



The Frozen Case:

**Civil rights of the Palestinian refugees in Lebanon –
perceptions and realities**

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Preface

I would like to thank the people who have helped me in the process of conducting this study.

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List of Abbreviations

LEBANESE INSTITUTIONS OR OTHER

- CCRA:** Central Committee for Refugee Affairs
DPA: Director General of Palestinian Affairs
or Department for Palestinian Refugee Affairs
HAPA: Higher Authority for Palestinian Affairs
LA: the Lebanese Army
MP: Member of Parliament
PSP: the Progressive Socialist Party

UNITED NATIONS AGENCIES OR OTHER

- ICCPR:** International Convention of Civil and Political Rights
ICESCR: International Convention of Economic, Social and Cultural Rights
UDHR: Universal Declaration of Human Rights
UN: The United Nations
UNCCP: United Nations Conciliation Commission for Palestine
UNHCR: United Nations High Commissioner for Refugees
UNIFIL: United Nations Interim Forces in Lebanon
UNRPR: United Nations Relief for Palestine Refugees
UNRWA: United Nations Relief and Works Agency for Palestine Refugees in the Near East

PALESTINIAN AGENCIES OR OTHER

- PA:** The Palestinian Authorities
PLO: The Palestine Liberation Organization
PRCS: The Palestine Red Crescent Society

OTHER

- ADF:** Arab Deterrent Force
ICRC: International Committee of the Red Cross
NGO: Non-Governmental Organization
PARD: Popular Aid for Relief and Development

Maps

Map 1: Map of Lebanon¹



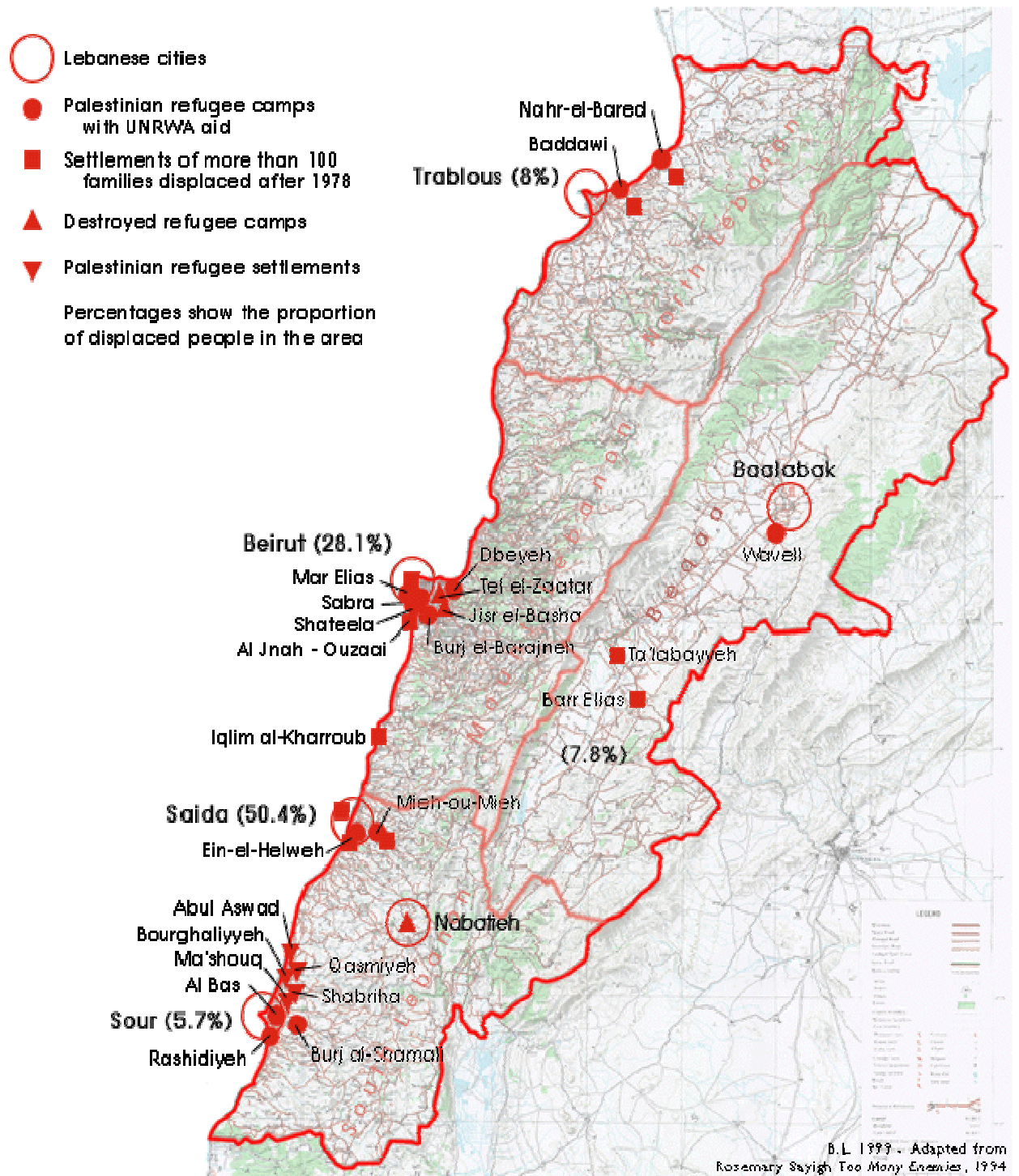
¹ From http://www.lib.utexas.edu/maps/atlas_middle_east/lebanon.jpg, downloaded 10.10.2006.

Map 2: Official UNRWA map of Palestinian refugee camps (2005)²



² From <http://www.un.org/unrwa/refugees/lebanon.html>, downloaded 27.03.2007.

Map 3: Palestinian refugee camps and gatherings, detailed³



³ From <http://almashriq.hiof.no/lebanon/300/300/307/pal-camps/index.html>, downloaded 10.10.2006. Adapted from Rosemary Sayigh (1994): *Too Many Enemies*. This additional map of the camps is included because of the different transliterations of Arabic names in the sources, and in order to give a more detailed view of the area in question.

PART I

Chapter 1. Introduction

The topic of the thesis

The topic of this thesis is the Lebanese government's conduct regarding the Palestinian refugees in Lebanon, and the conditions related to their civil rights situation.

In 1948, more than 900,000 Palestinian refugees fled their homes as a consequence of Israel's creation and the war that followed.⁴ They lost their Palestinian Mandate citizenship, and the majority of them continue to be stateless. Virtually none have returned to their homes, and by 2005 there were more than four million people who were waiting in host countries for a solution to their situation. The refugee problem has existed for nearly sixty years, and the choice of topic thus concerns the oldest and most dire unsolved issue of modern Middle Eastern history. The Palestinian refugees are in a situation that relates to most of the modern conflicts in the area, including the creation of the modern Middle Eastern states, counting Israel; the several wars in the region since 1948; and specifically the civil war that devastated Lebanon in the years of 1975-1989. The situation still appears most critical in this country, where more than fifty per cent of the Palestinian refugees still reside in refugee camps erected more than fifty years ago.

The situation of the Palestinian refugees is of interest for several reasons: It has been neglected by the international community; it concerns most countries of the region; and a final solution is yet to be discovered. The main host countries are Jordan, Syria, and Lebanon, and this thesis focuses on Lebanon, because a striking difference between this and the other host countries is the situation of civil rights and integration policies. Jordan incorporated the Palestinians completely in 1948, as Jordanian citizens. In Syria they were treated on near equal terms as Syrian nationals from 1949;⁵ they were granted all rights

⁴ UNRWA Number of registered refugees (1950-2005). Israel has rejected any returns except for small numbers for family reunification (Takkenberg 1998, 52).

⁵ Takkenberg 1998, 167f.

except citizenship, and were only excluded from political participation.⁶ Egypt, and most other host countries that received a smaller number of Palestinian refugees, shifted between policies of integration and neglect.⁷ Thus, some level of integration took place in each country at an early stage. In contrast, the Palestinian refugees in Lebanon were not granted civil rights, and the majority of them remain in refugee camps isolated from the Lebanese society. Many live outside the camps; in cities and in unofficial gatherings; but the camp based refugees are the focus of this thesis. Their situation in Lebanon appears as if frozen in time, with few changes during the years.⁸ This difference between Lebanon and the other host countries is the main reason for the choice of topic.

The Lebanese government became the actor responsible for protecting the rights of the Palestinian refugees on Lebanese soil, as we shall see below. Thus it will be the focus of my study (both the executive branch and Parliament). Also, I am not discussing the state of the refugee situation alone, but the reasons for the situation as well. There are no official records accounting for reasons why the Lebanese government have not granted the Palestinians civil rights, and few researchers have examined it. Only theories and suggested explanations exist in the source material. During my fieldwork in 2006 I looked for opinions and explanations why the situation in Lebanon was different from the other host countries; in attitudes, statements, legislation, and most importantly in interviews.

In general, the reasons for the situation were not restricted to the conditions in Lebanon. The international community neglected its responsibility since the birth of the refugee problem, and Israel did not heed its responsibility either. Neither, one could argue, did the Palestinian Authorities after 1993.⁹ These are all factors that are important for the refugee situation in Lebanon; but this thesis seeks to discuss the Lebanese factor and its causes, trying to clarify Lebanese reasoning in regards to the refugees on their soil.

⁶ Such as the right to vote. (Edminster 1999, 7.)

⁷ The situation in Egypt used to be comparable to Syria until the Gulf war, when the Egyptian government changed their policy (Takkenberg 1998, 171). Many Arab countries received some refugees, but the above-mentioned were by far the main countries of refuge to the 1948 Palestinian refugees.

⁸ The term 'frozen case', used in the title of this thesis, was derived from an interview with the Lebanese researcher Simon Haddad in 2006. See Appendix 5b for his quotation.

⁹ See Chapter 2.

Time period

The time period of concern is the period when the Lebanese government was in official charge of the refugees, starting with their arrival in 1948 and ending in 2005. There was a break in the period from 1969 to 1989, when the Palestine Liberation Organization (PLO) was in charge of the refugee camps. This period will not be examined in detail, and it forms a gap that allows a comparison between the situation of 1969 and that of 1989 in some chapters. The PLO officially lost control of the camps in 1987; but the government was not reinstated to de facto control until the Ta'if Accord; the peace agreement which ended the civil war in 1989. The first stage of the government's responsibility, then, was from 1948 until 1969, and the second stage began after the Ta'if Accord in 1989. The Lebanese government was still in charge of the refugees in 2005, the year before I conducted my fieldwork. I chose to end the time span of the thesis in 2005 because of changes which occurred in that year; specifically the withdrawal of the Syrian forces long present on Lebanese soil; the consequences of which still remain to be seen.

Defining the problem of the thesis

The question I ask is as follows: Why did the Lebanese government not grant civil rights to the Palestinian refugees in the country, and why was the civil rights situation different in Lebanon than in the other Arab host countries?

In order to answer this, I first need to clarify what in fact was the civil rights situation of the Palestinian refugees, and what in fact was the Lebanese government's role in that situation. Although most researchers and Lebanese sources claim that the government played a negative part in relation to the refugees' rights, there is no real consensus. Whether or not the government was even related to the problem is an issue of disagreement, and the question of whether or not it could be held responsible meets with highly differing views. Also, the research question focuses on the government, but asks why the situation in Lebanon is different from other countries as well; and unofficial opinions and explanations are important. I therefore rely on available official sources, but also on the conditions of the Lebanese society, general circumstances, and Lebanese public opinions, in order to discover the reasons for the country's specific conduct of the refugees.

My hypothesis is twofold: Firstly, that the Lebanese government consciously avoided integration of the Palestinians throughout the period when they were in charge; and that not granting them civil rights was a means for avoiding integration. The second hypothesis is that the two reasons most commonly used for the conduct were Lebanon's confessional balance, which influenced the government's power, and the role of the Palestinians in the Lebanese civil war of 1975-1989. One assumption is that the government employed coercive power, attitudes and discourses, laws, and official statements as tools in order to avoid integration. I also believe that there were other reasons influencing the situation, whether believed or real, and that different excuses exist as well.

The chapters

This chapter introduces Part I of the thesis, which is an introduction to the subject. This chapter presents the topic and focus, the state of the earlier research, and defines terms. It gives an overview of the theoretical framework: The meaning of civil rights in and apart from UN conventions, and the international protection of the Palestinian refugees. Lastly, a part about the method of source criticism is included. Chapter 2 presents the historical background which is essential to understanding the refugee problem and the Lebanese society's history of confessionalism and war. Although the civil war years are not part of the focus of the thesis, it is important for the understanding of the following years. The chapter treats the period from the creation of modern Lebanon in 1920 until 2005.

Chapter 3 introduces Part II of the thesis, which accounts for the empirical situation of the Palestinian refugees in order to determine the facts of what the civil rights situation was. The chapter accounts for the normative laws and regulations in force, focusing on the Lebanese legislation on work and freedom of movement. Chapter 4 looks at de facto policies in relation to selected civil rights, and shows the actual conditions of the Palestinian refugees caused by policies and practises. Chapter 5 looks at the conditions in relation to two UN civil right conventions presented below.

Chapter 6 introduces Part III of the thesis, which discusses the reasons for the situation. Chapter 6 puts the former chapters in context by looking at prevalent Lebanese attitudes and general opinions, exemplified by written statements and interviews. Chapter 7 presents Lebanese perceptions of what might explain the civil rights situation. It presents

all the explanations or justifications given to me by Lebanese sources, derived for the most part from interviews. Most of the interviewees are current or former officials, but I also include researchers and one journalist. Palestinians sources are referred to, but not in the same manner, since the chapter seeks to account for the Lebanese justifications. The chapter's focus is not to define the actual reasons for the situation, but to account for what are the perceived reasons. In Chapter 8 I proceed to discuss the perceived explanations in light of prevalent discourses in Lebanon. Chapter 9 consists of summary and conclusions.

When comparisons to other host countries are made, they mainly will be to Syria, Lebanon's closest neighbour, where the situation is most similar. The situation in Jordan is also sometimes discussed. Other countries are less relevant, mostly because they are not covered by the same international organs.¹⁰

State of the research

There is a lot of literature and reports on Palestinian refugees residing in Lebanon. Writings have been published more frequently during and after the 1990s; especially relating to the PLO's role in the civil war and the Oslo Peace Process (see Chapter 2). Although few writers have focused on the role of the Lebanese government specifically, there are several topics close to mine that have been thoroughly examined. One of the most important is the refugees' socio-economic conditions and humanitarian situation as a consequence of Lebanese laws and regulations. Much has been written on Lebanese history and politics relating to my topic as well.

The anthropologists Rosemary Sayigh and Julie Peteet, among others, have studied the socio-economic situation of Palestinian refugees in Lebanon.¹¹ Most researchers involved in this subject have a social and humanitarian perspective. Sayigh focuses largely on the conditions of work, education, housing and health.¹² Some Lebanese laws and specific civil

¹⁰ The West Bank and Gaza were under the same UN protection as the above-mentioned host countries, but were under occupation for the whole period from 1948-2005 and met with quite a different set of problems.

¹¹ Sayigh 1995, Sayigh 2001 and Peteet 1996, Peteet 1997, Edminster 1999.

¹² Sayigh 1995.

rights have also been examined.¹³ The Palestinian lawyer Suheil al-Natour has published several articles and one book about Lebanon's legal conduct regarding the refugees,¹⁴ and his work is important for Chapter 3. Others have examined laws on work, residence and travel in light of different international legislation or documents, particularly the 1951 Refugee Convention.¹⁵

Another relevant topic is the Lebanese attitudes toward the refugees. Simon Haddad and Hilal Khashan, researchers in the field of political science, have conducted studies on attitudes toward resettling the refugees and toward granting them civil rights.¹⁶ Some articles on different aspects of Lebanese policy toward the camps exist as well.¹⁷ These studies are discussed in Part II, but they do not treat official attitudes and statements, which I will focus on.

The most relevant studies on Lebanese politics, history, confessionalism and clientalist systems are those of the Lebanese researcher and politician Farid el Khazen, and the writers Nizar Hamzeh and Paul Salem.¹⁸ I make use of the latter in Chapter 3 in particular.

When accounting for the explanations given for the situation in Lebanon, researchers have basically focused on either the rejection of resettling the Palestinians in Lebanon because of Lebanon's confessional balance; on the refugees' right to return to their homeland; on Lebanon's density and economy; or on the outbreak and consequences of the civil war. My thesis relates to these studies, but also includes explanations that have not been thoroughly discussed in earlier works. No extensive work has focused on specific civil rights and analyzed their state historically by help of Lebanese legislation and UN conventions. And although the lack of civil rights in light of Lebanon's specific situation has been discussed, the role of the Lebanese government and the focus on the reasons for the lack of civil rights is a topic barely studied in previous research.

¹³ Aasheim 2000, Said 1999, Said 2001, Salah 2003.

¹⁴ al-Natour 1993, al-Natour 1997, al-Natour 2003: "The Palestinians in Lebanon: New Restrictions on Property Ownership", al-Natour 200: "Les réfugiés palestiniens", al-Natour 2000, al-Natour 2005.

¹⁵ al-Najjar 2005, Said 2001, Akram 2002.

¹⁶ Haddad 2000: "The Palestinian predicament in Lebanon", Haddad 2003, Khashan 1992, Khashan 1994.

¹⁷ Faris 1981, Sayigh 1995, Said 2001, Onisko 2003.

¹⁸ Salem 1998, Khazen 2003, Hamzeh 2001, Knudsen 2005.

Terms and theoretical framework

Some terms specific to Lebanon require a brief definition. First, '*tawtin*' is an Arabic word derived from *watan*, homeland. It is an expression which specifically refers to resettling the refugees in Lebanon, that is to say that they become Lebanese citizens instead of returning to Palestine. The term has come to be used for the Lebanese official *rejection* of *tawtin*; the rejection of a permanent settlement. For many, the term is extended to include integration, or even intermediate steps toward integration such as granting the refugees civil rights. I use this term instead of 'resettling' because it holds a discursive significance to the Lebanese. When the term 'integration' is used, it refers to granting the refugees civil rights as well as to incorporate them into society in a wider sense.

The term 'confessional' and 'confessionalism' refer to the several religious confessions of Lebanon and are the common terms for Lebanon's political system and demographic makeup. The term 'sectarian' is also used in some sources, but that term is generally deemed negative in Lebanon, and therefore 'confessional' is preferred.

Civil rights

The concept of civil rights requires a more detailed discussion. The civil rights were derived from the international human rights that were formulated by the UN at its creation in 1948, as the Universal Declaration of Human Rights (UDHR). Human rights had naturally been a concept prior to this, but the UDHR formally put them into writing, and one of their categories became the *civil rights*. The terms of the UN are thus important for my topic, and in this section I will examine the terms and give an overview of the rights included in the civil right conventions. I will also look at the international protection of the Palestinian refugees, which is a unique case of neglect. Some work has been done regarding the problems of the UN's agencies and international protection when it comes to Palestinian refugees (especially by former director of UNRWA Lex Takkenberg),¹⁹ and I rely on them to some extent.

¹⁹ Akram 2001, Akram 2002, Takkenberg 1998, Said 2001, Aasheim 2000.

Human and civil rights

The civil rights and human rights deal with the same rights but inspire different effects.²⁰

The UDHR established the principle that every human being is entitled to certain rights, independent from factors such as specific legal systems or nationality. The human rights describe what human beings need in order to live a worthy life and were established as a means of protection in principle from legal and political recurrent, socially produced threats. The human right is often perceived as a counter-measure against such threats, and is morally, not legally binding. The UDHR, then, is a set of principles which signatory states have agreed to follow, but none can be legally charged for ‘violating’ them. The human rights are divided into subgroups such as political rights, economic rights, and civil rights.

In 1966, the Convention of Civil and Political Rights (ICCPR) and the Convention of Economic, Social and Cultural Rights (ICESCR) were adopted in order to secure the implementation of civil rights. By contrast to the UDHR, the civil right conventions are legally binding to signatory states; that is to say that a state binds itself to adhere to the stipulations of the civil rights within its legal framework. The human rights, then, are not related to a state, but are universal principles; while the civil rights depend on a state to implement them. Along with the UDHR, these conventions are the main documents of the human rights and the content of the conventions are the basis for what the term civil rights means in this thesis.

The ICCPR and the ICESCR, when ratified, are to be adapted to the signatory state’s legal framework and are internationally and legally binding. The first five articles in both conventions instruct the signatories to adhere to its content, and the following articles list the rights protected by the conventions. For instance, Article 2 of the ICCPR states the following:

‘Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.’²¹

It goes on to declare that:

²⁰ The sources for this paragraph is the UDHR, the ICCPR, the ICESCR and Lindholm 2006.

²¹ ICCPR: Article 2, paragraph 1.

‘...each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.’

Likewise, article 2 of the ICESCR states:

‘Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available sources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.’²²

The conventions include persons other than citizens of the state.²³ A state that has ratified the conventions binds itself legally to adhere to its content, and Lebanon ratified the two conventions in 1972. The legally binding aspect of the civil rights, then, was not operative until 1966; but the rights still existed as a category of human rights. Therefore I will use the term for the whole period of 1948-2005. Saying that Syria ‘granted the Palestinian refugees civil rights in 1949’ basically means that the state fulfilled parts of the rights that would become legally binding with the conventions. A state might break with or withhold civil rights before the conventions, but it was only after 1966 that one could claim that a state ‘violated’ the civil right conventions.

The rights recognized by the ICCPR include:

- The right to life
- The right to security of person
- The right to liberty of movement and freedom to choose residence for anyone lawfully within the territory of a state
- The right to equality before the law
- The right to peaceful assembly
- The right to freedom of associations
- The right to protection from discrimination

The rights recognized by the ICESCR include:

- The right to work, and other work-related rights
- The right to the forming of trade unions
- The right to social security
- The right to an adequate standard of living including adequate food, clothing and housing
- The right to the highest attainable standard of physical and mental health
- The right to education

²² ICESCR: Article 2, paragraph 1.

²³ Aasheim 2000, 57, 59.

I have selected four of these as a focus in this thesis: The right to health, to housing, to freedom of movement, and to work. Three are found in the ICESCR, while the right to freedom of movement is found in the ICCPR. These four are perhaps the most important for the refugees' situation in Lebanon, and they also illustrate Lebanese attitudes specifically. There also existed written or oral sources relating to these rights for the whole period, making the focus possible in practise.

The Palestinian refugees under international law

The United Nations, the UDHR and the Palestinian refugee problem all coincide in time, as all three were 'born' in the late 1940s – the UN itself in 1945, and the others in 1948. The UN soon established organs to protect the rights of refugees in general, who rely on the international community and the country of refuge because they are hindered from receiving rights from their own governments. But the UN system did not apply to *Palestinian* refugees.²⁴ Defining a 'Palestinian refugee' has been a problem for the international community, both because of the political turmoil surrounding the Palestinians and Israel, and because most other refugees are unwilling, to return to their country for fear of persecution; while Palestinians are hindered from returning by another state entirely.²⁵ The general definition has come to mean those Palestinians, that is Arab citizens of Mandate Palestine, who fled the part of Mandate Palestine that in 1948 became Israel and were prevented from returning there; and their descendants.²⁶ And these were made to rely on other, specific UN organs.

UNRWA and UNCCP

The UN's first response to the Palestinian refugee tragedy was to adopt Resolution 194 on December 11, 1948. It declared that refugees 'wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date; and that compensation should be paid for the property of those choosing not to return'.²⁷ The right of a refugee to return to her home country was further defined as an individual

²⁴ Takkenberg 1998, 354.

²⁵ Said 2001, 131.

²⁶ Takkenberg 1998, 49.

²⁷ The United Nations Department of Public Information 2002, 13.

right which could not be dismissed by a representative for the refugee communities.²⁸ The first agency responsible for the Palestinian refugees was the International Committee of the Red Cross (ICRC), and the United Nations Relief for Palestine Refugees (UNRPR) was established to cooperate with the ICRC and was the first UN agency affiliated with the refugees, focusing on medical assistance.²⁹ Then, before the 1951 Convention Relating to the Status of Refugees was adopted to protect the rights of refugees in general, the UN established two agencies in order to assist the Palestinian refugees, taking over for the UNRPR. These were the UN Concilial Commission on Palestine (UNCCP), created in December 1948, and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in December 1949. UNRWA's areas of operation was Gaza, the West Bank, Lebanon, Syria, and Jordan. The Palestinian refugees in other countries were under the mandate of the High Commissioner for Refugees (UNHCR), established around the same time. UNRWA's mandate was restricted to material aid such as providing housing and health facilities for the refugees, and did not extend to protecting civil rights. By contrast, the UNCCP was created among other things to protect the rights of the refugees. But this function evaporated already in 1952.³⁰ The UNCCP was reduced to an agency without any protective power, and worked mainly on documenting the past of the refugees who had fled Mandate Palestine. No other international organ was given the charge of protecting the rights of the Palestinian refugees. This development left the refugees without practical or formal international protection, as the only group of people in the world. As a result, UNRWA gradually changed from a short-term emergency operation to an organization with quasi-governmental responsibilities. Its funding came mainly from donor countries, with a smaller amount directly from the UN.³¹ Through the formal label of 'assistance', the agency in fact secured a number of the refugees' basic rights that might have been the responsibility of host countries, most importantly the rights to health and all

²⁸ This was not an issue until 1964, since the refugee communities had no representative prior to the PLO. It was not used as an argument before 1993, when the new Palestinian Authorities signed the Oslo Agreement, which was much resented by the refugee communities because of the lack of a solution for them. This was probably one of the reasons why the refugee problem was left unprocessed in the peace negotiations: The right of the Palestinian refugees to return to Palestine or Israel was, in fact, nonnegotiable and unfeasible, by virtue of being an individual human right.

²⁹ Interim report of the director of the UNRWA 1950, 160f.

³⁰ This was much due to its work on reconciling the refugees' right of return with Israel, which was unsuccessful. Takkenberg 1998, 25.

³¹ The donor countries each decided what amount to grant every year; making UNRWA dependent on their cooperation.

that entails, and education. UNRWA was also the largest contributor of economic support to the refugees.

The UNHCR and the Refugee Convention

Although UNRWA did not have a mandate for protection, the refugees within UNRWA's area of operations were automatically excluded from receiving support by the UNHCR, which stated that its protection 'shall not extend to a person [w]ho continues to receive from other organs or agencies of the United Nations protection or assistance.'³² For the same reason, Palestinians were excluded from the Refugee Convention:

'This Convention shall not apply to persons who are at present receiving from other organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.'³³

Lebanon never ratified this convention in any case, but this policy formally rendered the Palestinians refugees unable to benefit from formal protection arrangements.³⁴ In other words, the only agency related to the Palestinians was restricted to material aid and, as we shall see, suffered from limited means.

