

Palestinian Refugees Languish in Lebanon

by David Schenker

“In all but name, Lebanon today is a non-country,” wrote the Lebanese historian Kamal Salibi in 1989.¹ A weak state racked with sectarian and political divisions, there is little on which Lebanese people can agree. One rare issue on which they seemed to have formed an enduring consensus, however, is that of the Palestinians. While Sunnis, Shiites, Christians, and Druze alike condemn Israel and support the “liberation” of Palestine with alacrity, few of them have historically supported expanding rights and improving the dire conditions of the estimated 400,000 Palestinian refugees within Lebanese borders.² Not only is discussion of *tawtin*—or settlement—of these refugees in Lebanon a taboo, since 1990, it has also been unconstitutional. As one Palestinian wryly noted, the Lebanese “are all with Palestine, but against the Palestinians.”³

With few if any local advocates, Palestinian refugees in Lebanon have come to depend on the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as their sole source of support and protection. Unfortunately for them, UNRWA has not proved up to the task.

THE MISSION

Created by the U.N. in December 1949, UNRWA’s mission today is to “provide assistance, protection and advocacy for some 5 million registered Palestine refugees in Jordan, Lebanon, Syria, and the occupied Palestinian territory, pending a solution to their plight.”⁴

In Lebanon, the situation for Palestinians is

desperate, and as such UNRWA—whose 2011 budget was nearly \$75 million—assists with a great deal of service delivery. For example, within the twelve refugee camps in which it works, UNRWA operates twenty-nine primary health care facilities and twenty-one dental clinics, serving the 95 percent of refugees who rely on the organization for health services.⁵ It also runs sev-

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1 Kamal Salibi, *A House of Many Mansions: The History of Lebanon Reconsidered* (London: University of California Press, Ltd, 1989), p. 2.

2 According to UNRWA, there are 455,000 registered Palestinian refugees in Lebanon: See “UNRWA Statistics 2010,” UNRWA, Nov. 2011, p. 5; Amnesty International sets the number at some 300,000 refugees, “Exiled and Suffering: Palestinian Refugees in Lebanon,” Amnesty International, Oct. 2007, p. 1.

3 “A History of the Hapless,” *The Economist*, June 2007.

4 “About UNRWA,” UNRWA website, accessed Feb. 2, 2012.

5 Salvatore Lombardo, “UNRWA Health Services: Past, Present, and Future,” UNRWA, June 2011, p. 1.

enty-four primary schools—seventeen of which educate in double shifts—and in the process, provides employment to 2,785 residents.⁶ Indeed, as of 2006, UNRWA was the largest employer of legal, skilled Palestinian labor in Lebanon.⁷ The organization also assists extensively with infrastructure and building rehabilitation, in particular in the Nahr el Bared camp, which was largely destroyed in 2007 in a fierce battle

The Lebanese legal system undermines the Palestinian community's ability to improve its condition.

between the Syrian-supported al-Qaeda affiliate Fatah al-Islam and the Lebanese Armed Forces.

In terms of its protection and advocacy responsibilities toward the Palestinian refugees in Lebanon, however, UNRWA's record is decidedly less successful. The organization defines protection as what it

does to “safeguard and advance the rights of Palestine refugees and thereby achieve its vision of every refugee ‘feeling assured that his or her rights are being protected, defended and preserved.’”⁸ In practice, according to UNRWA, this means promoting respect for Palestinian rights with the host government or authority in control by “monitoring, reporting, and intervention.”⁹

While UNRWA has issued reports about the conditions of the refugee camps, the organization's interventions with the Lebanese government—to the degree they have occurred—have not achieved many critical human rights for the refugees. Most significantly, until 2006, Palestinians' ability to work in Lebanon, an activity that the U.N.'s own Universal Decla-

ration of Human Rights includes as a “right,” was significantly curtailed.

