

The Right To Return From Lebanon

**Stuck between statelessness and a hostile host country;
options for Palestinian refugees.**

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Index

Chapter 1 Preface	4
1.1 Introduction	4
1.2 Theme outline	4
1.3 Question	5
1.4 Theme outline	5
1.5 Research construction	5
Chapter 2 Refugees and the ‘Three Durable Solutions’	6
2.1 Introduction	6
2.2 Refugees	6
2.3 The ‘Three Durable Solutions’	8
2.3.1 Repatriation	9
2.3.1.1 What instruments are there?	10
2.3.2 Resettlement in a third country	11
2.3.3 Host country integration	11
2.4 Summary	12
Chapter 3 Mapping the history of refugees in Lebanon	13
3.1 Introduction	13
3.2 Palestinian refugees in Lebanon	14
3.3 Rights and legal status	14
3.3.1 Right to employment and social security	14
3.3.2 Right to education and health care	16
3.3.3 Right to property ownership and transfer	16
3.4 International protection	18
3.5 National governance	18
3.6 Political actors	19
3.7 View on right of return	19
3.8 Summary	21

Chapter 4 Explanation of the current situation	22
4.1 Introduction	22
4.2 Processes and factors	22
4.2.1 UNSCR Resolution 1559	22
4.2.2 The LPDC	23
4.2.3 The Nahr al-Bared crisis	24
4.3 Fear of Tawtin (Naturalization)	24
4.3.1 Marginalization as a consequence	26
4.4 What are Israel's answers?	26
4.5 Summary	28
Chapter 5	
5.1 Introduction	29
5.2 Findings	29
5.2.1 Palestinian's frustrations and wishes	29
5.2.2 The current situation in Lebanon	30
5.3 All round conclusion	30
5.4 Reflection	31
Bibliography	32

Chapter 1 Introduction

1.1 Introduction

“The Lebanese government has granted some 400,000 Palestinians living in the country the right to work in professions they had been banned from for decades. Human rights groups welcomed Tuesday's parliamentary vote as a step forward but said the bill still fell short of what is needed. Under the new bill, Palestinians still cannot own property and are not eligible for social security or health insurance benefits. Because they will be treated as foreign workers, they are also still barred from certain occupations that the country's laws allow only Lebanese to hold.”

Source: Al-Jazeera.net

This was the introduction of an article on the Al-Jazeera website on August 17 of 2010. It shows the situation of Palestinian refugees in Lebanon has been precarious ever since they arrived in Lebanon some sixty years ago. This situation has been subject to many debates among many different International and regional organizations, political actors and scholars from in and outside the region. Granting these people the right to work in professions they were banned from before does indeed seem like a step into the right direction, but for many Palestinians it will not make a lot of difference as they have no official home country that can provide the reciprocity necessary for this bill to work.¹ In reality Palestinians are still banned from most professions and provisions, and at the end of the day, they are stuck between a country that does not want them there, and a home country that no longer exists. What options are there for refugees outside their home countries, and which of those can be applied to the case of the Palestinians in Lebanon?

1.2 Theme outline

To be able to answer the questions mentioned above, it will be necessary to define the field in which this research is conducted. The geographical area discussed is limited to the boundaries of the Republic of Lebanon, and within the time frame of 1948 to present, meaning August 2010. Lebanon is a country on the eastern shore of the

¹ English.aljazeera.net/news/middleeast/ 2010/08/2010817161916277557

Mediterranean Sea. It borders Syria in the north and east and Israel in the south. It has a rich cultural and ethnically diverse history due to its position on the junction of the Arabian backcountry and the Mediterranean basin.² Since 1948 about a 100.000 people that fled Palestine have sought refuge in Lebanon, which number has grown to over 400.000 at present.³

1.3 Question

What options are there for refugees to stay or settle in Lebanon, and having seen these options, should they hold on to their right of return to Palestine?

1.4 Purpose

The scientific value of this paper lies in the ability to make a (policy) contribution to a possible breakthrough in the impasse of the situation of Palestinian refugees in Lebanon, considering the seeming inability to return to the Palestinian territories.

1.5 Research construction

This thesis is a typical literature study. I have conducted an inventory research of sources to map the developments made over the last few decades, and tried to put them in their order of relevance and importance. I have made a divide in three separate areas. First, I analyzed relevant terminology in chapter 2. What is the definition of a refugee in general, are there any specifications for the Palestinian refugees, what solutions are there, what is necessary for repatriation to occur. Chapter 3 will be about mapping the history of the Palestinians in Lebanon. Since the size of this thesis does not allow for enormous elaborations it will only be a brief history but it is meant to provide some insight into the Palestinian's situation. What kind of international and national organizations provide protection, and what is the Palestinians' view on the right of return. In chapter 4 I explain the current situation of the refugees in Lebanon, what developments have occurred and which proposals have been made to improve their situation. Were they successful? What was their impact? Finally I describe what is Israel's answer to all this. In chapter 5, a short summary of all findings is presented in which the options and possible solutions to the plight of the Palestinian refugees in Lebanon will be described.

² McGowen, A. S., (1989) "Historical Setting". In Collelo, Thomas. *Lebanon: A Country Study*. Area Handbook Series (3rd ed.). Washington, D.C

³ See www.un.org/unrwa/refugees/lebanon.html.

Chapter 2 Refugees and the Three Durable Solutions

2.1 Introduction

After this introductory paragraph, the rest of this chapter will be devoted to the unpacking of some terminology, according to what is written in international law and treaties. The concept of refugees will be explored in paragraph 2.2, after which the ‘three durable solutions’ will be described in paragraph 2.3. In paragraph 2.4 a short summary of the former paragraphs will be presented.

2.2 Refugees

What defines the people that we are commonly referring to as refugees is that they were forced to flee their homes due to persecution for a variety of reasons, most of the time as part of a mass exodus due to ethnic, political, religious or military problems. The definition has had multiple forms over time and in different situations, but after the Second World War the international community showed an increased concern for the plight of refugees, which eventually lead to a general consensus.⁴ According to the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention), a refugee is defined as a person who:

"as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."⁵

The term refugee continues to be misunderstood despite its general definition in the Refugee Convention. For instance, people who leave their country of origin for economic reasons as well as ‘internally displaced persons’, people who haven’t actually fled their country of origin and are therefore not refugees according to the

⁴ Human Rights Education Associates, *Refugees and Displaced Persons*, Available at www.unhcr.org/pages/49c3646c125.html

⁵ UN High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, January 1992, available at: <http://www.unhcr.org/refworld/docid/3ae6b3314.html>

Refugee Conference, are often confused with refugees according to the Refugee Convention by the media.

So there are five grounds for persecution listed in article 1A of the Refugee Convention based on which a person will be considered to be a refugee; Race, religion, nationality, membership of a particular social group or political opinion. Race and religion have broad meanings, where nationality is about a persons' citizenship. The most vague ground for persecution in the article is the 'particular social group', and it refers to people who share the same or a similar background, for instance members of capitalist families, homosexuals, former members of the military et cetera.⁶ It often overlaps with one of the other grounds for persecution. Persecution for a political opinion is based on ideas not tolerated by authorities, and these may include opinions attributed to individuals who do not in fact hold those opinions.⁷

Clear definitions are needed when countries and organizations want to determine who is and who is not in fact a refugee. Generally, all asylum seekers need to prove that they are in fact fleeing their country of origin for one of the grounds mentioned in Article 1A of the Refugee Convention. A legal procedure is conducted in which the host country decides on the qualifications for refugee status.