The civil right conventions and the host governments

Human rights are universal, but no state is held directly responsible for implementing them; thus no one was really responsible for ensuring the human rights of the Palestinian refugees. But the civil right conventions related to them by virtue of binding the host countries' legal framework to its content. So although the UN created no instruments for implementing the civil rights of the Palestinian refugees, the states were still bound to the conventions. UNRWA, then, was responsible for relief for the Palestinians, but the protection of their rights became the responsibility of the host governments. And protection may be viewed as the most important aspect in relation to civil rights, for without protection, even when receiving relief services, there is no real security of rights.³⁵ And responding to this, civil rights apart from citizenship and political participation were extended to the refugees in most host countries. However, in Lebanon, the Palestinians were left in a vacuum of neglect. The Palestinian Human Rights Officer with the Norwegian People's Aid stated that

³² UNHCR Paragraph 7.c as quoted in Akram 2002.

³³ Article 1D of the Refugee Convention, as quoted in Akram 2002.

³⁴ Takkenberg 1998, 315.

³⁵ Interview with Haifa Jammal 10.02.2006.

the Lebanese state was guilty of violating rights they assumed responsibilities for through the ratifications.³⁶ The jurist Wadie Said, among others, also concludes that Lebanon acted in violation of the civil right conventions.³⁷ But the UN rarely addressed the situation for the refugees in Lebanon. One resolution from 1950 called upon the governments concerned to ‘undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination either in law or in fact.’³⁸ Apart from this statement, few were made against the treatment of Palestinian refugees in UNRWA’s area of operations.³⁹

The rights in focus here differ on one important aspect. The rights to health and housing were included in UNRWA’s mandate of responsibility, but many of the agency’s activities interfered with matters of governmental policy and were therefore of concern to the host governments, ensuring a degree of cooperation and connection between the agency and the government.⁴⁰ Sources claiming that there were sometimes problems ‘coordinating action and reconciling differences’ between UNRWA and the host governments show that the governments influenced the agency and the refugee communities.⁴¹ But although the rights to health and housing were affected by governmental decrees, their implementation was the responsibility of UNRWA as well as of the host country. The rights to freedom of movement and work, by contrast, did not come under UNRWA’s mandate and thus were solely the responsibilities of the host country.

Method: Source criticism

This thesis uses both written and oral sources discovered during fieldwork in Lebanon in the period from 16 January to 30 March, 2006. I spent most of the time in Beirut and in the largest and the smallest camp there; respectively Burj al-Barajneh and Mar Elias.

³⁶ Interview with Haifa Jammal 10.02.2006.

³⁷ Said 2001, 132, 140-141.

³⁸ United Nations: General Assembly Resolutions (1972), *Resolution 394 (V)*: 153f. in: Palestine. International documents on human rights 1948-1972, 1972.

³⁹ The UNHCR interfered in Lebanon once during the civil war, and some resolutions have made general comments and recommendations to all host governments. (Takkenberg 1998, 307.)

⁴⁰ Jabber, Fuad (ed.) (1970), 384.

⁴¹ Jabber, Fuad (ed.) (1970), 384.

Written sources

Written sources are most important for Part II. During my fieldwork I soon discovered that there were few sources from the period of 1948-1969. Beside some reports on the general refugee situation in the Arab countries⁴² and the few Lebanese laws relating to Palestinians, written sources dealing with the situation of the Palestinian refugees in Lebanon almost exclusively come from the archives and annual reports of the ICRC and UNRWA.⁴³ A consequence was that there was more to be found on issues like housing and health from the first period, since those areas fell under the responsibility of UNRWA and the ICRC, and UNRWA especially kept detailed records. On the rights to work and free movement there were no official sources, since governmental procedures having to do with the refugees usually were de facto situations, not legal ones, as we shall see in Chapters 3 and 4. Therefore I rely mainly on the UNRWA reports, the laws, and my interviews when relating to the first period, as well as literature by Sayigh and al-Natour especially. The sources were used in order to verify or falsify assumptions and statements, and to account for the actual situation. I compared official documents and oral statements with the reported or observed conditions, in order to verify or falsify their information.

The most important written sources for the whole thesis are also different reports and legislation. Reports include international reports from UNRWA, the research institute Fafo, the Danish Refugee Council, and reports from international missions to Lebanon. Legislation include Lebanese legislation before, after and including the Ta'if Accord of 1989 and the ICCPR and ICESCR. Other UN documents on Lebanon are also used.⁴⁴ I also use reports from the Palestine Return Centre and from non-governmental organizations such as the Palestine Human Rights Organization, and newspaper articles. Such sources may contain political or other propaganda or motives. For instance, the name itself of the Palestine Return Centre is a strong implication that this centre works for the right of return of the refugees. When it comes to official statements relating to the refugees, I searched widely and archived every source I found. They were not plentiful, as few statements were indeed recorded. The ones used here, then, is from a small but broad selection.

⁴² The Arab Refugee Problem. How it can be solved 1951, Thicknesse 1949, Khalidi & Majaj 1965.

⁴³ I did not have access to the ICRC archives, but to a survey by the Institute of Jerusalem Studies accounting for the archives in Jerusalem (al-Husseini 1998).

⁴⁴ I use several collections of International Documents on Palestine by the UN.

The sources are generally held to be reliable, and are verified or falsified by each other and by oral statements. One example of a 'reliable' written source which was found incorrect, was UNRWA's official numbers of Palestinians in Lebanon, which, according to other sources, were too high after their arrival in 1948 and also after the civil war. In such cases I give the different statements and discuss which is more probable. In the 1950s, UNRWA's numbers were amended, so in this case it was quite clear that the numbers of 1948 had been incorrect.

Oral sources

Two kinds of sources are treated as oral sources in this thesis. The first is statements recorded in written sources such as newspapers, reports, literature and UN collections of documents. When these statements are given as a part of a speech or other oral forms of written statements, I basically treat them as written sources. When the statements are of a more spontaneous nature, such as interviews in newspapers, they will be interpreted according to the contexts listed below. The other kind of oral sources is interviews with Lebanese and Palestinian sources that I conducted during my fieldwork. Some observations rely on these, since they give accounts of events that were not documented in writing and thus allow for exploration of less known periods, such as the period of 1958-64.

My interviews

The interviews were conducted in the time span of 8 February to 27 March, 2006. I interviewed both Lebanese and Palestinians. Among the Lebanese were academics and researchers (Farid el Khazen and Simon Haddad); former and current officials, among them two army officers wishing to remain anonymous and one member of parliament.⁴⁵ One Lebanese journalist, Ziad Majed, was also interviewed. Among the Palestinians was a researcher and former politician (Salah Salah), an NGO worker (Haifa Jammal), and two jurists (Suheil al-Natour and Salah Dabbagh).

⁴⁵ These were the government representative Khalil Makkawi; former head of the Department of Palestinian Refugee Affairs Khalil Shatawi; the Minister for Culture Tariq Mitri; party secretary of the Progressive Socialist Party Charif Fayad; member of the Maronite Phalange party Joseph abu Khalil; and member of parliament Farid el Khazen. For a complete list of informants, see Appendix 1.

The selection was made because of relevance and attainability. Each interview followed a somewhat personally adapted set of questions, differing according to whether the subject was an academic or a politician, and according to what party he was affiliated with. The interviews took a different turn if the subject had written texts I used in my research.⁴⁶ Some persons I met twice or several times, and a more personal and friendly setting influenced the second interview.⁴⁷ There is an imbalance of gender representation – out of fourteen recorded interviews only one of them was with a woman. The reason for this was the fact that there was a gender imbalance within my focus – most politicians, lawyers and researchers related to my topic were men, and most of the women I found relevant were unattainable.⁴⁸ However, I had several meetings with female and male representatives of refugee camp communities, NGOs, and researchers, but I did not have the chance to record their interviews. Their influence and information still formed my perceptions of the situation.

The topic of my interviews were made less controversial to governmental representatives than perhaps it would had been a year before, because of an official committee that was established in October 2005 which planned on dealing specifically with Palestinian issues (see page 89 and Postscript).⁴⁹ This circumstance opened the subject for discussion, and I rarely met with people who were unwilling to comment on it, although I had assumed that the subject might be received as controversial.

The nature of oral sources

Although there is no unanimity regarding the validity of oral sources, the difference between written and oral sources is not as great as once presumed; when it was thought that written sources were ‘reliable’ and oral sources were not.⁵⁰ Most written sources are in fact based on oral narratives; some of my reports, such as the one from Fafo and the report on non-ID refugees, are based on oral accounts and the statistics are constructed on them. Also,

⁴⁶ This was the case with Simon Haddad, Farid el Khazen, Suheil al-Natour and Salah Salah.

⁴⁷ This was the case with Salah Salah, Khalil Makkawi, el Khazen and Tariq Mitri.

⁴⁸ Notably the writer Rosemary Sayigh and the politicians Nayla Mouawad and Samira Salah.

⁴⁹ This committee was established outside the scope of my time period, and is one of the reasons why I chose to end that scope in 2005. It marked something that might become a change in Lebanese-Palestinian relations, but it was not possible to determine its impact at the time of this writing.

⁵⁰ Wallot et al 1998, 365ff, 370.

some oral sources have a specific value through non-verbal acts like gesticulations, facial expressions, body movements, and so on.⁵¹ Such acts can give a meaningful insight for an interviewer.

Interpreting oral sources

One fundamental and apparent aspect of interpreting interviews is that people may adapt what they say to their identities, roles, and political affiliation.⁵² For instance, I interviewed Lebanese affiliated with different parties: The Progressive Socialist Party; the Free Patriotic Movement; the Kata'ib (or Phalange); and Hizbollah.⁵³ I also interviewed Palestinians who were members of Fatah, the DFLP, and Hamas. Such affiliations will be taken into account when interpreting their statements, as well as what roles the interviewees have in society, such as Member of Parliament, head of a department, or journalist. Whether or not a statement may be coloured by some external purpose or ulterior motive, for instance propaganda towards the international community, must also be considered. And for Lebanon, a subject's confessional affiliation is equally important as their political belonging, and this was asked of most subjects and will also be taken into account.

The setting – the *time* a statement was made, the place it was said and to what audience (in this case to a female, Western student) must also be considered. For instance, at the time of my interviews the Syrian forces had withdrawn less than one year before, and this seemed to colour several statements.

Another aspect is that the interview's topic is by nature set by the interviewer, so the product is created by both the subject and by the interviewer. My interviews were guided by my bringing up an issue of either importance (for the Palestinians) or of conflict and sometimes shame (for the Lebanese). My questions, follow-up comments, expressions and so on were likely to influence the subject's answers, and the other way around. Such influences people find difficult to evade or may not even notice.⁵⁴ The interviewer may act in setting agendas, selecting topics in conversations, or 'making assumptions about realities that hearers are obliged to at least temporarily accept in order to process the text or talk.'⁵⁵ Hearers may be 'coerced' into assuming certain roles; for instance, if I, as an interviewer,

⁵¹ Van Dijk 1997, 13.

⁵² Van Dijk 1997, 12.

⁵³ See Chapter 2.

⁵⁴ Chilton et al. 1997, 212.

⁵⁵ Chilton et al. 1997, 212.

refer to a politician as ‘you’ in relation to asking about the party politics, this implies that the politician speaks for the party. If I refer to the party as ‘they’, the interviewee may feel freer to answer for himself, not necessarily as a speaker for the party. This can be detected in his use of ‘I’ or ‘we’ in the response. However, although the interviewer initially holds the coercive power, so to speak, through setting the agenda of the interview, the subject might also change the pace and the topic in a ‘struggle for control’ of the interview.⁵⁶ One theory is that the interviewer should give priority to what the interviewee wishes to tell.⁵⁷ This change of topic often occurred, and in most cases, I accepted their changes and asked template questions at a later time.⁵⁸ This relationship between the subject and the interviewer can be viewed as one of the ‘problems’ of interpreting oral sources, or simply as one of the aspects to remember when analysing the findings. I often summarized the interviewees’ statements in order to confirm that I understood their opinions.

Another factor to keep in mind when interpreting oral sources, in this case my interviews, is the pace of the narrative. If a person dwells on one episode and hastily explains another, this may mean that she wishes to emphasize the meaning of the one episode she dwells on, or to draw the attention from the other.⁵⁹ The amount of *meaning* the subject draws to an event can be detected this way. This did take place in some of my interviews.⁶⁰

As for credibility, facts recounted in an interview may be of a personal nature, mixed with imagination and memory. Memory is the main tool in extracting historical facts from interviews, and memories by definition relates to both the past – what one remembers, and the present – when one remembers it; something that must be taken into account when analysing oral sources.⁶¹ The factual or fictional content of the source may be viewed as other problems of oral sources, but can also be true for written sources. The best way to verify facts is to check them with other sources, oral or written. But one aspect of oral sources is different, and often makes the interview all the more interesting: If a fact is wrongly recounted, that does not mean that the subject was ‘lying’ – oral sources is as

⁵⁶ Fairclough et. al 1997, 272.

⁵⁷ Portelli 1998, 70.

⁵⁸ This particularly was the case with Farid el Khazen, Salah Salah, and Khalil Shatawi.

⁵⁹ Portelli 1998, 66.

⁶⁰ This was the case especially with Salah, al-Natour, El Khazen, Fayad, and an army officer wishing to remain anonymous.

⁶¹ Popular Memory Group 1998, 78.

much about how the source perceived the truth, as it is about the ‘truth’ itself.⁶² In this way, oral sources also speak of what people believed was happening at a certain time. For my thesis, this is an important point: My wish was to discover what the Lebanese *believed* to be reasons, as well as finding the actual reasons for the situation of the Palestinian refugees in Lebanon.

In speaking of the past, interviewees may also adjust their statements to what their beliefs or standards are at the time of the interview, even though such standards may have been different at the time of the event. Acts considered legitimate at one point in time may be viewed as unacceptable at a different point – and therefore the subject may adjust the ‘truth’ to fit what she perceives as ‘true’ at the time of the interview, or attempt, consciously or unconsciously, to ‘hide’ the facts.⁶³ In my cases, for instance, the view on violence or oppression may have changed between the time of the civil war and the time when the interviews took place. This perceived truth is what I have tried to detect in my interviews when I asked about the reasons for the conditions of the refugees. Of course, this is not a necessary truth about oral sources; as many are able to recount such ‘past selves’.⁶⁴

Thus, the oral sources I use should be understood and analysed in the light of contextual features such as the role of the participants themselves; their motives and purposes; the relation of the interviewer and the subject; the pace of the narrative; the nature of memory and fact; the wish for consistency; and the time in history. But before oral sources are used in an extensive manner, we shall look at the empirical situation and the historical background for the topic.

⁶² Portelli 1998, 67.

⁶³ Portelli 1998, 69.

⁶⁴ Portelli 1998, 65.

Chapter 2. Historical Background

Lebanon's creation and political system

The nature of the Middle East changed at the end of the First World War. Under Ottoman rule, modern Syria, Lebanon, Palestine and Jordan were governed as one area, but Great Britain and France divided the region into mandates. The provinces of Syria and Palestine were redrawn as the modern states of Syria, Palestine, Lebanon and Transjordan, and in Lebanon and Palestine the creation of the mandate came to differentiate them from their neighbours. The most remarkable difference between Lebanon and the other mandates was a large population of Christians who had been in the area for centuries: The area of 'Mount Lebanon' in the province of Syria formed the basis of the new Lebanese state, and the inhabitants were mostly Christian Maronites and Druze (a Muslim confession). Modern Lebanon of 1920 included areas around the mountain and with them a large community of Sunni and Shi'a Muslims, but the area still consisted of 10,452 square kilometres only;⁶⁵ comparatively the size of the county of Rogaland in Norway (see Map 1). The separation from Syria was designed so that the Christians would become the majority of the inhabitants of the new state. The separation was welcomed by most Christians but resented by most Muslims.⁶⁶ Lebanon had seventeen confessions altogether: The largest being Sunni, Shi'a and Druze (Muslims) and Maronite, Greek-Orthodox and Catholic-Orthodox (Christians).⁶⁷ Mandate Lebanon thus became a resourceful state ruled by the French in cooperation with Christian Lebanese.

Independence

The Second World War brought about two changes of perhaps equal importance: The end of the mandates, and the creation of Israel in Mandate Palestine. Lebanon gained independence in 1943, and a political system that took the country's various communities into consideration was created. With independence, the so-called 'National Pact' came into

⁶⁵ The Economist Intelligence Unit 2005, 3.

⁶⁶ Maktabi 1999, 232.

⁶⁷ There was also a small community of Jews, and later the Muslim Alawites were recognized as a confession (CIA The World Factbook 2006).

existence. It was an unwritten agreement based on a census from 1932 that had measured the numeral size of the confessions, and had broadly found the country to be sixty per cent Christian and forty per cent Muslim. Whether or not the census was carried out correctly has been debated, but it was generally accepted.⁶⁸ The political system adopted was called a confessional democracy – a quasi-democratic system based on power sharing between the confessional groups.⁶⁹ The National Pact followed this principle of power-sharing, or balance of power: Parliament seats and all high offices of government would be reserved for Christians or Muslims on a ratio of six to five, and the country's leading positions of President, Prime Minister and speaker of Parliament would be divided on a confessional basis. The President would belong to the largest confession (Maronite), the Prime minister to the second largest (Sunni), and the speaker of Parliament to the third (Shi'i). As executive power lay with the President, the outcome was that the Maronites gained the dominant authority in Lebanese political life. Problems with the system became evident as the 1932 census was never updated although the Muslims, and especially the Shi'is, had a higher population growth than the Christians.⁷⁰ No new census measuring Lebanon's population was held, and the imbalance of the power sharing which soon became evident was not redressed.

The zu'ama

A second factor of importance to the power sharing in Lebanon was the existence of a clientalistic system, founded in the eighteenth and early nineteenth century when the political organization of the area of Mount Lebanon was led by prominent families who functioned as patrons to the population, and offered, for instance, the use of land in exchange for loyalty.⁷¹ They were generally referred to as the *zu'ama* (sg. *za'im*), and most were Maronite or Druze. Allegiance to the *zu'ama* depended on personal loyalties, and the clientalistic networks were partly based on confessional allegiances. In addition, another class of *zu'ama* emerged in the beginning of the twentieth century. Although their loyalties

⁶⁸ Jaulin 2006, 4f. and Maktabi 1999. The latter claims that the way the census was carried out, organized and administered was vague and politicized, and that its results are debatable (Maktabi 1999, 221, 240).

⁶⁹ Economist Intelligence Unit 2005, 4.

⁷⁰ Among other things, the Shi'a community had a higher fertility rate than the other confessions. Qualified estimates showed that the demographic balance was shifting in favour of the Muslims. The Lebanese population was estimated to be around 3,8 million in 2006 and the balance was estimated to be sixty per cent Muslims and forty per cent Christians (CIA The World Factbook 2006).

⁷¹ Hamzeh 2001, 168ff.

were based on the same traditional principles, they developed as a new power in modern Lebanon as landowners, urban merchants, bankers, and others who acquired power under the last days of the Ottoman rule or during the French mandate.⁷² This *zu'ama* included several Sunni families. All *zu'ama* tended to exercise their power through confessional bonds, but the newer class provided their 'clients' with services through their political positions instead of land. It was therefore essential for them to be elected for governmental positions; and a form of confessional clientalism was brought into the modern Lebanese governmental politics.⁷³ In coalition with the French Mandate, the *zu'ama*, and particularly the Maronites, were introduced to the idea of ruling the country based on a Western system combined with a traditional Lebanese arrangement. In other words, in addition to the established political system of power sharing, the loyalties to the *zu'ama*; whether to land owners or urban merchants; had a large impact on Lebanese politics, and Lebanon's modern political system was rooted in its confessional history.

The political parties

One consequence of this was that the political party system developed differently in modern Lebanon than in the other Arab countries. It was not required to belong to a party to be a Member of Parliament in Lebanon; but most were usually 'affiliated' to one. First, the parties' platforms reflected the confessional, communal landscape they came from and the communities were commonly associated with one or several parties.⁷⁴ But such loyalties was not the only aspect of Lebanese political life. Several parties were also founded on ideological factors, and it was soon possible to divide the parties into rightist and leftist. The importance of ideology became more and more apparent in the 1950s and 1960s. Although the rightist parties for the most part remained confessionally based, many also adhered to a Lebanese nationalist ideology. The Maronites came to be associated mainly with the *Kata'ib* or Phalange Party, which was based on a rightist nationalist ideology. The Druze were commonly attached to the leftist Progressive Socialist Party (PSP) although this was ideologically, not confessionally, based. Leftist ideologies ranged

⁷² Hamzeh 2001, 171.

⁷³ Hamzeh 2001, 172. Jaulin 2006, 10.

⁷⁴ El Khazen 2003, 607.

from Marxism to Pan-Arabism.⁷⁵ The Sunnis were generally identified with parties with an Arab nationalist orientation, and the Shi'is were not politically organized until the 1970s and 1980s. Thus the bulk of the Lebanese parties and political procedures were formed on a mixture of ideology and confessional affiliation, and both the ideological and confessional differences were significant for the parties' roles in the civil war of 1975-1989.

The Palestinian refugees

The second modern state for which the creation of the mandate had severe consequences was that which might have been Palestine. The creation of Israel in 1948 led to war between the new state and its neighbouring countries, and a large number of Palestinians fled from the area.⁷⁶ The refugees arriving in Lebanon were mainly from northern Galilee in today's Israel, and they numbered around 100,000.⁷⁷ They formed about ten per cent of the Lebanese population, and most of them were Sunni Muslims.⁷⁸ The mass of the refugees were gathered in seventeen refugee camps around the country (see maps 2 and 3), although in the first years many well-off or Christian Palestinians settled in other places.⁷⁹ It was unknown just how many refugees resided in Lebanon at what time, although the numbers up till 1970 were rather more accurate than the numbers after the Lebanese civil war. UNRWA estimated that there were around 400,000 Palestinian refugees in Lebanon in 2005,⁸⁰ but there were many indicators that the actual number was lower because of emigration. Fafo's estimate was closer to half this number. The numbers were contested in various sources.⁸¹ The number of camp residents in 1998 was estimated to be between 56 and 89 per cent.⁸²

⁷⁵ Some parties emerged from parliamentary coalitions and not ideology or confessional bonds, and others, such as the Lebanese Communist Party, was not associated with any particular confession at all (El Khazen 2003, 607).

⁷⁶ Israel never accepted its responsibility for this, but the UN has repeatedly stated that the refugees did not leave their homes voluntarily, and among other things were forced to flee because of Israeli actions. (E.g. United Nations: International Parliamentarians Report (1970), *Report of the Committee on International law and Human rights 1970*, 372.)

⁷⁷ In 1950 the number was set to 128,000 by UNRWA (Interim Report of the Director of UNRWA, 1950, 12). This number was later amended.

⁷⁸ Sayigh 1994, 17.

⁷⁹ Sayigh 1994, 23. See Appendix 3 for the camps.

⁸⁰ UNRWA: Total registered refugees per country and area, 2005.

⁸¹ Fafo 2005, 12. Idârat al-ihsâ` al-markazî, maktabat al-Balad 2005. Danish Refugee Council and Palestinian Human Rights Organisation 2005, 11.

⁸² Danish Immigration Service 1998, 39.

The host countries

Lebanon was only marginally involved in the 1948 war, but there was widespread sympathy for the Palestinian cause. The state cooperated with the Red Cross and with UNRWA. There was a general belief that the situation was temporary, and that the refugees would soon be repatriated.⁸³ But the unsolved nature of the refugee problem made the Arab host countries tolerate an extended stay of the Palestinian refugees on their soil, and therefore granted them de facto asylum. The dominant focus of the Arab states was on the right of return; preservation of the Palestinian identity; and in most cases, on solidarity and social integration of the refugees.⁸⁴ The Arab states agreed to reject the naturalization of the Palestinian refugees in order to emphasize their view that Israel was responsible for the situation, and that the UN bore secondary responsibility by legitimizing the Zionist claims to Palestine.⁸⁵ The Palestinians also expressed their rejection of being resettled and losing their Palestinian identity; thus protecting their right to return and compensation. Although the Arab League adopted several resolutions, and also a document referred to as the Casablanca Protocol, which stipulated favourable treatment of the Palestinian refugees in every member state, the actual treatment of the refugees depended mostly on the policies of the various governments. It was adopted in 1966 and ratified with reservations by Lebanon, but was never fully implemented.⁸⁶

The 1958 uprising

In 1958 there was a short civil war, or uprising, in Lebanon, based on confessional discontent. Basically, the western-oriented President Camille Chamoun responded to a growing pan-Arabism in the Middle East by strengthening its links with the West and trying to weaken the Muslim *zu'ama* and elite, causing a public uprising. The Lebanese Army took the side of the rebels and replaced the President with general Fouad Shehab. The war ended quickly, but had notable effects. Although the Palestinian refugees had been

⁸³ Haddad 2003, 25f.

⁸⁴ Takkenberg 1998, 132f.

⁸⁵ Via UN Resolution 181 (Akram 2002, 36).

⁸⁶ For a detailed overview of resolutions and the Protocol, see Takkenberg 1998, 139ff. The Casablanca Protocol specified that Palestinians in Arab League states had the right to employment (Article 1), freedom of movement to and from the state (Article 2), right to travel documents (Article 4) and the right to '... receive the same treatment as all other LAS state citizens...' (Article 5).

absent in the conflict, Shehab strengthened the Army's Intelligence Bureau and installed them directly in every refugee camp, which led to a tighter control.⁸⁷ It also marked the first open confessional discontent with the political system.

The PLO and the Lebanese Civil War

In June 1967 a third war broke out between Israel and several Arab states, but Lebanon did not participate. This six-day war was a catastrophe for the Arab world. Israel occupied the West Bank from Jordan, which had governed it since the war in 1948; Gaza and the Sinai from Egypt; and the Golan Heights from Syria. Another wave of refugees entered Lebanon, although not by far as many as in 1948.⁸⁸

The Palestine Liberation Organization (PLO) had been established in 1964, its charter stressing the liberation of Palestine through armed struggle against Israel.⁸⁹ From 1967 on, it became politically active in Lebanon. The Lebanese parties that were already divided on ideological, political and confessional grounds, were now further divided on the issue of the PLO and its presence in the country. The broad partition was between Christian rightist and Muslim leftist parties, where the Lebanese National Movement (LNM) gathered several leftist parties in a coalition, dominated by the PSP, and allied with the PLO. The LNM identified with Arab causes and particularly the Palestinian cause, and focused on social questions and a more just political representation.⁹⁰ Their history of adhering to socialism, communism, and specifically pan-Arabism caused them to support the PLO in its fight against Israel, and the PLO's resources were helpful in their own internal conflict with the rightist forces.