The consequences of this failing have proved devastating. Today, according to UNRWA's own statistics, only about 53,000 of the approximately 120,000-strong Palestinian labor force are employed.¹⁰ In the south (i.e., Saida and Tyre), some 81 percent of all refugees live in “abject poverty.”¹¹ Overall, among the states in which UNRWA operates, Lebanon has the dubious distinction of having the highest number of “special-hardship cases,” i.e., the poor of the poor, some 30 percent of the Palestinian population.¹²

Alongside international criticism, UNRWA has also been the target of much local dissatisfaction. Indeed, the Palestinian terrorist organization Hamas has emerged as a leading detractor of the agency, accusing it of financial and administrative corruption and demanding that its Lebanon director, Salvatore Lombardo, be fired.¹³ According to Hamas, 60 percent of UNRWA's Lebanon budget is spent on local staff salaries, rent, security, and administrative costs, with only 40 percent of the funding actually reaching the refugees. As one Hamas official put it, “It's very dangerous, especially [because] it is the only agency responsible for Palestinians in Lebanon.”¹⁴

LEBANESE LEGAL FRAMEWORK

Nowadays, Palestinian refugees in Lebanon tend to point to the creation of Israel as the main reason for their unfortunate predicament.

6 “UNRWA Statistics 2010,” p. 15.

7 Jaber Suleiman, “Marginalized Community: The Case of Palestinian Refugees in Lebanon,” Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, Falmer, Brighton, U.K., Apr. 2006, p. 16.

8 Nicholas Morris, “What Protection Means for UNRWA in Concept and Practice,” UNRWA, Mar. 31, 2008, p. 3.

9 Ibid.

10 Jad Chaaban, et al., “Socio-Economic Survey of Palestinian Refugees in Lebanon,” American University of Beirut and UNRWA, Dec. 31, 2010, p. x.

11 “SDC Funds Employment Centres to Boost Employment Prospects for Palestine Refugees in Lebanon,” UNRWA, Beirut, Jan. 20, 2012.

12 Ann Marie Luca, “UNRWA in Crisis,” interview with Salvatore Lombardo, *NowLebanon*, Apr. 30, 2010.

13 “Ali Barakat: Salvatore Lombardo mutawarat fi qadaya fasad mali,” *PN News* online news service, July 23, 2011.

14 “Mu'ariduha yutalibun bi-tahsin al-khidmat la shakhsanat al-haja ‘Hamas’ taqif khalfa al-hamla al-hadifa li-isqat Salvatore Lombardo,” *Laji.net*, Palestinian Refugees News Network in Lebanon, July 5, 2011.

ment¹⁵ though much of their suffering is readily attributable to a Lebanese legal system that systematically undermines the community's ability to sustain itself and improve its condition. Unlike Syria and Jordan, for example, Lebanon has extreme religiously-based demographic sensitivities: The jockeying for power between the various confessional groups has resulted in a legal framework that has ensured that Palestinians are not counted among their Sunni coreligionists in any meaningful fashion.

The root of the problem can be traced to Lebanese labor laws and, in particular, how Palestinians in Lebanon have been characterized by the government bureaucracy. Although they are long-term residents of Lebanon, Palestinian workers have traditionally been treated as foreigners. In 1964, for example, the Ministry of Labor instituted a policy under Ministerial Decree No. 17561 whereby professions in Lebanon could be limited to Lebanese citizens. The regulations prohibited Palestinians from working in some seventy job categories.

Meanwhile, other professions—lawyers, doctors, engineers—excluded Palestinians via their syndicate bylaws. Worse still, Palestinians were for years required to obtain work permits, like other foreign workers, costing up to \$1,200; 75 percent of those fees were to be paid by the employer, creating a further disincentive.¹⁶ And even if Palestinians managed to obtain a work permit and make contributions to the Lebanese

Photo will not display.

Hezbollah and Palestinian flags mix freely at this demonstration in Beirut, but nevertheless, descendents of Palestinian refugees suffer a host of discriminatory measures in Lebanon. As one analyst put it: The Lebanese "are all with Palestine, but against the Palestinians."

social security system, they were, by law, ineligible to collect benefits. This last provision is, in fact, in contravention of U.N. conventions: The U.N. Economic and Social Council holds that when non-nationals have "contributed to a social security scheme, they should be able to benefit from that contribution."¹⁷

Recent regulations target Palestinians more specifically. In 2001, the Lebanese parliament amended a 1969 decree that allowed limited foreign ownership of real estate but prohibited "any person who is not a national of a recognized state or any one whose ownership of property is contrary to the provisions of the Constitution relating to *tawtin* (settlement) to acquire real estate of any kind."¹⁸ With a single stroke of the pen, refugees could no longer purchase land, transfer property, or will real estate to a relative.

