nearly,the%20world%27s%20most%20impoverished%20countries (last visited 28 Jun. 2021); Human Rights Watch (HRW), "Lebanon: Migrant Domestic Workers With Children Deported", *HMR*, 25 April 2017, available at: https://www.hrw.org/news/2017/04/25/lebanon-migrant-domestic-workers-children-deported (last visited 28 Jun. 21).

27 M. Janmyr, "No Country of Asylum: 'Legitimizing' Lebanon's Rejection of the 1951 Refugee Convention", *International Journal of Refugee Law*, 29(3), 2017, 438–465, 440.

28 UNRWA, "Where we work", UNRWA, available at: https://www.unrwa.org/where-we-work/lebanon (last visited 28 Jun. 2021).

29 Janmyr, "No Country of Asylum", 445.

30 UNHCR, *The Memorandum of Understanding between the Directorate of the General Security (Republic of Lebanon) and the Regional Office of the UN High Commissioner for Refugees, Concerning the Processing of Cases of Asylum-seekers Applying for Refugee Status with the UNHCR Office*, Geneva, UNHCR, 9 Sep. 2003. On file with author.

31 Janmyr, "No Country of Asylum", 449.

Lebanese Constitution of 1926 (as amended in 1990), which appears to prohibit any permanent settlement of foreigners. It is also reflected in the lack of formal domestic refugee legislation. Asylum issues are attended to through immigration laws, and, in practice, this entails that all refugees and asylum-seekers, like other foreigners, must have government issued residence permits. As in many other countries of the world, migrant and refugee conditions of residence and employment differs depending on e.g. nationality.[32]

Characteristic of the Lebanese approach is thus the intertwining of refugee protection and regulations of migrant workers,[33] meaning that refugees and other migrants alike are typically subject to, and forced to navigate, a complex mix of constantly shifting categories and policies. Since the end of the civil war in 1990, Lebanon has regulated migrant labour through employment sponsorship schemes such as the notorious *Kafala* system and imposed visa restrictions on foreign labour.[34] Across the board, migrant workers have few rights and their legal status is precarious and tied to their employers.[35] Recent scholarship has focused on how refugees, too, have been subject to similar migrant labour policies, often notwithstanding their official refugee status.[36] In effect, most refugees do not possess a residence permit and are thus residing illegally in Lebanon.[37]

There is a complex combination of factors underlying the contemporary presence of Sudanese nationals in the country. Lebanon has an intricate history of hosting both migrant workers and refugees from Sudan. While the first generation of Sudanese migrants came from North Sudan – mainly from Nubian tribes – since the 1990s, an increasing number have arrived displaced by conflict in West Sudan – Darfur, Kordofan, and the Nuba mountains. Sudanese refugees, asylum-seekers and migrant workers alike have arrived in Lebanon via difficult journeys, typically by air from Khartoum to Damascus by way of a tourist-visa, followed by irregular entry

32 L.E. Abdelaaty, *Discrimination and Delegation: Explaining State Responses to Refugees*, New York, Oxford University Press, 2021. On Lebanon, see E. Longuenesse & P. Tabar, "Migrant Workers and Class Structure in Lebanon: Class, Race, Nationality and Gender", HAL, 2014, available at: https://halshs. archives-ouvertes.fr/halshs-01305367/ (last visited 28 Jun. 2021).

33 M. Janmyr, "Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon", *Refugee Survey Quarterly*, 35(4), 2016, 58–78, 61.

34 B. Fernandez, "Traffickers, Brokers, Employment Agents, and Social Networks: The Regulation of Intermediaries in the Migration of Ethiopian Domestic Workers to the Middle East", *International Migration Review* 47(4), 2013, 814–843.

35 B. Fernandez & M. De Regt, *Migrant Domestic Workers in the Middle East: the Home and the World*, New York, Palgrave Macmillan, 2016; D. Mansour-Ille & M. Hendow, "From Exclusion to Resistance: Migrant Domestic Workers and the Evolution of Agency in Lebanon", *Journal of Immigrant & Refugee Studies*, 16, 2018, 449–69; A. Pande, "'The Paper that You Have in Your Hand is My Freedom': Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon", *The International Migration Review*, 47, 2013, 414–441; A. Pande, "Intimate Counter-Spaces of Migrant Domestic Workers in Lebanon", *International Migration Review*, 52, 2018, 780–808.

36 Janmyr, "Precarity in Exile", 67–69.

37 UNHCR, United Nations Children's Fund (UNICEF) & World Food Program (WFP), *Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR)* 2020, Beirut, 2021, available at: http://ialebanon.unhcr. org/vasyr/#/ (last visited 28 Jun. 2021); UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (VARON) 2019*, Beirut, UNHCR, 2020, available at: https://reliefweb.int/re port/lebanon/vulnerability-assessment-refugees-other-nationalities-lebanon-2019 (last visited 28 Jun. 2021)

into Lebanon by way of smugglers. An underground network of migrant agents and border guards in Khartoum, Damascus and Beirut have collaborated in this manner for more than two decades, and this has continued throughout the Syrian conflict.

Once in Lebanon, the great majority of the Sudanese stay in the Beirut and Mount Lebanon Governorates, often living in spaces that are separate from the physical spaces occupied by Lebanese citizens.[38] As found by a 2009 UNHCR report, these African refugees "are disadvantaged in a number of ways. Many do not speak Arabic, are confronted with discrimination and consequently find it harder to find work or establish a livelihood".[39] Their vulnerabilities will be discussed in greater detail in part two of this article.

2. HIERARCHIES OF PROTECTION

Humanitarian and Lebanese concern has in the past decades targeted mainly the Iraqi and Syrian refugee populations, effectively side-lining the smaller number of African refugees primarily from Sudan, Somalia, and Eritrea. This state of affairs has long been known; a 2009 review of UNHCR's operation for Iraqi refugees in Jordan, Lebanon, and Syria, for example, speaks outright of an "unacceptable" disparate treatment of "non-Iraqi" refugees.[40] The situation was partially attributed to donor earmarking of funds; at the time Iraqi refugees came under a relatively well-funded UNHCR Supplementary Budget, while "non-Iraqis" fell under an under-funded Annual Budget.

Despite the recognition of this, in Lebanon, the marginalization of smaller refugee groups continues to be an issue also in the Syria response. Thus, even though UNHCR has underscored that non-discrimination is central to its protection mandate,[41] the provision of protection and assistance arguably reflects changing geopolitical dynamics that applies a framework of preference to specific groups.[42] As the former UNHCR Representative in Lebanon has noted with regard to that operation, "the tight earmarking of contributions meant that agencies had little flexibility to move funds from areas that were relatively well resourced to life saving interventions that were less well funded".[43] A senior UNHCR official I talked to in Beirut in 2016

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38 NGO worker, Beirut, 20 Apr. 2016. See also Pande, "Intimate Counter-Spaces of Migrant Domestic Workers in Lebanon".

39 J. Crisp, J. Janz, J Riera, & S. Samy, *Survival in the City: A Review of UNHCR's Operation for Iraqi Refugees in Urban Areas of Jordan, Lebanon and Syria*, Geneva, UNHCR, PDES/2009/03, 2009, available at: https://www.refworld.org/docid/4d1d93672.html (last visited 30 Jun. 2021), para. 197.