The main actors among rightist parties were the Phalange and the Lebanese Forces, the latter a newcomer onto the political stage. These held the nationalist view that Lebanon was different from other Arab countries and therefore were against pan-Arabism. They were not inclined to support the PLO, both because the organization attracted the regional issue of Israel and Palestine to Lebanese soil; and especially because the PLO was allied

⁸⁷ See Chapters 3 and 4 for more on this.

⁸⁸ They consisted of around 30-35,000 people in 1998 (Danish Immigration Service 1998, 30). The source says that UNRWA's estimates of this category stood at 15-20,000.

⁸⁹ The Palestinian National Charter of 1964.

⁹⁰ Khazen 2003, 609.

with the LNM who wished for a change in the political system; a system the rightist forces wished to maintain. Tensions rose in the 1970s, years that were marked by the militarization of Lebanese politics.

In 1969 the PLO and the Lebanese government signed the Cairo Agreement, which gave the PLO the responsibility for and control over the refugee camps and stipulated areas in the south from where they could fight Israel. It required them to cooperate with the Lebanese government, but the camps became isolated. Under the control of the PLO, many of the refugees' civil rights were granted, and they were able to move freely in Lebanon for the first time since their arrival. The PLO was supported almost unanimously by the Palestinian refugees and the reaction to the Cairo Agreement was full-fledged political activism where the community previously had been inactive and controlled. The organization's large resources improved the economic situation of the refugees.

In 1970 the PLO moved its headquarters from Jordan to Lebanon, as the King of Jordan expelled the organization in a massacre remembered as Black September, and this caused perhaps thousands of new Palestinians to flock to Lebanon.⁹¹ The PLO created a large bureaucratic system inside the camps, and thus grew the infamous notion of the PLO as a state within the state, dividing the internal parties of Lebanon more yet.⁹²

The civil war's main events

There is no true consensus on why the civil war broke out, but the most credible explanation involves at least three factors: Lebanon's tense confessional history and so-called balance of power; rising tensions among the poor, especially the fast-growing Shi'a community; and the intensification of pressure and internal division caused by the PLO's presence and warfare in the south. When war broke out in April 1975, political parties turned into militias and state institutions suffered collapses throughout the war.⁹³ The PLO and the rightist forces clashed after the Phalange initiated its first siege of a camp in 1976, followed by similar attacks on other camps. The Palestinians thus became involved in Lebanese internal affairs to an extent regretted by most members in hindsight. Besides the

⁹¹ UNRWA 1982: A brief history 1950-1982, 271.

⁹² The term 'state within the state' is used by several interviewees and writers, e.g. El Khazen 2000, Brynen 1990.

⁹³ El Khazen 2003, 610.

established parties in Lebanon, new figures emerged onto the political scene; such as the Sunni militia the *Murabitun*, the above-mentioned Lebanese Forces, and the Shi'a party *Amal*.⁹⁴ They fought to achieve more political power, challenging both the Maronite hegemony and the traditional *zu'ama* systems.

A regional issue

The war soon became a regional issue, and in 1976, after numerous violent clashes, the Arab League created the Arab Deterrent Force (ADF) to act as an intervention force in the country and to preserve its sovereignty.⁹⁵ The ADF had some 30,000 troops and consisted almost entirely of Syrian forces, with some elements from other countries such as Saudi Arabia and Libya. In 1979 it became purely Syrian. The Syrian state still regarded Lebanon as part of the Syrian province and had an interest in its future; and this marked the onset of their practical control over parts of the country that lasted until 2005.⁹⁶ Syria's shifting allegiances often tipped the power balance of the conflicts. For instance, at an early stage of the war, Syria first supported the Lebanese left and the PLO until these almost gained control of Beirut; then Syria supported the right-wing side instead.

Israel first invaded south Lebanon in 1978, after years of clashes and shelling across the border. The UN then created UNIFIL (United Nations Interim Forces in Lebanon) and established a UN-governed zone on the Israeli-Lebanese border, to ensure the withdrawal of the Israeli forces and to ensure national security.⁹⁷ This goal was not achieved. Despite many attempts of peace treaties, fighting went on between Lebanese militias, at the same time as Israel and the PLO, with respective allies, fought on the border, which led to heavy Israeli bombardment of the south.

In 1982, Israel invaded the country again, and this time they reached and besieged Beirut. This led to the formation of another Shi'a party, the religiously founded Hizbollah, supported by Iran and Syria. Its primary goal was to end the Israeli occupation, and its Islamic nature marked a difference from other Lebanese parties. Israel's invasion also led

⁹⁴ The war's parties were numerous and its alliances were highly complicated. For a full understanding of the civil war, see e.g. Brynen 1990, el Khazen 2000. Over fifteen Lebanese political groups of all political persuasions were active from 1970 on (Hamzeh 2001, 174. Khazen 2003, 609).

⁹⁵ Advisory Committee on Human Rights in Lebanon 1983, 10f.

⁹⁶ See Chapter 7.

⁹⁷ UNIFIL 2006.

to the creation of an international deterrent force with troops from the USA, and ultimately to the expulsion of the PLO from Lebanon and the subsequent massacres in the Sabra and Shatila refugee camps, which caused the death of thousands of refugees. Numbers up to 3,000 were suggested.⁹⁸ Responsibility for the massacres was placed on both the Phalange party, which carried out the massacres, and the Israeli forces, who let the Phalange enter the camps.

The PLO was weakened: It had split internally, and was driven out of the northern city Tripoli by Syria when trying to return to Lebanon in 1983; ending their period of control in Lebanon. The Cairo Agreement was formally abrogated in 1987.⁹⁹ Israel withdrew to the south in 1985, a year that also marked the last stage of the civil war: The War of the Camps. This was an attack initiated by the Shi'a party Amal: The first incident of premeditated Muslim violence towards the Palestinians. Amal was supported in the attacks by several smaller Shi'i and Christian fractions. Syria's influence was felt again as they first supported the unprepared Palestinians, and then changed sides when the Palestinians were getting the upper hand.¹⁰⁰ Hizbollah and the PSP also entered the conflict in 1987 to support the Palestinians. The fighting inside the camps spread to other parts of the country and lasted until 1989. The War of the Camps also caused terrible destructions.¹⁰¹ In 1989, the Ta'if Accord, a Syrian-brokered peace agreement, officially ended the war and dissolved the militias. The last fighting ended in 1991.¹⁰² The bombing of the south created many internally displaced people, and Lebanon faced a post-war economic crisis.

Categories of refugees

The Palestinian refugees were thus divided into three categories. The first, and by far the largest, consisted of Palestinians who came to Lebanon in 1948-49. Most of these were registered with UNRWA after its founding in late 1949, and by the Lebanese state after the predecessor to the Directorate of Refugee Affairs was established in 1950 (see Chapter 3). The influx in 1967 created the bulk of the second category of Palestinian refugees. These

⁹⁸ Sayigh 1994, 122 (note 6).

⁹⁹ Takkenberg 1998, 146.

¹⁰⁰ http://en.wikipedia.org/wiki/War_of_the_Camps. Downloaded 13.09.2006.

¹⁰¹ Race & Class 1983, 243. Middle East International 1982, 13.

¹⁰² Fighting continued in East Beirut until this year, led by General Michel Aoun. This was ended with his exile from Lebanon.

were only registered by the Lebanese state, as UNRWA's registers only included those who registered as refugees before 1949.¹⁰³ Some also came from a group of some thousand refugees who fled from Gaza to Lebanon after a war between Israel and Egypt in 1956, but most of these were denied residence. This category will henceforth be referred to as *non-registered* refugees. The third category of Palestinian refugees arrived during the time when the PLO controlled the camps in Lebanon. They were *non-identified* refugees (or *non-IDs*); Palestinians who were 'not registered with any agency in Lebanon or international body and thus do not possess any valid documents acknowledging their legal existence'.¹⁰⁴ Most of them arrived in the 1970s after the PLO moved its headquarters to Lebanon and only registered with the PLO. Their registration was rendered invalid after the ousting of the PLO from Lebanon.¹⁰⁵ Others did not register at all, as they found it unnecessary in the time of war. Together, this category of refugees numbered from 3-5,000 in 2005.¹⁰⁶ Non-registered and non-ID refugees were not eligible for UNRWA services, and registered refugee women married to non-ID husbands lost their support from UNRWA when giving birth, since their children would be considered non-ID refugees.¹⁰⁷

Post-war Lebanon: The Lebanese Perspective

The Ta'if Accord

The Ta'if Accord formed the basis of the reformed Lebanese Constitution. All parties agreed to compromise and all militias were abolished except Hizbollah, which was allowed to keep its weapons in order to fight the Israeli occupation. The political system remained intact, but the power-sharing relations in the government were amended to represent the Muslim communities more justly.¹⁰⁸ The Ta'if Accord also stipulated that Palestinians were not to be settled in Lebanon, officially rejecting *tawtin*. In addition, in 1991, the Casablanca Protocol was weakened or invalidated by another Arab League resolution

¹⁰³ Sayigh 1988, 18. In 2004, UNRWA commenced granting services to the non-registered refugees as well.

¹⁰⁴ *Non-identified* and *non-ID* are established terms. See for instance Danish Refugee Council et.al 2005, 12.

¹⁰⁵ There is some confusion as to when they entered the country, as some non-IDs came to Lebanon after 1956, when about 5,000 refugees fled from Gaza (al-Natour 1993, 34f.).

¹⁰⁶ Danish Refugee Council et.al 2005, 12. al-Najjar et al 2005, 11. Their situation is examined in Chapter 4.

¹⁰⁷ Danish Refugee Council et. al 2005, 24. This was confirmed by UNRWA (UNRWA 2005: Briefing Paper for HE Fouad Siniora, 3).

¹⁰⁸ See Chapter 3. For a full list of the amendments, see Salem 1998.

claiming that it should be heeded ‘in accordance with the rules and laws in force in each state’.¹⁰⁹ This, for Lebanon, basically abrogated the Protocol altogether.

Most of the political parties had lost their popular support. They were weakened due to their roles as militias during the war; to Syria’s influence which had some parties banned; and to the compromises of the Ta’if Accord. The old alliances were broken, especially since the LNM had been severely weakened, and the new figures in Lebanon’s political life were somewhat swept up by traditional clientalism.¹¹⁰ The failure of the ideological parties ensured the *zu’ama*’s continued influence, and politics thus remained clientalistic and confessional.¹¹¹

Israel and Syria

Israeli forces remained in the south until 2000, when they finally withdrew. After their primary goal was thus achieved, Hizbollah became engaged in governmental politics and had a large impact as one of the major parties of the largest estimated confessional group in Lebanon. Hizbollah was the only party in Lebanon who claimed they wanted a numerical democracy from 1992.¹¹²

Syria’s impact on Lebanese political life was as important, if not more so, than Israel’s. The Lebanese Army was weaker than the Syrian, and the government had basically fractioned into militias and otherwise dissolved. The Syrian forces stayed on after the war, and according to the majority of interviews and literature, they hindered the free executive power of the government.¹¹³ The Syrian forces finally withdrew in April 2005, after increasing protests from Lebanon and the international community, when the Syrian government had been officially accused of participating in the assassination of Lebanon’s Prime Minister Rafiq Hariri who had spoken openly against the Syrian domination. Parties

¹⁰⁹ Takkenberg 1998, 149. Takkenberg believes it was not officially revoked, but refers to other writers who claim this.

¹¹⁰ The Lebanese Forces as clients of Israel, several parties as clients of Syria and Hizbollah as clients of Iran (Hamzeh 2001, 174).

¹¹¹ Hamzeh 2001, 173f.

¹¹² Since the Shi’a Muslims were estimated to be the largest confession, Hizbollah might have felt it had little to lose within a numerical democracy.

¹¹³ For instance, interview with Farid el Khazen, 14.03.2006, interview with Khalil Makkawi, 10.03.2006. The issue of Syria’s influence or control over Lebanon was a hotly debated issue during my fieldwork. Lebanese politicians as of 2006 were generally divided by their pro- or anti-Syrian interests. See Chapter 7.

that were banned were reopened, and the party the Free Patriotic Movement was founded in 2005 in relation to the Syrian withdrawal.

A challenge for Lebanon after the war was thus to regain its own sovereignty through ending the Israeli occupation of the south, as well as the Syrian domination.¹¹⁴ Most Lebanese had also started to consider the PLO as an intruder who had exploited its freedom and violated Lebanon's sovereignty. The PLO's role in the war caused rising 'anti-Palestinian' feelings that did not end with the war.¹¹⁵ Some claimed that the PLO was what divided the Lebanese society into fractions and militias and caused discord and death to spread through the country.¹¹⁶ Others claimed that the PLO was the catalyst for such discords to arise and the blame belonged to several groups.¹¹⁷ Some, mostly Sunnis, also said the PLO was not at all to blame.¹¹⁸ But beyond war, occupation, or the expulsion of the PLO, the presence of the Palestinian refugees remained unsolved.

The Palestinian perspective

When the Cairo Agreement was abolished, it consequently revoked the Palestinian refugees' rights. The camps and their infrastructure had suffered heavy destruction, and the general economic situation deteriorated as the focus of the international community and the donor countries to UNRWA shifted away from the diaspora after the outbreak of the 1987 *Intifada* on the Palestinian territories. In addition, the Gulf War of 1990-1991 increased economic pressures since the PLO, still sending resources to the diaspora refugees after its expulsion, was perceived as supporting Iraq against Kuwait, and lost much of its support from the Gulf states as a result.¹¹⁹ Lastly, the Oslo Peace Accords of 1993 had a large impact on the international focus and the economic situation. It sketched out hopes for a future Palestinian state and peace with Israel, but no solution was suggested for the 1948

¹¹⁴ Again, according to most interviews, reports and literature, the Syrian presence was equivalent to a hegemony or control.

¹¹⁵ The term anti-Palestinian and anti-Palestinianism was used by the Palestinian lawyer Salah Dabbagh and the Lebanese journalist Ziad Majed, among others.

¹¹⁶ Haddad 2003, 87. Interviews; e.g. with Farid el Khazen 14.03.2006.

¹¹⁷ Haddad 2003, 87. Interviews; e.g. with Tariq Mitri 27.03.2006.

¹¹⁸ Haddad 2003, 87.

¹¹⁹ Haddad 2000: "Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon", 2.

refugees. They were addressed in two ways during the negotiations: Through the creation of a multilateral working group discussing their problem, and through including them as an item of the ‘final status’ negotiations, that were ever postponed.¹²⁰ Besides causing a further decrease in the funding to UNRWA, the lack of a solution for the refugees in the peace process evoked strong, negative reactions in the Lebanese government and public; which in turn caused measures against the resettlement of the refugees in Lebanon.¹²¹

Summary

The state of Lebanon was founded on a confessional imbalance which defined the political system, and confessionalism, clientalism and ideology all merged together to form it as a modern state. The Palestinian refugee community was large in relation to Lebanon’s population, and the country was an area of interest for several regional forces; especially for Syria and Israel during and after the civil war. Lebanon’s situation was different from its neighbours’ in many ways, and the differences in legislation and practises had consequences for the Palestinian refugees. These aspects are essential to achieving an understanding of the civil rights situation and will be the focus for the following chapters.

¹²⁰ Weighill 1997, 302f. Report of the Commissioner-General of the UNRWA 1997-1998, 5ff.

¹²¹ See Chapters 3 and 4.

PART II

Chapter 3. Lebanese legislation relating to the civil rights of the Palestinian refugees

The status of the civil rights of the Palestinian refugees can partly be observed in Lebanese legislation, where stipulations of international conventions would normatively be implemented, and partly in de facto policies and practises. ‘Policy’ may signify legal decisions, but henceforth it is referred to as unwritten decisions, and not legislation, unless it is emphasized as a ‘legal policy’. The government never made the legal status of the Palestinian refugees clear, and therefore this study includes examples from both legislation, practical policies, and official statements, in order to make the presentation as accurate as possible. Practises will be the subject of Chapter 4, while this chapter will examine the legal situation of the Palestinian refugees. It looks at the main characteristics of the Lebanese legislation relating to them before and after the civil war, then views some legislation in detail and goes through legislative tendencies. First, it will give a brief overview of the Lebanese political arrangement.

An overview of Lebanon’s political system

At its formation as a nation state, Lebanon created a parliamentary system of government. The main legislative branch was Parliament, for which there were held popular elections. The executive branch consisted of the Presidential office and the government (sometimes referred to as the Cabinet), led by the Prime Minister. Parliament elected the President of the republic, and the President appointed the Prime Minister. A Chamber of Deputies within Parliament assisted the President ‘in the tasks of government and suggesting of legislation’.¹²² The legal system was based on the system inherited from the French mandate and on the Code Napoleon.¹²³ But the most defining aspect of Lebanese politics was that political representation was divided between Muslims and Christians according to

¹²² Salem 1998, 14.

¹²³ The Code established the rule of law and the equality of men in 1804 (The Lebanese Constitution, Preamble paragraphs C, E. Chapter Two article 7).

the National Pact and later to the Ta'if Accord, as well as among districts.¹²⁴ However, despite the democratic structure and power sharing inherent in the system, it remained a predominantly presidential one. Before the Ta'if Accord, executive power was firmly vested in the President. Paul Salem writes that the President 'served a six-year term; could not be removed from office; could dissolve parliament; could refuse to issue legislation; and through his ministers directed all policy and made all appointments in government institutions including the judicial branch.'¹²⁵ Therefore, although the government and the Prime Minister were part of the executive branch, final executive authority lay with the President, and this defined the political system.

In 1989, the Ta'if Accord amended the Constitution and became its new basis. The positions of Prime Minister and speaker of Parliament achieved real executive authority, and the President's ability to appoint and dismiss the Prime Minister was also removed. The Accord thus reduced the President's power, strengthened the Parliament and the Cabinet, and altered the power balance to a fifty-fifty representation between Muslims and Christians, reserving more seats for both Sunni and Shi'a Muslims. The amendments thus divided political domination between the President, the Prime Minister, and the speaker of Parliament; reserved for Maronites, Sunnis and Shi'is respectively. No major decisions should now be made without consensus between these three.¹²⁶ The Accord also stipulated reinstating Lebanese authority over all Lebanese territory, as well as the retreat of Syrian forces to the Beqa'a valley and the 'establishment of special relations' with that state.¹²⁷ This redeployment did not occur until 2005, as we saw above. Sources claimed that 'it has been perfectly possible to enforce the country's legislation, except in southern Lebanon and in the Palestinian refugee camps,¹²⁸ but many considered the effectiveness of the Lebanese jurisdiction as poor and confined to the area of Beirut.

¹²⁴ Lebanon was split into six main municipalities that each had their own governing bodies. The sections were Mount Lebanon, North Lebanon, Beqa'a, South Lebanon, Nabatieh and Beirut (Swartzlander 2001).

¹²⁵ Salem 1998, 14.

¹²⁶ Jaulin 2006, 8. The Speaker of Parliament held the weakest of the three positions, but 'has managed to use Parliament as a blunt political weapon in keeping his executive branch partners at heel.' (Salem 1998, 20.)

¹²⁷ This was translated into the Treaty of Brotherhood, Cooperation and Coordination, with a high counsel linking the leaderships of the two countries, and a number of other pacts. (For more on Syria in Lebanon, see Chapter 7.)

¹²⁸ Danish Immigration Service 1998, 33.

Palestinians in Lebanese legislation: Main characteristics

The history of the Lebanese legislation relating to the Palestinians is quite straight-forward. Both in 1948 and 2005, the most striking characteristic of the Palestinians' status in Lebanese law was that they were never defined as a specific group, and were generally excluded from the country's legislation. Rosemary Sayigh writes that the lack of a clear definition of their status and rights, and the lack of a comprehensive body of law to govern them, caused a basic problem of the Palestinians' existence in Lebanon.¹²⁹ The lack of a clear legal policy also created a wide range of problems. The refugees had no predictive platform to rely on, and their host country's relations to them were almost exclusively based on procedures that shifted according to the political situation at any given time. This stood in contrast to the other Arab host countries, most of whom integrated the Palestinians into legislation at an early stage. In Syria, a series of legislative measures aimed to facilitate the economic integration of the refugees.¹³⁰ The Lebanese government, by contrast, did not legally address the status of the refugees at all until fourteen years had passed.

In fact, the state of Lebanon did not pass much legislation at all in the first two decades after independence, and depended more on norms and liberalist policies. For instance, there was no Lebanese labour law before 1964. One reason for the lack of legislation and official interference was that the Lebanese state allowed private economic sectors to apply their own rules in order to encourage investments, based on a capitalist and liberal system. Although legislation increased after 1989, the liberalist policies remained prevalent, and this may have influenced the legislative treatment of the refugees.

Defined as 'foreigners'

The 'Law Pertaining to the Entry Into, Residence In and Exit From Lebanon' of 1962 (the Foreigner Law) was the first law that related to the Palestinians' status in Lebanon. It reads: 'By foreigner is understood to mean, in this law, any natural or juridical person who is not

¹²⁹ Sayigh 1988, 16f.

¹³⁰ A Syrian Law 260 of 1956 states: 'Palestinians residing in Syria as of the date of the publication of this law are to be considered as originally Syrian in all things covered by the law and legally valid regulations connected with the right to employment, commerce, and national service, while preserving their national identity.' Exceptions were the right to vote, buy arable land and to own more than one house (Takkenberg 1998, 167f.).

a Lebanese subject.’¹³¹ Decision no. 319 of the same year specified that foreigners without documents from their country of origin or foreigners who held residence cards issued by the Department for Palestinian Refugee Affairs (DPA) were included in this category, which in turn ensured the Palestinians’ right of residency.¹³² Although the Palestinians were a ‘special category of foreigners’, the categorization offered them no different status and no different rights than other foreigners. Apart from the right to reside in the country, only laws that applied to foreigners in general thus applied to them. This was the legal status that took the Lebanese government fourteen years to define. Through their fifty-eight years of residing in Lebanon, the refugees were legally defined only as an alien group with no more rights or responsibilities than any other visitor to Lebanon (and as we shall see, sometimes with fewer). And although Decision 319 specified the Palestinians as a particular category of foreigners, they were commonly not mentioned by name in official documents.¹³³ This general attitude had implications, as we shall see, for the civil rights treated in this study.

Permits and the power of individual ministers

Foreigners were obliged to obtain permits for most employment, for travelling, for buying property, and so on. This policy was by default applied to the Palestinians. However, the laws governing foreigners were usually open to interpretation as they were not very specific, and since Lebanese officials had few laws to abide by when it came to both Palestinians and other foreigners, the officials in a position to grant a permit could basically decide freely whether or not a Palestinian would obtain it. The most relevant officials to the Palestinians were the director of the DPA, and the Minister of Labour in Lebanon. The Palestinian lawyer Suheil al-Natour emphasized that the personal views and political affiliation of officials played an important role in Lebanon in the sense of how

¹³¹ al-Natour 1997, 363.

¹³² *Qarâr raqm* 319. Said 1999 p. 336.

¹³³ There were some exceptions to this, particularly after the war. For instance, the report from the Higher Council for Childhood and the Ministry of Social Affairs regarding the situation of children in Lebanon from 2004 is among the few official writings that included Palestinians as a category alongside nationals and other foreigners in accordance with Decision 319. Children born on Lebanese territory with a foreign father were here divided into the categories of ‘citizenship under study’, ‘Palestinians’, ‘Syrians’ and ‘holders of foreign passports’. The report refers the Palestinians to register at the DPA and to UNRWA for social services such as health care and education. Non-Palestinian refugee children (about 2,600 persons in 2005) were to receive monthly financial support; 70 per cent of their medical bills; education from pre-school till secondary levels; vocational training, and summer camp offers from the Lebanese government (The Higher Council for Childhood et.al 2004, 19ff.).

they would interpret a law or decree.¹³⁴ Individual officials could not issue decrees or laws, because the government was required to agree on all such legislation,¹³⁵ but they could issue so-called memorandums or rulings that exempted or included groups of foreigners, and they could consider each case unhindered by other government branches. One interpretation might not have much effect on the refugee community, and another might cause severe restrictions.¹³⁶ So the Palestinians were left to depend on personal decisions, often according to the official's own views. This caused the refugees' daily life to be unpredictable, and they were dependant on the political situation in Lebanon and on those who held the positions relevant to them.¹³⁷ In most cases this did not have positive effects for the refugees, but in some cases it did. There are examples below of how such rulings affected the Palestinians both positively and negatively (see specifically Ruling 478 and Decision 79/1).

The principle of reciprocity

Another consequence of being defined as foreigners was that the *Principle of Reciprocity* also applied to the Palestinians, and this came to mean that they were in practise treated differently than other foreigners in the country. The principle of reciprocity states that 'favours, benefits or penalties that are granted by one state to the citizens or legal entities of another, should be returned in kind'.¹³⁸ In other words, Lebanon would give any foreigner the same rights as a Lebanese citizen would be given in the foreigner's own state. The problem was that the Palestinian refugees could offer no reciprocity. Even after the Arab League and Lebanon had recognized the PLO as the representative for the Palestinian people in 1964, this recognition did not lead to reciprocity. As a Palestinian state with the authority to grant its Lebanese foreigners rights did not exist, the Palestinians had no reciprocal rights in Lebanon. This affected the right to health especially. A Lebanese diplomat explained:

¹³⁴ I interviewed the two Palestinian lawyers al-Natour and Dabbagh and refer to them frequently in this chapter. The term 'lawyer' or 'jurist' means that they are educated as such; not that they are able to practise that profession in Lebanon (see below).

¹³⁵ US Committee for Refugees and Immigrants.

¹³⁶ al-Natour 1997, 363.

¹³⁷ Interview with Khalil Shatawi 01.03.2006.

¹³⁸ http://en.wikipedia.org/wiki/Reciprocity_%28international_relations%29 Downloaded 12.09.2006.

‘According to the Lebanese law, you can work on the basis of the principle of reciprocity. This is a problem for the Palestinians – they are not banned because they are Palestinians, but because of this principle.’¹³⁹

Refugees in general were exempt from the principle of reciprocity by the Refugee Convention,¹⁴⁰ but, as we saw in Chapter 1, the Palestinian refugees were not protected by this document. Nevertheless, Lebanon was the only host country that dealt with the Palestinian refugees according to the principle of reciprocity.