15 This is in stark contrast to 1948 when the newly-displaced refugees blamed the Palestinian Arab leadership and the Arab regimes for their plight. See Efraim Karsh, *Palestine Betrayed* (New Haven: Yale University Press, 2011), p. 1-2.

16 Are Knudsen, "The Law, the Loss and the Lives of Palestinian Refugees in Lebanon," Chr. Michelson Institute, Bergen, Norway, 2007, p. 13.

17 "General Comment No. 19: The Right to Social Security," U.N. Economic and Social Council, Committee on Economic, Social, and Cultural Rights, Feb. 4, 2008, pp. 11-2.

18 Jaber Suleiman, "Trapped Refugees: The Case of Palestinians in Lebanon," in *No Refuge: Palestinians in Lebanon*, Working Paper Series, Refugee Studies Centre, Oxford Dept. of International Development, University of Oxford, June 2010, p. 10.



Fatah al-Islam members in Lebanon. In 2007, fierce fighting broke out between Syrian-supported al-Qaeda affiliate Fatah al-Islam and the Lebanese armed forces in the Nahr el Bared camp. UNRWA has stepped in to rebuild what was extensively damaged.

These regulations changed in 2005 after then-prime minister Fouad Siniora established the Lebanese-Palestinian Dialogue Committee (LPDC), a ministerial-level group working in collaboration with UNRWA, which was tasked with discussing and coordinating government policy on the Palestinian residents. That year, the minister of Labor issued a memorandum opening up some seventy job categories to Palestinians, including a broad range of administrative, mechanical, commercial, and teaching-related positions. In 2010, the Lebanese government adopted a decree that marginally eased the work permit requirement and made Palestinians eligible for social security benefits. These acts generated much good will but do not appear to have ameliorated conditions on the ground. According to a 2010 working paper by the LPDC, in 2008—three years after the ministry changed the regulations—just one Palestinian requested a new work permit; in 2009, there were no requests.¹⁹

19 Seari al-Kabir, “Haq al-‘Amal lilajai al-Falastini: bayna al-waq’a wal qanun,” Lebanese-Palestinian Dialogue Committee, Beirut, Sept. 2010.

Apparently, in those intervening years, Beirut had done little to execute the edict.

A WEAK ADVOCATE

During a June 2010 meeting of the LPDC, the director of UNRWA affairs in Lebanon, Salvatore Lombardo, spelled out the organization’s goals vis-à-vis the Palestinians there. Pending a “just solution” to the refugee issues, he said, UNRWA is “simply trying to help them live a dignified life,” including, among other things, having “the ability to provide for one’s family ... [which] is considered a universal human right.” He then

added, “I should highlight that UNRWA continues to entrust the particularities on how those rights will be granted to the hands of the Lebanese government and its parliament.”²⁰

Lombardo’s statement was stunning. Just months earlier, when asked why the situation of Palestinians in Lebanon was so much worse than in other host countries, he himself pointed to “their lack of access to socioeconomic rights, the right to work especially” as the leading cause.²¹ Indeed, the consensus view of the non-governmental organization (NGO) community—quietly shared by UNRWA as Lombardo implies—is that Lebanese government policies have contributed to the atrocious situation. Consider the 2012 report of Human Rights Watch:

Palestinian refugees in Lebanon live in appalling social and economic conditions. 2011 saw no improvement in their access to the

20 “The Speech of Mr. Salvatory Lombardo,” Lebanese-Palestinian Dialogue Committee, Beirut, June 29, 2010.