In some cases however, individual screening will prove virtually impossible for host countries because the asylum seekers arrive in large numbers. A group determination of refugee status may be declared in such circumstances. Each asylum seeker is considered a refugee until there's evidence to prove the contrary.⁸

The Badil Resource Center in Bethlehem makes a further distinction to describe 'Palestinian refugees': "Common language used to describe all those Palestinians who were externally displaced in the context of the ongoing conflict between Israel and Palestine, as well as their descendants. The term Palestinian refugees refers to three different groups:

- 1948 refugees under the UNGA resolution 194 (III) (UNRWA uses the term 'Palestine Refugee' in its administration to refer to any person who was living

⁶ Human Rights Education Associates, *Refugees and Displaced Persons*, Available at www.hrea.org/index.php?base_id=153

⁷ Idem

⁸ Zieck, M., *The UNHCR and Voluntary Repatriation of Refugees. A Legal Analysis*, Amsterdam 1997, p. 30.

in Palestine during the period between 1 June 1946 and 15 May 1948 and who lost home and livelihood as a result of the conflict. So this term includes both registered and unregistered refugees.)

- 1967 refugees under UNSC Resolution 237 ('Displaced persons' in UN terminology and used by UNRWA in reference to UNGA Resolution 2252)
- Other Palestinians originating from the West Bank and Gaza Strip who have been forced to leave these areas because of a well founded fear of being persecuted for reasons of religion, race, nationality etc and who are unable or unwilling to return to such areas.”⁹

In this definition, everyone who has been living in Israel or Palestine between June 1946 and May 1948 and is now living elsewhere because of the events that occurred then is now considered a Palestinian refugee. As for the offspring of these refugees, UNRWA states that “the descendants of the original Palestine refugees are also eligible for registration (as a refugee).”¹⁰

2.3 The ‘Three Durable Solutions’

Generally, three “durable solutions” are promoted by refugee protection and assistance organizations for the fate of refugees¹¹:

Voluntary repatriation: This happens when refugees’ lives are considered to no longer to be threatened in case of return to their country of origin;

Local integration: refugees are allowed to integrate into their country of first asylum;

Resettlement in a third country: repatriation is considered to be unsafe, but the first country of asylum refuses local integration.

Most of the refugees in the world today are waiting for a durable solution for their plight. Integration or regularization does not seem to be an option although these refugees have been granted provisional or temporary asylum in neighboring countries. As will be described later on, their rights to move and work are often restricted and opportunities for education are close to nonexistent in most cases. Attacks on these refugees either by local forces or by cross-border incursions can be conducted from

⁹ Survey of Palestinian Refugees and Internally Displaced Persons 2004-2005, Badil Resource Center, 2006 p. xvi.

¹⁰ www.unrwa.org/refugees

¹¹ UN Development Group, *UNDG Guidance Note on Durable Solutions for Displaced Persons (refugees, internally displaced persons, and returnees)*, October 2004, p4.

the country of origin.¹²

2.3.1 Repatriation

Repatriation is in general the first and most preferred of the three durable solutions afforded to refugees. “Voluntary repatriation in safety and dignity based on the fundamental right to return to one’s home and country” is considered to be the most logical and appropriate solution to refugee problems around the world.¹³ It is the right of return, which means refugees have a right to return to their country of origin. It is a fundamental human right enshrined in human rights and humanitarian law, and is independent from the acquisition of citizenship or any other legal status.¹⁴ Refugees may decide to return to their homes spontaneously or as part of a repatriation program at any time, even if they are locally integrated or resettled in a third country. As formulated by the UNHCR:

“(1) Refugees are free and have the right to return to their country of origin at any time; (2) the decision by a refugee to return should be voluntary; (3) refugees must be provided with objective and up-to-date information about the situation in their country of origin in order to make an informed decision about repatriation; and (4) the level of assistance and protection provided in the country of refuge should not be the determining factor for refugees to decide whether to return or not.”¹⁵

UNHCR and Voluntary Repatriation:

When the 2nd World War was over, there were millions of displaced persons in Europe.¹⁶ These large groups of people were from many different backgrounds and nationalities. Their reasons for displacement were also very diverse and among the contemporary definitions applicable to these persons are the terms refugees, internally or externally displaced persons, stateless persons or prisoners of war. The international community assumed that practically all those displaced persons would

¹² Hrea.org/index.php?doc id=418

¹³ Survey of Palestinian Refugees and Internally Displaced Persons 2004-2005, Badil Resource Center, 2006 p. xiv.

¹⁴ The Universal Declaration of Human Rights, article 13 (2)

¹⁵ Survey of Palestinian Refugees and Internally Displaced Persons 2004-2005, Badil Resource Center, 2006 p. xvii.

¹⁶ There were over 11 million non-German and about 20 million German displaced persons, Holborn, L.W., *The International Refugee Organization. A specialized Agency of the United Nations. Its History and Work 1946-1952.* Oxford 1956 at 20, 15.

return to their countries of origin.¹⁷ The authority burdened with the responsibility of repatriating these refugees was at first the military Supreme Headquarters Allied Expeditionary Forces (SHAEF) until the United Nations Relief and Rehabilitation Administration (UNRRA) could take over.¹⁸ The before mentioned assumption that all displaced persons would return proved to be wrong and the international community decided to accommodate this refusal to return by laying down the principle that repatriation can only happen voluntarily. Several developments then led to the creation of the International Refugee Organization (IRO), to help define who was eligible for international assistance and who would not be. Eventually the United Nations High Commissioner for Refugees (UNHCR) was created in 1950 by the General Assembly, and is to date “mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide”.¹⁹

As mentioned above, voluntary repatriation has been the preferred solution to the ‘refugee problem’. What this means exactly in legal terms has never been made clear. This unclarity increases when the most important legal documents are scrutinised: The 1951 United Nations Convention Relating to the Status of Refugees (Convention) and the Statute of the UN High Commissioner for Refugees of 1950 (Statute). The statute mentions voluntary repatriation with regard to the duties of the High Commissioner but it does not further elucidate its meaning. The two treaties do not provide any more clarity either: they do not contain any rules or guidelines regarding voluntary repatriation.²⁰ The emphasis seems to be on the solely on the permanent residence outside the country of origin. This implicit emphasis on life in exile can be explained through the time frame in which the Statute and the Convention were created. The post-war resistance against forced repatriation has led to the decision not to force people to go back to their country of origin.

2.3.1.1 What instruments are there?

In order to be able to repatriate, a person must be outside his or her country of nationality for one of the five reasons for persecution mentioned in the Convention.

¹⁷ Marrus, M.R., *The Unwanted. European Refugees in the Twentieth Century*, Oxford 1985 p. 309, 319, 331.

¹⁸ Woodbridge, G., UNRRA, *The History of the United Nations Relief and Rehabilitation Administration*, New York, 1950 volume II p. 469.

¹⁹ See www.unhcr.org/pages/49c3646c2.html

²⁰ Zieck, M., *The UNHCR and Voluntary Repatriation of Refugees. A Legal Analysis*, Amsterdam 1997, p. 30.

Refugee law does not protect asylum seekers who are not found eligible for refugee status.²¹ These asylum seekers may be forcibly returned to their countries of origin as a result of their illegal status. What happens then can be described by the terms expulsion or deportation, as this forced return does not leave any room for refusal.

So forced repatriation of refugees is out of the question. This principle is known as the principle of ‘non-refoulement’ and its purposes are expressed in Article 33 of the 1951 Convention Relating to the Status of Refugees:

“1. No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”²²

In reality, there are ways to ‘induce’ repatriation, such as food rations or decreasing the international assistance. There are ‘Quick Impact Projects’, which are intended to “rapidly bring about conditions for durable solutions. These usually include emergency small-scale community based reintegration projects to anchor return and create absorption capacity, as well as in asylum situations”.²³ However, in the case of the Palestinian displaced persons these instruments are not needed because these people have never opposed repatriation, on the contrary.

