

al-shabaka policy brief

UNWELCOME GUESTS: PALESTINIAN REFUGEES IN LEBANON

By Dalal Yassine

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Overview

Before the 1982 Israeli invasion, Lebanon was the center of the Palestinian national movement. Today, however, the country's Palestinian refugee community is considered among the most marginalized in the Palestinian Diaspora. Last month, the Lebanese parliament addressed the issue of the refugees' rights but the draft bill was referred back to committee. In response, several prominent Lebanese politicians, including Prime Minister Saad al-Hariri, warned about the implications of denying Palestinian refugees their human rights, and the Palestinian community and their Lebanese allies held large demonstrations across the country on June 27. Al-Shabaka policy advisor Dalal Yassine examines the legal status of Palestinian refugees in Lebanon and argues that the country's institutional racism not only deprives Palestinian refugees of their human rights but also serves to undermine the right of return. She also discusses "The Right to Work" campaign and contends that it is an example of coordination between Palestinian and Lebanese civil society organizations that solidarity groups in the Palestinian Diaspora should emulate in order to overcome Lebanese political intransigence.

Lebanese-Palestinian Relations

The creation of the Palestinian refugee population was a direct consequence of the establishment of the state of Israel in 1948. From 1947-1950, in what Palestinians call the Nakba, or the catastrophe, Zionist militias (and later the Israeli army) expelled or instigated the flight of over 750,000 Palestinians from their homes. Roughly 100,000 Palestinian refugees sought shelter in Lebanon as a result of the Nakba and their presence was deemed a threat to the country's tenuous sectarian political system.¹ Over 60 years later, the government of Lebanon still does not

¹ Lebanon's confessional system of politics is enshrined in the country's constitution. The president of the Lebanese republic must be Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Parliament a Shia Muslim. In 1949, the Palestinian refugees in Lebanon represented roughly 10% of the country's total population. As the majority of Palestinian refugees are Sunni Muslims, Christian politicians have

provide publicly available statistics for Palestinian refugees in the country. In its January 2010 statistics report, the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) stated that there were currently 425,640 Palestinian refugees living in Lebanon. Of these, 53% reside in 12 official refugee camps, while the remainder lives in Lebanese cities and villages as well as in unofficial refugee camps or “Palestinian gatherings.”² However, UNRWA’s statistics are incomplete as they do not include unregistered Palestinian refugees who came to Lebanon between 1952 and 1956 or those who entered the country after 1970 and are considered “undocumented” Palestinians.³

Over six decades after the Nakba, Lebanon still denies Palestinian refugees many civil, economic, and social rights under the pretext of rejecting resettlement and protecting the refugees’ right of return.

Lebanese-Palestinian relations have fluctuated over the years. Lebanon’s early embrace of the refugees was quickly overshadowed by security concerns. The *Deuxieme Bureau* (military intelligence) and Lebanese police established a presence within the camps to control the refugees and monitor political activities. In 1959, the Ministry of the Interior established a Directorate to administer Palestinian refugee affairs and to coordinate with UNRWA, on the provision of aid and assistance to Palestinian refugees, issuing travel documents and facilitating requests to reunite divided families.⁴ In reality, the Directorate’s goal was to ensure the public interest of the Lebanese state, in particular to oversee the services that required the payment of fees which benefited the Lebanese government.⁵ Within the refugee camps, the Directorate’s role was related to political and security issues, while the needs and requirements of the Palestinian refugees, whether economic, social, cultural or political, were neglected.

long feared that their permanent resettlement would upset Lebanon’s uneasy sectarian balance. This has been especially true of the Maronite Christian political parties. Nor was it a coincidence that a majority of Palestinian refugees who are Christians received Lebanese citizenship by the 1950s. For a discussion of the causes and consequences of the Palestinian refugee population see Ilan Pappé, *The Ethnic Cleansing of Palestine*, (Oxford: Oneworld, 2006).

² UNRWA was established by UNGA 4/302 of December 8, 1949 and commenced operations on May 1, 1950 with its regional headquarters in Beirut. The Agency’s role does not abrogate the responsibility of the international community to pressure Israel to implement Resolution 194 passed by the United Nations General Assembly on December 11, 1948, and which stipulates the return of refugees to their homes *and* compensation for damages to their persons and property.