21 Luca, “UNRWA in Crisis.”

labor market, despite a labor law amendment in 2010 that was supposed to ease such access. The main reason was the government's failure to implement the amendment. Lebanese laws and decrees still bar Palestinians from working in at least 25 professions requiring syndicate membership, including law, medicine, and engineering. Palestinian refugees are still subject to a discriminatory law introduced in 2001 preventing them from registering property.²²

UNRWA, then, considers the government of Lebanon to be both the problem and the solution to the refugees' plight. At the same time, the organization has been oddly reluctant to press Beirut publicly to change the laws or even to push for the implementation of Lebanese laws already on the books. This hands-off approach is particularly surprising since UNRWA describes its role as "encompass[ing] assistance, protection, and global advocacy for Palestine refugees."²³ In fact, UNRWA articulates for itself a lobbying role—"engaging directly or indirectly with relevant statutory authorities to further advocate for the rights of Palestine refugees"—in Lebanon.²⁴

This advocacy role is particularly important in Lebanon where laws stipulate that all NGOs should be headed by Lebanese citizens and that an NGO cannot initiate a legal case on behalf of a refugee or a community. Yet there is little or no



Palestinians march for civil rights to the Lebanese parliament in Beirut, June 2010. UNRWA has proven a weak advocate of Palestinian rights within Lebanon. The agency has rarely spoken out against the many disqualifications against the Palestinians put in place by the Lebanese government.

evidence to suggest that UNRWA has exercised this role on behalf of the constituents it was charged to protect. Indeed, according to Ziad Sayegh, the former policy advisor to the LPDC president from 2005 to 2009, UNRWA does not lobby. "It's not there to advocate for Palestinian refugees," he says.²⁵

Former UNRWA commissioner-general Karen AbuZayd agrees and justifies her organization's policy of not speaking more forcefully on behalf of Palestinian refugees in Lebanon as being purely pragmatic. "We should leave those political things to the politicians," she said in 2008, "because if we step over the line too far, we will be prevented from doing our work."²⁶ AbuZayd is no doubt correct in pointing out the attendant risks of moving beyond purely humanitarian relief efforts into the highly charged topic of Palestinians in the Lebanese body politic. Given the government's role in the

22 "World Report 2012: Lebanon," Human Rights Watch, New York, Jan. 2012.

23 "Frequently asked questions: What is the difference between UNRWA and UNHCR?" UNRWA website, accessed June 15, 2012.

24 "Protecting the Vulnerable," UNRWA, Lebanon, 2011, p. 1.

25 Author telephone interview with Ziad Sayegh, Jan. 30, 2012.

26 Karen AbuZayd, "Policy and Governance in Palestinian Refugee Camps," Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, June 2008, p. 2.

humanitarian crisis, however, the two issues are inextricably linked.

Moreover, UNRWA's aversion to advocacy and controversy vis-à-vis the Palestinians in Lebanon does not seem to be operative when the entity being criticized is Israel. Back in 1982, for example, UNRWA showed little compunction in advocating on behalf of Palestinians during

the Israeli invasion. Not only did it discuss with the U.N. Security Council and Israeli authorities steps to protect Palestinian refugees in south Lebanon, the organization made public statements expressing concerns.²⁷ That year, in fact, the U.N. secretary-general, in consultation

with UNRWA, was asked "to undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in the occupied territories [i.e., those parts of Lebanon occupied at the time by Israeli forces]."²⁸

Years later, UNRWA adopted a similarly forward-leaning approach during the first Palestinian *intifada* when the organization deployed workers—called "operations support officers"—in the West Bank and Gaza charged with protecting refugees' human rights. More recently, UNRWA has mostly confined its advocacy to rhetoric, condemning Israel for "disproportionate, indiscriminate, and excessive use of force,"²⁹ calling periodically for international intervention to protect Palestinians;³⁰ and describing Israeli policy in Gaza as a "medieval siege."³¹