2.3.2 Resettlement in a Third Country

Refugees can in some cases be selected and transferred to a third country that has agreed to admit them with permanent residence status. They will still be refugees but their permanent residence status should allow them access to civil, political, economic, social and cultural rights similar to the rights national citizens of the country have. Part of this durable solution is the possibility is naturalization into the host country.²⁴

2.3.3 Host Country Integration

Host country integration is based on the assumption that refugees can find a solution

²¹ Zieck, M., *The UNHCR and Voluntary Repatriation of Refugees. A Legal Analysis*, Amsterdam 1997, p. 104.

²² 1951 Convention Relating to the Status of Refugees, article 33.

²³ UN High Commissioner for Refugees, *Quick Impact Projects (QIPs). A Provisional Guide*, May 2004, p.1.

²⁴ UN High Commissioner for Refugees, *Resettlement Handbook (country chapters last updated September 2009)*, 1 November 2004, available at: <http://www.unhcr.org/refworld/docid/3ae6b35e0.html>

for their precarious situations in their country of asylum and will therefore remain in that country permanently.²⁵

According to UNHCR “local integration in the refugee context is the end product of a multi-faceted and on-going process, of which self-reliance is but one part. Integration requires preparedness on the part of the refugees to adapt to the host society, without having to forego their own cultural identity. From the host society, it requires communities that are welcoming and responsive to refugees, and public institutions that are able to meet the needs of a diverse population.”²⁶

Whether or not this is an option for Palestinian refugees in Lebanon remains to be seen with regard to the requirement of ‘communities that are welcoming and responsive to refugees’.

2.4 Summary

The term ‘refugee’ continues to be misused by the media sometimes, despite its clear definition in the Convention. A narrower definition has been made to define Palestinian refugees specifically, where UNRWA adds the descendants of those Palestinian refugees to the qualification.

For any refugee problem world wide, three ‘durable solutions’ are generally offered; Repatriation, resettlement in a third country and host country integration. Repatriation especially demands certain qualities from both or all parties involved. Refugees have to be recognized as refugees, which instantly makes it impossible to force them to return to their country of origin, because of the principle of non-refoulement. Inducement instruments are not really relevant here, since the Palestinians would take any opportunity to repatriate with both hands.

²⁵ UNHCR, *Local Integration*, Global Consultations on International Protection, EC/GC/02/6, 25 April 2002, paras. 14-17.

²⁶ UNHCR, *Rights of Refugees in the Context of Integration: Legal Standards and Recommendations*, POLAS/2006/02, June 2006, p. 8.

Chapter 3 Mapping the history of refugees in Lebanon

3.1 Introduction

In this chapter, an overview will be presented of the current situation for Palestinian refugees in Lebanon. After this introduction paragraph 3.2 gives a summarized insight in the socio-geographical situation in Lebanon with regard to refugees residing in the country. Paragraph 3.3 will proceed to explain the rights and legal status of Palestinian refugees in Lebanon. Paragraph 3.4 gives an insight into the international protection organizations, where paragraph 3.5 elaborates on the national refugee governance apparatus. Paragraph 3.6 proceeds to give a short explanation of the political actors involved. In paragraph 3.7 the Palestinian sentiment with regard to their right to return is described, and the final paragraph will present a short summary of the notions mentioned above.

3.2 Palestinian Refugees in Lebanon

After the 1948 Arab-Israeli war, between 100.000 and 140.000 Palestinians sought refuge in Lebanon.²⁷ The United Nations Reliefs and Works Agency (UNRWA) was created by the UN in 1949 as Palestinian exile continued. UNRWA was to take responsibility for the improvement of the refugees' living conditions and basic needs. The number of Palestinian refugees is currently a topic of debate, as there different figures circling around. The UNRWA claims there are currently around 400.000 refugees, half of which reside in one of the twelve UNRWA-managed camps.²⁸ Many others believe this number is too high, and they claim it fails to take into account the impact of the civil war and its following stream of Palestinian departures. They estimate that there must currently be between 200.000 and 250.000 refugees²⁹ that live in refugee camps are scattered throughout the country.

The Palestinian refugees' arrival and first presence in Lebanon had been relatively peaceful. After the 1967 war however, Palestinians around the Arab world radicalized, especially in Lebanon. Their presence swiftly became militarized as

²⁷ Suleiman, J., *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, The Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Brighton 2006, p. 4.

²⁸ See www.un.org/unrwa/refugees/lebanon.html.

²⁹ Knudsen, A., *The Law, the Loss and the Lives of Palestinian Refugees in Lebanon*, Chr. Michelsen Institute Working Paper, 2007, at www.cmi.no/publications.

Yasser Arafat's PLO began advocating armed conflict with Israel.³⁰ The Palestinian fighters known as Fedayeen provoked clashes with the Lebanese army by launching rocks into Israel from the south of Lebanon. The Lebanese government and army responded by tightening control over the camps, decreasing the Palestinians' freedom of movement and association et cetera.

3.3 Rights and Legal Status

Since their arrival in Lebanon in 1948, their legal status has never really been addressed. In 1962 the Lebanese government qualified all refugees as foreigners.³¹

According to Decree no. 927 of 1959, the Department of Palestinian Refugee Affairs (DPRA) carries responsibility for the registration of the refugees living in the camps. This includes the births, marriages, deaths and changes of residence.³² In reality however no promises were ever made in terms of the provision of any social services by either the DPRA or any governmental organization. This seems to have been left entirely up to UNRWA.

The Palestinian refugees on Lebanese territory are considered to be under the care of UNRWA and other humanitarian organizations although the Lebanese state has ratified several international and regional treaties and declarations concerning persons staying within the boundaries of their territory.³³ The Lebanese state successfully distanced itself from most of these legal commitments however. Lebanese laws do not mention any definition or description of what constitutes a refugee or a Palestinian refugee for that matter, and because of this Palestinians have been treated as refugees and as foreigners or persons who do not the nationality of a recognized state.³⁴

3.3.1 Right to Employment, Social Security

The Lebanese legal system and ministerial decrees have resulted in a series of barriers

³⁰ See Brynen, R., *Sanctuary and Survival, the PLO in Lebanon*, Boulder, 1990

³¹ International Federation for Human Rights Report 2003:10

³² Khalidi, M. A. 'Palestinian refugees in Lebanon 2001' Report of the Institute for Palestine Studies Beirut, 2001, p.16.

³³ 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

³⁴Yassine, D., and el-Natour, S., *The Legal Status of Palestinian Refugees in Lebanon and the Demands of Adjustment*, Human Development Center and the International Development Research Centre, 2007.

for Palestinian refugees in terms of right to employment and to join Lebanese trade unions. For instance, the legal regulations governing foreign workers are applied to the Palestinian refugees, including the requirement to obtain a work permit.³⁵ Evidently, this immediately causes a problem for Palestinian refugees who need to obtain a work permit, since there is no state of Palestine with official diplomatic relations with the state of Lebanon. These regulations do exist and are executed in Lebanon despite the fact that article 7 from the Convention exempts refugees from the principle of reciprocity and allows them to work in their country of asylum for three years after establishing a residence in that country.

If Palestinians could easily obtain a work permit, they would still be barred from several professions by severe job market restrictions.³⁶ The reasons officials give for this particular situation are economic and typically point to the need to protect Lebanese employment, to justify what is happening in this respect.³⁷ These are very questionable arguments. According to Kamal Hamdan, an economist:

“In the absence of a reliable census, we can estimate the number of working-age Palestinians at roughly 50,000. This represents close to 5 per cent of the country’s active population. Giving the refugees’ free access to the labor market, therefore, would have negligible economic impact, all the more so since almost 30 per cent of them work in institutions run by UNRWA, the PLO and other Palestinian organizations.”³⁸

What is strange in this respect, is that non-Palestinian foreigners have less trouble obtaining a working permit and face fewer restrictions. This suggests that there is a political reason behind the discriminatory policies instead of one aimed at protecting employment for the Lebanese nationality holders. It seems to be aimed at perpetuating the refugees’ vulnerable position. According to UNRWA, the unemployment rate among camp residents is over 60 per cent.³⁹

Since the right to social security in Lebanon is also dependent on the reciprocity of treatment, it is practically impossible for Palestinian refugees to obtain. According to

³⁵ Article 59 of the Lebanese Labour Law.