Another difference from other foreigners became apparent in regards of nationality. As stated in the Lebanese Citizenship Law of 1925, a Lebanese woman married to a foreigner could not give her nationality to her child, even if it was born on Lebanese territory, since only the father’s nationality was taken into consideration legally. But citizenship could also be acquired through marriage and through presidential decrees.¹⁴¹ The Arab League had called for all Palestinians to keep their Palestinian nationality when they fled in 1948,¹⁴² and Lebanon heeded the call. The consequence was that Palestinians in Lebanon could only be given Lebanese nationality by a presidential decree. This was, in fact, used in order to naturalize most of the Christian and wealthy Palestinians in the 1950s, and was not used again until 1994.¹⁴³ In other words, the great majority of Palestinian refugees were unable to receive Lebanese nationality throughout the period.

The Palestinian refugees in Lebanese legislation, then, were dependent on two principles. First, some laws affected them because Lebanese legislation defined them as foreigners, like any other visitor in the country. Secondly, some laws affected them negatively because they were unable to fulfil the principle of reciprocity. This meant that many laws in practise caused problems for them because they were Palestinians – the only group of foreigners unable to offer reciprocity. Therefore, they were often treated differently from other

¹³⁹ Interview with Khalil Makkawi 10.03.2006. The application of the principle was a source of controversy among Lebanese judicial authorities. Some said reciprocity should be used as a diplomatic tool and not in legislation, and that to do so in fact contradicted both Lebanese, French and international accords (Sélim Hadad 1991, quoted in al-Natour 1993, 168). Others claimed it was used correctly since it governed the status of foreigners in any given country. Both positions were valid legally, but according to the Palestinian jurist Suheil al-Natour, the principle was not used in this manner by other countries (al-Natour 1997, 368). According to the UN, the principle of reciprocity should not be applied to refugees. But as we saw in Chapter 1, no UN organs existed to implement the Palestinians’ rights.

¹⁴⁰ Article 7 of the Convention Relating to the Status of Refugees.

¹⁴¹ Al-Natour 1997, 374.

¹⁴² Takkenberg 1998, 132f.

¹⁴³ Danish Immigration Service 1998, 31. al-Natour 1997, 374f. See also Chapters 7 (1950s) and 6 (1994).

foreigners although they were defined as such. I will now look into some of the legislation relating to them in the period of 1948-1969 and 1989-2005.

General legislation in the period before the Cairo Agreement (1948-1969)

There are several statements on human rights and responsibilities to be found in Lebanese sources, but most underline the responsibility for the *Lebanese* people. For instance, a text by the President Charles Helou from 1965 claims that ‘governments have a responsibility to ensure higher living standards for the people’, but emphasizes that this only relates to Lebanese nationals.¹⁴⁴ No law or decree dealt with the civil rights of the Palestinians before the Cairo Agreement, which annulled the responsibility of the Lebanese government. The only documents relating to Palestinians from this period were documents of identification.¹⁴⁵ State decisions were issued either to create agencies to relate to the refugee community, or to define the rights of foreigners and thus of refugees.

In 1950, as it became clear that there was no imminent solution to the refugees’ situation, the first governmental intervention came in the form of the Central Committee for Refugee Affairs (CCRA), whose function was simply to cooperate with UNRWA.¹⁴⁶ It was a committee with limited power, and in the decade 1948-1958, it was the only governmental connection to the refugees. But the involvement increased after the 1958 military coup. In 1959, the CCRA was replaced by a separate government agency; the Department for Palestinian Refugee Affairs (the DPA); a direct part of the Ministry of the Interior.¹⁴⁷ Decree no. 927, which defined the DPA’s tasks, was issued simultaneously and is considered the first piece of legislation relating to the Palestinians in Lebanon.¹⁴⁸ It did not define their status in the country, but it created an administrative system for the government to obtain accurate records of the refugees. The following year another agency was created to deal with the Palestinian presence – the Higher Authority for Palestinian Affairs (HAPA),

¹⁴⁴ Helou 1965, 5.

¹⁴⁵ Interview with Salah Dabbagh 15.03.2006, and fieldwork 2006.

¹⁴⁶ Danish Immigration Service 1998, 28. Interview with Khalil Shatawi 01.03.2006.

¹⁴⁷ *Marsûm raqm* 42 (establishing the DPA).

¹⁴⁸ *Marsûm raqm* 927 (defining the tasks of the DPA). Said 1999, 327.

by Decree 3909.¹⁴⁹ HAPA, too, was created in order to gather information for the government. It employed officers from the Lebanese military intelligence; the Second Bureau, which had been strengthened after the coup. The change of government thus had effects on the refugee community in terms of legislation, and it had significant effects on their rights. Khalil Shatawi, a former director of the DPA, emphasized that the position became clearer in regards to the refugees after 1958, as more restrictive and preventive policies were issued. But except for limited labour legislation and documents of identification, no official documents relating to the Palestinians can be found from this period: Apparently, procedures and policies were not written down.¹⁵⁰ Although its resources and influence changed over the years, the DPA's area of responsibility was still limited to documentation and organization. It issued identity cards and laissez-passers to the refugees; approved applications for marriage and other aspects of life; cooperated with UNRWA and organized the placement of the refugee camps.¹⁵¹

The Ta'if Accord and its aftermath (1989-2005)

The Ta'if Accord was the basis for the new Lebanese Constitution after the civil war ended in 1989, and it was the legal document with the most impact on the legal and practical situation of the Palestinian refugees after the civil war. In fact, apart from the definition of the refugees as foreigners, it was the most decisive piece of legislation relating to their general status throughout the whole period. Some of the changes after the Accord merely put into law what had been a matter of practise before, and some were entirely new.¹⁵² But regarding the Palestinian refugees, nothing that happened after the Accord can be seen as a fundamental change in political attitudes. However, the Ta'if Accord officially rejected *tawtin*; the resettlement of the Palestinian refugees in Lebanon; by making it unconstitutional. The Constitution's preamble from 1990 reads:

'There shall be no segregation of the people on the basis of any type of belonging, and no fragmentation, partition, or settlement of non-Lebanese in Lebanon.'¹⁵³

¹⁴⁹ *Marsûm raqm* 3909. Its task was to gather information on the Palestine issue 'in its political, military, economic and other dimensions and for studying all aspects of the Palestine Question, monitoring developments and drafting resolutions in response.' (al-Natour 1997, 362f.)

¹⁵⁰ Interview with Salah Dabbagh 15.03.2006, and fieldwork 2006.

¹⁵¹ For a full overview of the DPA's tasks, see *Marsûm raqm* 927 or al-Natour 1997, 362f.

¹⁵² Salem 1998, 15.

¹⁵³ The Lebanese Constitution, Preamble, paragraph I.

National laws that might imply *tawtin* would from then on be considered unconstitutional. And as other changes included the establishment of a court to review the constitutionality of laws in 1995, the importance of constitutionality was greatly emphasized.¹⁵⁴ The Constitution overruled the country's other legislation, and this gave a new perspective on the country's conduct regarding the refugees. In practise, the constitutional rejection of *tawtin* also came to mean blocking 'intermediate steps', such as any law facilitating the implementation of civil rights: Such steps might eventually lead to *tawtin*, and were therefore deemed unconstitutional.¹⁵⁵ This was followed by a more active legislative policy, directly banning Palestinians from certain areas and privileges. No legislation dealt directly with civil rights and the Palestinians were rarely referred to specifically in this period either, but more legislation restricted them from enjoying the privileges of other foreigners, such as the right to own property, which was specifically banned for Palestinians in 2001.¹⁵⁶ The law met with criticism within the government, on the basis that it discriminated openly against Palestinians as any other foreigner might buy and own land and property. The Progressive Socialist Party (PSP), among others, called the law illegal.¹⁵⁷ Some legislation had positive effects, but Palestinians in Lebanon basically felt that the Ta'if Accord and its subsequent anti-*tawtin* laws put into writing what was informal before. Suheil al-Natour said: 'When the guns stopped, by the Ta'if agreement, the War of Laws began.'¹⁵⁸

The creation of the CCRA, the DPA and HAPA, the Foreigner Law, and Decision no. 319 in the period before 1969, and the Ta'if Accord after 1989, were the only legislative acts ever made to define the Palestinians' general status in Lebanon.

Laws relating to specific civil rights

As for the particular civil rights, there was issued some legislation governing rights to work and freedom of movement. One law related to the right to own property, and one also

¹⁵⁴ Salem 1998, 16f.

¹⁵⁵ E.g. interview with Haifa Jammal 10.02.2006, interview with Simon Haddad 08.02.2006.

¹⁵⁶ Law n. 296, Article one-new, 2001. The law states that 'a person not enjoying a nationality from a recognized state is not allowed to acquire any real right of any kind', and it referred directly to the rejection of *tawtin*. See Appendix 2 for more on this law.

¹⁵⁷ Interview with Charif Fayad, 27.02.2006. Interview with Khalil Shatawi 01.03.2006, interview with Salah Salah 10.02.2006.

¹⁵⁸ Interview with Suheil al-Natour 07.03.2006.

related to the right to social security. There was no legislation at all related to the rights to health or housing, so these will be examined in the next chapter. Following is an overview of all the legislation relating to the refugees' rights to work and freedom of movement.

The legislation below is called 'law', 'decree', 'ruling', or 'decision'. *Laws* were issued by the Parliament and *decrees* by the government; and both were perceived as 'laws', ranking the same in a legal hierarchy. *Rulings* and *decisions* were issued by the ministers in office, often interpreting and applying the laws and decrees.¹⁵⁹ They could not overrule the laws, but could add on to them, and they were subject to more flexibility as they could be eradicated or changed by each minister. The legislation will be presented here and reviewed in relation to the ICCPR and the ICESCR in Chapter 5.

The right to freedom of movement

DECREE 7706, 1954

Decree 7706 was issued in 1954 and freed foreigners from being charged for visas when travelling from country to country.¹⁶⁰ This decree only applied to Palestinians after they were defined as foreigners in 1962. What the situation was prior to this could not be found in the sources.

DECREE 10188, 1967

The next legislation related to the freedom of movement was Decree no. 10188, which stipulated that Palestinians were exempt from producing documents when travelling between Lebanon and Syria.¹⁶¹ On travelling to other Arab countries, Palestinians must possess such documents. Issuing the documents was up to the DPA. It was thus up to the director of the DPA whether or not a Palestinian would receive travelling documents, since it was established that this procedure was not ruled by legislation but by procedure; and therefore by whoever was the director at a given time.

These decrees are both legally and in practise exceptions from the common Lebanese conduct of the Palestinians. Decree 7706 especially had a positive effect for the Palestinians. The background for this might be that in 1954, two Arab League resolutions stated that the member states should grant Palestinian refugees temporary travel documents and exempt refugees from fees relating to visas and renewal of travel documents.¹⁶² Though Lebanon never implemented the Casablanca Protocol, which stipulated that the Palestinian refugees ought to be given certain rights (see Chapter 2); it tried to adhere to

¹⁵⁹ Interview with Suheil al-Natour 07.03.2006.

¹⁶⁰ al-Natour 1997, 365.

¹⁶¹ *Marsûm raqm* 10188. Al-Natour 1997, 365.

¹⁶² Takkenberg 1998, 139f.

some of the Arab League decisions, such as the one aiming to preserve the Palestinian nationality. The abovementioned legislation seems to be another example of adhering to the Arab League stipulations.

RULING 478, 1995

The next law dealing with travel rights was issued after the abolishment of the Cairo Agreement: Ruling no. 478 of 1995, issued by the Minister of Interior. It reads: ‘...every Palestinian refugee who came to Lebanon in 1948 and who wishes to leave it, must obtain an exit and return visa from the Public Security, and in exchange for the payment of fees.’¹⁶³

Legally, the ruling was questionable. It was arguably consistent with the Foreigner Law, but in order to be valid, new Lebanese legislation must be published in the newspaper the Official Gazette, and Ruling 478 was not.¹⁶⁴ The ruling also contradicted the text of the Palestinians’ existing travel documents that were still valid: ‘It is requested (...) to allow the holder of this document freedom of movement, and to provide all that he requires by way of aid and guidance.’¹⁶⁵

This ruling overruled any privileges that Decrees 7706 and 10188 had granted. It was now written in legislation that Palestinians must pay fees for their travel documents, and Syria was not an exception. We see how one result of the Ta’if Accord was that the Arab League policy that Lebanon had previously adhered to was made invalid. Also, this was a ruling issued by the Minister of Interior, and exemplifies the effects that one minister’s decision could have on the Palestinian community.

The background for the ruling was the decision in that year by Libya’s President Qaddafi to evict all foreigners in the country as a protest against the Israeli-Palestinian peace process of 1993.¹⁶⁶ Many Palestinians were working in Libya at the time, and quite a few of them were registered as refugees in Lebanon. Maybe 2,000 Palestinians came back before the government reacted with fears that all of Libya’s ex-residents holding Lebanese travel documents, around 15,000 people, would flock back.¹⁶⁷ Thus the authorities issued the order to hinder Palestinian refugees coming back to Lebanon. But aside from hindering those with travel documents to enter Lebanon from Libya, the re-entry visa also caused heavy restrictions on the already present refugees’ freedom of movement. Many Palestinians were employed abroad in different countries, and the demand for a re-entry

¹⁶³ *Qarâr raqm* 478. Al-Natour 1997, 365.

¹⁶⁴ Said 1999, 339.

¹⁶⁵ Said 1999, 340.

¹⁶⁶ Said 1999, 337.

¹⁶⁷ The Lebanon Report 1995: “The Palestinian bogeyman”, 10.

visa made them unable to return to Lebanon.¹⁶⁸ Obtaining re-entry visas before leaving was both near impossible and highly expensive, and the visas had to be renewed every six months; so it also forced most refugees to stay in Lebanon even if they had contracts for labour abroad.

The order was recalled in 1999 at the change of government, when the new Prime Minister Salim al Hoss and President Emile Lahoud came to office. International pressure and internal politics have been given as reasons for the change, as al-Hoss wanted to prove that the former government's decision had failed: Frankly, the re-entry visa served the opposite of the government's aim.¹⁶⁹ Although it probably kept a limited number of refugees out, it also caused many Palestinians to remain in Lebanon on account of fear of not being able to return; thus eliminating the high rate of emigration which had been encouraged by the government.¹⁷⁰

The right to work

THE FOREIGNER LAW, 1962

The first general law relating to employment for foreigners was the Foreigner Law of 1962, which restricted some fields of work to Lebanese nationals and limited the foreigners' until then rather extensive possibilities. It stipulated that employers should give priority to Lebanese workers, and that if this was not done, the foreigner's labour permit should be cancelled.¹⁷¹

DECREE no. 17561, 1964

The next decree was Decree 17561 of 1964, which restricted foreigners' rights further.¹⁷² It emphasized that foreigners must obtain labour permits, and it defined the principle of reciprocity. Decree 17561 stated that all rights enjoyed by Lebanese wage-earners should be enjoyed by foreign workers, *as long as* their country of origin provided equal treatment for Lebanese workers.¹⁷³

THE LABOUR LAW, 1968

In 1968 the Lebanese Labour Law was issued, and it stipulated that fines would be issued for each day an employer hired someone without a permit.¹⁷⁴ The law did not include the free professions.

¹⁶⁸ Khalidi 1995, 18.

¹⁶⁹ Interview with Simon Haddad 08.02.2006, interview with Suheil al-Natour 07.03.2006, interview with Charif Fayad 27.02.2006.

¹⁷⁰ See Chapter 6.

¹⁷¹ *Marsûm raqm* 17561. Said 1999, 332f.

¹⁷² *Marsûm raqm* 17561. Al-Natour 1997, 36ff. Said 1999, 332f.

¹⁷³ *Marsûm raqm* 17561. Al-Natour 1997, 366. Another consequence of the principle of reciprocity was the lack of social security in the workplace for the Palestinians. The Social Security Law, issued in 1963, stated that 'foreign labourers working on Lebanese soil are not subject to the provisions of this law, and therefore not entitled to the benefits of any and all sections of Social Security, except if the country of their origin affords its Lebanese residents the same treatment as its own citizens with regard to Social Security.' (Said 1999, 334.)

¹⁷⁴ al-Natour 2000, 21.

LAWS REGULATING THE FREE PROFESSIONS, 1950-1993¹⁷⁵

In 1950, pharmaceutical practise was made exclusive to Lebanese nationals and foreigners offering reciprocal treatment. Next followed a law in 1951, which reserved the profession of engineering on the same basis.¹⁷⁶ In 1970, the profession of law was regulated by the same principles, and the profession of medicine was made equally exclusive in 1979.¹⁷⁷ Decrees from 1982 and 1993 limited professions further.¹⁷⁸

These laws meant that although the demand for work permits and the application of the principle of reciprocity was not in effect until 1962, some types of work were closed to Palestinians from an earlier stage. Two professions had been made exclusive to Lebanese by 1951, and through the years more legislation was passed with regard to Palestinians seeking to practise free professions in Lebanon. This, then, was a third aspect of the labour situation of the Palestinians in Lebanon: The practise of some trades, such as law, medicine, pharmaceuticals and engineering, became reserved to members of professional associations, or 'syndicates'.¹⁷⁹ They were regulated by separate legislation which prohibited anyone who was not affiliated to those syndicates to practise that profession.¹⁸⁰ The syndicates required applicants for membership to be Lebanese citizens or to be foreigners who offered reciprocity for Lebanese workers in their countries of origin. Governmental officials were generally not willing to interfere with their decisions.¹⁸¹ These free professions thus followed the same principles as other types of employment, but were governed by Lebanese associations and were closed more directly to Palestinian workers than were the other types of work.

DECISION no. 621/1, 1995

In 1995, Decision 621/1 was issued. It was an amendment to Law 17651, and it repeated the listed entries and clearly defined the restricted professions. Now, Palestinians were restricted from seventy-two professions altogether. Article 1 of the decision reads:

"The understated jobs and professions are restricted to Lebanese citizens only:

Workers:

All type of administration and banking jobs, especially:

general manager, manager, deputy manager, staff manager, treasury, accountant, secretary, documentation, registry, computer, trade representative, marketing representative, trade consultant, workers' supervisor, store manager, sales workers, exchange jobs, jeweller, laboratory, pharmacy and electrical workers, electronic, painting, glass fixing, mechanics and maintenance, doorman,

¹⁷⁵ Al-Natour writes that although Lebanese legislation did not specify what the term 'free profession' means, the consensus defines it as 'independent work requiring actual physical or mental exertion, whose income is not the result of an employment contract but rather, personal remuneration proportional to its performer's thought and education, unconstrained by the will of others' (al-Natour 2000, 22).

¹⁷⁶ Al-Natour 1997, 369f.

¹⁷⁷ *Qânûn raqm 8/70*, 1970, *Marsûm raqm 1658*, 1979. Al-Natour 1997, 369.

¹⁷⁸ Ordinance 189/1, in al-Natour 2000, 22, and Ordinance 3/1, in al-Natour 2000, 22.

¹⁷⁹ Aasheim 2000, 47.

¹⁸⁰ Al-Natour 2000, 24.

¹⁸¹ Interview with Tariq Mitri 27.03.2006, interview with Suheil al-Natour 07.03.2006.

concierge, guard, dyer, cook, butler, hairdresser, elementary/secondary and high school teachers, in case of need for foreign language teaching (foreigners are exempted), engineering in all specialties, landscape and land survey works. Priority should be given to Lebanese for all types of jobs and professions.”¹⁸²

This list related to employees, and a similar list was established for business owners; restricting ownerships to ‘Lebanese citizens only’. An interesting aspect is that article 2 of the same decision exempted from these lists foreigners residing in Lebanon since birth; foreigners with a Lebanese mother; and foreigners married to a Lebanese woman for more than a year. The article further states: ‘The Minister is entitled to give final approval in any of the above mentioned cases.’¹⁸³ The exceptions should have exempted most Palestinians from the restrictions, as the majority of them had resided in Lebanon since birth.¹⁸⁴ But in practise, very few Palestinians were granted work permits or final approvals from the Minister of Labour. Jobs not requiring permits were primarily in the areas of agriculture, construction and other forms of manual labour, and these became the dominant areas of work for Palestinians, beside operating small businesses and shops inside the camps.

DECISION 79/1, 2005

In 2005, the Minister of Labour Tarrad Hamadeh, with the support of the government,¹⁸⁵ issued Decision no. 79/1, which exempted Palestinians born in Lebanon and officially registered at the Ministry of Interior from the restrictions of Decision no. 621/1.¹⁸⁶

This was an attempt to reduce the restrictions that Palestinians were subject to, and a second example of the influence of individual ministers. It opened some work domains, but the decision had little practical consequence since the Palestinians were still subject to the demand for labour permits, and were still banned from all professions ruled by a syndicate. When asked about the reasons for the decision, the Ministry of Labour replied that ‘the Ministry does not wish to answer the question’.¹⁸⁷

¹⁸² Decision no. 621/1, article no. 1, 1995.

¹⁸³ Decision no. 621/1, article no. 2, 1995.

¹⁸⁴ Some government representatives claimed that this was indeed the case, and that every application for a permit would be approved individually by the Ministry of Labour – in other words, would be subject to the normal rules of obtaining a labour permit (Groupe de travail sur réfugiés 1997, 15f.). However, sources varied greatly on this point. It was unclear whether or not the Palestinians were in fact excepted from Decision 621/1. (See Chapter 4 for more on labour permits.)

¹⁸⁵ Interview with Tariq Mitri 27.03.2006.

¹⁸⁶ *Qarâr raqm 79/1*.

¹⁸⁷ Fieldwork 16.01.2006-30.03.2006.

In an interview given to a private journalist and NGO activist,¹⁸⁸ the Minister of Labour referred to the decision as a ‘memorandum’, which had the power to change some employment stipulations, but not all. For instance, he was unable to interfere with the syndicate laws, and the memorandum could be changed by a new minister. According to the U.S. Committee for Refugees, the memorandum did not meet much opposition among Lebanese politicians.¹⁸⁹ Some negative responses were heard, but mostly, the Decision met little reaction at all. Even politicians known for opinions hostile to the Palestinians in Lebanon approved the content of the memorandum; among them Member of Parliament and Minister of Industry Pierre Gemayel, who claimed to be in favour of improving the condition for Palestinians in Lebanon, and claimed that the memorandum would ‘guarantee their return’ to Palestine.

Summary

We have seen that the Lebanese government consistently avoided clarifying the legal status of the Palestinian refugees in the country. They were not defined as anything but a category of foreigners, and most of the negative effects that legislation had on the refugees’ lives and civil rights stemmed from this definition of them as foreigners, as well as from the application of the principle of reciprocity, which led directly to banning the Palestinians from rights that other foreigners were able to enjoy.

Few laws mentioned them specifically. Decisions no. 927, 3909 and 319 were all adopted in order to create institutions that could relate to the group in terms of formal registration and issuing of papers, not in order to interfere with their everyday life.¹⁹⁰ The refugees’ right to health and housing were not mentioned by law at all. Their right to freedom of movement was not restricted by law until 1995, but their right to employment was to a great extent taken away in 1962. With the Ta’if Accord, legislative directives that withdrew the few rights they had were issued. Many of the laws reflected politics of avoiding integration of the refugees, and almost all the legislation that did relate to them led to a deterioration of their situation rather than to an amelioration. So throughout the period, the

¹⁸⁸ US Committee for Refugees and Immigrants.

¹⁸⁹ US Committee for Refugees and Immigrants.

¹⁹⁰ Establishing the DPA’s tasks, forming the HAPA and ensuring the refugees’ right to remain in Lebanon.

main tendency of the Lebanese government towards the Palestinians was to have no clear legal policy and no clear definition in law. The lack of a clear policy suggests that the government avoided any definition of their responsibility toward the Palestinians. When the extent of that responsibility was determined in 1962, it proved severely limited, and this led the government branches to deal with the Palestinians in an ad hoc manner, where legislation was influenced by political changes and personal views.

Chapter 4. Lebanese policies and practises relating to the civil rights of the Palestinian refugees

We have seen how the legal situation of the Palestinian refugees in Lebanon was unclear and granted them limited or no civil rights. This chapter will look at the development of the actual civil rights situation in the areas of health, housing, freedom of movement and work, and also looks at the Lebanese government's unwritten policies and practises in relation to the refugees. It aims to show which practises were prevalent; either as consequences of or in spite of the legal situation.

The Lebanese government related to the Palestinians first and foremost as foreigners, but the refugees were also divided into different categories depending on when they arrived in Lebanon, as we saw in Chapter 2. This division did not have many consequences for the legal situation, but had repercussions in practise. The only legal implication was in the context of identity papers, which allowed the refugees' temporary residence in Lebanon and gave them permission to move around the country as well as to leave it. If a Palestinian belonged in the registered category, their identification papers were easily obtained, and travel documents were issued for a five-year period.¹⁹¹ If they were in the un-registered category, their identification papers were issued in the same manner, but their travel documents were only issued for one year at a time. If they belonged to the non-identified category, they had no identification papers and thus no right of movement within or out of the country. Although Lebanon recognized the non-identified refugees as a category with particular problems,¹⁹² we shall see that procedures differentiated between the categories to a greater extent than the legal situation did.

The right to health

The right to health and housing were under UNRWA's mandate, and no legal stipulations regulated the conditions in these fields at all. But they were affected by the government in some ways, for instance since UNRWA 'impinged on matters of public interest and

¹⁹¹ Danish Immigration Service 1998, 30f.

¹⁹² E.g. The Higher Council for Childhood et.al 2004, 46.

governmental policy in the host countries',¹⁹³ and since UNRWA by definition had to cooperate with the respective governments.

Before 1969

The situation in Lebanon did not differ much from that of the other host countries' until 1952, and this first period was marked by several supportive official statements and promises. For instance, in 1948, the Prime Minister promised to give 'all necessary aid' to the refugees.¹⁹⁴ But four years after, a representative of the Chamber of Deputies said to the National Assembly:

'Nous avons observés dans quelques camps des situations qui donnent la chair de poule. (...) Comment la conscience, comment le gouvernement et la commission préposée aux questions des réfugiés peuvent-ils tolérer cette situation? Il s'agit d'une question humanitaire que le gouvernement ne peut pas négliger.'¹⁹⁵

Apparently, the assurances of all necessary assistance had not been fulfilled, while in Syria and Jordan, the Palestinian refugees had access to governmental health facilities.¹⁹⁶ The account was motivated by the speaker's having witnessed appalling conditions in the camps, and his description was backed by numerous sources from UNRWA and the International Committee of the Red Cross (ICRC) at that time.¹⁹⁷ Following this, the President Bechara al Khoury visited some camps, and restated that the refugees should be housed, fed and receive emergency aid.¹⁹⁸ The government, then, did make official visits and knew at least some of the reality of the camps. Overcrowding, lack of sanitation and undernourishment led to health problems, and the relief schemes were rather ineffective in the first years.¹⁹⁹ In 1948-1950, the refugees received basic health care from the ICRC. The organization's priority was medical assistance, but the refugees did not have access to

¹⁹³ Jabber, Fuad (ed.) (1970), 384.