40 *Ibid.*, para 199.

41 A. Edwards, *Combating Xenophobia, Racism and Discrimination against Refugees and Asylum-seekers in Europe and Elsewhere*.

42 A. Cunliffe, "The Refugee Crises: A Study of the United Nations High Commission for Refugees", *Political Studies* 43(2), 1995, 278–290; A. Betts, "Regime Complexity and International Organizations: UNHCR as a Challenged Institution", *Global Governance: A Review of Multilateralism and International Organizations*, 19(1), 2013, 69–81; S.D. Roper & L.A. Barria, "Burden Sharing in the Funding of the UNHCR: Refugee Protection as an Impure Public Good", *Journal of Conflict Resolution*, 54 (4), 2010, 616–637. These findings have nonetheless recently been challenged in S. Thorvaldsdottir, R. Patz & KH Goetz, "Mandate or Donors? Explaining the UNHCR's Country-Level Expenditures from 1967 to 2016", *Political Studies*, 2021, doi:10.1177/0032321720974330.

43 N. Kelley, "Responding to a Refugee Influx: Lessons from Lebanon", *Journal on Migration and Human Security*, 5(1), 2017, 82–104, 96.

furthermore confirmed that the "non-Syrian refugees are being so side-lined in the whole discussion" and further explained how:

> They are benefitting in a way, indirectly, in an improvement in the quality of services. Because of all the money that has been put for primary healthcare, education, etcetera. So they probably see some benefits, but in terms of their visibility in the political agenda, media, in the donor's agenda [. . .] For all of the non-Syrians there is no earmarking. Despite the fact that every donor who comes, we remind them, 'Ok, it's a small number compared with one million, but they are still 20 000 people'.[44]

Similar findings were also made in a recent study on the situation of African refugees in Jordan, where it was argued that the targeting of funding at certain populations, ". . .often addresses immediate refugee flows, but ignores or normalizes as less needy those who come from situations of protracted displacement".[45] In Jordan, UNHCR's arguably discriminatory treatment of African refugees triggered massive external pressure to develop and adopt a "One Refugee"-approach setting out that humanitarian aid organizations, governments, and UN Agencies should not discriminate against or for certain refugee nationalities within their borders. The policy is aimed at "reducing and ultimately eliminating differences based on nationality" and at ensuring that protection and assistance is provided on the basis of vulnerability and not nationality.[46]

Much in line with what Lewis Turner has observed with regard to Jordan, in Lebanon we see how dynamics of Arab nationalism, colonial histories and racism intertwine in the presence of Sudanese nationals; Sudanese men were among the first foreign workers in independent Lebanon, often brought to Lebanon in the 1940s and 1950s by Lebanese-Syrians who served during the colonial British administration in Sudan and Egypt.[47] Described by Anna Reumert as the "underbelly" of Lebanon's service economy, Sudanese migrants have thus been servicing Lebanese elite households and upmarket establishments for over a half century.[48]

As for many African communities in the Middle East, racial discrimination is a major issue for the Sudanese community in Lebanon, and there have been numerous accounts of racially charged physical and verbal abuse also coming from official security actors such as the Lebanese police.[49] Amrita Pande's research with migrant

44   UNHCR staff, Beirut, 17 May 2016.

45   Davis, Taylor, Todman & Murphy, "Sudanese and Somali refugees in Jordan", 3. See also R. Davis, G. Benton, W. Todman, & E. Murphy, "Hosting Guests, Creating Citizens: Models of Refugee Administration in Jordan and Egypt". *Refugee Survey Quarterly*, 36(2), 2017, 1–32.

46   UNHCR, "UNHCR Jordan 2020 Year in Review: Supporting refugees in Jordan: what we achieved in 2020" https://reliefweb.int/report/jordan/unhcr-jordan-2020-year-review-supporting-refugees-jordan-what-we-achieved-2020 (last visited 7 Jul. 2021).

47   A.S. Reumert, "Good Guys, Mad City".

48   *Ibid.*

49   M. Sidahmed, "Sudanese refugees cite mistreatment by UNHCR", *Daily Star*, 4 Apr. 2015, available at: http://www.dailystar.com.lb/News/Lebanon-News/2015/Apr-04/293327-sudanese-refugees-cite-mis treatment-by-unhcr.ashx (last visited 28 Jun. 2021); M. Nesrine, "Pan-Arab narrative a myth in Lebanon", *The Guardian*, 22 Jun. 2010, available at: https://www.theguardian.com/commentisfree/2010/jun/22/pan-arab-narrative-myth-lebanon (last visited 28 Jun. 2021); M. Alami, "Lebanon: Racism Legitimised by

domestic workers stresses the experiences of different forms of racism and negative stereotyping, noting, among other things, that "many African respondents mentioned the intense race-based harassment they faced on an everyday basis, which discouraged them from using public transport such as shared taxis and public spaces such as malls".[50] The Committee on the Elimination of Racial Discrimination (CERD) has repeatedly pointed to Lebanon's lack of anti-discrimination and racial discrimination legislation, and has recommended that Lebanon define and prohibit racial discrimination in its legislation, as well as ensure that all manifestations of racial discrimination are prohibited and punished.[51]

Exploring the citizenship-based hierarchies of protection in more detail, the next sections will look more closely at humanitarian vulnerability assessments, refugee recognition processes, and resettlement procedures as they pertain to Sudanese refugees in Lebanon.

2.1 Assessing vulnerabilities

Throughout the Syria response, UNHCR, UNICEF, and WFP have published an annual *Vulnerability Assessment of Syrian Refugees in Lebanon* (VASyR), which analyses a representative sample of Syrian refugee households to provide a multi-sectoral update of the situation of this population.[52] Since 2016, these agencies have also conducted a similar assessment for other refugee populations – the *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon* (VARON).[53] As mentioned, Sudanese refugees fall into this broader category of "Refugees of Other Nationalities", but VARON furthermore divides that category into "Iraqi refugees" and "Other Nationality" refugees.[54] Sudanese refugees typically make up the majority of this "Other Nationality" refugee group, with smaller numbers only of refugees from Ethiopia, Eritrea, and Egypt.

While the surveys may be criticized for having both methodological and conceptual shortcomings, for example by shifting the focus from legal protection to social protection,[55] the VARON nonetheless brings to light some important discrepancies in the vulnerabilities of the different refugee groups. VARON 2018 makes clear that the situation of "Iraqi and nationalities other than Syrian" is often "overshadowed", and concludes that, among the surveyed refugee groups, those from countries other than Iraq – that is, Sudanese included – "were systematically worse off, and at times significantly so, for virtually all indicators".[56]

Law", *Inter Press Service*, 6 Aug. 2010, available at: http://www.ipsnews.net/2010/08/lebanon-racism-legitimised-by-law/ (last visited 28 Jun. 2021).

50   Pande, "Intimate Counter-Spaces of Migrant Domestic Workers in Lebanon", 790.

51   UN Human Rights Committee (UN HRC), *Concluding Observations on the Third Periodic Report of Lebanon*, Geneva, UN HRC, HRC CCPR/C/LBN/CO/3, May 2018, para. 11; CERD, *Concluding Observations on the Eighteenth to Twenty-second Periodic Reports of Lebanon*, Geneva, CERD, Aug. 2016, CERD/C/LBN/CO/18-22, para. 8.