³⁶ See Suleiman, J., “Legal Issues Governing Palestinians’ Right to Work and Social Security”, Lebanese-Palestinian Dialogue Committee Briefing Note, 3 April 2008.

³⁷ See Crisis Group Report, *Lebanon: Managing the Gathering Storm*, op. cit., p. 5.

³⁸ Crisis Group interview, Kamal Hamdan, Beirut, 7 August 2008.

³⁹ Cook, R., *Palestinian Camps and Refugees in Lebanon: Priorities, Challenges and Opportunities Ahead*, lecture at American University of Beirut, 21 May 2008.

Article 9 (4) of the Lebanese social security law: ‘Foreign labourers working on Lebanese soil are not subject to the provisions of this law, and therefore are not entitled to the benefit of any and all sections of social security, except if the country of their origin afford its Lebanese residents the same treatment as its own citizens with regard to Social Security’.⁴⁰

3.3.2 Right to Education and Health Care

In the field of education there are similar obstacles for Palestinian students who would want to enroll in public educational facilities, since Lebanese citizenship is required by the Lebanese law.⁴¹ Palestinian refugees are allowed to obtain educational degrees from private schools and universities, but for many, bringing their expertise into practice is not an option as they are excluded from practicing over twenty professions. These fields of work include law, medicine, pharmacy and engineering.

In Lebanon, medical treatment is expensive and even for registered refugees it is only partly covered by UNRWA. For others, it is not covered at all.⁴² Non-ID refugees can access UNRWA health clinics if they hold an expired passport although officially they are not entitled to healthcare. If they are registered in another UNRWA field of operation they can access certain health services if they have approval of that field. The healthcare provided by UNRWA is very basic. Apart from the fact that there are shortages in health workers, health facilities and equipment in the refugee camps, there is hardly any subsidy for secondary healthcare at all.⁴³

3.3.3 Property Ownership and Transfer

Persons ‘who do not carry a citizenship issued by a recognized state’ are prevented from owning property in Lebanon by Presidential Decree 11614 of January 1969, modified in April 2001 by Law No. 296. Article 1 of the amended decree states: “no non-Lebanese person, either natural or juridical, and also no Lebanese juridical person

⁴⁰ Said, W., *The Obligations of Host Countries to Refugees Under International Law: The Case of Lebanon*, in Nasser Aruri (editor), *Palestinian Refugees: The Right of Return*, London, 2001 p. 134.

⁴¹ Articles 3 and 102 of Decision No. 820, September 5, 1968

⁴² See Amnesty International, *Lebanon - Exiled and suffering: Palestinian refugees in Lebanon*, 17 October 2007, MDE 18/010/2007

⁴³ Idem

reputed by the present law to be alien, is entitled to acquire through a contract or any other legal deed concluded between living persons, any real property rights in Lebanese territory or any other real right from among the rights referred to in the present law, except after obtaining a permit granted by a decree issued by the Council of Ministers on the proposal of the Finance Minister. There shall be no exception to this rule except in cases explicitly stated in this present law or in a special text. No real right of any kind may be acquired by any person who does not carry a citizenship issued by a recognized state, or by any person if such acquisition contradicts with the provisions of the constitution relating to the prohibition of settlement”. This decree goes on to state that it is possible for non-Lebanese persons to acquire property in Lebanon, but only under certain conditions. According Amnesty International “the issued property law (Decree 296) in May 2001, prohibits Palestinian from the ownership of property and deprives them of the right to transfer their already purchased apartments and deeds to their children. The Lebanese government considers the law in harmony with its opposing stance to the resettlement of Palestinian refugees in Lebanon”⁴⁴

3.4 International Protection

The mandate to provide protection for all Palestinian refugees is scattered over several international protection agencies. A special protection regime was created for the Palestinian refugees, which distinguishes them from the general UNHCR mandate.⁴⁵ This special regime consists of three organizations:

The United Nations Conciliation Commission for Palestine (UNCCP), the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) and United Nations High Commissioner for Refugees (UNHCR).

The UNCCP was created by UNGA Resolution 194 (III) of 11 December 1948. Its aim was to protect Palestinian refugees after the 1948 war. Due to unwillingness of the parties involved to implement the UNGA resolution 194 however, the UNCCP failed to carry out this mandate.⁴⁶ It restricted its operations to property identification

⁴⁴ Third periodic reports of States parties due in 2003 (Convention on the Rights of the Child): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005, para. 470.

⁴⁵ Suleiman, J., *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, The Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Brighton 2006, p. 9.

⁴⁶ Suleiman, J., *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, The Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Brighton 2006, p. 9.

and documentation by the early fifties.⁴⁷

Palestinian refugees are not entitled to legal protection by the UNRWA, because the latter does not have an explicit mandate to provide them with it. There is a right to education, health and social services for refugees falling within UNRWA's definition of 'a Palestine refugee.'⁴⁸ These rights, however, are not corresponding with general standards concerning refugees' protection worldwide.

The UNCCP did not succeed in its goals and the protection provided by UNRWA and UNHCR is only limited. Between the three organizations, eventually, the Palestinian refugees are left with some considerable protection gaps with respect to day-to-day rights and the search for durable solutions.

3.5 National Governance

Since there are no regional refugee conventions that have binding force in the Arab countries, the Palestinian presence in Lebanon is governed by a number of presidential or ministerial decrees or ordinances. A specific administrative apparatus was set up for governing the Palestinian presence.

The Central Committee for Refugee Affairs (CCRA) was the first Lebanese institution with a mandate to regulate the status of Palestinian Refugees. When the CCRA was created, the general impression was that the situation would be temporary.

The Department of Affairs of Palestinian Refugees (DAPR): This organization was created by a presidential decree (No 42 of 31/3/1959) and it had a great variety of administrative tasks concerning the legal and institutional framework for refugees.⁴⁹

The Lebanese government passed a decree in 2000, thereby renaming 'The Department of Affairs of Palestinian Refugees' as 'Department of Political Affairs and Refugees' (DAPR).⁵⁰ This meant there was no longer a department concerned with the status of Palestinian refugees, because they are now considered to have the same status as other refugees.

⁴⁷ Sondergaard, E., *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, Badil Resource Center, Bethlehem, 2005 p.43-45.

⁴⁸ (Palestine refugee] shall mean any person whose normal place of residence was Palestine during the period 1 June to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict'

⁴⁹ See Suleiman, J., *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, The Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Brighton 2006, p. 12.

⁵⁰ Ibidem

3.6 Political actors

According to the Lebanese government, the Palestinian population can only officially be represented by the Palestinian Liberation Organization (PLO).⁵¹ The PLO consists of Fatah, the Popular Front for the Liberations of Palestine and the Democratic Front for the Liberation of Palestine. However, the Lebanese authorities could no longer ignore the intra-Palestinian conflict and factional division.⁵² Another important actor on the Palestinian stage is the Alliance of Palestinian Forces (Tahaluf). The Tahaluf includes among others Hamas and the Islamic Jihad.⁵³ As an LPDC consultant explained it: “When they were asked by the prime minister to submit their demands, the PLO and Tahaluf factions put forward competing proposals. They were also asked to form a joint technical committee to engage with the LPDC, but that never happened. It’s a Lebanese-Palestinian Monologue Committee”.⁵⁴ Finally another group of unrecognized representatives of the Palestinian people is concentrated in the Jihadi-leaning Islamist forces. This group is observed with particular suspicion because they take advantage of the young Palestinians’ identity crisis and bad socio-economic situation.⁵⁵ They present themselves as the alternative for the PLO, which, according to many Islamists, capitulated to Israel and the west by giving up the Palestinian right of return.⁵⁶

On the Lebanese side, there is Hezbollah, a Shiite militant movement that was founded in 1982 in reaction to the Israeli invasion and with Iranian support.⁵⁷ It is strongly anti-Western and anti-Israeli. Hezbollah’s main goals are to liberate Jerusalem, and eliminating the Jewish state. It has formally declared it wants to establish Islamic rule in Lebanon. Despite these radical aims however, Hezbollah has been an active participant in Lebanon’s political system since 1992.⁵⁸

3.7 The Right of Return

The right of return is embodied in several layers of international law. It is in

⁵¹ International Crisis Group (ICG), *Nurturing Instability: Lebanon's Palestinian Refugee Camps*, 19 February 2009, Middle East Report N°84 p.11.