¹⁹⁴ Jean Malhat, collection of ministerial declarations, 81f, in al-Natour 1993, 38. See Chapter 6 for more about this.

¹⁹⁵ Rishad Azar, Sessions of the Lebanese Parliament, 24.4.1952, page 2139; in al-Natour 1993, 39. Misprint in al-Natour, 39.

¹⁹⁶ Takkenberg 1998, 171.

¹⁹⁷ UNRWA 1982: A brief history 1950-1982, Interim report of the director of the UNRWA 1951, al-Husseini 1998. When known, the confessional and political affiliation of the sources that are quoted throughout the study will be given, on account of their possible influence on the source. Here, the speaker's affiliations are unknown.

¹⁹⁸ Al-Natour 1993, 39.

¹⁹⁹ Due, among other things, to the inability to mobilize enough resources (al-Husseini 1998, 9). UNRWA 1982: A brief history 1950-1982, 160.

advanced medical care such as hospitalization.²⁰⁰ When UNRWA took over the medical facilities in May 1950, it did however claim that the sanitary conditions and clinics were satisfactory.²⁰¹ This implies that the early priority of medical services had given results.

However, the Palestinians were restricted to the health facilities provided for them in the camps and by UNRWA. As we saw in the previous chapter, the Palestinians' right to health was not dealt with in Lebanese legislation, and in practise, the Palestinians also did not have rights to the Lebanese health care system. The Lebanese health system was completely absent in the camps. The Lebanese government consistently emphasized that the rights to health and other social services for the refugees were the responsibility of the international community. Access to Lebanese public health care was therefore denied them completely. One reason for this may be that the private sector was much more important in Lebanon than in other Arab countries, affecting the health sector.²⁰²

In theory, Palestinians had access to private health facilities, but were in practise kept from them due to the cost.²⁰³ But the refugees did have some access to private health care, since UNRWA signed agreements with private hospitals for advanced treatment. UNRWA rented beds from different private hospitals, and these were offered to the Palestinian refugees, with most of the cost subsidized by the agency. There were 238 such beds available in 1950, and 226 in 1951.²⁰⁴

UNRWA's own services were free of charge and medical services were provided through movable and permanent clinics.²⁰⁵ In 1961 UNRWA operated eighteen general clinics throughout Lebanon. They then had agreements with seventeen hospitals, and 365 hospital beds were available to Palestinians.²⁰⁶ In 1969 that number had shrunk to 274.²⁰⁷ No other hospitalization was available for the Palestinians than that which UNRWA rented. The fact that the number of available beds sank from 238 in 1950 to 226 in 1951 is worth

²⁰⁰ In general, the refugees were negatively inclined towards the ICRC and criticized numerous flaws in the medical care, such as a lack of funds, delays, and 'general incompetence' (al-Husseini 1998, 21).

²⁰¹ UNRWA 1982: A brief history 1950-1982, 161.

²⁰² Groupe de travail sur réfugiés 1997, 15. The Higher Council for Childhood et.al 2004, 30.

²⁰³ Report of the commissioner-general of the UNRWA 1997-1998, 62.

²⁰⁴ Interim Report of the Director of UNRWA 1951, 58.

²⁰⁵ UNRWA 2005: Briefing Paper for HE Fouad Siniora, 7.

²⁰⁶ UNRWA 1961, Activities in Lebanon, 7.

²⁰⁷ Report of the UNRWA Commissioner-General 1968-1969, Table 10, 350 in: Khadduri, Walid et.al. (ed.) (1972).

noting – the number was very small, but every other host country had a rapid increase in available hospital beds in this period.²⁰⁸

From 1952 onwards, UNRWA reported a continuing ‘dramatic improvement’ in health care inside the camps, and started to focus more on educational programs in all the areas of its operation.²⁰⁹ And medical services in Lebanon differed further from those of other countries, both positively and negatively. For instance, the hospital situation in Lebanon was the worst of the region. The outburst of epidemic diseases were critical in the early period and the government did not offer any treatment for fighting them or vaccinating children.²¹⁰ But there were fewer refugees in Lebanon who were left out of the UNRWA ration program than in the other host countries, and Lebanon was reported to have the best results on child health care in the UNRWA areas of operation although children suffered as a result of long-term deficiencies in their daily diet.²¹¹

In the 1960s, legislation formalized the de facto restrictions that had been in place, through the application of the principle of reciprocity (see Chapter 3). However, during the late 1960s, the PLO built the Palestine Red Crescent Society (PRCS) as a parallel health structure in order to offer hospitalization and fill the gaps of the UNRWA services. There were twenty PRCS hospitals in Lebanon in 1969. They were well equipped, according to a newspaper article referring to a report on the refugee conditions,²¹² and therefore, despite the more stringent legal situation, the 1960s were better for the refugees in terms of health care. The fact that the number of hospital beds had shrunk in 1969 was probably due to both the parallel hospital structure and the focus of UNRWA on education, and UNRWA deemed the situation as adequate.²¹³

After 1989

The civil war had laid waste most of the medical services in the camps. Many hospitals and clinics were damaged or completely destroyed. Broken infrastructure, open sewage and

²⁰⁸ Report of the UNRWA Commissioner-General 1950-1951, 58.

²⁰⁹ UNRWA 1982: A brief history 1950-1982, 161.

²¹⁰ Al-Natour 2000, 31.

²¹¹ Khalidi et.al 1965, 37. The reasons for this were unaccounted for.

²¹² Middle East International 1982, 13.

²¹³ UNRWA 1982: A brief history 1950-1982.

water pipes were problems in every camp. Most of the PRCS hospitals were destroyed or closed due to the expulsion of the PLO. PRCS staff reported that drugs and equipment had been removed from their facilities by Lebanese doctors and the Lebanese Army (LA).²¹⁴

Lebanon's economy was in a crisis, and the private hospitals that UNRWA had agreements with now faced financial difficulties, causing repercussions for the Palestinians. The economic crisis resulted in contracts being made with some of the least developed hospitals in the country, according to a report from the Palestine Return Centre.²¹⁵ Sources from this period agree that although Palestinians were not overtly banned, the Lebanese health care system remained both legally and practically reserved for Lebanese nationals because of the principle of reciprocity.²¹⁶ Only 3.5 per cent of the refugees visited a government health institution in 2005. As a comparison, thirty-five per cent of the Palestinian refugees in Jordan did.²¹⁷ But it must be noted that the Lebanese public hospitals were hardly sufficient for Lebanese nationals, much because of the war's destructions.²¹⁸

For UNRWA, also, financial shortage had become a chronic condition. Much important maintenance work was not carried out due to the decrease of funds after the Oslo Peace Process, as the donor countries started prioritizing the Palestinian Authorities in terms of monetary support. UNRWA had to cut down on social services in the region in 1998.²¹⁹ In 2001 the agency spent only seventy dollars per refugee, where it previously spent 200 annually.²²⁰ Some services that had been free in the past now became paying services. The number of UNRWA clinics in the camps had risen to twenty-two in 1991, but the number of subsidized hospital beds available had shrunk to 144. The number of people registered as 'special hardship cases', cases that required monetary aid, were set at thirteen per cent; the highest in the region.²²¹ Nonetheless, the Minister of Interior in 1998 stated that Lebanon

²¹⁴ Middle East International 1982, 14.

²¹⁵ Palestine Return Centre 2000, 6.

²¹⁶ Fafo 2005, 21.

²¹⁷ Fafo 2005, 21.

²¹⁸ Al-Najjar et.al 2005, 25.

²¹⁹ UNRWA 1982: A brief history 1950-1982, 285. Report of the commissioner-general of the UNRWA 1997-1998, 48.

²²⁰ Sørvik 2001, 2.

²²¹ Report of the Commissioner-General of the UNRWA 1990-1991, Table 3, 35.

could not take the costs of providing health services for the Palestinians.²²² Prime Minister Hariri also insisted that hospitalization was the responsibility of UNRWA, and stressed that UNRWA must get more funding from the international community in order to fulfil its responsibility;²²³ thus recognizing the problem and acknowledging that the health care in the camps was not satisfactory. In a report from an international visit to Lebanon in 1998, every camp visited had complaints regarding medical services.²²⁴ The UNRWA doctors saw an average of eighty-nine patients a day.²²⁵ Mother and child health care was the only part of the health services that had a development comparable to the other host countries.²²⁶ At this time, the refugees in Lebanon had the highest infant and child mortality in the region²²⁷ – in sharp contrast to the situation in 1965. When ‘acutely ill’, it seems that refugees had access to services, but medical care for chronic illnesses and disabilities had become a large problem since the civil war. Even in cases of emergency, the Lebanese health system normally did not aid Palestinians.

The exclusion was a fact, and was caused by both the faltering Lebanese economy, and the principle of reciprocity. A third factor was that the availability depended on the hospital in question. Sometimes doctors would choose to ignore that the patient was a Palestinian and file that she lacked identification.²²⁸ Again, it was up to individual considerations how Palestinians were to be treated. But such cases were said to be quite rare and mostly occurred in areas far from the central municipalities. It was reported that the government withdrew licenses from private hospitals that made it a practise to treat Palestinians, although sometimes the Lebanese authorities closed their eyes to this practise.²²⁹

Non-registered and non-ID refugees

The non-registered and non-ID refugees were not eligible for UNRWA’s services for most of the period. The non-ID refugees had relied on the medical facilities of the PLO, and

²²² Groupe de travail sur réfugiés 1997, 15.

²²³ Groupe de travail sur réfugiés 1997, 29.

²²⁴ Groupe de travail sur réfugiés 1997, 4.

²²⁵ Said 1999, 324.

²²⁶ Fafo 2005, 24 .

²²⁷ Fafo 2005, 19.

²²⁸ Interview with Suheil al-Natour, 07.03.2006.

²²⁹ Middle East International 1982, 14.

suffered greatly since its expulsion.²³⁰ The non-registered refugees relied heavily on NGOs, at least until 2004, when UNRWA decided to grant services to the non-registered refugees, leaving only the non-IDs without services.

Although UNRWA was the only legal and acknowledged provider of services, there were other organizations, NGOs, working in the camps, who were greatly relied upon.²³¹ The government did not interfere with their activities; perhaps due to the policy of ignoring what went on inside the camps, or because of the evident need.

UNRWA's review of the health situation as adequate in the 1960s was thus outdated in the post-war years. From a steady improvement in the 1950s and 1960s, although it never met the standards of the other host countries in most respects, the war devastated the health care programs. They were not rebuilt to a satisfactory level, much due to lack of funding, and never recovered.²³²

The right to housing

Although the right to housing was also under UNRWA's mandate, the camps were on Lebanese land; and Lebanese law and restrictions played a greater part here than it did regarding the right to health.

Before 1969

Most of the refugee camps were erected between 1948 and 1952.²³³ All were originally set up on land made available by the Lebanese state; and the state remained responsible for the maintenance of law and order. Some camps were built on public domain at no cost; some on private land rented at a symbolic fee paid by the government or by UNRWA; and some on land leased by UNRWA (see maps 2 and 3).²³⁴ UNRWA had no figures from the first years, but suggests that about thirty-two per cent of the refugees lived in camps in 1951,

²³⁰ Danish Refugee Council et.al 2005, 21.

²³¹ Such as Norwegian People's Aid, Association Najdeh and PARD (Welfare Association et.al, 2000).

²³² At least not until 2006, when I conducted my fieldwork.

²³³ See Appendix 3 for a detailed list of the camps existing in 1961 and after 1989.

²³⁴ Al-Husseini 1998, 10, 22.

containing as much as seven families to one tent.²³⁵ In 1954, UNRWA started building more long-term facilities to replace the tents, and by 1959 all were replaced.²³⁶ After its creation in 1959, the DPA held the responsibility to provide locations for any new camps and was also responsible for the existing sites. It was prohibited to expand the sites once the camps had been established there. However, one camp was created in 1961, to accommodate refugees from 'over-populated areas' according to UNRWA.²³⁷ The camps were generally isolated from the national infrastructure, but some refuse collection was performed by local authorities.²³⁸ In 1961, the sanitary conditions in the camps seemed satisfactory in some respects although only half the camps had proper drains and sewers.

It thus took more than ten years for all the Palestinian refugees to be housed in some sort of long-term concrete lodging, although the houses were hardly satisfactory as permanent homes. From 1960 onwards, the percentage of camp dwellers was rising, as poverty caused more and more Palestinians in Lebanon proper to apply for admittance into the camps.²³⁹ The camp population reached fifty per cent of the total number of Palestinians in Lebanon in the late 1960s; the highest percentage in any UNRWA area.

The fact that the state undertook to compensate the owners of some of the land used for refugee camps signals that a certain hospitality was present in the first years.²⁴⁰ The permission to erect a new camp in 1961 although any expansion of the existing camp sites was prohibited, and the fact that refuse collection was performed by local municipal authorities in some camps, may also be signs of hospitality and good will. On the other hand, since the camp was built in order to lessen the burden on over-populated areas in the south, and since this took place in a time period when the government exercised much control of the camps (1958-1969), the reason it was established may also have been to ease the maintenance of law and order. Also, the south was declared a military zone in the 1960s, restricting Palestinian entry there,²⁴¹ and a policy of reducing clusters of refugees near the borders to Israel was noticeable after some years. This explains some forcible transfers of

²³⁵ Interim report of the director of the UNRWA 1951, 59. Sayigh 1979, 106.

²³⁶ UNRWA 1982: A brief history 1950-1982 (timetable 1).

²³⁷ This was the Biddawi camp (UNRWA 1961, Activities in Lebanon, 30. see Appendix 3).

²³⁸ Sayigh 1979, 132f. Said 1999, 323.

²³⁹ In 1960 the percentage living in camps was just below 50 per cent, in 1969 just at 50 per cent, and in 1991 and 2005 just above 50 per cent (UNRWA 1961, Activities in Lebanon, 4).

²⁴⁰ See Chapter 6.

²⁴¹ Sayigh 1988, 19. More than half the refugees were still concentrated in the south in 2005, though.

refugees that took place to the Beqa'a valley and other areas, which were often resisted by the refugees who wanted to stay close to the borders of Palestine.²⁴² Other than erecting a new camp in 1961, the DPA did not offer new or expanded sites for the camps.

Another policy was to prevent the concentration of refugees in and around Beirut; ensured for example by a ban on buildings outside the camps' borders. Especially after 1958, Palestinians were often fined for building or repairing houses without a permit. 'Repairs' could include putting rocks on the zinc roofs to prevent them from blowing away.²⁴³ It was illegal to build houses with cement.

After the DPA became responsible for finding camp sites, then, only one new camp was erected, and no permits to expand sites were granted. Since the refugees were not allowed to expand outwards, they built upwards. The buildings sometimes became dangerously tall; and were often built without proper basements, functioning in some cases as 'multi-story death traps'.²⁴⁴ Some of those who had the means bought homes outside the camps, as there was no legal restrictions against Palestinians owning property before 2001. Altogether it appears that the government cooperated with UNRWA in the first years, although bans on expansion and repairs signalled a rising scepticism and a tight control.

After the civil war

Intense shelling, bulldozer clearings, and warfare had left the camps devastated. Most camps were damaged, and three were completely destroyed.²⁴⁵ These were not re-erected, although the government gave permission to re-erect one of them (Nabatieh). The two largest camps, Burj al Barajneh in Beirut and 'Ayn al Hilweh in Saida, were also almost completely destroyed. In the south, ninety per cent of the camp population was affected by the warfare,²⁴⁶ while generally the camps in the north fared better than those around Beirut and in the south.²⁴⁷

The government restricted the rebuilding to the original camp sites; that is to say that houses Palestinians had built on illegal grounds after the camp's creation were not to

²⁴² Sayigh 1979, 106f.

²⁴³ Sayigh 1979, 135.

²⁴⁴ Interview with Suheil al-Natour 07.03.2006. Danish Refugee Council et. al 2005, 30.

²⁴⁵ Nabatieh, Tel al-Zâtar, and Jisr al-Basha.

²⁴⁶ Fafo 2005, 29. In Shatila as much as 80 % of the buildings were destroyed (Weighill 1997, 303).

²⁴⁷ The Lebanon Report 1995: "The Future of the Camps. An interview with Rosemary Sayigh", 10.

be rebuilt. Since three of the camps had been destroyed, overcrowding was apparent and an increasing problem.²⁴⁸ The government also refused an UNRWA request to erect temporary shelters in vicinity of the camp sites.

Bans and restrictions

The bans on building became stricter after the civil war. There was issued a ‘secret’, or at least unofficial ban on constructing new buildings or reconstructing old ones in all the camps, including adding more floors to existing buildings.²⁴⁹ The Minister for Foreign Affairs said to the press in 1998: ‘What concerns Palestinians who are still living in Lebanese territory, it is forbidden to make modifications to the camps.’²⁵⁰

The housing problems were thus aggravated by government restrictions that hindered improvements of the infrastructure, and inadequate drinking water and poor sanitation was partly caused by the policy of isolating the camps from the national infrastructure systems; thus doing in practise what the legislation had indicated.²⁵¹ One newspaper report states that the government ‘openly admitted’ to be blocking UNRWA’s efforts of rebuilding.²⁵² Whether or not the openness was a fact, UNRWA itself reported grave difficulties with regards to government relations; quite in contrast to the hospitality of the 1950s.²⁵³ In addition, all of UNRWA’s plans for construction since 1994 were hindered because of a military ban on bringing in any construction materials. The ban was a de facto situation, and no official sources explain how this ban worked – but other accounts give details.²⁵⁴ All entries of materials were subject to approval from the LA. The ban was especially effective in the south of Lebanon, where checkpoints oversaw exits and entrances and restricted the entry of building materials; physically hindering improvements. Refugees were often arrested for carrying cement or other materials into the camps. Representatives of the LA confirmed that such a ban existed.²⁵⁵ Although the ban was supposed to extend throughout the country, inhabitants of Burj al-Barajneh said that while

²⁴⁸ UNRWA 2005: Briefing Paper for HE Fouad Siniora, 1.

²⁴⁹ Groupe de travail sur réfugiés 1997, 35. Interview with al-Natour 07.03.2006.

²⁵⁰ From the newspaper al-Safir (quoted in al-Natour 2000, 16).

²⁵¹ Said 1999, 323. Fafo 2005, 29. See Chapter 3.

²⁵² The Lebanon Report 1994, 7.

²⁵³ UNRWA 2005: Briefing Paper for HE Fouad Siniora, 8.

²⁵⁴ Interview with Salah Dabbagh 15.03.2006. Report of the commissioner-general of the UNRWA 2004-2005, 8. Fafo 2005, 29.

²⁵⁵ Interviews with representatives of the Lebanese Army, 2006.

there was a ban in theory, no one was watching the entry of materials there. Again, the camps in the north fared better and were generally able to carry out reconstructions.²⁵⁶

In addition to the bans, there were reports of decisions to demolish new or repaired structures in the camps near the city Tyre, and reports of constant threats of demolishing camps in Beirut.²⁵⁷ Prime Minister Siniora denied this in a meeting with UNRWA, calling the reports ‘completely false’.²⁵⁸ There were no reports claiming that such decisions had indeed been carried out, but Siniora did not give UNRWA permission to perform necessary environmental health rehabilitations or facilitate the entry of building materials. Neither did he approve building permits which the agency had requested.

The fact that there were in general less bans and restrictions on the camps in the north might be related to the fact that the north was controlled mostly by Syria. The south was occupied by Israel and the Beirut municipality was administered by the Lebanese government, which suggests that the Syrians influenced the conduct regarding the camps in the north positively.

The displaced refugees

The bans and prohibitions caused immense problems for the Palestinians who had become displaced during the war. Some settled in what sources refer to as unofficial gatherings, usually in the vicinity of the camps (see map 3). Others lived in cramped shelters that were supposed to be temporary.²⁵⁹ As work on rehousing the displaced Lebanese commenced, the displaced Palestinians were evacuated from abandoned buildings. They were evacuated without compensation, but Walid Jumblatt, the leader of the Progressive Socialist Party (PSP), urged UNRWA to pay them compensation, and a newspaper reported that there was an argument between Jumblatt and UNRWA over the treatment of the Palestinians.²⁶⁰ Many displaced refugees were placed in temporary shelters. One such shelter was an empty hospital building in Beirut that was taken into use by the NGO the Popular Aid for Relief

²⁵⁶ Al-Natour 2003: “Les réfugiés palestiniens”, 113.

²⁵⁷ In 1994 there were reports in Lebanese press that all the Beirut refugee camps were to be demolished in the grand scheme of reconstructing that city. There were plans for a highway going straight through Burj al-Barajneh. The plans were abandoned, but in 2005 there were new reports that the LA would demolish all buildings outside the camps, if they were not removed. (Palestine Return Centre 2000, 7f. Interview with Haifa Jammal 10.02.2006. Khalidi 1995, 28).

²⁵⁸ UNRWA 2005: Briefing Paper for HE Fouad Siniora, 8f.

²⁵⁹ Some 35,000 persons were estimated as displaced in 1988 (Shiblak 1997, 381).

²⁶⁰ The Lebanon Report 1993: “The displaced and the Christians”, 2.

and Development (PARD) in 1985. The displaced refugees occupied the floors as if it were a village – laundry, vending and other everyday activities took place in the old hospital’s hallways. Water ran across the floors. Every family was given a single room; some built so hastily that one easily could see between the bricks. Up to fourteen people could live in one room, almost completely deprived of electricity or water.²⁶¹ In 1999, some 35,000 Palestinians were housed in such provisional shelters.²⁶² In 2005, Member of Parliament Bahia Hariri claimed that the displaced people occupying the houses would be evacuated and receive compensation,²⁶³ but no immediate changes took place.

Une mort lente

The camps stood as proof and symbol of the historic low point of the refugees’ general conditions. Lebanon had the worst housing conditions in the region.²⁶⁴ One Lebanese official described openly the grave needs of the overcrowded camps.²⁶⁵ In 1998, UNRWA reported that most of the refugees faced ‘deplorable living conditions’ – and although they were applying for funding, it hardly seems likely that they were exaggerating.²⁶⁶ In 2005, almost seventy per cent of the refugees had less than half a room.²⁶⁷ In Burj al-Barajneh, 17,000 people lived in the space of two square kilometres. There was hardly any room for expanding cemeteries.²⁶⁸ Seventy-one per cent reported having no heating. Electric cables often hung low to the ground creating risky situations. The situation was similar for all the categories of refugees, with few additional problems for the non-IDs.²⁶⁹

In 1998, the Minister of Interior expressed a reservation to intervene on the subject of housing, because relieving the conditions might encourage the Palestinians to stay in Lebanon.²⁷⁰ Prime Minister Hariri stressed that the problem was the lack of political will in the international community, but promised to ‘reflect’ on the question of housing regulations.²⁷¹ In the same year, the Dbayeh camp was connected to the central water

²⁶¹ Groupe de travail sur réfugiés 1997, 5. A personal visit to the building confirmed these conditions.

²⁶² Said 1999, 323.

²⁶³ The Daily Star, November 11, 2005.

²⁶⁴ Fafo 2005, 29.

²⁶⁵ Interview with Khalil Makkawi, 10.03.2006.

²⁶⁶ Report of the Commissioner-General of the UNRWA 1997-1998, 42.

²⁶⁷ Danish Refugee Council et.al 2005, 30.

²⁶⁸ UNRWA 2005: Briefing Paper for HE Fouad Siniora, 2.

²⁶⁹ Except for the lack of access to UNRWA’s rather ineffective rehabilitation programs.

²⁷⁰ Groupe de travail sur réfugiés 1997, 35.

²⁷¹ Groupe de travail sur réfugiés 1997, 29.

system through an agreement between UNRWA and the local authorities, and an agreement was also reached on garbage disposal from two camps.²⁷² Not much else happened, which signals that Hariri's promise was more a figure of speech than an intent to change the regulations, although he acknowledged Lebanon's responsibility to however slight an extent.

The housing situation thus changed over the years, but overcrowding was a constant problem. Although the basic conditions were improved in the 1960s, as the tents were replaced by buildings and some of the sanitary conditions were satisfactory, the problem of overcrowding soon surpassed such improvements. And the years after the civil war saw deteriorating conditions on all parts: Overcrowding became more dire, and many of the previous improvements to houses and sanitary conditions were set back by destructions. The displaced Palestinians lived in even worse conditions than the general camp dwellers. No wonder, perhaps, that international reports refers to statements saying that 'les conditions les condamnent à une mort lente.'²⁷³

The right to free movement

The rights to freedom of movement and work were necessarily subject to the host country's regulations and laws, contrary to the issues of housing and health. Although the practises often were results of the legal situation, some practises were independent of it.

One such practise concerned the autonomy of the camps. Who governed the camps from the inside, as well as their entrances, had strong implications for the inhabitants' freedom of movement. Therefore, the autonomy or control of the camps will be an integral part of this section.

²⁷² Report of the commissioner-general of the UNRWA 1997-1998, 63.

²⁷³ Groupe de travail sur réfugiés 1997, 18.

Movement within Lebanon

In the first years, the refugees were in practise able to move freely in Lebanon, although security measures were imposed by the authorities in the 1950s. Sources disagree about the level of autonomy prior to 1958,²⁷⁴ but as seen above, the situation varied according to the political situation. The Palestinian camps were controlled to some extent by Lebanese intelligence services, but this was the case for Palestinian refugees in all host countries and did not cause much criticism.²⁷⁵

After 1958, the situation became much more restrictive. There was a direct order by the Lebanese security forces to have checkpoints at every camp. In this way, President Shehab and his military intelligence, the Second Bureau, continued and strengthened the control of the camps, with serious consequences for the refugees' freedom of movement within the country. Many Palestinians claimed that the decade of 1958 to 1969 was the most difficult period they experienced in Lebanon, in general terms and especially in regards to movement.²⁷⁶ Isolating the camps from the Lebanese society was a part of the official policy. According to interviews, inhabitants were not allowed to leave or enter without permission from either the Second Bureau or from the DPA (the latter if one wished to move from one camp to another).²⁷⁷ Such permits from the DPA were usually not given. In addition to the checkpoints of the Second Bureau, the LA had stations inside the camps and was in charge of upholding law and order, often inflicting what was perceived as harassment, terror and even torture through arrests and threats of arrests.²⁷⁸ One source said that it was often prohibited for more than two Palestinians to walk together, in case they might be preparing a demonstration; which was illegal. It was prohibited to listen to the radio or read newspapers. The army and the intelligence bureau carried the only weapons in

²⁷⁴ For example, the MacBride report, whose assignment was to investigate Israel's violations of human rights in Lebanon, stated that 'the inhabitants of the camps had always enjoyed a large degree of autonomy' (Race & Class 1983, 422f.). Salah Dabbagh, on the other hand, claimed that the camps had always been subject to security measures.