52   UNHCR, UNICEF & WFP, *VASyR* 2020.

53   UNHCR, *VARON 2019*.

54   UNHCR, *VARON 2018*, 2.

55   Given the demand for "evidence-based" policymaking, VARON is an example of the preference of policymakers for quantifiable data. With smaller-sized refugee populations, it is more difficult to achieve statistically significant findings. For more methodological issues, see also UNHCR, *VARON 2019*, 6.

56   UNHCR, *VARON 2018*, 2, 4.

A major cross-cutting issue is that of legal residency in Lebanon. Pointing to the difficulties of "Other Nationality" refugees to obtain residency, VARON 2018 found that two in three refugees aged 15 and older did not have legal residency, and that three in five households did not have any member with legal residency.[57] By 2019, only 23 per cent of this refugee group reported having legal residency, and 77 per cent of these households did not have any adult members with legal residency permits.[58] The scale of legal residency is nonetheless similar when compared with Syrian refugees; in 2019, only 22 per cent of Syrian individuals aged 15 years and above had legal residency, and merely 33 per cent of Syrian households had at least one member with legal residency.[59]

However, while UNHCR and donor states have continuously pushed for Lebanese residency facilitations for Syrian refugees, the same cannot be said for other refugee groups. This is despite the fact that the humanitarian vulnerability assessments clearly reveal a similar scale of residency difficulties. Exacerbating an already difficult legal situation, "non-Syrian" refugees have not benefited from the policy changes with regard to the facilitation of residency renewal procedures – including a reduction in the financial cost – that Syrian refugees have been provided with.[60] Thus, unlike Syrians, these refugees do not benefit from free of charge residency based on registration with UNHCR, and must therefore annually obtain a costly residency permit involving a number of complex requirements, including having a Lebanese sponsor.[61] Additionally, while national IDs are accepted for Syrians seeking to renew their residency in Lebanon, Sudanese, and others are requested to present a passport.[62] It goes without saying that refugees without passports may be unable or unwilling to approach their home country embassies, particularly in cases where the state is the feared actor.

While the humanitarian vulnerability assessments may seem to highlight, rather than make invisible, the problems of the Sudanese refugees, they nonetheless contain substantial shortcomings when it comes to assessing the particular protection concerns of these refugees. First, by invariably placing Sudanese refugees in insipid categories such as "non-Iraqis", "non-Syrians", and "refugees of other nationalities", it is arguable that humanitarian actors also contribute to an invisibilisation of the particularities of the protection concerns and circumstances of this refugee group. Labels such as these risk portraying Sudanese refugees as mere "remnants" or "leftovers", seen in contrast to a "main" refugee group rather than as a distinct group with equal rights.

Second, the VARON does not capture the intersectional and structural dynamics in which the lives of Sudanese refugees are situated, such as socio-economic class,

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57   UNHCR, *VARON 2018*, 2–3.

58   UNHCR, *VARON 2019*, 13.

59   UNHCR, UNICEF & WFP, *Vulnerability Assessment of Syrian Refugees in Lebanon* 2019, Beirut, 2020, available at: https://reliefweb.int/report/lebanon/vasyr-2019-vulnerability-assessment-syrian-refugees-lebanon (last visited 28 Jun. 2021)

60   The policy changes allowing for a facilitation of the procedures of birth registration for Syrian refugees are also not applicable for other refugee groups, such as the one-year deadline for registration. UNHCR, *Vulnerability Assessment of Refugees of Other Nationalities in Lebanon (VARON)* 2018, 5.

61   *Ibid.*, 10.

62   *Ibid.*, 5, 15.

gender and race.[63] In fact, the VARON is blind to the question of racial discrimination altogether, which remains a major protection concern for the Sudanese community in Lebanon. Numerous reports have pointed to migrant experiences of racism in Lebanon,[64] and in one of our conversations, a senior UNHCR official even highlights racial discrimination as the "main issue":

> My main issue is not coming necessarily from the authorities, but it is the fact that Lebanon is a very racist country. Very racist. By the mere colour of your skin, you get all kind of trouble [...] the primary concern here for the Sudanese is the fact that in school, on the street and in the supermarket, they get insulted, they get treated like not even second-class citizens.[65]

Conversations with other UNHCR staff confirm that many staff are aware of the specific vulnerabilities of Sudanese refugees and asylum-seekers stemming from racism and racial discrimination. One tells me that:

> [...] non-Arabs [sic] are more visible, so if you're a Sudanese – illegal – you're more likely to have your documents checked etcetera as opposed to an Iraqi who speaks the language and is not necessarily very visible. Worst is obviously in Lebanon the discrimination, but the fact that they, the Sudanese, are more visible, they're obviously more vulnerable if you want to put it that way.[66]

Yet another explains how:

> The Sudanese have taken a lot of time and resources I would say. From the Office. The Iraqis have not done the same. And the processes have not been quicker for them. But it has to do with the fact that the Sudanese are much more vulnerable, right? Everything from skin colour, language [...] There's quite a lot of racism in this country, so they do have a more difficult situation than the Iraqis. And that's why also I think there is a greater frustration.[67]

Because these concerns appear to be common knowledge within the office, it is nothing short of alarming that the vulnerabilities are not reflected or discussed in the UN's own vulnerability assessments. VARON contains no references at all to questions of race or discrimination. By not being sufficiently based on these fundamental human rights values, then, VARON arguably fails to account for a category of harms that compromises the very core of protection of Sudanese refugees.[68]

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63 See generally, E. Pittaway & L. Bartolomei, "Refugees, Race, and Gender: The Multiple Discrimination against Refugee Women", Refuge, 19(6), 2001, 21–32.

64 J. Crisp, J. Janz, J Riera, & S. Samy, *Survival in the City*, para. 197; "Intimate Counter-Spaces of Migrant Domestic Workers in Lebanon"; M. Sidahmed, "Sudanese refugees cite mistreatment by UNHCR".

65 UNHCR staff, Beirut, 17 May 2016.

66 UNHCR staff, Beirut, 12 May 2016.

67 UNHCR staff, Beirut, 13 Jan. 2017

68 In this regard, it is important to also highlight studies pointing to how automation tends to reproduce racialized differences. See e.g. J. Daniels, "'My Brain Database Doesn't See Skin Color': Color-Blind

Third, VARON fails to make visible the consequences of a lack of residency, which we know from other sources are dire. While a 2006 Ministry of Justice advisory note generally affirmed that the Government should not forcibly return refugees recognised by UNHCR, it has occurred that Lebanese authorities have refused to give any significance to UNHCR's refugee status determination decisions, detaining and deporting hundreds of refugees and asylum-seekers.[69] In particular, Lebanon has been found to systematically engage in arbitrary arrest, detention, and deportation of refugees and asylum-seekers to Sudan.[70]

A serious concern not properly recognized in VARON is thus the fact that, as a senior UNHCR official explains to me, while there has been persistent international pressure on Lebanon to uphold the principle of *non-refoulement* for Syrian refugees, the principle has by and large been upheld for these refugees but "not so much for the other ones".[71] In cases where UNHCR has intervened, it has often proven unable to secure release of those in detention; as UNHCR noted already in 2011: "While legal interventions have led to court orders for the release of refugees, such orders are not systematically respected".[72] Conditions in detention have been so difficult that UNHCR staff I interviewed in 2016 spoke of detained persons of concern sometimes giving their own consent to be sent back to Sudan simply as a means of last resort to get out of detention.[73]