⁵² Ibidem

⁵³ Idem, p.33.

⁵⁴ Ibidem

⁵⁵ Idem, p.24.

⁵⁶ It was stated by Fatah al-Islam that they were fighting the PLO’s “corruption”, in one of their first communiqués on 27 November 2006, at www.tajdeed.org.

⁵⁷ Globalsecurity.org/military/world/para/hizballah.htm

⁵⁸ Idem

humanitarian law, human rights law and refugee law.⁵⁹ It has also been affirmed in numerous UN resolutions.⁶⁰ But what is the view of the Palestinian refugees in the Lebanese camps on the right of return?

During a debate on the question of what it is that Palestinian refugees in Lebanon want, the Palestinian Human Rights Organization in cooperation with the Palestinian Association for Human Rights and the General Union for Palestinian Jurists reached an agreement on this and decided that “The Palestinian refugees' right to return to their land, home and properties is a sacred right, which originates from the refugees' historical rights in their country. It is inalienable, supported by legal principles, and the international community have granted it complete legitimacy and endorsed it via Resolution 194, which was promulgated by the UN General Assembly. It is an individual and collective right and cannot be relinquished in return for the establishment of a Palestinian State. Therefore, participants agreed on ensuring the following:

- Palestinian Refugees, wherever they are, are an integral part of the Palestinian people, they share the suffering and the unity of objectives and aspirations, and hence they are equal in rights, including the right to self-determination.
- The Palestinian people are not bound to accept any political decision that contradicts their rights, on top of which is the right to return since it is an inalienable right.
- The Palestinian's right to return to his/her land, home and properties that s/he was displaced from is associated with his/her right to be compensated for the damages s/he incurred.
- If a Palestinian refugee acquires the citizenship of any country, his/her rights to return and to indemnities cannot be annulled.”⁶¹

Since the mid 1970's, the right of return has always been an almost sacred principle for the Palestinian refugees in Lebanon and elsewhere.⁶² The individual right to return made way for a claim to the collective right of return. The reality was that the PLO

⁵⁹ see e.g., Boling, G.J., *The 1948 Palestinian Refugees and the individual Right of Return*. Bethelhem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2001

⁶⁰ Survey of Palestinian Refugees and Internally Displaced Persons 2004-2005, Badil Resource Center, 2006 p. 193.

⁶¹ See Palestinian Debate Meeting “*What do Palestinian Refugees in Lebanon Want?*”, Palestinian Human Rights Organization, Beirut September 30-October 3, 2005

⁶² Dumper M., *Palestinian refugee repatriation: global perspectives*, Oxfordshire 2006, p.90.

made this collective right of return their primal focus as a principle to stand by, instead of focusing on the practical matter of the possibilities for actually bringing Palestinian individuals back to their former homes.⁶³ According to them, the general and international recognition establishes the obligation of full execution of the right of return regardless of any obstacles.⁶⁴

3.8 Summary

Shortly after the arrival of the Palestinian refugees in Lebanon, UNRWA was created to aid their situation. Although their arrival was relatively peaceful, the balance shifted after the 1967 war broke out and which sparked radicalism among Palestinians all over the Arab world. Their legal status has never really been addressed except for their qualification as foreigners, which makes it very hard for them to obtain work permits. Education is available for Palestinians, but can hardly ever be brought to practice because of all the restrictions the Lebanese government imposes on them. Health care is very expensive even for refugees that are registered at the UNRWA and owning property has been made impossible for refugees by decree 296 in 1967. The responsibility for the protection of the refugees is scattered over several international agencies such as UNHCR, UNRWA and UNCCP, but between these three the refugees are left with considerable gaps in their protection with regard to their rights and the search for a durable solution. As for regional protection, there is basically only the Department of Political Affairs and Refugees, which as of 2000 no longer distinguishes between Palestinian refugees or others. The demands the Palestinians have where it comes to their right of return have been focused more on the collective principle than on individuals' right and possibilities of return. Eventually, their fight for a collective right of return did not result in any actual returning of individuals or individual families to their former homes.

⁶³ Klein, M., *Between Right and Realization: The PLO Dialectics of 'The Right of Return'* in Journal of Refugee Studies Vol. 11. No. 1 1998, p.1-19.

⁶⁴ Dumper M., *Palestinian refugee repatriation: global perspectives*, Oxfordshire 2006, p.90.

Chapter 4 Explanation of the current situation

4.1 Introduction

In this chapter, the current situation of the situation of refugees in Lebanon will be discussed. After this introductory paragraph, 4.2 will shed a light on some developments that have been made over the last decades and attempts to show their impact. Paragraph 4.3 will be about the concept of tawtin, or the fear of naturalization, after which paragraph 4.4 gives some insight into the Israeli policies where it comes to repatriation. Paragraph 4.5 provides a summary of the previous paragraphs.

4.2 Processes and factors

At present, the Palestinian refugee question is intricately related to Lebanon's sectarian divisions. The prospect of return of refugees to their homeland Israel is diminishing, and, as most of the Palestinians are Sunni Muslims, fear for their permanent settlement or naturalization has revived because this would affect the confessional balance. Several successive governments in Lebanon have been known to take measures to prevent the possibilities of naturalization or permanent settlement by keeping the refugees living in precarious conditions. As mentioned before they are denied basic public services, Palestinians face severe employment restrictions and they do not have property rights.

Both Israeli and Palestinian negotiators know that the presence of the Palestinian refugees in Lebanon constitutes one of the most inconvenient problems. The Lebanese are afraid of their naturalization and assimilation in their country and Israel will not allow them to return.

Over the years, several events have occurred to color the current situation. In the years 2004 and 2005 three major efforts have been made to influence the refugee situation in Lebanon.

4.2.1 UNSCR Resolution 1559

In 2004, the UN Security Council issued resolution 1559, calling for Syria's withdrawal from Lebanon but also for the disarmament of all militias. The goals its

sponsors were pursuing were to strengthen Lebanon's sovereignty and end Syria's interference, and to prevent any further attacks on Israel. One of the sponsors was the US, and for them one particular goal was to weaken the Hamas/ Hizbollah axis.⁶⁵ Some actors were willing to cooperate with the disarmament part of the resolution for political reasons, but unsurprisingly the more militant Palestinian factions opposed resolution 1559 because they see cooperating with it as an act of surrender.