²⁷⁵ Interview with Salah Salah 10.02.2006, interview with Khalil Makkawi 01.03.2006.

²⁷⁶ Interview with Haifa Jammal 10.02.2006, interview with Salah Salah 10.02.2006.

²⁷⁷ Interview with Salah Salah, 10.02.2006, interview with Haifa Jammal 10.02.2006.

²⁷⁸ Many experienced torture while in prison or during interrogation (interview with Salah Salah 10.02.2006, interview with Charif Fayad 27.02.2006). While the Second Bureau used force at times, there was nothing systematic about their oppression, which caused insecurity. Firing workers and transferring suspected individuals were some of the measures (Sayigh 1979, 134).

the camps, as the Palestinians were not militarily active in this period.²⁷⁹ These were all de facto situations, which lasted until the Cairo Agreement in 1969.

President Shehab said that he knew what was being done in the camps, but that ‘responsible Palestinians must understand his position... how am I to control the Palestinians?’²⁸⁰ In other words, he deemed the measures as necessary, or he wished to defend his position and control any elements of possible unrest.

After the civil war

Lebanon changed during the civil war. The government had initiated a policy of isolating the refugee camps completely instead of exercising control over them, and this remained the main official policy toward the camps. Despite the decreased suppression, a former director of the DPA stated that the situation in regards to the right to movement after the Ta’if Accord was in practise the same as in 1958.²⁸¹ The DPA issued permits and registered movements from camp to camp.²⁸² Some Palestinians said that they were required to report it if they wished to move from one camp to another, but need not apply for a permit; which gave them a relatively extensive freedom of movement in that respect.²⁸³ The Palestinian lawyer Suheil al-Natour believed that the overcrowded situation of the camps made other restrictions unnecessary, ‘since there was no room to move anyway’.²⁸⁴

The DPA stated in 1998 that the basic premise in the camps was still that Lebanese jurisdiction operated.²⁸⁵ But in reality, Lebanese authority did not rule, and there was no official protection of the Palestinian refugees. Lebanese authorities claimed that it had not been possible to carry out the disarmament of the Palestinian militias that the Ta’if Accord required, and that the Lebanese authorities therefore were reluctant to enter the camps.²⁸⁶ Instead of entering the camps, Lebanese troops were said to be stationed around them. But as seen above, troops were not stationed around all the camps, nor was the degree of

²⁷⁹ Interview with Simon Haddad 08.02.2006 (see Chapter 2).

²⁸⁰ Sayigh 1979, 132.

²⁸¹ Interview with Khalil Shatawi 01.03.2006.

²⁸² Danish Immigration Service 1998, 46.

²⁸³ Interview with Suheil al-Natour 07.03.2006.

²⁸⁴ Interview with Suheil al-Natour 07.03.2006.

²⁸⁵ Groupe de travail sur réfugiés 1997, 22.

²⁸⁶ Groupe de travail sur réfugiés 1997, 22. This contrasts with what other Palestinian, Lebanese and LA sources said about the disarmament (see Chapter 6).

control over the comings and goings in the camps uniform. The placement of checkpoints throughout the country was varying, but in the south there were LA checkpoints at the entrances on a regular basis and there was only one entrance to every camp.²⁸⁷ One source explained that the checkpoints existed to hinder criminals from entering to hide inside the camps where the LA or other Lebanese authorities were unable to find them.²⁸⁸ In November 2005, a newspaper reported that the municipality of Saida in the south of Lebanon started installing surveillance cameras at the main entrances of the camp 'Ayn al-Hilweh, and no officials denied this.²⁸⁹ Palestinian sources claimed that the Lebanese authorities had access to and were even welcome in many camps, and that they would be able to take them over at any time.²⁹⁰ But in some cases, the Palestinian camp committees who organized the infrastructure of the camps attempted to keep the authorities out. Since the authorities shunned entering in most cases, this caused a form of double isolation.²⁹¹

There was no legal system in the camps, and there was confusion in the sources as to whether or not Palestinians had access to Lebanese courts throughout the period. One source states that 'should a Palestinian approach the Lebanese authorities in search of protection, he would be treated in the same way as would a Lebanese national'.²⁹² But there was no record of any Palestinians ever approaching the courts in this way.

The non-ID refugees in the camps

At the checkpoints, camp residents were required to show the soldiers their documents of identification to be let through. This, naturally, caused grave problems for the non-ID refugees. The case that first proved the existence of this category of refugees happened when a Palestinian ran away from a checkpoint and was shot dead in 2001.²⁹³ It was later determined that he ran because he had no legal documents, which would have led to his arrest. In 2005, 94.5 per cent of the non-ID refugees claimed to face restrictions on moving

²⁸⁷ Interview with Suheil al-Natour 07.03.2006.

²⁸⁸ Interview with Farid el Khazen 14.03.2006.

²⁸⁹ The Daily Star, November 11, 2005.

²⁹⁰ Interviews with Haifa Jammal and Salah Salah 10.02.2006. See Chapter 7.

²⁹¹ Interview with Tariq Mitri 27.03.2006.

²⁹² Danish Immigration Service 1998, 37f.

²⁹³ The following from Danish Refugee Council et.al 2005, 4, 20.

out of the camps and around the country – non-ID refugees were in fact unable to leave the camps or travel abroad at all.²⁹⁴

Travelling abroad

From 1954, the refugees were exempt from paying for visas when travelling from Lebanon, and also from paying fees for the issue of passports and for renewal and extension, as we saw in the previous chapter.²⁹⁵ Many refugees found employment outside of Lebanon, especially in the Gulf countries, and this was an important source of income. But from 1959, refugees needed a document of travel from the Second Bureau in order to leave the country. Such documents were only given on rare occasions. A refugee applying for it had to present extensive documentation, and in addition, receiving the travel document could cancel their rights with UNRWA, since their ability to travel was interpreted as if they were ‘rich enough to get by without assistance’.²⁹⁶

There was a large number of Palestinian emigrants from Lebanon during and after the civil war, especially after 1993. Figures as high as 100,000 have been suggested.²⁹⁷ From 1989, the Palestinians were required to pay fees for visas and for passports.²⁹⁸ But apparently, leaving the country was not difficult until 1995, when Ruling 478 was issued by Prime Minister Rafiq Hariri (see Chapter 3). After this was lifted in 1999, there were few restrictions on leaving the country.

The freedom of movement of Palestinians in Lebanon, thus, went through stages: In the first decade, there seems to have been limited restrictions on the refugees’ movement in Lebanon, and none on leaving it, though sources disagree. After 1958, there were severe restrictions on movement inside the country, and leaving it was also difficult. After the civil war the situation was both unclear and unstable, but the refugees faced fewer

²⁹⁴ It must be noted that it was not only the Lebanese government’s regulations that complicated the problem, but also the UNRWA-practises of not registering any new Palestinians in their records.

²⁹⁵ By Decree 7706 of 1954.

²⁹⁶ Interview with Suheil al-Natour 07.03.2006.

²⁹⁷ Fafo 2005, 12. Had the population grown at the expected rate, there would have been more than 500,000 refugees in Lebanon by 2001, but the official number from UNRWA that year was 384,000 (Sayigh 2004, 8).

²⁹⁸ Al-Natour 1997, 365.

restrictions than before; excepting the period of 1995 to 1999 when they basically were unable to leave Lebanon at all. After 1999, the situation seemed to stabilize, although checkpoints were upheld outside many camps, causing serious problems for some refugees, particularly the non-ID refugees.

The right to work

The legal situation regarding labour did not cause many specific problems for the Palestinians before 1962. There were two types of restrictions: First, the public sector was reserved for those who had been Lebanese nationals for more than ten years.²⁹⁹ Second, after 1950, some free professions were restricted to members of the professional syndicates. Also, the restrictions on movement initiated in the 1950s made it hard for Palestinians to work outside the camps. These general unrestrictive tendencies can partly be attributed to the welcoming attitude during the first years, and partly to the fact that the area of work was not generally object to extensive legislation.³⁰⁰ But the feeling was not unanimous among politicians. In 1951, the Ministry of Labour decided to start requiring labour permits; but the Ministry's decision was opposed by President Bechara al-Khoury. The decision was thus cancelled, and the Prime Minister declared that 'we are duty bound to accord the Palestine refugees the best treatment and cannot treat them as foreigners.'³⁰¹

This policy apparently was followed until 1958. However, an UNRWA program aimed at integrating the refugees into the economic life of Lebanon failed,³⁰² as the government was skeptical to any international program that might interfere with its own economic system. This was in particular because of the prominent position of the private market and the fear of official interference.³⁰³

After 1958 the labour situation became more complicated, since it was practically impossible to move from one camp to another; also when one camp was closer to one's workplace. And when the Palestinian refugees were defined as foreigners, they needed

²⁹⁹ Al-Natour 2003: "Les réfugiés palestiniens", 116.

³⁰⁰ See Chapter 3.

³⁰¹ National Assembly 1951, quoted in al-Natour 1997, 367.

³⁰² UNRWA 1982: A brief history 1950-1982, 102f.

³⁰³ Some of the more wealthy Palestinians managed to profit from the private nature of the economy (interview with Salah Dabbagh, 15.03.2006).

labour permits for practically any type of work. In the 1960s Lebanon apparently had good opportunities for employment, causing a small percentage of refugees to become self-reliant.³⁰⁴ Nevertheless, a more restrictive policy on issuing labour permits was established. There were no official records of granted labour permits, and different sources suggest highly varying figures. Among the suggestions of the number of granted permits in 1968, the highest was 2,448, and the lowest only 284.³⁰⁵ The number of economically active Palestinians in that year was around 19,000. It was up to the employer whether or not to hire a Palestinian even if he had a permit, but most were hired. Palestinians had no protection from the government, and employers were not bound to ensure any rights in the workplace. The principle of prioritizing Lebanese employees was implemented after 1962, and the threat of giving fines to employers hiring people without permits caused difficulties.

Apart from the Lebanese labour market, UNRWA hired Palestinians; and five out of six of their employees were Palestinians.³⁰⁶ After the PLO's arrival, some sixty per cent of the Palestinian workforce reported to be employed with the organization.³⁰⁷

Changes after the civil war

The war changed the situation of work, although not as dramatically as it changed the situation of housing and movement. The main deterioration was the general economic situation. In 2005, thirty-six per cent of the Palestinians were rated as poor, and fifteen per cent earned less than one dollar a day.³⁰⁸ Some Palestinians were forced to leave work for health reasons.³⁰⁹ Also, the opportunities for employment waned when the PLO disappeared, and there was an unemployment crisis in the Lebanese market, making it harder to Palestinians to get hired.³¹⁰

³⁰⁴ Khalidi et. al 1965, 34.

³⁰⁵ Sayigh 1988, 21 (2,448) and al-Natour 2000, 25 (284).

³⁰⁶ In 1950 they had employed 1,656 people, and in 1961, 1,559 people. (Interim report of the director of the UNRWA 1950, 19. UNRWA 1961, Activities in Lebanon, 24).

³⁰⁷ Majed 1995, 9. Sayigh 1994, 213.

³⁰⁸ Fafo 2005, 45.

³⁰⁹ Fafo 2005, 20.

³¹⁰ Administration Centrale de la Statistique 1998, 16, 129-137 (tableau 19 shows that the unemployment rate stood at 8.5 per cent). Groupe de travail sur réfugiés 1997, 11. Interview with Tariq Mitri 27.03.2006.

The Gulf War and the peace process

After the Gulf crisis in 1991, when Palestinians world-wide were perceived to support Saddam Hussein, the Gulf states evicted Palestinian workers, and therefore, the general income level of the refugees sunk drastically.³¹¹ And after 1993, the PLO funds were transferred primarily to the West Bank and Gaza, and PLO services to the refugee population in the diaspora almost completely dried up.³¹² Also, as we saw above, UNRWA was forced to operate below earlier levels in Lebanon, reducing the number of Palestinian employees to four out of six.³¹³ In 1993-2001 only around one per cent of the Palestinians were employed with UNRWA.³¹⁴

The restrictions on labour in Lebanon

Labour permits, too, became increasingly hard to obtain. The sources vary here as well. One source states that no permits were issued between 1982 and 1992,³¹⁵ and another that 0.14 per cent of the Palestinians received permits between 1993 and 2001.³¹⁶ One claims that 7,362 Palestinians were granted permits in 1995,³¹⁷ while another claims that the number was only about one hundred.³¹⁸ Whatever the actual numbers, the process of obtaining a labour permit was made 'extremely complicated' after Decision 621/1 in 1995.³¹⁹ Applicants needed documents from the employer and a sizable fee to the authorities; a process requiring repetition every twelve months. The camps in Beirut were claimed to be the ones facing the worst restrictions.³²⁰

These difficulties come in addition to the fact that many types of work were reserved for Lebanese nationals. Since 1989 the policy of labour permits and the reservations for Lebanese practically stopped the Palestinians from working in anything but construction and agriculture; the only areas not requiring permits. But due to lack of

³¹¹ The Gulf states, for one, had been a support for the PLO. The Palestinian community in Kuwait shrunk to one fourth of its earlier level from 1990 to 1991. The collapse of the Soviet Union, another supporter of the PLO, further aggravated the situation (Haddad 2000: "Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon", 2).

³¹² Sayigh 1994, 213f.

³¹³ Report of the commissioner-general of the UNRWA 1997-1998, 47.

³¹⁴ Al-Natour 2000, 24.

³¹⁵ Sayigh 1995, 44.

³¹⁶ Al-Natour 2000, 24.

³¹⁷ Khalidi 1995, 29.

³¹⁸ Aasheim 2000, 50.

³¹⁹ Al-Najjar et al 2005, 21. See Chapter 3 for the decision.

³²⁰ The Lebanon Report 1995: "The Future of the Camps. An interview with Rosemary Sayigh", 10.

employment opportunities, not many Palestinians reported working there, either.³²¹ Refugees claimed that employers in general were sceptical towards Palestinians and more often hired Lebanese or other foreigners.³²² This could be related to the anti-Palestinian sentiments after the war, or to the government's fining anyone who hired people without labour permits – the illegal workers were usually Palestinians.³²³ No refugees were employed in public administration in 2005, compared to fifteen per cent of the Palestinian refugees in Jordan;³²⁴ but it must be noted that the public sector in Lebanon was smaller than that of Jordan. All this caused a large part of the refugee population to work in the black market, with low payments and no insurance. Although the unemployment crisis probably was one reason for the restrictions, similar restrictions had been in use since 1958. The policy also contrasted with a practise of allowing Syrians to work without restrictions.

Most refugees rated unemployment as their single most important problem in Lebanon.³²⁵ In 1991, the unemployment rate was thirty-eight per cent, and in 2005 it was sixty-six per cent.³²⁶ Over sixty-five per cent of the workforce worked inside the camps. Non-ID refugees were by definition ineligible for employment, as they had no legal documents with which to apply for labour permits. Still, at fifty-eight per cent, their unemployment rate was lower than for the other categories in 2005. This may be explained by the fact that most worked for the PLO when they arrived in Lebanon, and some still received what they called 'wages' from the PLO, even though they did not in practise work for the organization any longer.

Summary

The camps in Lebanon went through a severe deterioration compared to Palestinian camps in the other host countries in the region, and there was a vast gap between the services offered to the refugees and what the international standards stipulated. Although the conditions were never satisfactory, one report calls the development after 1989 and 1993

³²¹ Aasheim 2000, 50f.

³²² Groupe de travail sur réfugiés 1997, 37.

³²³ Middle East International 1982, 13.

³²⁴ Fafo 2005, 24.

³²⁵ Fafo 2005, 23.

³²⁶ Danish Refugee Council et. al 2005, 27, Majed 1995, 9.

‘an astonishing contraction and withdrawal of services’, blaming UNRWA’s lack of funding and the economic crisis in the country for the situation; a view backed by UNRWA.³²⁷ Outside factors such as the Gulf crisis and the Oslo Peace Process added to the deterioration, but the Lebanese government also played a significant role. The government did not assume responsibility for the refugees’ right to health and housing, although it did offer some housing assistance in the early years. The rights to freedom of movement and employment were not controlled to a great extent in the first decade, but were restricted all the more after 1958. The right to health suffered because of official neglect more than from restrictions, and also because few public hospitals existed; and the private nature of the Lebanese economy was thus a factor here. But for the rights to housing, free movement, and work, the governmental restrictions were among the most important problems from 1958 to 2005.³²⁸

We saw that legislation only related to certain civil rights, and that most of the negative effects occurred because the Palestinians were legally defined as foreigners. In this chapter, we have seen that de facto policies, bans and restrictions played at least as large a part as the legislation did in relation to the status of the Palestinian refugees’ civil rights situation. Such policies were mostly unwritten and undocumented. And although they changed over the years, the result was that the Palestinian community typically did not enjoy civil rights

³²⁷ Palestine Return Centre 2000, 5, UNRWA 2005: Briefing Paper for HE Fouad Siniora, 1.

³²⁸ Other rights protected by the ICCPR and the ICESCR relating to the Palestinians in Lebanon that were not mentioned in any legislation throughout the period include the right to education, the right to freedom of association and the right to organization. Basically, since UNRWA offered primary education to all children, the gravest need was for secondary and high education. Palestinians were in theory able to get into both the public and private sector (Al-Natour 1997, 372, al-Najjar et. al 2005, 24). However, for public schools, Palestinians must compete with all other foreigners for places earmarked for foreigners, and Lebanese students were prioritized. In 1995/96, some 3,800 Palestinians were enrolled in Lebanese public schools (al-Najjar et. al 2005, 24). Because of the high cost, very few Palestinians could afford private education. In 1995/96, some 2,500 Palestinians were enrolled in private schools and universities; in 1996/97, they numbered closer to 2,000 due to a rise in costs (al-Natour 2000, 29). As for the right to freedom of association, this was directly hindered in the period from 1958-69, but after 1989 it was usually unhindered. As for organization, all attempts to form an autonomous organization were rejected and all forms for political organization were suppressed by the LA until 1969 (Al-Natour 2003: “Les réfugiés palestiniens”, 121). Much of the brutality of the Second Bureau was aimed specifically at people that were suspected of being central to any political organization (Sayigh 1979, 131ff.). After 1989, Palestinians were unable to form associations such as NGOs, because they required a permit from the Ministry of Interior which was never given due to the principle of reciprocity (interview with Haifa Jammal 10.02.2006). It should be noted, however, that many NGOs, such as the Norwegian People’s Aid branch in Lebanon were formed by Palestinians, through using Lebanese names as founders and members (Welfare Association et.al. 2000, interview with Haifa Jammal 10.02.2006). In other words, at least since 1989, Palestinians did form associations, although they did so illegally.

in Lebanon. In other words, the tendencies of elusiveness and the lack of a clear policy suggested in the previous chapter can be seen in the unwritten practises as well, suggesting an official disregard of the Palestinian refugees. The practises may have been clear to those experiencing them or to those performing them, but the fact that the official conduct was never in fact 'official', suggests that the government meant to avoid clarifying its responsibility or agenda.

Chapter 5. Lebanese legislation and practises in relation to the civil right conventions

In the previous chapters we have seen that for the most part of the period in question, the Palestinian refugees generally were not granted the rights to health, to housing, to freedom of movement or to work in Lebanon, and that the actual situation was unacceptable. We saw that the main legal problem was that the Palestinian refugees were defined as foreigners, which in reality meant that they were granted no rights because they were unable to offer reciprocity from their own state. In addition, the de facto procedures initiated by the Lebanese government hindered the realization of civil rights further, and the result was that the Palestinians lacked civil rights for most of the period in question.

Most other refugees were not treated according to the principle of reciprocity because they were protected by the Refugee Convention, which the Palestinian refugees were not.³²⁹ But formally, treating them like foreigners was not in violation of any international right, and neither was relating to them by this principle. There were, in other words, no formal breaches on the international conventions in the Lebanese conduct. However, Lebanon was the only host country that applied the principle to the Palestinian refugees, and the consequences of the conduct was that the Palestinians were in fact deprived of their civil rights for such a prolonged period that it resembled a permanent situation. The definition of them as foreigners, and all it entailed, relied on the outdated condition that the situation was temporary. The consequences of the definition – including the application of the reciprocity principle – and the extended period of time this occurred in, therefore, were that the status of the civil rights of the Palestinian refugees became unreasonable and in de facto violation of the civil right conventions. I thus conclude that the government's treatment of the refugees as foreigners, although the definition is formally justifiable, was unreasonable and led to a violation of their civil rights.

In this chapter, the situation is reviewed in light of the Convention of Civil and Political Rights (ICCPR) and the Convention of Economic, Social and Cultural Rights (ICESCR). We saw in Chapter 1 that the legally binding aspect of the civil rights was not operative

³²⁹ See Chapter 1.

until the conventions were established and ratified, which in Lebanon's case was in 1972. However, the rights had also been defined in the International Declaration of Human Rights (UDHR) in 1948. By applying these definitions to the whole time period we may see whether a civil right was restricted before and after 1989, and whether the civil right conventions were violated after 1989.

The right to freedom of movement is defined in the UDHR's Article 13:

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country (...).³³⁰

The right to work is defined in the UDHR's article 23:

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.³³¹

The rights to health and housing are defined in the UDHR's article 25:

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.³³²

Lebanon hindered or withheld these civil rights before the conventions were operative, but it was only after 1972 – or 1989, due to the time period of this thesis – that one could claim that the civil rights were 'violated', in a legal sense.

The right to free movement

Article 12 of the ICCPR reads:

'Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.'³³³

The next paragraph reads:

'Everyone shall be free to leave any country, including his own'.³³⁴

³³⁰ UDHR, Article 13, paragraphs 1 and 2.

³³¹ UDHR, Article 23, paragraph 1.

³³² UDHR, Article 25, paragraph 1.

³³³ ICCPR, Article 12, paragraph 1.

³³⁴ ICCPR, Article 12, paragraph 2.

The right to move freely inside or out of Lebanon was not hindered by legislation until 1995. On the contrary, some privileges on leaving the country were granted by decrees 7706 and 10188. Ruling 478 of 1995 clearly violated the latter article, but when it was lifted in 1999, there was no legislation that violated the right to freedom of movement. However, we saw in Chapter 4 that the positive effects of decrees 7706 and 10188 were counteracted by procedures which caused difficulties both in obtaining travel documents and in moving freely inside Lebanon. In the first decade there were no documented hindrances to the right to freedom of movement, but after 1958 there were obstructions on free movement within the country especially. After 1989 the procedures varied, but the camps in the south experienced permanent restrictions.

This becomes an example of how policies and procedures mattered more to the Palestinian refugees in Lebanon than legislation did, and of how it is necessary to look at the practises in order to get a clear picture of the actual civil rights situation: By legislation, the right to freedom of movement was only hindered in the period of 1995-1999; but by unwritten policies it was hindered continuously from 1958.

The right to work

Article 6 of the ICESCR reads:

‘The States Parties to the present Convention recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.’³³⁵

Article 7 of the same convention states that the state parties to the convention recognize the right of everyone to enjoy just and favourable work conditions, ensuring, for instance, fair wages and safe and healthy working conditions.³³⁶

The first Lebanese labour legislation that had effects for the Palestinian refugees was issued in 1950, when the profession of pharmacy was restricted to Lebanese nationals and foreigners who could offer reciprocity. The de facto situation after 1958 also hindered the fulfilment of the right to work, because the hindrance of free movement within the country

³³⁵ ICESCR, Article 6, paragraph 1.

³³⁶ ICESCR, Article 7.

restricted the areas where the Palestinians were able to work. But beside this factor and the situation of the professions of pharmacy and engineering, the right to work was unhindered until 1962. Legislation had no impact on the general labour situation until 1962. From then on, all the Lebanese labour legislation except Decision 79/1 restricted the Palestinian refugees' right to work, either banning certain employment opportunities, requiring labour permits, or making it difficult for employers to hire workers without permits. In addition, the de facto procedures made it increasingly difficult to obtain work permits. Because of the consequences of the principle of reciprocity, the demand for labour permits and the professional syndicates, the right to work as defined in the ICESCR's Article 6 was hindered since 1962. The consequences of the labour laws came to violate Article 7, as the Palestinians were forced to work mostly in the black labour market with lower fees and often unsafe working conditions. After 1989, then, the labour laws in Lebanon were in actual violation of several articles of the ICESCR. Decision 79/1, on the other hand, rather looked to re-establish some of the rights restricted by earlier legislation.

Here we see clearly that the use of the principle of reciprocity led to a discrimination of Palestinian workers, as they were the only group specifically left out. Besides hindering the right to employment, this also breached with the ICCPR's stipulations on discrimination, which states that 'the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination'; for instance based on national origin or 'other status'.³³⁷ The category of 'other status' includes non-nationals.³³⁸ The result of defining the Palestinians as foreigners, therefore, led to a violation of their civil rights and proved discriminatory. Some, among them a government representative, openly felt that Lebanon's labour laws were discriminatory.³³⁹ The principle of reciprocity caused a violation of the ICESCR in legislation after 1989, and also hindered the fulfilment to the right to employment from 1962 on. The situation of work for Palestinians in Lebanon went through a continuous deterioration. The actual availability of work in Lebanon, as well as outside factors such as the Gulf crisis must be registered as causes; but the governmental restrictions were the most damaging to the everyday situation.

³³⁷ ICCPR, Article 26.

³³⁸ Aasheim 2000, 57.

³³⁹ Interview with Charif Fayad 27.02.2006. Interview with Simon Haddad 08.02.2005. Interview with Ziad Majed 17.03.2006.

The right to health

Article 12 of the ICESCR reads:

‘The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’³⁴⁰

The article’s second paragraph further states:

‘The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.’³⁴¹

No legislation referred to the Palestinians’ right to health, but Lebanon’s practical conduct hindered the fulfilment of that right throughout the period. It has been made clear that the Palestinians never enjoyed a highest attainable standard of physical or mental health, and the government’s part in this was felt mostly through its absence. The Lebanese state did not help the refugees attain a higher health standard although the need, especially for hospital care, was apparent. Also, there had been problems relating to all the aspects defined in paragraph 2: The Lebanese state accepted no responsibility for the healthy development of children or for improving the environmental hygiene in the camps; offered no treatment for epidemics; and there were never created conditions in Lebanon which assured ‘medical service’ and attention to the refugees – not in the event of sickness; not even in the event of emergencies. Apart from promises in the first years, the government consistently emphasized the responsibility of UNRWA alone. The conduct thus breached with the standards defined in the ICESCR, and violated the convention.

The right to housing

Article 11 of the ICESCR reads:

‘The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.’³⁴²

³⁴⁰ ICESCR, Article 12, paragraph 1.

