Critical Study of Palestinian Refugees in Lebanon

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Since the creation of Israel in 1948, the Palestinian's have dispersed within Israel, surrounding countries, and other continents. Along with their refugee existence, there are major discrepancies in their legal protections. The Palestinians are ineligible to receive basic securities afforded other refugees and stateless persons under international law. On account of the conflicting policies of host nations with the rights enumerated in international conventions, the Palestinian people have been placed in spaces of exception. These spaces of exception reflect the nature of Palestinian existence under disparate existence and legal conditions normally granted to refugees and stateless persons. I argue in favor of restoring Palestinian rights through the adherence, enforcement, and inclusion in international law. Two articles in particular, Susan Akram's "Reinterpreting Palestinian Refugee Rights Under International Law", and Wadie Said's "The Obligations of Host Countries to Refugees Under International Law: The Case of Lebanon", contain the source material from which I will draw upon to analyze Palestinian protections, or lack thereof, under international law. First, I will compare and contrast the two authors' examination of the negative impacts the current legal system provides. Second, I will present an analysis of the authors' claims towards increasing Palestinian legal rights.

Between the two authors, there is a fundamental legal understanding which identifies the Palestinian legal structure. The most important piece is Article 1D of the United Nations Convention Relating to the Status of Refugees (UNHCR), which states: This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

Article 1D, Akram argues, was inserted to exclude the Palestinians from protections provided by the declaration (168). The only refugee population receiving assistance then was the Palestinians. Two agencies were mandated by the United Nations (UN) to assist the refugee population. The first was The United Nations Conciliation Commission on Palestine (UNCCP) established in 1948. The commission held the responsibility to protect and facilitate durable solutions for the Palestinian refugees. After only four years, the UNCCP disbanded because the mandate was impossible to fulfill, in part by lack of political motivation. The second is the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which still exists today. The agency provides healthcare, infrastructure development, emergency aid, and education to the Palestinian people throughout the world. Under Article 1D, the Palestinians receive no protections because the Convention, ”shall not apply to persons who are at present receiving from organs or agencies of the United Nations" (167). The 1954 Stateless Convention which provides rights for stateless people contains nearly identical lines. Akram believes, ”Palestinian refugees have been treated as ineligible for the most basic protection rights international law provides to refugees and stateless persons (165). To bring the broader concepts regarding the rights of Palestinians into a narrower focus, I will examine Said's article which focuses particularly on the plight of the Palestinians in Lebanon.

After the Arab-Israeli war in 1948, thousands of Palestinians fled to Lebanon. Today there are over 350,000 Palestinians living in refugee camps within the country. Because of the socioeconomic status the government of Lebanon grants, the Palestinians are the poorest demographic in Lebanon, and the poorest grouping of Palestinians in any Arab country (123). The living conditions are exacerbated by the designation given to them by the Lebanese government --that of ”foreigner". Article 25 from Lebanese legislation entitled, Law pertaining to the Entry into, Residence in and Exit from Lebanon, dated 10 July 1962, states, ”[a] foreigner, other than an artist, is prohibited from carrying on in Lebanon any work or occupation unless permitted to do so by the Ministry of Labour and Social Affairs under the valid laws and regulations" (131). Every Palestinian must apply for a work permit unless he or she works for UNRWA, the Red Crescent Society, non governmental agencies (NGO), or in fields which do not require permission (134). Said continues, ”In 1994, 4.86 percent of a potential workforce of 218,173 worked in these fields…[an] estimated 350 workers obtained work permits…the remaining 95 percent were unemployed or worked in the informal sector" (134). As well as the rigorous application process, a work permit does not guarantee a right to work. Article 17 of No.17561 Regulating Foreigner worker, allows preferential hiring practices to Lebanese citizens, and a worker's permit can be revoked if a Lebanese citizen was fired and replaced by a foreigner with the same ability (133). This treatment has a debilitating effect on the Palestinian economy within the refugee camps.