2.2 Refugee recognition

UNHCR, as the main actor concerned with recognizing refugees in Lebanon, has currently adopted one approach for Syrians with respect to registration, refugee status determination and resettlement, and another for "non-Syrians". In contrast to Syrian refugees, Sudanese asylum-seekers go through arduous and individual RSD procedures by UNHCR. In 2012, the process of investigating an asylum-seeker's claim in Beirut generally took an average of 8 months,[74] but for years, UNHCR's Beirut office has reported difficulties with delays and a backlog of RSD cases. UNHCR's individual RSD processes as applied in States of the Global South have long been criticized for lacking procedural safeguards.[75] Kagan, for example, has characterized UNHCR's RSD procedures as carrying "high risk for errors", bringing about an unnecessary risk that asylum-seekers who in fact meet the legal criteria for refugee status will be denied protection.[76]

Racism in the Technology Industry and in Theorizing the Web", *American Behavioral Scientist*, 59(11), 2015, 1377–1393.

69 M. Kagan, "The UN 'Surrogate State' and the Foundation of Refugee Policy in the Middle East", *University of California Davis Journal of International Law and Policy*, 18, 2012, 307–342, 333.

70 Kagan, "The UN 'Surrogate State'", 328.

71 UNHCR staff, Beirut, 17 May 2016.

72 UNHCR, *Global Appeal 2011 Update*, UNHCR, 2011, available at: http://www.unhcr.org/4cd96c239. pdf (last visited 28 Jun. 2021).

73 UNHCR staff, Beirut, 12 May 2016.

74 M. Nash, "Sudanese strike for their rights", *Now Lebanon*, 15 July 2012, available at: https://now.mme dia.me/lb/en/reportsfeatures/sudanese_strike_for_their_rights.

75 M. Kagan, "Legal Refugee Recognition in the Urban South: Formal v. de Facto Refugee Status", *Refuge*, 24(1) 2007, 11–26, 18.

76 *Ibid.*, 21.

When it comes to UNHCR's Beirut office in particular, a 2006 report highlights how UNHCR did not provide applicants access to all, or even most, of the evidence considered in their cases, including interview transcripts, country of origin information, and information obtained from other witnesses.[77] In the past, UNHCR-Beirut provided only general letters of rejection, which were not detailed or specific to the individual, and, until 2005, UNHCR-Beirut also did not permit the right to counsel in RSD cases.[78] The office also did not have an independent unit to consider appeals by rejected asylum-seekers, and there have been issues relating to a failure to bring new evidence to support an appeal.[79] In recent years, important steps have nonetheless been taken to remedy some of these concerns; since 2007, UNHCR-Beirut has begun to provide refugee applicants nearly complete access to the evidence considered in their RSD cases.[80]

Serious problems when it comes to the RSD process nonetheless remain. For many it is difficult to follow and understand UNHCR policy-making, and in my conversations with Sudanese refugees and asylum-seekers, they consistently report that they are not provided sufficient information by UNHCR, on a level and in a language that they understand. In a conversation with a UNHCR RSD staff member in 2017, it was admitted that, "[m]any of the Sudanese are not educated, and I think that it's difficult for them to understand how the processes work [...] There's a lot of misunderstanding".[81] As a conversation with a member of the Sudanese committee furthermore confirms:

> There are people who don't know Arabic [...] There are people who have never went to school, people who never even saw a school, how would they have an interview with a lawyer? How can he talk with a lawyer? [...] He can't deliver his problem, he can't deliver the information that happened to him.[82]

More alarmingly, when it comes to Sudanese asylum-seekers, most cases of rejection are for credibility issues, and these issues are typically not explained in any detail in the standard rejection letter.[83]

Some Sudanese additionally still suffer from the consequences of the procedural flaws taking place ten or fifteen years ago, and this is particularly the situation of those with "closed files". UNHCR formally closes asylum-seeker files whenever an application is abandoned, a rejected applicant fails to appeal the first instance decision, or where an applicant's appeal is rejected. For those that may have had their cases rejected on faulty grounds and who thus are *bona fide* refugees, the past is very

77 Frontiers Ruwad, *Legality vs. Legitimacy: Detention of Refugees & Asylum Seekers in Lebanon*, Beirut, Frontiers Ruwad, 2006, 7, available at: http://frontiersruwad.org/pdf/FR_Report_Legality%20vs.%20Legitimacy_Eng_2006.pdf (last visited 28 Jun. 2021).

78 Kagan "Legal Refugee Recognition in the Urban South", 21.

79 Frontiers Ruwad, *Legality vs. Legitimacy*, 7.

80 Asylum Access, "UNHCR-Beirut tests sharing evidence with legal representatives in RSD applications", *RSD Watch*, 1. Aug. 2007, available at: https://rsdwatch.com/2007/08/01/unhcr-beirut-tests-sharing-evidence-with-legal-representatives-in-rsd-applications/ (last visited 28 Jun. 2021).

81 UNHCR staff, Beirut, 13 Jan. 2017.

82 Kamal, Beirut, 10 Mar. 2016.

83 UNHCR staff, Beirut, 30 Mar. 2017.

much still in the present. UNHCR standards nonetheless call for the reopening of files only in specific cases, including when there is "serious reason to believe that the claim was improperly decided and/or that grounds for eligibility for refugee status were not adequately examined or addressed".[84]

Because, however, the reopening of closed files is not an infrequent occurrence at UNHCR-Beirut, a widespread perception prevails that UNHCR's recognition and refusal of refugee status is arbitrary and unreliable. In fact, an impression has been nurtured that the status of closed file is neither final nor non-negotiable – in contrast, it is inconclusive and very much negotiable. As I will explain in a below section, for this reason, the reopening of closed files was a key demand of both the Sudanese refugee committee and of the protesters.

2.3 Resettlement

The marginalization and subsequent invisibilisation of Sudanese refugees and asylum-seekers are evident not only in the vulnerability assessments and in the RSD procedures, but also starkly in resettlement practice. For the majority of Sudanese refugees in Lebanon, the main durable solution has long been resettlement to a third country.[85] In 2012, UNHCR confirmed in local media reports that *all* Sudanese cases are submitted for resettlement on an "urgent basis. Because we know what they are subjected to in Lebanon and how vulnerable they can be".[86]

The specific vulnerabilities of Sudanese refugees is, however, not the only reason to why resettlement has been the main solution for this refugee group; UNHCR's 2003 MoU with the Lebanese Directorate for General Security only accepts UNHCR's protection role in the country against the expectation that refugees recognised by UNHCR be resettled within a six-month period (which can be extended once by three months).[87] Despite reports of the MoU breaking down shortly after its negotiation, the MoU remains the only formal basis for UNHCR's operations in Lebanon, and Lebanese security staff still regularly refer to it in the context of Sudanese arrests and deportations.[88] A 2018 report draws attention to cases where General Security has refused to release recognized Sudanese refugees detained for a lack of valid residency papers "unless UNHCR finds a suitable third country for resettlement".[89]

84 UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR's Mandate*, Geneva, UNHCR, 26 Aug. 2020, available at: https://www.refworld.org/docid/5e870b254.html (last visited 25 May 2021), 304.