³ Palestinians continued to seek refuge in Lebanon after the Nakba until the late 1980s. Refugees who fled their villages and cities in northern Palestine passed through more than one host and non-host country, and some even moved between more than one camp inside and outside Lebanon. The move to take refuge in Lebanon was also the result of inter-Arab conflicts, most notably the Jordanian civil war in September 1970. In addition, some Palestinians moved to Lebanon in order to join the ranks of the national resistance movement. For UNRWA’s statistics see <http://www.unrwa.org/userfiles/20100628261.pdf>.

⁴ Legislative Decree No. 42, issued on March 31, 1959. The name of this directorate was changed to the “General Directorate of Political Affairs and Refugees” by Cabinet Decree No. 4082, issued on October 4, 2000 by the Lebanese cabinet.

⁵ Article 1 of the Decree No. 3909, issued on April 26, 1960.

The situation changed with the rise of the Palestinian resistance movement in the 1960s and the conclusion of the 1969 Cairo Agreement between the Palestinian Liberation Organization (PLO) and Lebanon, which regulated the Palestinian civil and military presence in the country. After the 1982 Israeli invasion of Lebanon, the PLO withdrew from most of the country and its office was closed. Lebanon unilaterally nullified the Cairo Agreement in 1987 but did not identify any other framework to regulate relations between the two sides. During this period, the camps were viewed as security zones that could explode at any moment. As a result, a series of policies, laws and practices isolated and marginalized Palestinian refugees.

In 2005, Lebanon sought to improve relations with Palestinians within its borders and transcend past differences. The Lebanese-Palestinian Dialogue Committee (LPDC) was formed with a mandate to address matters related to the social and economic well-being and security of Palestinian refugees in Lebanon and to formalize relations between Lebanon and Palestine.⁶ This included establishing official diplomatic relations with the Palestinian Authority (PA) and reopening the PLO office on May 15, 2006, as well as initiating dialogue with the different Palestinian political factions.

However, the LPDC did not realize its other basic goal, namely addressing the humanitarian situation of the Palestinian refugees. As an excuse, the LPDC often cited the lack of a single Palestinian representative authority to dialogue with regarding the humanitarian issues. Yet despite their internal political differences, Palestinian factions agree that the humanitarian situation of Palestinian refugees in Lebanon must be improved.⁷ Thus, while the LPDC succeeded in rebuilding ties between Lebanese and Palestinian officials, relations between the two communities inside Lebanon are still marked by a lack of trust.

Legal and Institutional Barriers

Lebanon considers the Palestinians in its territory to be refugees under the care of UNRWA and other humanitarian organizations. However, this does not nullify the responsibility of the Lebanese state, which has ratified international and regional human rights declarations, charters and conventions.⁸ Effectively the state has disavowed most legal and humanitarian commitments to the Palestinians residing in its territory. Lebanese laws and regulations do not provide any legal description or definition of refugees in general or Palestinian refugees in particular. In practice, Palestinians have been treated as refugees at times, and, at others, as foreigners and as persons who do not hold the nationality of a recognized state.⁹

6 The LPDC was created by government decree on October 23, 2005. Although the Committee is still active and has a new chairman, Lebanese-Palestinian relations are also handled by Wael Abu Faour, Minister of State and Member of Parliament from the Democratic Socialist Party.

7 The factions include the Alliance of Palestinian Forces, which opposes the Oslo Agreements, and the PLO's Factions Committee.

8 Most notable are the 1948 Universal Declaration of Human Rights; the 1966 International Covenant on Economic, Social and Cultural Rights; the 1966 International Covenant on Civil and Political Rights; and the 1965 Casablanca Protocol on the Treatment of Palestinians in Arab Countries, September 11, 1965.

9 Dalal Yassine and Souheil el-Natour, "The Legal Status of Palestinian Refugees in Lebanon and the Demands of Adjustment," (Human Development Center and the International Development Research Centre, 2007).