4.2.2 The Lebanese-Palestinian Dialogue Committee

The Lebanese cabinet decided to create an interministerial consultative body to generate a change in the relations between Lebanon and its Palestinian population. This body was called the Lebanese-Palestinian Dialogue Committee (LPDC). The LPDC is supposed to improve refugee's living conditions, take steps against illegal military bases outside camps, to begin negotiations on the matter of weapons in the camps and examining the possibilities for diplomatic relations between Lebanon and the Palestinian Authority. Another goal of the LPDC is to start an inter-Lebanese dialogue on any refugee-related topic.⁶⁶ The head of the committee is positive that "the Lebanese state has proved incapable of meeting Palestinian needs, so our committee will aim in part at filling this vacuum, by assisting UNRWA and helping it gather necessary funds".⁶⁷ The LPDC is composed of a group of diplomats coming from a variety ministries, like justice, foreign affairs, national defence, labor, social affairs et cetera.⁶⁸

Despite these notable intentions however, no real progress has been made. The LPDC's efforts were disadvantaged by two things; the Palestinian internal divisions on the one hand, and Lebanon's political instability on the other. A short time after the committee was started, the 2006 war broke out. This precipitated a parliamentary stalemate in Lebanon.⁶⁹ The Palestinian question was pushed aside by several events. The planned inter-Lebanese dialogue on the refugees' legal, political and socio-economic status was very hard to organize because the Lebanese parliament was virtually absent. In 2007, a conflict arose in the Nahr al-Bared camp, which was

⁶⁵ see Crisis Group Middle East Report N°39, *Syria after Lebanon, Lebanon after Syria*, 12 April 2005; and Crisis Group Middle East Report N°48, *Lebanon: Managing the Gathering Storm*, 5 December 2005.

⁶⁶ "Partners in Responsibility", op. cit.; Crisis Group interview, Nadim Shehadi, Lebanese-Palestinian Dialogue Committee consultant, Beirut, 6 November 2008

⁶⁷ International Crisis Group (ICG), *Nurturing Instability: Lebanon's Palestinian Refugee Camps*, 19 February 2009, Middle East Report N°84. P.

⁶⁸ Ibidem

⁶⁹ See Crisis Group Middle East Briefing N°20, *Lebanon at a Tripwire*, 21 December 2006.

another setback for the LPDC, because it forced the committee to deal with the crisis at that moment instead of its original goals and mandate.⁷⁰

4.2.3 The Nahr al-Bared crisis

In May 2007 the Lebanese army came into conflict with Fatah al-Islam, which at that time took refuge in the Nahr al-Bared camp.⁷¹ The camp was besieged by the Lebanese army following clashes between members of the Lebanese military and Fatah al-Islam over an alleged bank robbery the Fatah members were supposed to be involved in.⁷² This conflict had a very destructive influence on both the army and the camp residents, especially the ones that did not have anything to do with Fatah al-Islam.⁷³ Apart from the political and diplomatic difficulties this conflict brought, it also affected Palestinian-Lebanese relations on other levels. Many Lebanese blamed the Palestinian refugees for the emergence of jihadi movements in Lebanon, even though the Lebanese government repeatedly stated there could be clearly distinguished between the Palestinian refugees and those jihad movements.

The clashes between the Lebanese army and Fatah al-Islam were the reason for the first army interference in a Palestinian camp since the civil war in Lebanon. Intensive, sometimes brutal, military operations were conducted to impose order in the camps.⁷⁴ All in all, Nahr al-Bared functioned as something of a test case for the assumption of security responsibility in the camps by the Lebanese authorities in times of crisis. All in all it resulted in a mixed experience. The Lebanese tried to prove they had the Palestinians best interest in sight, but the fighting in the camp lasted for months and eventually 47 civilians got killed.⁷⁵

4.3 Fear of Tawtin (Naturalization)

Lebanon's refugee policy is largely based on a powerful and widespread opposition

⁷⁰ Crisis Group interviews, Khalil Mekkawi, Lebanese- Palestinian Dialogue Committee president, Beirut, 18 August 2008; Abbas Zaki, PLO representative in Lebanon, Beirut, 17 August 2008; and Hassan Hodroj, Hizbollah political bureau member in charge of the Palestinian file, southern suburb of Beirut, 8 August 2008.

⁷¹ See Rougier, B., *Fatah al-Islam : un réseau jihadiste au cœur des contradictions libanaises*, Qu'est ce que le Salafisme Paris, 2008.

⁷² United Kingdom: Home Office, *Country of Origin Information Key Documents: Lebanon*, 14 April 2008, p.8.

⁷³ See also "A Common Challenge, a Shared Responsibility", report presented by the Lebanese government at the Vienna donors conference, 23 June 2008.

⁷⁴ International Crisis Group (ICG), *Nurturing Instability: Lebanon's Palestinian Refugee Camps*, 19 February 2009, Middle East Report N°84, p. 12.

⁷⁵ Ibidem

against naturalization, or in Arabic, ‘tawtin’, of the Palestinian refugees. It is preserved in Lebanon’s constitution’s preamble and seems to be a top of mind topic for most Lebanese, as soon as the refugee question is debated. President Suleiman took the opportunity to stress “Lebanon’s categorical rejection of naturalization”.⁷⁶ A ministerial declaration repeats this position by emphasizing the “government’s determination to develop concepts and ideas aimed at strengthening Lebanon’s rejection of naturalization. The government holds all members of the international community responsible for the refugees’ inability to return to their country”.⁷⁷ Although national support for this opposition of naturalization is unanimous, there is no consensus on what exactly is the definition of ‘tawtin’.

The reasons for this fear of tawtin are not the same for everyone. For Christians it is a demographic issue. As the Palestinians constitute almost 10 per cent of Lebanon’s population,⁷⁸ Christians fear that their naturalization will tilt the demographic balance in favor of the (mostly Sunni) Muslims. For Hezbollah, the reasons for fear of tawtin are not so much demographic, anti-Palestinian or anti-Sunni for that matter. Hizbollah’s opposition against naturalization is a politically inspired effort to protect the right of return to Israel. One of Hezbollah’s leaders, Hassan Hodroj, who was in charge of the Palestinian faction said: “Any alternative to the refugees’ return infringes on their natural rights. Our position flows from our understanding of the nature of the struggle against Israel. The threat of tawtin is genuine; it’s not just a slogan. It is one of the ways in which Israel, backed by the U.S., is endangering the region. The problem is that some Arab, Palestinian and Lebanese actors have given up on the right of return, which is a fundamental Palestinian right. Our position has nothing to do with confessional calculations. We are not worried by the fact that the Palestinians are Sunnis. We are united with them in our fight against Israel”.⁷⁹ It is believed however that sectarian division is a motivator beneath the surface in case of Hizbollah as well, especially with the general increasing polarization between the Shiite and Sunni Muslims.

⁷⁶ Michel Suleiman’s inaugural speech, at www.psp.org.lb/Default.aspx?tabid=156&articleType=ArticleView&articleId=13152.

⁷⁷ The ministerial declaration can be found in *An-Nahar*, 6 August 2008.

⁷⁸ 114 www.un.org/unrwa/fields/lebanon.html.

⁷⁹ International Crisis Group (ICG), *Nurturing Instability: Lebanon's Palestinian Refugee Camps*, 19 February 2009, Middle East Report N°84, p.15.

As pointed out in chapter 3, the Palestinian refugees themselves oppose the idea of naturalization, but it is getting harder for them to keep firm beliefs in the possibility of returning to their homelands. They fear their cause will only be a casualty of the Palestinian-Israeli negotiations.⁸⁰

4.3.1 Marginalization as a consequence

As mentioned in chapter 3, Palestinian refugees have no legal status in Lebanon. This can be seen as a direct result of the fear of tawtin because keeping Palestinians in a vulnerable situation diminishes the chances of their naturalization. The living conditions in the camps are regulated by a very complicated and vertically layered legal network, by which the refugees' rights are severely restricted. The Lebanese state has stayed virtually absent from the camps. Since they have always assumed the refugees' presence was only temporary, little was done to meet the refugees' basic needs in the camps. The gap this left in the living standard of the refugees was big and despite efforts of UNRWA and other national and international humanitarian organizations, the refugees' living conditions were described as 'catastrophic' by the both the Lebanese government and UNRWA itself.⁸¹ For instance, schooling in the camps is one of UNRWA's responsibilities, but they deal with a lack of human, material and financial resources, next to overcrowded classrooms and decaying equipment. The results are high dropout rates and inadequate schooling, which eventually leads up to Palestinians working on menial jobs undermining their levels of intelligence.⁸²

4.4 What are Israel's answers?

Ever since their independence, Israel has assumed a position of fundamental principle in its denial of responsibility for the refugee problem created in 1948. Any claim to a Palestinian collective right to return has been denied to the territory of the Jewish

⁸⁰ Mohsen Saleh, *"The Political Views of the Palestinian Refugees in Lebanon"*, al-Zaytouna Centre for Studies and Consultation, May 2006

⁸¹ Lebanon has the highest percentage of Palestine refugees who are registered with UNRWA's 'special hardship' program". Their situation is compared to those of Palestine refugees in Syria, Jordan and the occupied territories, which are also under UNRWA's mandate. www.un.org/unrwa/refugees/lebanon.