85 UNHCR, *Country Operations Plan 2006: Lebanon*, UNHCR, 2005, available at: https://www.unhcr.org/protection/cops/43327bde2/unhcr-country-operations-plan-2006-lebanon.html (last visited 28 Jun. 2021).

86 A. Slemrod, "Sudanese refugees on hunger strike plan to refuse liquids", *Daily Star*, 6 Jul. 2012, available at: http://www.dailystar.com.lb/News/Lebanon-News/2012/Jul-06/179516-sudanese-refugees-on-hunger-strike-plan-to-refuse-liquids.ashx (last accessed 28 Jun. 2021).

87 UNHCR, *The Memorandum of Understanding*.

88 M. Janmyr, "UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon", *International Journal of Human Rights*, 22(3), 2018, 393–419, 395.

89 Lebanese Center for Human Rights (CLDH), Anti-Racism Movement (ARM) and Insan Association, "Lebanon: Stop the Deportation of Sudanese Refugees", *ARM Lebanon*, 2018, available at: https://armlebanon.org/content/lebanon-stop-deportation-sudanese-refugees (last visited 28 Jun. 2021).

The pressure on UNHCR to resettle Sudanese refugees notwithstanding, it has long been difficult for UNHCR to resettle African refugees from Middle Eastern countries, with resettlement countries being more ready to admit Iraqi[90] and Syrian refugees. On a global scale, UNHCR and civil society have frequently pointed out the lack of resettlement places for African refugees; questions can surely be raised about the principles of equity and non-discrimination in the provision of refugee resettlement.[91] Between 2011 and the end of September 2019, more than 95,000 refugees were submitted by UNHCR-Beirut to over 22 resettlement countries; of these, the vast majority (82,530) were Syrian refugees.[92] For Sudanese refugees in Lebanon, the US has long been the largest resettlement country; in 2012, local news reported that 85 per cent of Sudanese in Lebanon go to the US,[93] and in my conversations with UNHCR staff, they confirm how reliant they continue to be on the US to specifically admit these "non-Syrians".[94]

In the past decade, however, accessing resettlement opportunities has nonetheless become increasingly difficult for Sudanese refugees in Lebanon. In 2012, the US introduced new security checks, which lengthened the resettlement process considerably.[95] The renovation of the US Embassy in Beirut furthermore led to a complete standstill of selection missions to Lebanon between the summer of 2014 and spring 2016.[96] During this period, UNHCR staff tell me, the resettlement option "was completely blocked for the non-Syrians".[97] In this situation, UNHCR "simply didn't have anywhere to process them to":

> There were certain countries that were able to process a certain number of non-Syrians, but the majority of the quotas were allocated to Syrians. And if you look at the size of the population you can understand why also, now the non-Syrian population is 20 000, the Syrians are over a million. [98]

What is arguable is that the vulnerability-driven priority Sudanese refugees have had with regard to resettlement diminished once UNHCR Lebanon began

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90 Crisp, Janz, Riera, & Samy, *Survival in the City*, para. 198.

91 See the German Caritas Association, *Annual Tripartite Consultations on Resettlement 2018 NGO Statement*, Geneva, Jun. 2018, available at: https://resettlement.de/wp-content/uploads/NGO-Statement-2018-ATCR.pdf (last visited Jun. 30 2021); Refugee Council of Australia (RCOA), *Report of 2018 Annual Tripartite Consultation on Resettlement*, RCOA, Jul. 2018, available at: https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/ATCR_2018.pdf (last visited 30. Jun 2021).

92 UNHCR and Government of Lebanon, *Global Compact on Refugees – Lebanon's Good Practices*, UNHCR, 2019, available at: https://www.unhcr.org/lb/wp-content/uploads/sites/16/2019/12/GCR_Lebanon-Good-Practices_Dec19.pdf (last visited 28 Jun. 2021).

93 M. Nash, "Sudanese strike for their rights".

94 UNHCR staff, Beirut, 12 May 2016.

95 N. Samaha, "Lebanon's forgotten refugees", *Al Jazeera*, 31 Jul. 2012, available at: https://www.aljazeera.com/features/2012/7/31/lebanons-forgotten-refugees (last visited 28 Jun. 2021).

96 D. Kenner, "If You're a Refugee Dreaming of America, Don't Come to Lebanon", *Foreign Policy*, 8 Dec. 2015, available at: https://foreignpolicy.com/2015/12/08/if-youre-a-refugee-dreaming-of-america-dont-come-to-lebanon/ (last visited 28 Jun. 2021); S. Preston, "A race against the clock for Syrian refugees", *Al Araby*, 9 Jan. 2017, available at: https://www.alaraby.co.uk/english/indepth/2017/1/11/a-race-against-the-clock-for-syrian-refugees (last visited 28 Jun. 2021).

97 UNHCR staff, Beirut, 17 May 2016.

98 UNHCR staff, Beirut, 12 May 2016.

experiencing difficulties with US resettlement. In other words, when the number of resettlement spots for these refugees declined, so did arguably attention to and focus on the particular vulnerabilities of Sudanese refugees as a group. In contrast to before, only a very limited number of Sudanese refugees, often those in immediate danger of detention and deportation, are today prioritized for resettlement. It is tempting to see this as a pragmatic approach by UNHCR, one in which UNHCR is hesitant to confront sensitive topics – including racial discrimination – relating to the internal affairs of Lebanon. This is especially so when these issues only concern a small percentage of UNHCR's persons of concern but where calling them out may have negative repercussions for UNHCR's broader operations in the country.

3. RESISTING PROCESSES OF INVISIBILISATION THROUGH CIVIC PARTICIPATION

In light of this marginalization and invisibilisation, how, then, do Sudanese refugees make their voices heard for improved protection and assistance? When institutional channels for refugees' political voice are rare and narrow, spaces for non-institutionalized political action are all the more significant.[99] Consultative bodies, civil society organizations, protests and grassroots initiatives are all important means of refugee civic participation.[100] Inspired by scholarship focusing on how unequal relations of power are produced, shaped and perpetuated, the third part of this article thus explores how Sudanese refugees and asylum-seekers attempt to overcome, challenge and resist processes of invisibilisation.

3.1 Refugee Committee

The side-lining of Sudanese concerns with regard to protection, assistance and durable solutions made this group of refugees and asylum-seekers "very ready to have a representation of the community" vis-à-vis UNHCR.[101] On a policy level, UNHCR generally commits to a community-based approach, and has emphasized the creation of community-based refugee organizations as distinct channels for UNHCR support and interactions.[102] In Beirut, a first attempt at a representative Sudanese refugee committee was made in 2011, but it was soon abandoned due to the resettlement of key committee members and collaborative difficulties internally in the group.[103] In 2014, Sudanese refugees approached UNHCR with a new request about forming a representative committee; a request that was born, UNHCR staff tell me, "out of a

99   D. Schmalz, *Refugees, Democracy and the Law: Political Rights at the Margins of the State*, Abingdon, Routledge, 2020, 107.