Lebanon's laws and ministerial decrees have erected a series of legal and institutional barriers that deprive Palestinian refugees of the right to work, to social security, and to join Lebanese trade unions. For example, Palestinian refugees are subject to the legal regulations governing foreign workers, including the principle of reciprocity and the requirement to obtain a work permit.¹⁰ As there is no state of Palestine with official diplomatic relations and reciprocity agreements with Lebanon, this immediately creates an obstacle that prevents Palestinian refugees from obtaining work permits, especially within professional associations. This regulation exists and is enforced in Lebanon despite the fact that Article 7 of the 1951 Convention relating to the Status of Refugees exempts refugees from the principle of reciprocity and allows them to work without a permit three years after they establish residence in the country of asylum.

The pauperization, ghettoization, and social marginalization of the Palestinian community has led to the dispersal and fragmentation of Palestinians to other countries and undercut rather than upheld their right of return.

Palestinian students are denied enrolment in public educational facilities since Lebanese law requires that students be Lebanese citizens.¹¹ Although Palestinian refugees may obtain educational degrees from private schools and universities in any field, they are forbidden from practicing in over 20 different professions. This includes medicine, law, engineering, and pharmacy. In addition, they cannot work in professions that require affiliation to a particular syndicate because the bylaws of such organizations require that their members hold Lebanese citizenship or provide for reciprocity.¹²

After the 1989 Taif Agreement, which ended the Lebanese civil war, Lebanon did not address the refugees' human rights, excluding them from the national reconciliation process and the General Amnesty Law.¹³ As a result, the difficult living conditions inside and outside the refugee camps continued. Lebanon argued that any improvements in the refugees' status or provisions for their human rights would encourage resettlement and make the Palestinians abandon their right to return to their homes in historic Palestine. Indeed, the lack of official Western interest in supporting the Palestinian right of return roused fears among Lebanese political factions that foreign powers would eventually impose the resettlement of Palestinian refugees within the

10 Article 59 of the Lebanese Labor Law.

11 Articles 3 and 102 of Decision No. 820, September 5, 1968. It should be noted that Lebanese law allows for admission of foreign-born students in the event of vacancies in the school system. However, there are rarely vacancies.

12 In 2005, Trad Hamaidi, the Minister of Labor, issued memorandum 67/1 which declared that Palestinian refugees were an exception to the law which restricts certain professions to Lebanese citizens. In practice, this required that Palestinian refugees, like non-Lebanese citizens, acquire a permit to work in the country. These permits, whose fees vary based on the particular profession and position, must be renewed annually or whenever a worker changes employers. Although Palestinian workers do not get benefits from the Lebanese state, a percentage of the work permit fee is allocated for social security.

13 Article 1 of the Taif Constitution stipulates: "The land of Lebanon is united and belongs to all the Lebanese. Every Lebanese is entitled to live in and enjoy any part of the country under the supremacy of the law. The people may not be categorized on the basis of any affiliation whatsoever and there shall be no fragmentation, no partition, and no repatriation [of Palestinians in Lebanon]."

country.¹⁴ Statements by some Israeli, American, Canadian and even Palestinian politicians exacerbated those fears and gave Lebanese political actors an excuse to resort to the issue of resettlement in order to oppose any move to improve the situation of the Palestinian refugees.¹⁵ Underlying this political discourse is a thinly veiled attempt to protect the power and privileges enshrined in Lebanon's sectarian constitution, particularly among certain segments of the country's Christian population.

For example, in 1994 some Lebanese political factions objected to a project to build a Palestinian refugee camp in al-Qurea for those displaced from the camps destroyed during the Lebanese civil war, which they saw as a prelude to Palestinian resettlement.¹⁶ The linkage between fears of resettlement and denial of basic Palestinian rights continued to mark official Lebanese treatment of the community. For instance, in 2001, the Lebanese Parliament passed the Ownership Law, which limits the ownership of real estate – including residential apartments, land and commercial properties – to persons holding the nationality of a country recognized by Lebanon. The law also prohibits property ownership by any individual whose legal status violates the constitutional provisions rejecting resettlement of refugees.¹⁷ In practice, this law also abrogates the Palestinians' right to inherit property as descendants are not able to complete the registration procedures. As a result, the state confiscates the property.