⁸² Ole Fr. Ugland, *Difficult Past, Uncertain Future, Living Conditions of Palestinians Refugees in Camps and Gatherings in Lebanon*, Favo 2003 p.15.

state. Israel also denied individual Palestinians' right to return to their homes. It viewed the refugee problem as a humanitarian issue and advocated its resolution through resettlement and naturalization in the respective host countries they were in.⁸³ In the 1980's a shift in Israeli public opinion occurred: some 'doves' felt that a Palestinian state, when established, would be able to absorb the Palestinian refugees. The Palestinians could view this a limited right of return, to a sovereign Palestinian state instead of their original homes and communities. Their Israeli opponents on the other hand, so called 'hawks', rejected this idea based on the assumption that this would only encourage refugees to keep demanding their right to return to their original homelands. They should be resettled outside of Israel and the Palestinian territories, and when they do enter Israel for some reason, Israel should maintain tight control over the numbers of entrees.⁸⁴

In 2003, an attempt was made to bring to a conclusion the final status talks that had taken place in Taba in 2001. The result was the Geneva Model Accord, article 7 of which addresses the refugee issue.⁸⁵ This is based on UNSCR Resolution 242 and UNGAR resolution 194, and on article 2.ii of the Arab Peace Initiative. The latter confirms that Israel's consent is an essential part of the solution offered by resolution 194. It basically allows Israel to accept the resolution by providing assurances that no Palestinian refugee will be imposed on the state of Israel without its consent. This model accord does not contain anything remotely close to an apology for Israel's role in creating the refugee problem in 1948, nor an acknowledgement of its shared responsibility. The Geneva understandings consciously leave this to the two civil societies under their respective leaderships. The reason for this strategy is the presumption that a diplomatic accord cannot suddenly change deeply rooted memories and sentiments underlying a conflict. In the model accord, the Palestinians were not presented with a clear Israeli demand for them to renounce their right to return. The accord leaves this up to each individual refugee.⁸⁶ He or she can make a claim to their right of return, although the accord avoids the term 'right of return' and uses 'choosing permanent place of residence' instead. Each Palestinian wanting to

⁸³ Dumper M., *Palestinian refugee repatriation: global perspectives*, Oxfordshire, 2006. p. 90.

⁸⁴ Alpher, J., and Shikaki, K., *The Palestinian Refugee Problem and the Right of Return*, Weatherhead Center for International Affairs Harvard University, Harvard, 1998 p.13.

⁸⁵ Dumper M., *Palestinian refugee repatriation: global perspectives*, Oxfordshire, 2006. p. 97.

⁸⁶ See the Geneva Model-Accord Draft Permanent Status Agreement, article 7.4, at [www.globalsecurity.org/military/library/report/2003/geneva-accord-status-agreement2003-2 .htm](http://www.globalsecurity.org/military/library/report/2003/geneva-accord-status-agreement2003-2.htm)

return to Israel therefore is welcome to exercise that wish, but will have to go through the formal procedure of immigrating into Israel. Israel thus maintains formal control over who immigrates or return, since Palestinian residence in the state of Israel can be granted by Israel only.

4.5 Summary

Despite the fact that most political parties and other organizations involved all offered support for the improvement of the refugees' living conditions and to grant basic rights to them, not too many changes have been made. Palestinians are losing hope of ever returning to their homelands and feel they are being marginalized due to the Lebanese fear of their naturalization. All these factors together fuel anger and frustration and radicalism is lurking in the camps.

Israel has denied its responsibility for the refugee problem from the beginning. It views it as a humanitarian issue, and advocates its resolution by resettlement or integration in other Arab countries. As seen in the Geneva Model Accord of 2003, Israel has made sure it maintains formal control of anyone who might want to immigrate into Israel. Palestinians can exercise their right to return as an individual, but only by expressing their wish to move into the Jewish state and by undergoing the formal immigration procedure, which is also applied to non-refugees.

Chapter 5 Conclusion

5.1 Introduction

After looking at general terminology for refugees and their options, the case for Palestinian refugees in Lebanon in particular and their current situation, I have arrived at this final, conclusive chapter. By searching for terminology and definitions, the actors that have played a role of influence and their motivations, I have come to the conclusion that options for Palestinian refugees are very limited, and to find a durable solution will demand cooperation from all parties involved. After this introductory paragraph I will clarify the results of my investigations in paragraph 5.2. In paragraph 5.3 I will outline my overall conclusion and in paragraph 5.4 I will reflect on that.

5.2 Findings

Since the Refugee Convention in 1951, there is a clear set of qualities a person must have to be defined as a refugee. As for the Palestinians, UNRWA decided that not only ‘any person who was living in Palestine during the conflict between 1 June 1946 and 15 May 1948 and who lost their homes and livelihood because of that conflict’, is a Palestine refugee, but also their descendants. Of the three offered durable solutions, both the Palestinians and the Lebanese favor repatriation above host country integration or the third option, resettlement in a third country.

5.2.1 Palestinian frustrations and wishes

The Palestinians in the camps in Lebanon have been frustrated in leading their lives by a number of restrictions. For instance, their qualification as foreigners keeps them from being able to obtain work permits. Limitations to education, health care and property owning all present enormous obstacles for creating a normal existence in the camps. This of course is not helpful for their situation and feelings of marginalization, but on the other hand the Palestinians do not want to become naturalized. They feel integrating in Lebanon would be an act of surrender, and they do not want to renounce their right of return. During a debate meeting in 2005 the Palestinians decided that they have a right to self-determination, that political decisions undermining or contradicting their rights have no binding power over them and that they will always have a right to compensation and of course, the right of return. The PLO has made the individual right of return as layed down in international law, a

collective right of return to focus on. One can argue that the focus on the collective right of return as a principle has actually kept them from effectively helping individuals move back to their former homes.

5.2.2 The Current Situation in Lebanon

Currently the Palestinian refugee question is intricately related to sectarian divisions in Lebanon. The efforts that have been made were not all in all successful because of these divisions and political instability in Lebanon, and among other reasons, divisions among the Palestinians themselves. A vicious cycle is created because the Lebanese's fear of tawtin effectively keeps the Palestinians in their marginalized positions, and they on the other hand are showing signs of losing hope of ever returning. Israel does not assume any responsibility for the creation of the refugee problem and regards it as a humanitarian issue, to be solved by the neighboring Arab countries. As they have demonstrated during the creation of the Geneva Model Accord in 2003, Israel will make sure that it remains in control of who is to formally 'immigrate' into Israel and who is not.

5.3 Conclusion

Unfortunately my research has not led up to clear answer of whether or not the Palestinian refugees in Lebanon should hold on to their right to return. Based on what I have found I think it is save to say that repatriation is not a real option for a number of reasons. First, the fact that UNRWA qualifies the descendants of the people that fled Palestine between 1946 and 1948 as refugees means that their number has grown exponentially over the last 60 years. Second, Israel does not take responsibility for the creation of the refugee issue and will only allow individuals in who go through the formal process of immigrating.