100   A. Bekaj & L. Antara, *Political Participation of Refugees: Bridging the Gaps*, Stockholm, International Institute for Democracy and Electoral Assistance, 2018, available at: https://www.idea.int/sites/default/files/publications/political-participation-of-refugees-bridging-the-gaps.pdf (last visited 28 Jun. 2021).

101   UNHCR staff, Beirut, 12 May 2016.

102   UNHCR, *Policy on Refugee Protection and Solutions in Urban Areas*, UNHCR, 2009, available at https://www.unhcr.org/protection/hcdialogue%20/4ab356ab6/unhcr-policy-refugee-protection-solutions-urban-areas.html (last visited 28 Jun. 2021); N. Calhoun, *UNHCR and community development: a weak link in the chain of refugee protection?*, Geneva, UNHCR, New Issues in Refugee Research, Research Paper No. 191, Oct. 2010, available at: https://www.refworld.org/docid/4cb559f5c.html (last visited 28 Jun. 2021).

103   UNHCR staff, Beirut, 12 May 2016.

concern that they might feel neglected in some way because of the massive Syrian population. Because so many projects were targeting, and assistance was targeting, the Syrians".[104]

Following up on their request, UNHCR's Community Development Unit in cooperation with representatives of the Sudanese community developed election guidelines.[105] To a certain degree, these guidelines also functioned as the committee's constitution, laying out not only the process of electing the committee members, but also stipulating the objectives of the committee, the composition of its members, and the mode of work.

The objectives of the representative committee broadly reflect UNHCR's community development approach more generally, namely to "enable staff to *empower* refugees and other persons of concern to the Office by working alongside them to identify and introduce measures that will make a positive difference to their life, as well as the life of their host community".[106] In the Elections Guidelines, the main objective of the committee is "[. . .] to further enhance collaboration and consultations with refugees which leads to empowerment and enjoyments [sic] of rights".[107] More specifically, the purpose of the committee is to "[. . .] establish systemic and regular contacts with refugee community in all issues of their concern or interest, such as protection and security issues, delivery of assistance, health services, subsistence allowance, education, etc".

But what ability do UNHCR's persons of concern have to meaningfully shape the terms? Studies elsewhere have shown that it is complicated to "empower" refugees, and that it is often UNHCR staff, rather than the intended beneficiaries of empowerment, that design and oversee the content of the rules and policies designed to facilitate their empowerment.[108] An evaluation of UNHCR's community development approach even found that: "Refugee participation and the impact of that participation depends entirely on the goodwill of the UNHCR office, with refugees powerless to hold the office accountable if it does not implement refugee preferences".[109]

What is more, scholarship has highlighted how, as a technology of government, the rationality of refugee participation is not necessarily to change relations of power or redistribute decision-making power, but to alter the subjectivities and the psychological state of refugees.[110] Participation can thus be used as "therapeutic intervention, not structural reform".[111] Inclusionary policies run the risk of construing refugees as passive victims by, as Simon Turner has emphasized, focusing on

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104 UNHCR staff, Beirut, 12 May 2016.

105 UNHCR staff, Beirut, 12 May 2016.

106 Emphasis added. Executive Committee of the High Commissioner's Programme (ExCom), *Community Services: Towards a Community Development Approach*, Geneva, UNHCR, EC/62/SC/CRP.16, May 2011, 2.

107 UNHCR Lebanon, *Elections Guidelines Sudanese Committee*, Jul. 2014. On file with author.

108 S.E. Dempsey, "Negotiating Accountability within International Contexts: The Role of Bounded Voice", *Communication Monographs*, 74(3), 2007, 311–332, 314; S. Steimel, "Negotiating Knowledges and Expertise in Refugee Resettlement Organizations", *Cogent Social Sciences*, 2, 2016, 1–15.

109 Calhoun, *UNHCR and Community Development*, 6.

110 J. Hyndman, "Refugee Self-Management and the Question of Governance", *Refuge*, 1997, 16–22; J. Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism*, Minneapolis, University of Minnesota Press, 2000, 141.

111 E. Olivius, "(Un)Governable Subjects: The Limits of Refugee Participation in the Promotion of Gender Equality in Humanitarian Aid", *Journal of Refugee Studies*, 27(1), 2014, 42–61.

"fostering refugee participation as a feeling rather than an agency".[112] In Beirut, there was a real risk that participation was seen as an end in itself. In conversations with UNHCR staff, several questioned the need of Sudanese refugees having their own committee. As one staff member told me:

> I think we felt [...] do they need their own committee, when they have access everyday to the reception where people come and talk to us. Maybe not, maybe not. But if that is something that the community makes them feel good, makes them feel appreciated, and makes them feel recognized, then why not [...][113]

In Beirut, there were thus clear constraints to refugee empowerment being achieved through the representative committee, and, as with the previous committee, the 2014-15 committee was broadly considered to have achieved little. Some of the thorniest issues related to questions of representation and ownership. Who had the right to be elected and thus to represent the Sudanese "community"? Who had the right to vote in the election? And ultimately: who had first and last say about matters that concerned the committee? These questions lay at the heart of Sudanese concerns, many of whom felt confused by UNHCR's role in assisting the community with forming and running what was purported to be their own committee.

The composition of the committee was a topic of great discussion. The committee was to consist of nine members; six refugees and three asylum-seekers, all registered with UNHCR and elected for one year at a time.[114] In addition, the members were to possess certain characteristics; while many of these characteristics were generally unproblematic, a few raised a number of concerns and debate. I will limit myself to mentioning only two here.

First, individuals with "closed files" were not allowed to stand for election nor to vote in the elections. Formally, these individuals were not of concern to the office, even though, at the time of the committee's establishment, UNHCR was in the process of reviewing many of the cases for reasons explained earlier in this article. Thus, while members of the Sudanese community had advocated for the committee to include individuals with closed files and for these individuals to also participate in elections, UNHCR insisted that these individuals had no place in the election and composition of the committee.[115]

Second, the election guidelines specify that only those "who do not have a criminal record and history of conflicts with the office" can apply to be members.[116] In light of the difficulties of securing legal residency in Lebanon, and that living without valid residency is a criminal offence under Lebanese law, this requirement had potentially very problematic effects depending on how strictly it was interpreted. The requirement to

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112   S. Turner, "Biopolitics and Bare Life in a Refugee Camp. Some Conceptual Reflections", in K. Inhetveen (ed.), *Flucht als Politik.: Berichte aus fünf Kontinenten*, Rüdiger Köppe, 2005, 39–62, 54.

113   UNHCR staff, Beirut, 12 May 2016.

114   UNHCR Lebanon, *Elections Guidelines Sudanese Committee*.

115   UNHCR staff, Beirut, 13 Jan. 2017

116   UNHCR Lebanon, *Elections Guidelines Sudanese Committee*.

not have a history of conflicts with UNHCR is also troubling seen in the context in which many Sudanese asylum-seekers and refugees over the years had participated in protests and sit-ins outside UNHCR's office. Many saw this requirement as a way of disqualifying from the committee those who through other means had raised their voices for their rights and for improvements in UNHCR's protection and assistance.