UNRWA's advocacy on behalf of Palestinian refugees in the West Bank and Gaza also contrasts sharply to its muted response to the ill-treatment of Palestinians by the Bashar al-Assad regime in Syria. In August 2011, for example, the organization merely urged Damascus to "exercise utmost restraint" when the Assad regime deployed naval warships to shell a Palestinian refugee camp near Latakia, resulting in four deaths and a mass exodus from the camp.³² Two months earlier when Assad provoked a violent incident by dispatching some forty buses of Palestinians to the border with Israel on the Golan Heights with the express purpose of trying to cross over by force, UNRWA did not condemn the regime, but instead "appeal[ed] for calm and restraint on all sides."³³

UNRWA support staff have been stationed in Lebanon since 2009, but their duties have been significantly less confrontational, confined to programming, project design, and service delivery.³⁴

To be fair, even if UNRWA became an effective advocate for Palestinians in Lebanon—by convincing the government to change disadvantageous legislation and to begin to implement revised labor laws uniformly—it is far from certain that the refugees' situation would change dramatically anytime soon. Low education levels—only 5 percent of the refugees are university graduates—put them at a distinct disadvantage vis-à-vis their Lebanese hosts while limited opportunities at home have encouraged more than 100,000 of these Lebanese graduates to work abroad. Likewise, compared to other Arab states, the cost of living in Lebanon is high.

Given the milieu, as one expert on Palestinian refugees in Lebanon noted, "If you give Pal-

In Lebanon, UNRWA has been quietist, avoiding the minefield of politics in favor of relief work.

27 Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford: University Press, 1998), p. 282.

28 *Ibid.*; see, also, U.N. General Assembly (UNGA) res. 37/120 J.

29 "Regular Press Briefing by the Information Service: Gaza," U.N. Office at Geneva, Mar. 4, 2008.

30 See, for example, Karen AbuZayd, "Occupied Palestinian Territory: Statement by UNRWA Commissioner-General Karen AbuZayd," UNRWA, Gaza, Mar. 1, 2008.

31 John Ging, "Inhumane, Illegal and Insane: A Medieval Siege on Gaza in 2010," International Humanitarian Law Project, London School of Economics, June 1, 2010.

32 Chris Gunness, "UNRWA Gravely Concerned about Heavy Gun Fire into the Refugee Camp in the Syrian Port City of Latakia," UNRWA, Aug. 14, 2011.

33 Filippo Grandi, "UNRWA Statement on Syria," UNRWA, June 9, 2011.

34 "Protecting the Vulnerable," p. 1.

estinians the right to work in all fields, they will still be poor.”³⁵ Clearly, without the ability to own property, it will be difficult to improve the refugees’ standard of living. But education is also a significant barrier to advancement. Because UNRWA does not run kindergartens in Lebanon, Palestinian children start out behind, and the gap widens as they spend less hours in class in double-shift schools. As of 2008, the pass rate of Palestinian students in UNRWA classes was only 53 percent—10 percent less than their Lebanese counterparts in state schools.³⁶ This education deficit alone limits the opportunities of Palestinians in Lebanon.

While UNRWA is by far the largest organization assisting the Palestinians in Lebanon, some twenty other Western NGOs today provide humanitarian assistance to this population. And not all of these organizations share UNRWA’s aversion to advocating on behalf of Palestinian rights with the Lebanese government. Norwegian People’s Aid (NPA), for example, implements health, youth, disability, and women’s programs that provide support to some 25,000 Palestinian inhabitants. Unlike UNRWA, however, NPA lobbies for the rights of these refugees in Lebanon.³⁷

CONCLUSION

In the West Bank and Gaza, UNRWA has been a tireless crusader on behalf of Palestinians, pillorying Israel for any alleged ill-treatment of the “refugee” community. But in the more chal-

35 Author telephone interview with Sayegh, Jan. 30, 2012.

36 Bernhard Hillenkamp, “The Challenges of Palestinian Education,” Lebanese-Palestinian Dialogue Committee, Beirut, Mar. 2008.

37 “Human Rights and Advocacy Program,” Norwegian People’s Aid, Beirut, 2010.



UNRWA’s logo can be seen on the left at the inauguration ceremony for new homes built for displaced families of the Nahr el Bared camp. The project is yet another short-term fix for the plight of Palestinians in Lebanon, which UNRWA has done little or nothing to help resolve.

lenging environment of Lebanon, the organization has been quietist, avoiding the minefield of politics in favor of relief work.