Since the refugees have been living in Lebanon over the last six decades, the next best thing would be host country integration. For this to succeed, both Palestinians and Lebanese will have to compromise. In order to prevent the gap between the Palestinians in the camps and the Lebanese civilians from becoming any bigger, I think it is necessary to grant them some rights to make sure they are not being marginalized any further. The Lebanese government could concede to the precarious situation of the refugees by adopting a law that clearly defines their legal status, and

limits naturalization to the acquisition of citizenship. Furthermore, they can give them other fundamental rights including right to work and to own property. In turn, the Palestinians need to get centralized in their politics and establish a unified command that would be responsible and could function as a negotiation counterpart with the Lebanese on behalf of all factions. In my opinion, this could ease the sense of marginalization for the Palestinians and make way for a more stable dialogue between the two parties.

5.4 Reflection

In this thesis, I have tried to outline the situation and options for refugees where it comes to repatriation. I wondered why all over the world refugees seem to be motivated to move back to their countries of origin, through quick impact programs or inducement strategies, and in this region it seems to be the exact other way around. During my research I have come to learn that this was in fact a very complicated subject. There turned out to be so much history and so many events and actors that have all had an influence on the current situation that it feels like it is hard to know whether you have covered all relevant topics. However, I am hoping that this research is a small contribution to finding a way past the impasse the Palestinian refugees have found themselves in Lebanon over the last 60 years.

Bibliography

Alpher, J., and Shikaki, K., *The Palestinian Refugee Problem and the Right of Return*, Weatherhead Center for International Affairs Harvard University, Harvard, 1998.

Amnesty International, *Lebanon - Exiled and suffering: Palestinian refugees in Lebanon*, 17 October 2007, MDE 18/010/2007

Boling, G.J., *The 1948 Palestinian Refugees and the individual Right of Return*. Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2001.

Brynen, R., *Sanctuary and Survival, the PLO in Lebanon*, Boulder, 1990

Cook, R., *Palestinian Camps and Refugees in Lebanon: Priorities, Challenges and Opportunities Ahead*, lecture at American University of Beirut, 21 May 2008.

Convention and Protocol Relating to the Status of Refugees, available at <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>

Dumper M., *Palestinian refugee repatriation: global perspectives*, Oxfordshire 2006.

Holborn, L.W., *The International Refugee Organization. A specialized Agency of the United Nations. Its History and Work 1946-1952*. Oxford 1956

Human Rights Education Associates, *Refugees and Displaced Persons*, Available at www.unhcr.org/pages/49c3646c125.html

International Crisis Group (ICG), *Nurturing Instability: Lebanon's Palestinian Refugee Camps*, 19 February 2009, Middle East Report N°84

International Crisis Group (ICG), Crisis Group Middle East Report N°39, *Syria after Lebanon, Lebanon after Syria*, 12 April 2005; and Crisis Group Middle East Report N°48, *Lebanon: Managing the Gathering Storm*, 5 December 2005

International Crisis Group (ICG), Crisis Group interview, Nadim Shehadi, Lebanese-Palestinian Dialogue Committee consultant, Beirut, 6 November 2008, “Partners in Responsibility”

International Crisis Group (ICG), Crisis Group interview, Khalil Mekkawi, Lebanese-Palestinian Dialogue Committee president, Beirut, 18 August 2008

International Crisis Group (ICG), Crisis Group interview, Abbas Zaki, PLO representative in Lebanon, Beirut, 17 August 2008

International Crisis Group (ICG), Crisis Group interview, Hassan Hodroj, Hizbollah political bureau member in charge of the Palestinian file, southern suburb of Beirut, 8 August 2008

International Crisis Group (ICG), Crisis Group Middle East Briefing N°20, *Lebanon at a Tripwire*, 21 December 2006

International Helsinki Federation for Human Rights (IHF), *International Helsinki Federation Annual Report on Human Rights Violations (2003): Ireland*, 24 June 2003

- Khalidi, M. A. 'Palestinian refugees in Lebanon 2001' Report of the Institute for Palestine Studies Beirut, 2001
- Klein, M., *Between Right and Realization: The PLO Dialectics of 'The Right of Return'* in Journal of Refugee Studies Vol. 11. No. 1 1998
- Knudsen, A., *The Law, the Loss and the Lives of Palestinian Refugees in Lebanon*, Chr. Michelsen Institute Working Paper, 2007
- Lebanese Labour Law, available at www.lebaneselaws.org
- Marrus, M.R., *The Unwanted. European Refugees in the Twentieth Century*, Oxford 1985
- McGowen, A. S., (1989) "Historical Setting". In Collelo, Thomas. *Lebanon: A Country Study*. Area Handbook Series (3rd ed.). Washington, D.C
- Mohsen Saleh, "*The Political Views of the Palestinian Refugees in Lebanon*", al-Zaytouna Centre for Studies and Consultation, May 2006
- Palestinian Debate Meeting "*What do Palestinian Refugees in Lebanon Want?*", Palestinian Human Rights Organization, Beirut September 30-October 3, 2005
- Rougier, B., *Fatah al-Islam : un réseau jihadiste au cœur des contradictions libanaises*, Qu'est ce que le Salafisme Paris, 2008.
- Said, W., *The Obligations of Host Countries to Refugees Under International Law: The Case of Lebanon*, in Nasser Aruri (editor), *Palestinian Refugees: The Right of Return*, London, 2001
- Sondergaard, E., *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, Badil Resource Center, Bethlehem, 2005
- Suleiman, J., "Legal Issues Governing Palestinians' Right to Work and Social Security", Lebanese-Palestinian Dialogue Committee Briefing Note, 3 April 2008.
- Suleiman, J., *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, The Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Brighton 2006
- Survey of Palestinian Refugees and Internally Displaced Persons 2004-2005, Badil Resource Center, 2006
- Third periodic reports of States parties due in 2003 (Convention on the Rights of the Child): Lebanon. UN Doc. CRC/C/129/Add.7, 25 October 2005 available at unispal.un.org
- Ugland, O. Fr., *Difficult Past, Uncertain Future, Living Conditions of Palestinians Refugees in Camps and Gatherings in Lebanon*, Favo 2003
- UN High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol*

relating to the Status of Refugees, January 1992, available at:
<http://www.unhcr.org/refworld/docid/3ae6b3314.html>

UN Development Group, *UNDG Guidance Note on Durable Solutions for Displaced Persons (refugees, internally displaced persons, and returnees)*, October 2004

The Universal Declaration of Human Rights, article 13 (2)

UN High Commissioner for Refugees, *Quick Impact Projects (QIPs). A Provisional Guide*, May 2004

UN High Commissioner for Refugees, *Resettlement Handbook (country chapters last updated September 2009)*, 1 November 2004

UNHCR, *Local Integration*, Global Consultations on International Protection, EC/GC/02/6, 25 April 2002

UNHCR, *Rights of Refugees in the Context of Integration: Legal Standards and Recommendations*, POLAS/2006/02, June 2006

United Kingdom: Home Office, *Country of Origin Information Key Documents: Lebanon*, 14 April 2008

Woodbridge, G., UNRRA, *The History of the United Nations Relief and Rehabilitation Administration*, New York, 1950 volume II

Yassine, D., and el-Natour, S., *The Legal Status of Palestinian Refugees in Lebanon and the Demands of Adjustment*, Human Development Center and the International Development Research Centre, 2007

Zieck, M., *The UNHCR and Voluntary Repatriation of Refugees. A Legal Analysis*, Amsterdam, 1997

Websites

www.aljazeera.net

English.aljazeera.net/news/middleeast/ 2010/08/2010817161916277557

www.crisisgroup.org

www.globalsecurity.org

www.tajdeed.org

www.un.org/unrwa/refugees/lebanon.html.

www.unhcr.org

www.psp.org.lb/Default.aspx?tabid=156&articleType=ArticleView&articleId=13152