All of these issues contributed to tensions about who actually had ownership over the committee and brought about a large degree of distrust within the committee itself. Following the election, a formal complaint was submitted to UNHCR by members of the Sudanese community who felt disenfranchised by the election results.[117] When the committee began its work it also became clear that it served primarily as a means for UNHCR to disseminate information to refugees and provide UNHCR with "the refugee perspective". Indeed, under the election guidelines, members were requested to "...support UNHCR office in any negotiating needed with the larger community group".[118] Causing further split in the community, in relation to the concurrent protest, rumours also circulated that UNHCR would resettle committee members who managed to dismantle the sit-in.[119]

Many in the community also perceived that UNHCR did not take up on the recommendations and views of the Committee, and when their interventions were repeatedly ignored by UNHCR, they themselves also lost credibility with their communities. While the refugee committee is the alternative that UNHCR prefers – not only because it is more discreet – the structure and design of the committee arguably contributed further to the invisibilisation of refugee concerns. However futile, the mere existence of the refugee committee gave the (flawed) impression within and beyond the organization that UNHCR actively communicates with the community in a moral and accountable way.

This is not to say that refugee committees do not have the potential of making refugee concerns visible, but that it is important that they are not only about creating spaces for refugees to "speak", but also that these spaces are not unequally structured so that refugees' voices can actually be "heard".[120] Without this, there is a risk that such committees are used merely instrumentally to support status quo and may in doing so even reinforce or entrench invisibilities. The initiative of the Sudanese community to create a refugee committee was as such a sorely needed but missed opportunity for UNHCR to make visible – and address – Sudanese concerns.

Turning to the refugee protest, this next section will explore closer this alternative form of civic engagement available to Sudanese refugees in their negotiations with UNHCR.

3.2 Refugee protest

While the capacity of refugees to engage in social movements and actively seek social change are often severely restricted,[121] Sudanese refugees and asylum-seekers have staged protests against UNHCR across many cities of the Middle East. The 2005

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117   Faheem, Beirut, 29 Mar. 2016; Mustafa, Beirut, 9 March 2016; NGO worker, Beirut, 20 Apr. 2016.
118   UNHCR Lebanon, *Elections Guidelines Sudanese Committee*.
119   Kareem, Beirut, 18 February 2016.
120   G.C. Spivak, *Outside in the Teaching Machine*, London & New York, Routledge, 1993.
121   M. Chimienti & J. Solomos, "Social Movements of Irregular Migrants, Recognition and Citizenship", *Globalizations* 8, 2011, 343–360.

protests in Cairo, when over 3000 Sudanese refugees expressed their disagreement with UNHCR over the politics of protection, care and mobility, are perhaps the most well-known and have received widespread scholarly attention.[122] In Beirut, their actions have received little academic attention even though the Sudanese community clearly stands out among other refugee groups for being one of the most vocal in their demands against UNHCR.

In the past decade, collective action initiatives such as hunger-strikes and sit-ins have regularly taken place outside UNHCR's Beirut office. Some instances have received national media coverage, and yet others have been supported by Lebanese civil society organizations such as the Anti-Racism Movement (ARM). ARM in particular has been crucial in advocating for the situation of African refugees and migrants in Lebanon and has organized several campaigns "in response to UNHCR's treatment of African refugees and asylum-seekers".[123] In addition, ARM has supported the asylum-seekers and refugees "in making their stories and demands heard" including by sending open letters to UNHCR offices in Beirut and Geneva.[124]

An example of a well-mediatized protest is the sit-in in the summer of 2012, when 21 Sudanese men held a 55-day hunger strike on the concrete sidewalk outside UNHCR's office protesting "the UNHCR's failure to deal with their cases".[125] The vast majority, if not all, of the hunger strikers were UNHCR-recognized refugees whose cases had been submitted to third countries for consideration of resettlement.[126] In frustration of not being heard, in late July the hunger strikers decided to block one of the two entrances to UNHCR, whereupon UNHCR asked police to break up the hunger strike.[127] thirteen refugees were arrested and detained in General Security detention cells without charge for over a month.[128] Upon UNHCR intervention, twelve of the thirteen refugees were resettled straight from detention to third countries.

Another example is when a small group of Sudanese began a new sit-in outside UNHCR in July 2015 that would last, albeit in various forms, until the spring of 2017. They protested the marginalization and discrimination that they faced on a daily basis – one protest sign clearly stating that "Sudanese refugees confronting marginalization, racism and always comes at the back of the concerns of the

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122 C. Moulin, & P. Nyers, "'We Live in a Country of UNHCR'—Refugee Protests and Global Political Society", *International Political Sociology*, 1(4), 2007, 356–372.

123 ARM Lebanon, *Annual Report 2019*, Beirut, ARM Lebanon, 2020, available at: https://armlebanon.org/content/annual-report-2019 (last visited 28. Jun. 2021), 10.

124 *Ibid.*, 11.

125 Al-Akhbar. 2012. "Sudanese Refugees in Lebanon on Hunger Strike at UN", *Al-Akhbar*, 12 Jun. 2012. https://armlebanon.org/node/728.

126 Daily Star, "Sudanese Protestors Block off UNHCR Main Lebanon Office", *Daily Star*, 26 Jul. 2012, available at: http://www.dailystar.com.lb/News/Lebanon-News/2012/Jul-26/182111-sudanese-protestors-block-off-unhcr-main-lebanon-office.ashx (last visited 28 Jun. 2021).

127 *Ibid.*

128 S. Dockery, "Sudanese Refugees Jailed after UNHCR Ends their Protest", *Daily Star*, 14 Aug. 2012, available at: http://www.dailystar.com.lb/News/Lebanon-News/2012/Aug-14/184589-sudanese-refugees-jailed-after-unhcr-ends-their-protest.ashx (last visited 30 Jun. 2021); Slemrod, Annie, "Four Sudanese Hunger Strikers Released from Detention", *Daily Star*, 7 Sep. 2012, available at: http://www.dailystar.com.lb/News/Lebanon-News/2012/Sep-07/187024-four-sudanese-hunger-strikers-released-from-detention.ashx (last visited 30 Jun. 2021).

International Community".[129] They had two more concrete demands: the re-opening of closed files and resettlement to third countries.[130] Also this group escalated their protest by blocking one of UNHCR's two entrances, and Lebanese police and security forces were called on several occasions to disrupt, and finally to dismantle altogether, the protest.