³⁴¹ ICESCR, Article 12, paragraph 2.

³⁴² ICESCR, Article 11, paragraph 1.

No legislation referred to the Palestinians' right to housing, but Lebanon's practical conduct of the Palestinian refugee hindered the fulfilment of this right as well, especially after 1989. The refugees' standard of living was far from adequate throughout the period, although the government aided the ICRC and UNRWA by renting land for some of the camps and offering other types of assistance in the first decade. After 1958 the government typically followed a different strategy; it did not take many 'appropriate steps' after making land available for the camps and erecting a new one in 1961. Action was rather taken in the opposite direction, with the refusal to rebuild the camps after the war; the bans on construction; and prohibiting improvement of the houses. The conduct thus breached with the standards defined in the ICESCR, and violated the convention after 1989.

The Lebanese Constitution

Thus, the civil rights of the Palestinians were not fulfilled in the period of 1948 to 1969 or in 1989 to 2005. After 1989, many explained the civil right violations with the quotation from the Constitution rejecting *tawtin*; the resettlement of the Palestinian refugees in Lebanon.³⁴³ However, paragraph B of the preamble of the Ta'if Accord reads:

'Lebanon is also a founding and active member of the United Nations Organization and abides by its conventions and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception.'³⁴⁴

The Lebanese Constitution stated that conventions such as these were to prevail over national laws when in conflict.³⁴⁵ The conventions were at the top of the legal hierarchy, and national laws and procedures should be compatible with them. Since the consequences of defining the Palestinians as foreigners was that their civil rights were in fact violated near permanently, this might be interpreted as a violation of the Lebanese Constitution as well.³⁴⁶ Again, the conduct was formally justifiable, but caused unreasonable results which breached with the international standards. Basically, either way of action could be understood as unconstitutional: Granting the refugees civil rights was believed to be equal

³⁴³ Majed 1995, 8. Interview with Farid el Khazen 23.03.2006, interview with Charif Fayad 27.02.2003, interview with Tariq Mitri 07.03.2006.

³⁴⁴ The Lebanese Constitution, Preamble, paragraph B.

³⁴⁵ The Lebanese Constitution, Code of Civil Proceedings, Article 2.

³⁴⁶ Interview with Charif Fayad 27.02.2006.

to risking *tawtin*, and not granting them rights caused violations of the international conventions; and thus of the Lebanese Constitution.

Summary

There were some exceptions to the general impression that the Lebanese government did not fulfil the Palestinian refugees' civil rights: The right to residence was met; and the rights to work and freedom of movement were almost unhindered from 1948 to 1958. But for the most part, the Lebanese government did not realize the civil rights of the Palestinian refugees, either because of consequences of the legislation, or of de facto policies. The policy with regards to health and education was to ignore the problems or disregard any responsibility. With regards to the freedom of movement and partly to the right to work, suppression was a policy in the period of 1958 to 1969. A third policy was that of isolation, which was the case with all four rights after 1989. And lastly, with regards to the rights to work, freedom of movement, and especially housing, a policy of issuing restrictions was the case; particularly after 1989. The next part of the thesis will look at explanations for this situation and the general Lebanese attitudes toward the Palestinians.

PART III

Chapter 6. Lebanese attitudes and statements regarding the Palestinian refugees

In the previous chapters of this thesis, we have seen how the civil rights of the Palestinian refugees in Lebanon were violated, either by the Lebanese government directly, or as a result of their lack of involvement. This part of the thesis will look at different explanations for this situation. Before presenting the different reasons and theories offered by Lebanese sources and discussing them, this chapter will look at Lebanese attitudes towards the Palestinians during the time that the Lebanese government was in charge of them, in order to contextualize the legislation and practises, and to give an understanding of the prevalent attitudes in each decade.

The fact that there was no fixed legal policy on the Palestinians in Lebanon implied an elusiveness or vagueness toward the Palestinian refugees, and the tendencies in practise were generally corresponding to those suggested by legislation. The vagueness could have had many causes, but the active isolation and unwillingness to intervene suggests that it was founded on a deliberate disregard of the refugees as an area of official responsibility. When it comes to the attitudes and statements of Lebanese officials throughout the period, similar tendencies can be detected, compatible with the legislation and practises. Vagueness and disregard are suggested by the fact that few official statements were given at all throughout the period. Although UNRWA referred to the government showing its support and claimed looking forward to ‘further cooperation’, the agency reported requiring assistance to every relief program;³⁴⁷ and although Prime Minister Siniora responded by expressing the government’s willingness to offer additional help,³⁴⁸ the conditions did not change notably. Hardly any official plans or studies were issued throughout the period. Another clear tendency was the rejection of *tawtin*,³⁴⁹ as after 1989 most statements referring to the Palestinians mentioned this rejection either for

³⁴⁷ In 2005, UNRWA asked the government to include the camps in all government-initiated surveys, which showed that it had not done so until then and did not consider the Palestinians as Lebanese residents (UNRWA 2005: Briefing Paper for HE Fouad Siniora, 2, 11).

³⁴⁸ The Daily Star, October 17, 2005.

³⁴⁹ The resettlement of the Palestinian refugees in Lebanon (see Chapter 1 for more on the term).

constitutional reasons, or on the grounds that they were the responsibility of the international community.

Some proposals stood in contrast to these typical tendencies, signalling some official disagreement or perhaps disorder. I shall consider the various statements below according to the time they were made, as well as to the confessional and political role of the speaker or writer.

Attitudes in the period before 1969

An early welcome (1948-1952)

The Lebanese government and public welcomed the Palestinian refugees in the first years after their arrival, when the Red Cross (ICRC) was temporarily in charge of them.³⁵⁰ A number of Lebanese NGOs cooperated with the ICRC.³⁵¹ Christian charitable organizations helped Christian Palestinians and Muslim associations helped Muslims, and this division led to the establishment of three small Christian camps of Mar Elias, Jisr al-Basha and Dbayeh, in the 1950s.³⁵² The sympathy for the tragedy of the Palestinian people seemed total within the government, as the following statements show. The Minister of Foreign Affairs of 1948, Hamid Franjiye, declared:

‘...nous ne les [les réfugiés palestiniens] priverons de rien et nous ne permettrons à personne de les humilier. Ce qui les touchera nous touchera. Nous partagerons avec eux jusqu’à la dernière bouchée de pain.’³⁵³

This heartfelt statement seems to emphasize the feeling of both responsibility and brotherhood between Palestinians and Lebanese. Coming from the Foreign Minister during a parliamentary session, it was discussed in the government and probably expressed its common attitude. The statement was met with no contradictory statements as far as I could find. It was also a public declaration. Franjiye belonged to a Maronite family known for pro-Syrian leanings; quite the opposite from the Maronite community’s more common

³⁵⁰ The Palestinian lawyer Suheil al-Natour characterized the Lebanese government as showing a ‘usually hostile but sometimes only slight negativity towards the presence of the Palestinians’, and the latter referred to the period of 1948-52 (interview with Suheil al-Natour 07.03.2006).

³⁵¹ Interim report of the director of UNRWA 1950, 28.

³⁵² Sayigh 1988, 15.

³⁵³ Séances of the Lebanese Parliament, 12.05.1948, 816, in al-Natour 1993, 38.

political position.³⁵⁴ One sign that his speech was unique was that no equally supportive statements could be found in my sources by other members of his community. However, shortly after, another declaration of support was issued by the government, headed by the Sunni Prime Minister Riyad Solh. It said to give the refugees aid at the level decided by the Arab League; to assist as much as other host countries in the manner of humanitarian aid; to care for the health, housing and food of the refugees and grant all necessary assistance.³⁵⁵ The support shown in this statement is without restriction, and coming publicly from the Prime Minister, it is another sign that this was the official attitude of the government. The most important context for these statements was the humanitarian catastrophe of 1948, and the fact that this was stated in the very same year that the refugees became refugees; before any problems for Lebanon itself had become apparent. The Central Committee for Refugee Affairs (CCRA) was created in this period, in the spirit of cooperation.

However, we saw in Chapter 4 that the conditions in the camps in the years of 1948-1952 remained appalling, according to both UNRWA and official Lebanese statements.³⁵⁶ Two tendencies thus became apparent in the government's attitudes in 1948-1952: Outspoken political and humanitarian support for the refugees; and a failure to follow up on the assurances. One could argue that the support, then, was merely rhetorical. But on the one hand, we saw that refugees in all the Arab host countries suffered in the first years, especially when it came to health and housing conditions. The scope of the emergency was enormous, and the hosts could hardly be expected to relieve it completely. On the other hand, in Lebanon, the outspoken support was not followed up in legislation, as it was in Syria and Jordan. Only two legislative acts resulted in any benefits for the Palestinians (decrees 7706 and 10188). One reason may have been the fact that Lebanon issued little legislation in general, in order to encourage private investors. But the delay of a recognition of the problem in Lebanon, and not only of the atrocities of Israel, suggest reluctance to deal with the refugees, as well as an expectance to see their transfer.

³⁵⁴ Suleiman Franjiye's party was a part of the Lebanese Front during the civil war, and his pro-Syrian leanings were among the reasons for the splitting of the Front in 1978. See Chapter 2 for the more common 'Maronite' parties.

³⁵⁵ Jean Malhat, collection of ministerial declarations, 81f, in al-Natour 1993, 38. See Appendix 4a.

³⁵⁶ Interim report of the director of the UNRWA 1950, Report of the director of the UNRWA 1951. Al-Natour 1993, 38f.

Rising scepticism (1952-1958)

In the 1950s, Lebanon started suppressing all political manifestations of what soon was called 'Palestinianism' in the camps, while still supporting the Palestinian cause and identity verbally.³⁵⁷ The repression of Palestinianism may have been a signal to the camp dwellers that Lebanon would not accept any political trouble. The attitudes thus ranged from support to suppression, and the scepticism probably grew because the refugees stayed longer than initially expected.³⁵⁸

A difference in policy soon became apparent with the Christian Palestinians. Although the early supportive statements had referred to all the Palestinians, many of the Christians were in fact naturalized in the 1950s by the Christian-dominated government, becoming Lebanese citizens. The fact that they raised the number of Christian citizens was held as the main reason for these naturalizations, which stood in such contrast to the common conduct which left the Muslim Palestinians stateless. The normal tendency was to reject of the settlement of the refugees in Lebanon, and this became one of the main signals of scepticism. Already in 1949, one policy was to remove aid systems in order to fund projects for the transfer of the refugees from Lebanon. This was initiated at the Ministry of Foreign Affairs.³⁵⁹ The main focus of the ICRC was the planning of transfers to Palestine, and this may have encouraged the Ministry, but the argument that the Palestinians should not be settled in Lebanon can thus be said to have first appeared in 1949. However, the ICRC's focus made them appear to be championing the refugees' right to return, and since there was no consensus on this matter in the international community, it caused problems for the agency. As a consequence the schemes were dropped, and the ICRC initiated long-term assistance planning instead. For Lebanon, this indicated that the refugees' permanent establishment in the host countries was the solution backed by the international community and by the ICRC.³⁶⁰ The government openly resisted *tawtin* at least from 1951.³⁶¹ The

³⁵⁷ 'Palestinianism' was a term used for nationalistic attitudes among the Palestinian refugees in foreign countries. It manifested culturally, such as keeping up traditions of clothing and handiwork. Political manifestations were demonstrations, educating children on the *nakbar* (the catastrophe that was 1948), and generally expressing anti-Israeli feelings and demanding the right of return to Palestine (Sayigh 1979, 108, 131).

³⁵⁸ There were reports of scepticism and hostility among the Lebanese public. For instance, one source explained that camp Palestinians were often treated as 'vagrants and strangers' by the Lebanese. When they first arrived, many Palestinian also reported that many Lebanese offered to sell water to the refugees, refusing even children to drink if they were unable to pay (Sayigh 1979, 16, 104).

³⁵⁹ Al-Natour 1993, 43.

³⁶⁰ Al-Husseini 1998, 17.

³⁶¹ The Arab Refugee Problem. How it can be solved 1951, 52.

arguments were that their country was already over-populated, that the confessional balance of Lebanon should not be disturbed by integrating 100,000 Sunni Muslims, and that the cause of the Palestinians should be protected.³⁶² It should be noted that the rejection of *tawtin* was supported by most Palestinians, and the right of return was more and more often used as a reason for rejecting it. The Lebanese government emphasized that the responsibility for the problem itself primarily belonged to Israel, then to the international community and especially the UN, who had accepted Israel's statehood.³⁶³ Thus, the care for the refugees was a task for the UN. After a few years Lebanon rejected any responsibility regarding civil rights or humanitarian services,³⁶⁴ and only came to offer the tasks that the Department for Palestinian Refugee Affairs (DPA) undertook (see Chapter 3). In other words, Lebanon indirectly put the responsibility for resolving the problem on the international community, and the tendency, as we saw, was to disregard the problem.

Although the situation was not solved as quickly as they had hoped, the government still welcomed UNRWA to Lebanon. For instance, the government let out land so that UNRWA could erect camps, and UNRWA referred to the Lebanese government as 'hospitable' in 1950.³⁶⁵ This may have been because the creation of UNRWA and the UNCCP signalled that the UN did heed its responsibility. Until the UNCCP was stripped of its mandate for protection of the refugees, there was no reason for the host countries to suspect the UN agencies of planning a permanent implementation of the refugees.

The difficulties of the situation of the Palestinians before 1958 did not come so much from official restrictions, but more from their unclear status. The indistinct attitude did not have consensus in society, though. One indication that Lebanese views were inconsistent, was the reaction of a Lebanese newspaper of 1951 to the attitudes the refugees were exposed to:

'You [the government] are welcoming thousands of Kurds and Assyrians as co-religionists and citizens; however you deny the right of those, in the expulsion, humiliation and poverty of whom you had a hand, to take refuge with you and to give you their energy, love, power and property.'³⁶⁶

³⁶² Al-Natour 1993, 43, The Arab Refugee Problem. How it can be solved 1951, 52.

³⁶³ E. g. radio interview with President Helou in: Khadduri, Walid et.al. (ed.) (1972), 821.

³⁶⁴ Sørvik 2001, 4.

³⁶⁵ Interim report of the Director of UNRWA 1950, 5.

³⁶⁶ The Arab refugee problem. How it can be solved, 1951, 25. From the newspaper Kull-Shay. For a more extensive quotation, see Appendix 4b.

This article shows supportive attitudes, and also attacks the negative attitude in Lebanon. This signals that the attitude of the public or the media may have been more supportive than the government's, and that some were critical of the official conduct regarding the refugees.

Coercive suppression (1958-1964)

We saw above that some Palestinians characterized President Shehab's military regime as the most difficult period of all.³⁶⁷ Few documents were issued, but the changes of 1958 was a change for the worse due to restrictions, bans and surveillance that were inflicted on the camp dwellers. The practise of dealing with the Palestinians according to policies rather than to legislation became more widespread; as restricting Palestinians from certain areas of the country and complicating the process of obtaining permits was widely practised, but never written into legislation. The Palestinian lawyer Salah Dabbagh said: 'It's so illegal, so inhuman, that you can't find it written down.'³⁶⁸ The military nature of the government probably affected the conduct.

There was no consensus on the situation after 1958 among neither Lebanese nor Palestinians. For instance, Joseph abu Khalil of the Phalange party claimed that the camps had been controlled, but that it had not been an unreasonable situation:

'Ecoutez, c'est un oppression si l'état s'occupe de sa sécurité? Puis que les Palestiniens se permettaient des choses inacceptables, c'était normal que le Deuxième Bureau s'occupe de la sécurité de l'état.'³⁶⁹

Although most agreed that things became more difficult, people varied from saying that there were no problems before 1958 and that the harsh measures were mostly imposed for security reasons,³⁷⁰ to saying that it was always hard, and that Shehab only made it somewhat worse by virtue of increasing the Second Bureau's powers.³⁷¹ There was, however, an almost general agreement that there had been a tight control and some stern measures. The harsh policy was probably due to a growing scepticism toward the Palestinian community, and a real fear of integration. The strengthening of the military and

³⁶⁷ Interview with Salah Dabbagh 15.03.2006 (see Chapter 4).

³⁶⁸ Interview with Salah Dabbagh 15.03.2006.

³⁶⁹ Interview with Joseph abu Khalil 23.03.2006.

³⁷⁰ Interview with Farid el Khazen 23.03.2006, Charif Fayad 27.02.2006.

³⁷¹ Interview with Khalil Makkawi 10.03.2006, Salah Dabbagh 15.03.2006.

intelligence services also caused a stricter, more brutal line toward the camp residents. Oral accounts of the strict control issued by the government back this argument.³⁷²

The fedayin: Support and fear (1964-1969)

As mentioned in Chapter 2, the Palestinians were politically inactive until the Cairo Agreement, at least partly due to the suppression of Palestinianism and the control of the camps. Subsequently, there were no official ‘complaints’ about their behaviour; for instance, President Helou said in 1969 that the Palestinian presence was never an ‘acute problem in the past’.³⁷³ But this was stated in relation to a new concern of the government; for after the PLO entered Lebanon, complaints became frequent. Helou’s motive for claiming that there were no problems in the past may have been to emphasize the threat of the changed situation after 1967 to the public, which by then was already divided on the matter of PLO. The political awakening was the first occurrence inside the camps that may have been interpreted by the government as threatening. There were also clashes between the Palestinians and the Lebanese Army (LA). But official statements repeatedly expressed support for the Palestinian cause as well. In 1967 the Chamber of Deputies stated that it was ‘believing in the justice of the Palestinian cause’,³⁷⁴ and in 1969, in relation to Israeli threats to Lebanon, the Prime Minister Karami stated that the resistance fighters ‘deserved admiration and respect’.³⁷⁵ President Helou, too, expressed support alongside the statements of warning.³⁷⁶ The government, then, expressed both concerns and support.

The content in such statements from the government can be attributed to their confessional affiliations, as the Prime Minister was a Sunni Muslim and the President a Maronite. Karami’s affiliation may have placed him on the side of those who supported the PLO, or his admiration could be quite real. His motive may also have been to show the world that Lebanon was not less supportive than the rest of the Arab world.³⁷⁷ Charles Helou’s contrasting statements may signal that he did not entirely support the PLO, but wished to avoid conflict since the public and parts of the government greatly supported the

³⁷² Interview with Haifa Jammal 10.02.2006, interview with Salah Salah 10.02.2006, interview with Khalil Makkawi 10.03.2006.

³⁷³ Radio Interview with President Helou in: Khadduri, Walid et.al. (ed.) (1972), 821.

³⁷⁴ The Chamber of Deputies, no. 322: in Jabber, Fuad (ed.) (1970), 543.

³⁷⁵ Khadduri, Walid et.al. (ed.) (1972), 580. For the full quotation, see Appendix 4c.

³⁷⁶ Radio Interview with President Helou in: Khadduri, Walid et.al. (ed.) (1972), 822.

³⁷⁷ At that time, the PLO had a great extent of support in the Arab League and in general.

fedayin. In any case, both statements supported the ‘cause’, and among the demands of the Palestinian cause was the right of return, which Lebanon supported undivided.

As the country was polarized into pro- or anti-PLO groups, the Palestinians in Lebanon was a subject of more discussion than it had been in the past, and statements became more frequent. There was more legislation from this period and it was cautiously formulated, mostly restricting the possibilities for employment further (see Chapter 3). Since the influx of Palestinians to Lebanon grew, the slight increase of legislation may reflect a growing fear of the PLO’s power, as well as a desire to keep the organization in check through issuing more detailed decrees. But the restrictions that Lebanon put on the *fedayin* was one of the reasons that the PLO and the Arab League worked out the Cairo Agreement which effectively ended the Lebanese authority over the refugees.

The tendencies of the period of 1948-1969, then, were first and foremost similar to those already established: A vagueness and a reluctance to deal with the refugees as a specific category; as well as a disregard of any official responsibility, even in the period generally marked by positive and welcoming attitudes. A third element was the official rejection of *tawtin* coupled with supportive statements of the Palestinians, especially in regards of their right to return. Coercive use of power occurred during Shehab’s regime. Lastly, a tendency of official support for the *fedayin* was related to the Lebanese polarization.

Attitudes after the civil war: Resentment and indifference

The twenty years when the Lebanese government had no responsibility for the Palestinian refugees, 1969 to 1989, saw major changes in Lebanon. The war legacy was the setting that new – or rather, clearer – attitudes grew in. Most strikingly, the public support for the Palestinians had changed to resentment. Hilal Khashan’s survey from 1994 show that forty per cent of the Lebanese people would resist *tawtin* militarily, giving a clear picture of the level of hostility.³⁷⁸ The mutual distrust was also apparent in another survey from 1992,³⁷⁹ where more than fifty per cent of the Palestinian refugees regarded the Lebanese government as a ‘source of worry about personal safety’.

³⁷⁸ Khashan 1994, 11 (Table 10).

³⁷⁹ Khashan 1992, 8.

Post-war blame and harsh measures (1989-1993)

One common attitude after the civil war was that the Palestinian resistance had used Lebanon as its fighting ground for long enough. Official statements attacked the Palestinian presence as an invasion and an atrocity, at a time when the country was war-torn and exhausted.³⁸⁰ Although the Palestinian cause never lost the official rhetorical support and Palestinians and Lebanese still shared the same views on the former's right to return,³⁸¹ many Lebanese, officials and public, openly blamed the Palestinians for the civil war and claimed that they were the sole reason for the Israeli attacks and for the division and militarization of the Lebanese – quite contradicting the earlier support for the cause, which had included the attacks against Israel. The attitude was manifested in negative statements; in policies of almost complete isolation of the refugee camps; and in legislation, following the Ta'if Accord. The official policy was to restore Lebanese control over the camps,³⁸² but as a rule, the government did not interfere inside the camps, and rather guarded the entrances with military checkpoints. The rejection of *tawtin* was always repeated. In 1998, Prime Minister Hariri said that 'Lebanon will never, ever integrate the Palestinians'.³⁸³ He made no attempts to discuss why they could not give them civil rights. The rejection of *tawtin*, then, was consistent, and usually went in parallel with support for the right of return. The fact that so many of the refugees had taken a part in the civil war caused waves of 'anti-Palestinianism' through Lebanon.³⁸⁴ The negative official statements, thus, were well received, and in accordance with public attitudes.

But there were some exceptions to this attitude. The lawyer Wadie Said states that the government only considered three outcomes in regard to the Palestinians: The first was naturalization, which was rejected; the second was their return to Israel, which was the ultimate goal; and third was a combined settlement where some of the Palestinians might become naturalized.³⁸⁵ Some sources expressed doubt that the right of return would ever be fulfilled in reality and said straightforward that if no Palestinian state was created, *tawtin*

³⁸⁰ Speech by President Sarkis, in IPS Research and Documents Staff (ed.) (1983), 27. For a full quotation, see Appendix 4d.

³⁸¹ For instance seen in a working paper presented by Lebanon to the conference of Arab Foreign Ministers at Fez; in IPS Research and Documents Staff (ed.) (1983), 393.

³⁸² Sayigh 1995, 206.

³⁸³ Haddad 2000: "The Palestinian predicament in Lebanon", 4.

³⁸⁴ Phrase used by Salah Dabbagh and Ziad Majed, among others. See Chapter 2.

³⁸⁵ Said 1999, 341f.

would become virtually inevitable.³⁸⁶ This last option was seldom spoken out loud. Most responded to such statements by saying that it made the need to press for return was even greater.

The 1991 committee: An exception or an example?

One possible exception to the common policy was when the government created a committee in 1991, at the end of the war. It discussed the remaining weapons in the camps, security for the Palestinian camps, and social and civil rights of the refugees. It had two government representatives and some from the PLO, and was dissolved after a few meetings. A former PLO spokesman, Salah Salah, was one of the members of the committee, and he explained that the issue of weapons was agreed upon.³⁸⁷ The Palestinians collected all weapons into the camps and gave all large and medium weapons to the LA. The government then proposed that the light weapons, e.g. hand weapons, were to remain in the camps. Khalil Makkawi, the director of the similar committee established in 2005, and officers with the LA, confirmed this.³⁸⁸ Salah further stated that the Palestinians arranged for the remaining weapons to be controlled by the Palestinian camp police, guards, and bodyguards. When it came to the security of the camps, he claimed that the Lebanese representatives told the Palestinians it was their own responsibility. They started negotiations regarding the civil rights, and Salah said that the ministers agreed to grant them all rights except citizenship and government positions and asked for a memorandum on what the Palestinians wanted, which was given to them. Salah explained the further developments:

‘We decided to have a meeting in every two weeks, to continue. But when the time of the [next] meeting came, they phoned us asking to postpone the meeting, for there were some details they needed to prepare. And it is still postponed up to now.’³⁸⁹

Salah believed that the reason the committee failed was that the Lebanese delegates never intended to grant the Palestinians civil rights, and used it as ‘bait’ to collect the Palestinian weapons. He thus did not consider this committee as an exception to the general tendencies.

³⁸⁶ Interview with Haifa Jammal 10.02.2006, interview with a Lebanese politician wishing to remain anonymous.

³⁸⁷ The following from interview with Salah Salah 10.02.2006.

³⁸⁸ Interview with Khalil Makkawi 10.03.2006. Interview with LA officers.

³⁸⁹ Interview with Salah Salah 10.02.06. For another quotation from Salah regarding the state of the weapons, see Appendix 5e.

Having experienced hardships in earlier periods and having been personally let down by the Lebanese committee members, it is easy to understand his resentment. Salah's interview was different from the rest of my interviews, as he offered to tell his story instead of answering questions, which he did afterwards. He dwelled on the question of the 1991 committee after he was asked specifically about it, and seemed to clearly recall the detailed process of the committee. His conclusions about the intentions of its members had time to develop between 1991 and 2006. In retrospect, since the fifteen years of postponement had given no improvement to the refugees' situation as had been promised, those conclusions were profoundly pessimistic.

Khalil Makkawi, on the other hand, believed that the failure was due to the Lebanese representatives' lack of power because of the Syrian presence.³⁹⁰ He also emphasized that they did not represent all the branches of the government that were related to the Palestinians, and that this too had limited their power. But he claimed that the committee's intentions had indeed been to ameliorate the situation in the camps, and that the attempt made by the committee had been a contrast to the general official tendency. In contrast to Salah, Makkawi represented the Lebanese government, and was the head of a new committee set to deal with much of the same problems as in 1991: Its main issues were the weapons that still existed in the camps; the lack of any official Palestinian representation in Lebanon; the socio-economic conditions in the camps; and the civil rights of the refugees. However, this committee had representatives from all the governmental branches involved with the Palestinians, quite unlike the committee of 1991. For Makkawi, emphasizing the external reasons for the former committee's failure instead of focusing on the internal difficulties, placed the chances of the new one in a more optimistic light.