Prime Minister Saad al-Hariri issued a stark warning stating that there would come a day when people would come to “lift the siege of the camps in Beirut” as they are currently sailing to lift the siege of Gaza.

Following Israel's 1982 invasion and the PLO withdrawal from Lebanon, movement to and from Palestinian refugee camps, particularly those in the south, have been subject to strict security measures. The Lebanese Army maintains checkpoints at the entrances to most of the southern camps. In addition, the army strictly monitors – and restricts – building and renovation materials brought into the southern camps, especially in the Tyre region. In May 2010, Lebanese security forces also banned building materials from Beirut's Bourj al-Barajneh refugee camp based on orders from the Lebanese

14 For examples of this trend, see Sobhi Munzer Yaghi, “An obsession that dominates Lebanese thought, in spite of their consensus to reject it: resettlement [of Palestinian refugees in Lebanon] a real and effective plan or simply a scarecrow, a bargaining chip and blackmail?” *An-Nahar*, September 19, 2008 and “11 MPs from the majority propose a constitutional amendment requiring consensus for any [future] amendment in order to ensure rejection of resettlement of refugees,” *An-Nahar*, November 13, 2008

15 On July 13, 2005, Palestinian Authority President Mahmoud Abbas said he did not “object to Arab countries granting nationality to Palestinians living in their territories.” This statement sparked a clash in the Arab League between Lebanese and Palestinian delegates on July 18. The Lebanese delegate emphasized his government's refusal to grant nationality to Palestinians residing in Lebanon, while the Palestinian delegate maintained that denying Palestinians the nationality of other Arab countries had been a recommendation in the 1950s but was subsequently over-turned.

16 *As-Safir*, September, 14, 1994. The camp was to be built with funding from the Canadian government and in agreement with the Ministry of the Displaced, UNRWA, and the Palestinian political factions.

17 Law No. 296, Passed by the Lebanese Parliament April 3, 2001.

Ministry of Defense.¹⁸ Earlier this year, the Minister of the Interior and Municipalities requested the Directorate General of Internal Security Forces to investigate unlicensed centers and offices for humanitarian and social organizations in the destroyed Nahr al-Bared refugee camp, and required 23 associations to apply for licenses or risk legal sanction.¹⁹ The threat was issued even though the associations cannot obtain licenses under the Associations Law.²⁰

In early 2009, the Lebanese Parliament's Committee on Women and Children proposed a draft law to amend Article 15 of the Lebanese Nationality Law of 1925. Article 15 entitles every child born to a Lebanese father to obtain Lebanese nationality. The proposed amendment would have allowed children born to Lebanese mothers to obtain nationality. However, the Committee's proposed bill excluded children born to a Palestinian father and a Lebanese mother from the right to nationality, ostensibly to prevent resettlement of refugees. It also excluded children born to fathers from countries that do not grant Lebanese children reciprocity. These exclusions are a flagrant violation of Article 7 of Lebanon's Constitution, which states that all Lebanese are equal before the law and equally enjoy civil and political rights without any distinction. They also violate the 1965 International Convention on the Elimination of all Forms of Racism, to which Lebanon is a signatory. It also violates the 1951 Convention relating to the Status of Refugees, which stipulates that the treatment of refugees in asylum countries must be better than the treatment of foreigners, although it should be noted that Lebanon is not a signatory to this agreement.

Thus, over six decades after the Nakba, Lebanon still denies Palestinian refugees many civil, economic, and social rights under the pretext of rejecting resettlement and protecting the refugees' right of return. Indeed, local and international human rights organizations and non-governmental organizations (NGOs) describe the conditions of Palestinian refugees in Lebanon as the most tragic of the different Palestinian refugee populations and affirm that their legal status is devoid of any regulatory protection framework.²¹

Civil Society Shows the Way

Over the past ten years, Palestinian civil society has played a vital role in advocating for the human rights of Palestinian refugees. Lebanese civil society groups have joined this effort to raise