This debilitation is exacerbated by other causes which play a significant role in creating inadequate socioeconomic conditions for Palestinians. Currently, the only country where a Palestinian can go without travel documents is Syria. This restricts their rights to work elsewhere or visit family and friends in other countries. In 1995, 100,000 Palestinians were barred entry into Lebanon because they did not have return visas (136). Healthcare is another major concern for

Palestinians. They must rely on NGO's, UNRWA, and the Red Crescent Society for healthcare. Palestinians are denied access to Lebanese public health systems. The patient/doctor ratio for Palestinians is 1166:1, for Lebanese citizens, it is 318:1 (128). They also do not receive the benefits of social security, even though some pay for it. The exclusion from international law and its protection, compounded by inadequate conditions provided by host countries, galvanize the undue suffering of the Palestinian people. Restructuring the paradigm concerning Palestinians is critical to their health and well being. The protection and benefits enumerated in international treaties, conventions and declarations must apply to the Palestinian people.

Said provides solutions which would dramatically improve the condition in Lebanon. Said argues for the enforcement of existing conventions which Lebanon has ratified as well as implementation of resolution 194 which entitles the Palestinians to return home. Although Lebanon is not a party to the Convention of the Refugee or Convention Relating to the Status of Stateless Persons, they have signed onto the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Committee on the Elimination of Racial Discrimination (CERD). Said believes, ”continuing to treat Palestinian refugees as ""foreigners' and de facto to deny them work authorization is a violation of international law, and Lebanon must take the appropriate measures to remedy the situation" (145). Both the CERD and ICESCR uphold the right to work. If the Palestinian population in Lebanon had the opportunity to create a self-motivated workforce and economy, it would provide a constructive foundation to develop a stronger society. The ultimate solution would be repatriating the Palestinian people to their homeland, but the possibility of Resolution 194 coming to fruition is poor at best. Therefore, Lebanon should provide the Palestinians with the basic human rights international law affords them, especially residency, the right to travel, and access to social programs.

In a broader context, Akram takes another approach to finding a solution to the Palestinian issue. With historical research, she explains that Article 1D was envisaged not as an exclusionary clause, but as a foundation for which other protections of refugee law would sit upon, thereby giving Palestinians all protections afforded refugees. Akram explains Article 1D, ”must be recognized as affording Palestinian refugees full benefits under the Refugee convention, including access to the right of temporary protection, asylum and residence" (178). Through her research she concludes that the spirit of Article 1D was to provide extra protections, not exclude them. If the international community found this argument to be true, the Palestinians would fall under the protections of the UNHCR and the Convention Relating to the Status of Stateless Persons.

She goes further and argues the UNHCR should play a dramatically larger role and represent the Palestinian refugees"' legal rights on the international stage, and the International Court of Justice. She sees their role as providing a legal framework to administer Resolution 194 and other legal conventions (where ratified), which includes, repatriation, freedom of movement, access to courts, administrative assistance, rights of property, freedom of religion, and housing rights, among many others (175). If the UNHCR unable or unwilling, another agency must represent the Palestinian people in an attempt to claim their human rights (178-179). Ultimately, the refugees and internally displaced Palestinians require an international voice and solidarity to reclaim their rights. However, this has not been the case as of yet.

Consequently, the Palestinians are victims of poor international policy. The current exclusionary practice of Article 1D illustrates the spaces of exception whereby Palestinians are kept in legal and geographical spaces of diminished human rights. Because of UN assistance, they are not granted the basic protections under UNHCR or the Stateless Peoples Convention. This is a discriminatory policy and not in the spirit of international human rights norms. Akram's solutions would require a major overhaul of existing Palestinian legal structure and international assistance to succeed. By reanalyzing Article 1D, all Palestinian refugees would see a dramatic increase in their legal protections.

The case in Lebanon portrays an existence in which the socioeconomic policies negatively influence the Palestinian existence. Here, they are placed in spaces of geographical exception. They live in permanent refugee camps without basic rights which by law, the Lebanese government should afford the Palestinians. Said argues Lebanon must follow the code of the conventions they are party to, and improve the conditions of the ""foreigners'. On the other hand, Akram insists on a large overhaul of international law concerning Palestinians. Both solutions provided by the two authors are possible, but they demand an international movement that insists on empowering the Palestinian people. In this, the role of law must be adhered to under all circumstances.

Works Cited

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