In Lebanon and throughout the region, UNRWA has fallen short on a broad range of issues. These inadequacies have been discussed in great detail in James Lindsay’s authoritative 2009 study of the organization in which he argued that UNRWA was neither integrating Palestinian refugees into the economy nor allowing Palestinians to “take responsibility for their future.”³⁸ This is certainly the case regarding the agency’s stance on labor laws in Lebanon. But Lindsay’s critique also arguably applies to UNRWA’s biggest project ever: the rebuilding of the Nahr el Bared refugee camp in north Lebanon.

Figures vary on how many Palestinians were actually present in Nahr el Bared in 2007 when the fighting started, but according to UNRWA, there were more than 36,000 registered refugees

38 James G. Lindsay, “Fixing UNRWA: Repairing the UN’s Troubled System of Aid to Palestinian Refugees,” The Washington Institute for Near East Policy, Washington, D.C., Jan. 2009, p. 65.

in the camp as of June 2011.³⁹ UNRWA is currently managing the reconstruction of the camp with a project slated to cost nearly \$350 million.⁴⁰ No doubt, the displaced refugees need shelter, but the wisdom of rebuilding a refugee camp (i.e., a small city) established in 1949 for Palestinians who—according to current Lebanese law—will never be granted permanent residence there seems absurd. Given its mandate, it is not clear why UNRWA did not at least quietly float the idea of temporarily resettling these refugees elsewhere inside Lebanon where UNRWA was already paying rental allowances for persons rendered homeless, or more appropriately (and controversially), permanently in the Palestinian Authority.

There was some discreet sympathy for the idea among senior U.S. and Lebanese officials for at least a partial resettlement of these refugees in the West Bank.⁴¹ There is no record of

UNRWA suggesting this tack, however. The proposal for even a small handful of extremely-well vetted Palestinians to move to the Palestinian Authority may not have worked out in the end; Israeli security concerns about an influx of historically well-armed and somewhat radicalized refugees may have preempted this particular creative solution. But it would have at least evoked an image of an UNRWA that was interested in being part of a solution to the Palestinian refugee problem.

Today, the rebuilding of Nahr el Bared stands as a sorry symbol of all that is wrong with UNRWA in Lebanon. The project, while important, is yet another short-term fix for a seemingly interminable problem. Much like the humanitarian assistance provided to these Palestinians over the past sixty years—during which time UNRWA did little or nothing to help them secure fundamental rights that would have allowed for an improvement to their situation—Nahr el Bared’s reconstruction perpetuates, rather than facilitates, a resolution to the Palestinian refugee problem.



39 *Palestinian Refugees in Lebanon: A Special Case*, UNRWA Lebanon, Oct. 2011, p. 2.

40 *Norway News* (Oslo), Feb. 23, 2012.

41 Off-the-record discussions with senior U.S. and Lebanese officials, Washington and Beirut, Sept. 2007 and Feb. 2012.

Father Knows Best

A Saudi Arabian man who was jailed for three years in 1997 has spent a further 12 years behind bars waiting for his father to pardon him, a local human rights group has said.

Eid al-Sinani, 43, was originally sentenced to three years in prison and 200 lashes for beating his stepmother, according to Musab al-Zahrani, a researcher at the National Society for Human Rights.

However, when the sentence had been served, the father asked a judge to keep his son in prison “until he is proven to be righteous by his father.” The judge agreed, and 12 years later Sinani is still in jail, Zahrani said.

Under the kingdom’s Islamic legal system, law is not systematically codified and judicial rulings are subject to individual judges’ interpretation of sharia. Some judges view children’s “disobedience” towards their parents as an offence worthy of lashing and even jail sentences. Rulings in Saudi Arabia are not based on precedent and, even with the same charge, they can differ from one judge to another.

“We are optimistic that he will be released because he has been jailed for 16 years, and there is no real charge ... This is legally problematic because they gave absolute power to the father, and the son is left under his mercy,” Zahrani said.

Reuters, Apr. 23, 2012