18 Qassim Qassim, "Construction is Prohibited in Bourj Al-Barajneh Camp." *Al-Akhbar*, May 29, 2010

19 Decree of Minister of the Interior and Municipalities Ziad Baroud, No. 4286. February 15, 2010. In 2007, the Lebanese army besieged and destroyed the Nahr al-Bared refugee camp in northern Lebanon while fighting the militant group Fatah al-Islam, a non-Palestinian organization with fighters from around the region. Roughly 27,000 Palestinian refugees fled the camp during the three-month siege, which was marked by indiscriminate aerial bombing and tank and artillery shelling. According to UNRWA, almost 95% of the buildings and infrastructure of the camp was either completely destroyed or damaged beyond repair. Three years later, the rapid reconstruction that the Lebanese government promised the camp residents has yet to materialize. In addition, the siege remains in effect and entry to the camp is subject prior approval by the military intelligence services. See <http://www.unrwa.org/etemplate.php?id=144>.

20 Ottoman Law on Associations 1909. The Associations Law requires that any association legally registered in the country be composed of Lebanese citizens. As a result, Palestinian organizations and associations in Lebanon are formed with the assistance of Lebanese individuals, although they are actually run by Palestinians. However, several NGOs operate inside the Palestinian refugee camps without formal registration.

21 See Amnesty International Report, 2010: The State of the World's Human Rights. In its country report on Lebanon, Amnesty International stated that Palestinian refugees "faced discriminatory laws and regulations, denying them the right to inherit property, work in around 20 professions and other basic rights," 205. http://thereport.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=152

awareness of the plight of the refugees and the problems and restrictions they face on a daily basis. Palestinian and Lebanese civil society groups have embarked on a series of campaigns designed to mobilize public opinion to achieve Palestinian rights. This includes a campaign to advocate for undocumented individuals (or “non-ID’s”), the “194” campaign initiated by Palestinian and Lebanese youth to protect the right of return, and the “Right to Work” campaign.

Launched in 2005, the Right to Work campaign is arguably the most effective campaign to date and enjoys the broadest base of support. Through active lobbying and advocacy, the campaign gained the support of over 80 Lebanese and Palestinian non-governmental organizations, trade unions, and key political figures and activists. Relying on allies in the Lebanese media, the campaign was able to generate attention across the political spectrum and bring its case to the Lebanese Parliament. However, a recent setback in the Parliament reveals that the struggle for Palestinian human rights is still far from over.

Lebanon’s approach to the Palestinian struggle for self-determination is based on a false dichotomy between “brave” Palestinians resisting occupation and the “reviled” Palestinian refugees in exile.

During the Lebanese Parliament’s June 15, 2010 legislative session, the Progressive Socialist Party (PSP) led by Waleed Jumblatt raised the subject of Palestinian civil rights. The PSP introduced four draft laws that called for allowing Palestinians born on Lebanese soil to work, to benefit from pension plans, to receive end-of-service gratuity and medical care for work-related injuries, to own one residential apartment and to own property through inheritance.²² The Parliament split across sectarian lines and opposition and loyalist Christian Parliamentarians united to block the proposed legislation. Speaker of the Parliament Nabih Berri referred the draft laws back to the Administration and Justice Committee for study. In response to the vote, Prime Minister Saad al-Hariri issued a stark warning stating that there would come a day when people would come to “lift the siege of the camps in Beirut” as they are currently sailing to lift the siege of Gaza.²³ This was echoed by international human rights organizations with Human Rights Watch, for example, calling on Lebanon to “seize the opportunity to end discrimination of Palestinians.”²⁴

Lebanon’s laws prevent the emergence of a vibrant Palestinian community within its borders. The pauperization, ghettoization, and social marginalization of the Palestinian community has led to

22 The PSP has previously proposed creating a ministry for Palestinian refugee affairs but it was rescinded after it was attacked by some political parties. Jumblatt explained that the PSP “proposed that the subject of Palestinian refugees be linked to a Ministry of Palestinian Refugee Affairs, but when the Party saw a flock of wolves descending on it, as some considered the Palestinian issue sectarian, it rescinded this request, because it does not want to enter the valley of wolves.” Jihad Bazi, “A Big Dream if it Happens,” *As-Safir*, January 14, 2010.