At the policy level, UNHCR does not generally consider refugee collective action in the form of protests, demonstrations and sit-ins in terms of refugee empowerment and participation. Rather, UNHCR arguably adopts a securitized approach to these forms of collective action. While its starting point is that refugees and asylum-seekers are not generally to be prevented from having direct access to UNHCR offices and staff members, this access is not unlimited.[131] In Beirut, there was a widespread perception among central UNHCR staff that protesting was both illegal under Lebanese law and that protesting in itself was not necessarily a legitimate way of claiming rights from UNHCR. In 2012, when many of the hunger strikers were held in arbitrary detention for over a month, one of the released hunger strikers claimed in local media that as a condition of his release he had been forced to sign a paper saying he would not protest at the UNHCR, nor would he return to the agency without an appointment.[132]

Several protesters and committee members alike spoke of what was perceived as attempts by UNHCR to pit the committee and the protesters against each other, and a couple of committee members actually joined the protest after experiencing that their committee work was futile.[133] Beyond the processes of invisibilisation, then, UNHCR approaches created unnecessary fragmentation and division within the Sudanese community. As Kamal, a committee member turned protester tells me:

> The Lebanese [UNHCR staff], how can I say that, they refused to negotiate with the protesters, saying it's illegal. An illegal sit-in. They requested two from the committee and Sudanese outside of the committee. They asked them [to come] not in order to solve the problem but to persuade those sleeping at the sit-in to leave from there [. . .] they should ask the committee to negotiate with them, 'What do we want? Why did they have the sit-in?' They should ask us, and we negotiate with them. But they don't want that, they say that the sit-in is prohibited, protesting is prohibited.[134]

Restrictions on access and presence were most commonly put in place once an individual or an activity was considered to "disturb the work of the office". In other words, individuals need not be a security threat in the ordinary sense of being an immediate danger, but the fact that they themselves or their actions somehow hinder UNHCR in its work is sufficient for security measures to be taken – including the involvement of local police and security forces. For example, when the hunger-strikers

129   On file with author.
130   Abdo, Beirut, 18 Jan. 2016; Amna, Beirut, 19 Jan. 2016.
131   UNHCR, *Policy on Refugee Protection and Solutions in Urban Areas*, para. 47.
132   A. Slemrod, "Four Sudanese hunger strikers released from detention".
133   Amna, Beirut, 19 Jan. 2016; Mohammed, Beirut, 19 Jan. 2016.
134   Kamal, Beirut, 10 Mar. 2016.

blocked UNHCR's main entrance in July 2012, a UNHCR press release stated that UNHCR asked police to intervene in the protest, which UNHCR no longer saw as legitimate because it impeded aid work.[135]

These issues notwithstanding, from several perspectives, rights-claiming through protest was widely considered to be a successful strategy; for many protesters, it "worked" in the sense of being a catalyst for opening closed files and refugee recognition, and for speeding up resettlement processes. The fact that many refugees were resettled to third countries straight from detention after having protested outside UNHCR goes to show, the protesters often said, that protesting ultimately has an effect. All but one of the thirteen refugees arrested during the 2012 hunger strike were able to secure resettlement and leave Lebanon.[136] Abdo, whose asylum application had been rejected on several occasions tells me:

> If I didn't sit-in they wouldn't have given me appointments. The sit-ins are what moves the files of the Sudanese forward. In 2011 when they had the sit-in, the Sudanese got detained for 45 days and moved the Sudanese files a lot. After they send those abroad, they again put the Sudanese aside. In the sit-in of 2015, when we protested it was the first time in the Lebanese history to resettle 25 Sudanese at one go.[137]

UNHCR staff also confirmed that detention often did result in speedier resettlement processes:

> For those individuals the process was quicker, God yes, and they know that! There's no solution to this, what should we do? If we don't intervene and prioritize these cases, then we'll be sitting there with refugees being deported. That are killed or tortured or whatever. There's no solution to this. And it's due to the fact that the Government feels entitled to refoule in cases where UNHCR hasn't identified a solution.[138]

Understandably, this situation created concerns within UNHCR about the development of a parallel system for refugee status determination and resettlement outside of the formal UNHCR processes. The humanitarian processes of invisibilisation of Sudanese refugees and asylum-seekers thus explicitly triggered this refugee group to seek protection, assistance and solutions to their problems through more unconventional methods.

4. CONCLUSIONS

By pursuing policy-driven subjects as primary research agendas, as Omata has argued, "the role of research ends up reinforcing and revalidating the existing frameworks of

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135 Daily Star, "UNHCR asks police to end Sudanese sit-in", *Daily Star*, 7 Aug. 2012, available at: http://www.dailystar.com.lb/News/Lebanon-News/2012/Aug-07/183679-unhcr-asks-police-to-end-sudanese-sit-in.ashx (last visited 28 Jun. 2021).

136 M. Sidahmed, "Sudanese refugees cite mistreatment by UNHCR".

137 Abdo, Beirut, 18 Jan. 2016.

138 UNHCR staff, Beirut, 13 Jan. 2017

aid regimes that decide which groups of refugees should be assisted with priority".[139] This ethically dubious tunnel-vision focus on the so-called "hot" refugee groups risks skewing the scope and priority of scholars' accountability in refugee studies.[140] As one way of countering this development, this article has spotlighted the situation of a less represented refugee group – Sudanese refugees in Lebanon. More precisely, the article has interrogated how the institutional practices of humanitarian actors contribute to structural processes of invisibilisation of the particularities of the protection concerns and circumstances of Sudanese refugees and asylum-seekers, and, in turn, how these respond to and resist such processes of invisibilisation in their demands for protection and assistance.

In terms of refugee recognition, resettlement, and overall protection, Sudanese refugees and asylum-seekers in Lebanon receive arguably differential treatment when compared with the more dominant refugee groups. While humanitarian vulnerability assessments such as VARON are important in bringing to light some of these discrepancies, as is argued in this article, the assessments nonetheless contain significant shortcomings when it comes to assessing the particular protection concerns of Sudanese refugees. The particularities of the protection concerns and circumstances of this refugee group, including racial discrimination, are ignored and the plight of Sudanese refugees is further concealed through the usage of insipid categories such as "non-Iraqis", "non-Syrians", and "Refugees of Other Nationalities". The flawed structural perception of the vulnerabilities of Sudanese refugees and asylum-seekers, furthermore have negative repercussions also in UNHCR's refugee recognition and resettlement practices.

The article has also detailed how Sudanese refugees and asylum-seekers resist the processes of invisibilisation stemming from humanitarian policy and practice through engaging in representative refugee committees and refugee protest. It found that there were clear constraints to positive achievements being made through the UNHCR-sponsored representative committee; rather, the committee was more compliance-oriented and served primarily as a means for UNHCR to disseminate information to refugees, with few opportunities for Sudanese refugees to shape the terms of engagement or to influence policy.

Refugee protest, in contrast, was more widely considered to be a successful strategy for rights-claiming from UNHCR, not infrequently seen as an important catalyst for opening closed files and refugee recognition, and for speeding up resettlement processes. In the pursuit of strengthened protection, refugee protest also opened for the involvement of alternative actors, such as Lebanese civil society actors. These were instrumental in bringing the issues of the Sudanese refugees onto the agendas of media and political actors. Refugee protest was an important method to counter the humanitarian processes of invisibilisation.

Overall, racialized hierarchies and citizenship-based discrepancies in global refugee protection are a serious legitimacy and accountability problem for UNHCR. The organization is mandated to provide international protection and assistance to all refugees, in an equal manner and without discrimination. Of course, UNHCR is tasked

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139   Omata, "'Over-researched' and 'Under-researched'", 691.
140   *Ibid.*, 683.

to work in a uniquely complex environment, but it does so in an environment where upward accountability to its donors, and not downward accountability to those it serves, long has been the main modus operandi. However, UNHCR arguably serves as a gatekeeper and governance actor, particularly in States of the Global South, and it has repeatedly demonstrated its ability to assert a certain degree of autonomy.[141] This autonomy is highly relevant when faced with the current task of accountably providing protection to all persons of concern.

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141 K. B. Sandvik & K.L. Jacobsen (eds.), *UNHCR and the struggle for accountability: technology, law and results-based management*, London & New York, Routledge, 2017.