23 Elie al-Ferzli, “Rights of Palestinians Divide the Alliance,” *As-Safir*, June 16, 2010.

24 “Lebanon: Seize the Opportunity to End Discrimination Against Palestinians,” Human Rights Watch, June 18, 2010.

the dispersal and fragmentation of Palestinians to other countries and undercut rather than upheld their right of return.²⁵ Moreover, Lebanon's approach to the Palestinian struggle for self-determination is based on a false dichotomy between "brave" Palestinians resisting occupation and the "reviled" Palestinian refugees in exile. This attitude and associated policies only serve to aid the fragmentation of the Palestinian people and create an artificial distinction between Palestine (the "holy cause") and the Palestinians (a "burden" and "security issue"). Thereby ensuring that neither Palestine nor the Palestinians is free.

A Call to Action

The inability of the Lebanese Parliament to uphold its responsibilities under international law demonstrates the need for an international effort to secure Palestinian rights and is a call to action for Palestinian solidarity activists worldwide. Palestinian solidarity movements in the diaspora should coordinate with Lebanese and Palestinian civil society organizations to challenge and overcome the legal obstacles and restrictions in Lebanon. This type of collaboration would involve working with international organizations, Palestinian activists and their allies to hold the Lebanese state accountable for its responsibilities as a member state of the United Nations and the League of Arab States and as a signatory to the major international law and human rights conventions. In the context of any global struggle against racism, Lebanon cannot and must not be considered an exceptional case, continuing to allege that institutional racism is necessary to protect the right of return for Palestinian refugees, when in fact its policies actively weaken this right.

**IN THE CONTEXT OF ANY GLOBAL STRUGGLE AGAINST RACISM,
LEBANON CANNOT AND MUST NOT BE CONSIDERED
AN EXCEPTIONAL CASE.**

Nor does the focus on Lebanon's institutional racism detract from or negate Israel's responsibility for the creation of the Palestinian refugee population, its continued refusal to live up to its responsibilities under international law including the right of refugees to return to their homes and compensation, its policies of discrimination against its own Palestinian citizens, and its system of apartheid in the Occupied Palestinian Territories. Palestinian solidarity activists must recognize that the achievement of Palestinian human rights in Lebanon is not mutually exclusive from or at the expense of achieving Palestinian human and political rights in Israel-Palestine. Indeed, they are inextricably linked.

25 Aziza Khalidi, "Economic Participation of Palestinian Refugees in Lebanon," Najdeh Association, 2008.

Lebanon can no longer justify isolating Palestinian refugees in camps, refusing to integrate them into society. Palestinians in Lebanon are not merely a “security issue” or a source of financial gain for the government, they have basic human rights enshrined in international law which Lebanon has a duty to protect. Lebanon must pass legislation that safeguards the rights of Palestinians to work, social security, property ownership and inheritance, education, and freedom of movement and association. The exercise of these rights does not contradict the right of return and is not a prelude to resettlement. Rather, legal protection through the provision of basic services is essential to breaking the cycle of poverty and dependence and to strengthen the capacity of Palestinian refugees to work toward their right of return. Moreover, it contributes to building and to strengthening trust between the two sides.

In 1948, Lebanon contributed to the drafting of the Universal Declaration of Human Rights.²⁶ Over six decades later, the Hariri government’s ministerial statement commits the government to “continue to provide human and social rights to Palestinians residing on Lebanese soil.”²⁷ It is past time to put those words into action.

Dalal Yassine is a lawyer and advocate for gender and human rights for Palestinian refugees in Lebanon. She works with Palestinian NGOs in Lebanon and was a coordinator for “The Right to Work Campaign for Palestinian Refugees in Lebanon.” She is co-author of “The Legal Status of Palestinian Refugees in Lebanon” and conducted a study on “The Empowerment of Women in Refugee Camps in Lebanon.”

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26 Charles Malik, Lebanon’s representative to the UN, helped draft the Universal Declaration of Human Rights.

27 See paragraph 11 of the ministerial statement, December 8, 2009