The two accounts, thus, draw different conclusions. The Minister for Culture in 2006, Tariq Mitri, was not affiliated with either the 1991 or the 2005 committee, and he combined the two positions. He believed that Syrian pressures to some degree influenced the failure of the committee, but that the Lebanese themselves had a say in it:

'To a great extent it's true. (...) But you also have to consider the Lebanese themselves. Especially the Christians and the Shi'ite Muslims who have had unhappy experiences with the Palestinians, were not prepared to deal with them in a fair, just and reasonable, peaceful manner.'³⁹¹

³⁹⁰ The following from interview with Khalil Makkawi 10.03.2006. For a quotation from him regarding the effects of the Syrian withdrawal, see Appendix 4e.

³⁹¹ Interview with Tariq Mitri 27.03.2006. For the full quotation, see Appendix 5f.

The Oslo Peace Accords: Growing hostility (1993-1995)

After the Peace Accords between Israel and the PLO in 1993, Lebanese statements became increasingly hostile toward the refugees, as did its conduct. For Lebanon, the peace between the Palestinian Authorities (PA) and Israel created a crisis. The agreement made it clear that a future Palestinian state would be limited to the West Bank and Gaza, while the absolute majority of Lebanon's refugees originated from northern Galilee in current Israel. In addition, the lack of a solution for the refugees was interpreted by Lebanon to mean that the PA might be prepared to abandon their right to return for the sake of a Palestinian state.³⁹² It was also obvious that Israel was not prepared to budge in its stance not to allow any large number of former residents flock back inside its borders. In reaction to the peace accord, President Hrawi and Prime Minister Hariri, along with a 'bevy of cabinet ministers', reaffirmed that *tawtin* was out of the question, citing the Lebanese Constitution.³⁹³ Such statements told the international community that Lebanon would not take on the responsibility of Israel, the UN and the PA. Statements emphasizing the international community's responsibility and neglect of the refugees were common, both by Lebanese and Palestinians, and the tendency yet again was to support the right of return.³⁹⁴

This occurred in the same period as when a 'naturalization decree' was issued in Lebanon. The rejection of *tawtin* was a cornerstone of the Lebanese conduct regarding the Palestinian refugees after 1989, but in 1994, the state nevertheless naturalized some 100,000-220,000 persons of various nationalities due to several claims to nationality after the chaotic war.³⁹⁵ Among the naturalized were perhaps 30-35,000 Palestinians from the so-called Seven Villages bordering Palestine; the first Palestinians who were naturalized since the 1950s.³⁹⁶

³⁹² Sayigh 1995, 41.

³⁹³ The Lebanon Report 1993: "Resettlement First? The Future of the Palestinians", 5.

³⁹⁴ Interviews with Farid el Khazen 23.03.2006, Khalil Makkawi 10.03.2006, Charif Fayad 27.02.2006, Salah Salah 10.02.2006.

³⁹⁵ Jaulin 2005, 8.

³⁹⁶ The Seven Villages was an area of unclear nationality. Some claimed that they were not of Lebanese origin but were naturalized in order to cause consensus that the Seven Villages was Lebanese territory, not Israeli – similar to the Hizbollah claim to the Sheba'a farms bordering Syria (see Chapter 7). Others claimed that Syria had little or nothing to do with it and that the Palestinians were included in order to balance the numbers of naturalized Sunnis and Shi'is or for other political reasons (interview with Suheil al-Natour 07.03.2006, interview with Salah Salah 10.02.2006). The others who were naturalized in this process were various unregistered people, Arabs from the borders of Syria and Lebanon, and others holding different

The decision was met with confusion and caused political outrage among officials.³⁹⁷ The confessional distribution of those naturalized was unclear, although one source estimates them to be two thirds Muslim and one third Christian.³⁹⁸ The DPA stated that the Palestinians were originally Lebanese citizens who had fled after the establishment of Israel's borders, and simply had their 'nationality restored'.³⁹⁹ The party secretary of the Progressive Socialist Party (PSP), Charif Fayad, said that the naturalization concerned Lebanese who did not have papers; Palestinians and others who had the right to citizenship because of marriages; and pro-Syrian Palestinians.⁴⁰⁰ Syrian pressure may be one reason for explaining this decree, which stood in contrast to most other decrees relating to the refugees. But as the details of the process were obscure, it is not within the scope of this thesis to determine its circumstances. The naturalizations, however; together with the crisis of the peace process; formed the background to some rather harsh statements heard in this and the following years, seeming to result directly from these circumstances.

'Human garbage'

In 1994, the Greek Catholic Minister for Tourism, Nicolas Fattush, referred to the Palestinian refugees by saying that 'Lebanon will not be a dump for human garbage'.⁴⁰¹ This was criticized by other Lebanese as too harsh a statement.⁴⁰² Since the position as Minister for Tourism did not deal specifically with the refugees in the country, it may not have been an official stance at all, but rather a personal one.⁴⁰³ Most probably, his statement was a reaction to the peace process and also to the naturalization decree which met with negative reactions from several Christian groups.

nationalities. The precise number is unknown (see Jaulin 2005, 7ff., Danish Immigration Service 1998, 31f., Maktabi 1999, 227).

³⁹⁷ Jaulin 2005, 7. The public also reacted strongly – only four per cent of the respondents to Haddad's survey from 2000 felt that the decree was 'appropriate'. Forty-one per cent thought it was too rigid and fifty-five per cent that it should be cancelled (Haddad 2003, 104).

³⁹⁸ Jaulin 2005, 8.

³⁹⁹ Danish Immigration Service 1998, 31, Jaulin 2005, 8.

⁴⁰⁰ Interview with Charif Fayad 27.02.2006.

⁴⁰¹ Khalidi 1995, 28.

⁴⁰² E.g. interview with Ziad Majed 17.03.2006.

⁴⁰³ The small size of his confessional group may have caused negative reactions to any signs of resettling the refugees – which is precisely how the peace process was perceived in Lebanon. On the other hand, there are examples of Greek Catholics with positive views on the Palestinians, so this cannot be viewed as a statement backed by the Greek Catholic community in any way.

A three-step plan

Also in 1994, the Minister for Foreign Affairs, Faris Buways, issued a 'three-step plan' to encourage Palestinians to leave Lebanon.⁴⁰⁴ It consisted of Ruling 478,⁴⁰⁵ as well as a refusal to cooperate with UNRWA through banning construction and repairs of houses in the camps; a policy initiated during the civil war and still applicable in 2005. Buways told the newspaper *al-Safir* that Lebanon's eventual goal was to be rid of all Palestinians.⁴⁰⁶ As Minister for Foreign Affairs, Buways had a more direct relation to the Palestinian affairs than Fattush, and his statements probably reflected the official view, on the background of the peace process especially. And in this context, Ruling 478 was not entirely surprising: Although it was issued in response to an outside event, it was part of a plan that encouraged the Palestinians to leave Lebanon.

Boycott of the international community

In addition, Lebanon was the only Arab host country to not take part in the 'refugee working group' chaired by Canada in relation to the peace process, set to discuss the problem of the refugees and to come up with solutions for them. When a final solution for the refugees was not included in the peace accord, the Lebanese responded by refusing to discuss them at all. This could be seen as part of the policy of ignoring the problem, but it is also likely that the intent was to reject the shift of the international focus to the Palestinian territories. As an example of the Lebanese view, in 1994, the speaker of Parliament Nabih Berri said:

'Canada is part of a conspiracy against the Lebanese and Palestinian people and responsible for resettling Palestinians at the expense of Lebanon and Palestine.'⁴⁰⁷

In 1997, he also said that resettling the Palestinians in Lebanon was 'not subject to any discussion or compromise.'⁴⁰⁸ His statement that the expense was also paid by Palestine was consistent with the support for the Palestinian cause, and in general, the statement fit the pattern of Lebanese statements after the war, although he may have been influenced by

⁴⁰⁴ Majed 1995, 11.

⁴⁰⁵ The demand for all Palestinians to obtain return visas in order to enter Lebanon (see Chapter 3).

⁴⁰⁶ Khalidi 1995, 28.

⁴⁰⁷ An-Nahar, Nov. 27, 1994, in Haddad 2000: "Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon", 13.

⁴⁰⁸ An-Nahar Feb. 12, 1997, in Haddad 2000: "Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon", 13.

his party Amal's violent history with the Palestinians.⁴⁰⁹ But mostly, this seemed like a statement that could be backed by most Lebanese at the time.

Hizbollah: An exceptional party

Hizbollah's conduct toward to the Palestinian refugees, on the other hand, was an exception. Since its introduction to parliamentary politics in 1992, the party's leader Hassan Nasrallah vocally supported granting the refugees at least some civil rights on various occasions, albeit without committing the organization to this goal.⁴¹⁰ The party had not taken part in the War of the Camps during the civil war, and also had rejected the Ta'if Accord, but why they supported the Palestinians so strongly was unclear.⁴¹¹ The fact that Hizbollah was Islamist and morally supported the poorer groups in society may have mattered. They were hardly the only party to ideologically support the poor, but the leftist parties, such as the PSP, had been weakened after the war and lost much of their assets. Also, Hizbollah's need for support outside of the Shi'a community may have influenced their views, although the Palestinians had no impact on Lebanon's political life.

Unawareness and indifference (1995-2005)

Another aspect detected within official statements, especially after 1993, was a lack of knowledge regarding the actual situation inside the camps. One example of a misconception was when the Minister for Culture in 1995, Raymond Eddé, estimated the number of Palestinians in Lebanon to be 700,000,⁴¹² even when UNRWA's estimate, which was probably too high, said they were less than 350,000.⁴¹³ Also, the researcher Simon Haddad speaks of how Christian groups held that resettling the Palestinians would increase Lebanon's population by 25 percent,⁴¹⁴ when UNRWA and others claimed they formed between ten and twelve percent of the population. Such exaggerations may have served an

⁴⁰⁹ During the War of the Camps, Amal fought the Palestinian refugees (see Chapter 2).

⁴¹⁰ Knudsen 2005, 6.

⁴¹¹ This was in fact proposed as a separate area of research (Knudsen 2005).

⁴¹² Majed 1995, 11.

⁴¹³ UNRWA: Number of registered refugees (1950-2005). See the differences between UNRWA and Fafo's numbers at page 23 in Chapter 2.

⁴¹⁴ Haddad 2000: "Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon", 6.

objective of emphasizing the problem.⁴¹⁵ Another type of a possible misconception was how some official Lebanese saw the camps as virtual islands of wild crime and violence, while camp dwellers and NGO workers denied such accusations.⁴¹⁶ An officer of the LA asked me, on hearing that I had visited the camps, whether I had had a military escort. On receiving a negative answer, he was surprised and worried, although I had experienced nothing that resembled a threatening situation during my visits. The Minister for Culture in 2006, Tariq Mitri, was part of an official delegation to visit the camps – the first since the 1950s – and he recounted his experience to me:

‘I saw the Prime Minister before going to Sabra and Shatila, and an official there told him: ‘But this is a good minister, why are you giving him a one-way ticket?’. [He also said to me:] I don’t want you to take risks.’ I said, ‘I’m not taking risks, don’t worry about me.’ But that’s the perception.’⁴¹⁷

Another source claimed that there was some dangers in the largest camp, ‘Ayn al-Hilweh, but that the other camps seldom experienced much violence or loose weapons.’⁴¹⁸ Camp dwellers and NGO workers may have wished to give as positive an impression as possible, and concealed some facts. But during my own visits their statements seemed more accurate than those of the LA officers. One officer also claimed that the refugees ‘all had wonderful houses’, a misconception proved wrong. These exaggerations were probably not due only to actual ignorance, but also to the policy of isolation. The government made no official visit to the camps before 2006.

Two controversial attempts

Although few spoke openly in favour of the refugees’ civil rights, there were examples of this in official attitudes. For instance, in 1994, the Minister of State for the Displaced, Walid Jumblatt, attempted to implement a scheme to rehouse 4,000 of the 6,000 displaced Palestinian families.⁴¹⁹ It proved unsuccessful and provoked strong opposition within the

⁴¹⁵ Al-Natour 2003: “The Palestinians in Lebanon: New Restrictions on Property Ownership”, 111.

⁴¹⁶ Interviews with LA officers wishing to remain anonymous. Meetings with Wafaa el-Yassir, Rita Hamdan, Issam Soudidan (see Appendix 1).

⁴¹⁷ Interview with Tariq Mitri 27.03.2006. For the full quotation and context, see Appendix 5e. This visit took place in 2006, after the time period of this thesis, and might have been a part of the changes occurring in 2005-2006 (see Postscript).

⁴¹⁸ Meeting with Are Knudsen, 2006. There was much violence between adolescents in the camps, though, due to frustrations and lack of employment.

⁴¹⁹ The first attempt was to rehouse them on the original destroyed campsites (Tel al-Zâtar, which was destroyed by the Phalange; and Jisr al-Basha and Nabatieh by Israel). This suggestion was rejected by the

government. The arguments were that such schemes would ‘stir up unwanted ethnic tension’ and that the permanent nature of the scheme violated the Ta’if Accord and the ban on enlarging the Palestinian areas. Ministers threatened to resign in such numbers as to destroy the government. It turned out that the Palestinians were against the plan as well, on account of their right to return. These strong reactions were probably, again, due to the Oslo peace process and the anger related to the government’s naturalization decree.

Walid Jumblatt was the leader of the PSP; PLO’s closest ally in the war. The PSP has been consistent in its support for the PLO and still expressed much solidarity with the Palestinian cause and refugees during my fieldwork in 2006.⁴²⁰ Given Jumblatt’s political background and the time his suggestion was made, his motive was probably to relieve some of the pressure of the displaced refugees. This was an example of what individuals might accomplish – or at least attempt to accomplish – in Lebanese politics, and not of a change in the government’s policies. But Jumblatt was in fact supported by Prime Minister Hariri⁴²¹ – a rather unexpected support, considering Hariri’s later statements (see above). This speaks for a change in the Prime Minister’s views: He was not as determined ‘never, ever’ to integrate the Palestinians in 1994 as in 1998, and this poses an interesting question as to how dedicated Hariri really was in rejecting *tawtin*. His role as Prime Minister may have led him to try and solve some of the problems of the displaced and to deal with the crisis at hand. He may also have wished to support the PSP for internal political reasons.

The ambivalence among and differences between politicians also resulted in at least one piece of legislation, as we saw above in Decision 79/1 of 2005,⁴²² which opened some job opportunities for the Palestinians. One probable reason behind this decision was the political affiliation of the Minister for Labour, Tarrad Hamadeh. He was, according to al-Natour, ‘known for his affiliation with Hezbollah which has always advocated the rights of Palestinians in Lebanon; he also happens to be in agreement with the socialist party on principal issues.’⁴²³ The Ministers in 1993 and 1995 were affiliated to the Syrian Nationalist Party and the Arab Ba’ath Party respectively.⁴²⁴ But the decision was supported

Maronite church, which was the custodian of that land. Given that this seemed impossible, Jumblatt suggested rehousing them in a different area (Said 1999, 343f., Jaulin 2006, 10).

⁴²⁰ Interview with Charif Fayad 27.02.2006.

⁴²¹ Haddad 2000: “Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon”, 11.

⁴²² See Chapter 3. The lifting of Ruling 478, which had demanded return visas, also had positive consequences for the Palestinians, but its context was rather different.

⁴²³ Al-Natour 2005, 4.

⁴²⁴ Minister Abdallah al-Amin (1993) and Minister Assad Hardaneh (1995) (al-Natour 2005, 6).

by the government;⁴²⁵ at least it was not revoked or resented officially; and so it does speak for a certain official change. Another suggestion entirely was that the Syrian withdrawal in March 2005 motivated the change. It caused hundreds of thousands of Syrian workers to leave the country, and transformed the previously overcrowded labour market.⁴²⁶

Completing the circle: Reduced resentment

The few reactions to Decision 79/1 stands in contrast to the angry reactions to Jumblatt's resettlement attempt in 1994. This could be because the decision had few real consequences, as Palestinians still needed permits and were banned from free professions; but it could also stem from an actual decreasing resentment in the Lebanese society. Simon Haddad's survey from 2000 showed that seventy per cent of the Lebanese viewed the Palestinians 'unfavourably', and twenty-two per cent 'favourably'.⁴²⁷ But still, the hostility had lessened since 1994. In 1994, fifty-six per cent of the Maronites and thirty per cent of the Sunnis would have resisted *tawtin* militarily; while in 2000, their respective percentages were only twenty-six and seven.⁴²⁸ Also, sixty-eight per cent of the respondents to Haddad's survey from 2000 were in favour of granting Palestinians civil rights.⁴²⁹ This gives an image of the situation six years later. It seems, then, that the public resentment lessened as the memories of war subsided further into the past. The government, too, seemed less hostile toward 'positive' decisions. But this did not create any real changes.

The amount of money Lebanon contributed to the Palestinians at different times also follows the division of Lebanese attitudes into three periods – the early welcome of 1948-1952; the scepticism and support of 1952-1969 and the strong resentment after 1989. In 1951, Lebanon contributed a total of \$457,800 to the refugees; not much less than the other Arab host countries.⁴³⁰ Not only does this confirm the government's welcome, but it also shows that Prime Minister Solh's promise of aid consistent with the Arab League's

⁴²⁵ Interview with Tariq Mitri 27.03.2006.

⁴²⁶ Other contexts may also be found in international relations. In 2004, UN Resolution 1559 was issued, which aimed to disarm all factions in Lebanon, including the camp Palestinians. The committee of dialogue between Palestinian and Lebanese (see Postscript) was established in response to 1559. In order to manage the disarming and the dialogue, the government might have assumed a give-and-take approach, which came to life in *Qarâr raqm 79/1*. For more on this, see Postscript.

⁴²⁷ Haddad 2000: "Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon", 7.

⁴²⁸ Khashan 1004, 11f., Haddad 2003, 108. In addition, in 1994, thirty-six per cent of the Druze would have resisted, and in 2000, only one per cent would.

⁴²⁹ Haddad 2003, 100.

⁴³⁰ Report of the director of the UNRWA 1950, 68.

suggestions was in fact kept; in contrast to rest of the promises of the statements of that period. In 1969, the total Lebanese contribution to the refugees was \$846,875; an amount much lower than the contributions of the other Arab host governments,⁴³¹ signalling the scepticism, but also the fact that the PLO had funds that were used in Lebanon. The contributions from 1989 and 1990 show that the tendency had turned and stagnated. Lebanon contributed with \$365 in 1989; a lot less than the others states.⁴³² An obvious reason for the dramatic decrease was the cost of the civil war. The amount did not increase much later – the government contributed \$15,360 in 2003 and nothing at all in 2004.⁴³³ Obviously, the amounts may have grown and diminished for a number of reasons other than the general attitude towards the refugees, but it seems to be consistent with the conception of hostility and a growing indifference.

Summary

In Chapters 3, 4, and 5 it was suggested that vagueness and disregard towards the refugee camps were prevalent official tendencies, with isolation or control as typical results. This chapter has shown that these were also common in attitudes and statements, and has added other tendencies, namely rejection of *tawtin* and outspoken support for the Palestinian cause. There might seem to be a contrast between support, repression, vagueness and ignorance, but in fact, most of these attitudes were probably different results of the same fundamental stance. The policy seemed clearer and less changeable after the Ta'if Accord, at least until the changes in 2005; but the tendencies of the period after 1989 were quite similar to those of the earlier period. The support of the right of return had always been unambiguous, although general support was only occasionally suggested in legislation and practises; the main examples being the early legislation on movement and the governmental assistance with housing in the early years.⁴³⁴ The rejection of *tawtin* was intensified and written into the Constitution after 1989, but it was also consistent. We saw how the rejection of *tawtin* was an aspect that was tied closely to the government's

⁴³¹ Jordan contributed with \$3,451,110, and Syria with \$2,740,905 (Report of the UNRWA Commissioner-General Michelmore 1968-1969 in: Khadduri, Walid et.al. (ed.) (1972), 221-373, Table 11).

⁴³² Syria contributed \$69,196 and Jordan \$335,367 (Report of the commissioner-general of the UNRWA 1990-1991, 44).

⁴³³ Report of the commissioner-general of the UNRWA 2004-2005, Table 11, 79.

⁴³⁴ Decrees 7706 and 10188 (see Chapter 3).

reluctance to deal with the refugees. The tendency of disregard was constant, but seemed stronger after 1989 and led to an actual isolation of the camps. The vague approach was still present in general, but the conduct was more intent on discouraging resettlement, and some officials in fact offered very clear opinions on the Palestinians.⁴³⁵ In other words, the same attitudes existed, but were intensified. This suggests a continuance in basic attitudes: Rhetoric support, rejecting *tawtin*, vagueness and disregard – resulting in either isolation, restrictions, or an actual lack of knowledge.

The examples of statements and actions given in this chapter suggest that official attitudes remained rather consistent with such typical tendencies and general principles, but also responded to regional and national events such as the influx of the PLO and the Oslo Peace Process. After about a decade of downright official and public hostility, indifference to the Palestinian refugees again seemed the prevalent attitude, suggesting a similarity to the period before 1969. It thus seems that the main policies shifted between support for the Palestinian cause, disregard, elusiveness, repression and rejection of *tawtin* throughout the period, and that political events caused waves of genuine support, hostility, and the use of coercive force or oppression.

The rejection of *tawtin*, then, was apparent in all facets of governmental conduct regarding the Palestinian refugees, while the support can almost exclusively be seen in statements aiming to explain the rejection of *tawtin*. In the following chapters, this matter will be more closely examined.

⁴³⁵ Notably Buways and Fattush (see pages 91-92).

Chapter 7. Justifications for the Lebanese policy toward the Palestinian refugees

In the preceding chapters we have seen that the Lebanese government generally did not grant the Palestinian refugees civil rights, and we have also looked at the contexts of changing official and public attitudes that were important for the development of the situation. This part of the thesis deals with the reasons for the situation. The two chapters that follow will present and examine the different explanations for the deprivation of civil rights that I discovered during my fieldwork. The explanations, or perceptions, were given by Lebanese interviewees. They are not necessarily causes for the situation, but they were perceived or used as such. Those that I interviewed were officials, current or former, as well as researchers and one journalist.⁴³⁶ Some of the justifications were derived from and have been suggested by literature or reports as well; but all were mentioned by the interviewees too.⁴³⁷ I also talked with Palestinian lawyers, human right workers, and one former politician. Some of the explanations were commented on by these Palestinian sources as well, but they are not treated in the same way, since it is the Lebanese perceptions I seek to detect. In Chapter 8, I proceed to discuss the reality behind the explanations, considering whether or not they may explain the lack of civil rights. These chapters do not distinguish as clearly between time periods as those that dealt with empirical evidence did, since their topic treats beliefs and opinions rather than empirical data from different time periods.⁴³⁸

When asked directly, most Lebanese interviewees confirmed that the Lebanese state did not implement the civil rights of the Palestinians in the period after the war. There was some disagreement about the situation in the first decades, however.⁴³⁹ Some emphasized that they did not know much about the period before the war,⁴⁴⁰ others claimed that the civil

⁴³⁶ See Appendix 1 for a full list of informants.

⁴³⁷ See Chapter 1, pages 15-16.

⁴³⁸ Examples of statements are given in these chapters. For more extensive quotations, see Appendix 5a-g.

⁴³⁹ Among those who claimed that the rights had been violated were the Director of the DPA from 1994 to 2002 (Khalil Shatawi), the Minister for Culture in 2006 (Tariq Mitri), and the leader of the committee for a Palestinian-Lebanese dialogue in 2006 (Khalil Makkawi). Among those who said that the rights had not been violated until 1989 was a Member of Parliament (MP) for the rightist party the Free Patriotic Movement (Farid el Khazen), and the party secretary of the PSP (Charif Fayad).

⁴⁴⁰ Interview with Simon Haddad 10.02.2006, interview with Charif Fayad 27.02.2006.

rights had or had not been granted. Although there was general agreement that the rights were violated in the period after 1989, the justifications for the situation differed. Some offered what they held as legitimate reasons for the violations, and others felt that the Lebanese government had no justification and ought to change its conduct. Most Palestinian interviewees emphasized the latter, but there was not at all consensus on this among the Lebanese. All interviewees, including the Palestinians, stated that the responsibility lay with the international community. The Member of Parliament (MP) Farid el Khazen claimed that civil rights were solely the responsibility of the UN, and representatives from the Lebanese Army (LA) shared this view.⁴⁴¹ By contrast, with or without being asked directly, many said that Lebanon too had a responsibility.⁴⁴² The former director of the Department for Palestinian Refugee Affairs (DPA), Khalil Shatawi, explained in detail how he saw the Lebanese violation of rights according to the civil right conventions.⁴⁴³ Whether or not Lebanon was believed to be responsible, most felt that the situation was unacceptable in most respects, although some focused on the humanitarian situation for the refugees,⁴⁴⁴ and others focused on the lack of control the government had over the camps.⁴⁴⁵

The three officials I interviewed that held the most sympathetic views toward the Palestinians were Khalil Makkawi (the head of the 2005 committee for dialogue), Khalil Shatawi (the former DPA director), and Tariq Mitri (the Minister for Culture). They were not affiliated with any party and were not self-declared rightists or leftists. Makkawi led the new committee (discussed in Chapters 1 and 6), which in itself was a sign that he might be supportive of granting the refugees rights. Shatawi was claimed by several Palestinians to have been the ‘only positive director of the DPA’ during that agency’s existence.⁴⁴⁶ Mitri was a long-time supporter of the Palestinians’ cause, with several Palestinian friends and connections. Charif Fayad, the party secretary of the Progressive Socialist Party (PSP) also emphasized that he was in favour of granting the refugees civil rights; a view that may be

⁴⁴¹ Interview with Farid el Khazen 23.03.2006. Interview with LA officers wishing to remain anonymous.

⁴⁴² Interview with Charif Fayad 27.02.2006, interviews with Tariq Mitri 07.03.2006 and 27.03.2006, interview with Khalil Makkawi 10.03.2006.

⁴⁴³ He claimed that the state violated the rights to own property, to free movement, to social security, to health and to employment; but that the latter was the same for all foreigners (interview with Khalil Shatawi 01.03.2006).

⁴⁴⁴ This was the case, for instance, with Mitri, Shatawi, Makkawi, and Majed.

⁴⁴⁵ This was the case, for instance, with el Khazen, the LA representatives, and abu Khalil.

⁴⁴⁶ Wafaa el-Yassir, Haifa Jammal, and Suheil al-Natour.

seen as consistent with his fellow party member Jumblatt's earlier suggestions and with the party's former alliance with the Palestinians.⁴⁴⁷ The representatives from the LA and the writer and MP Farid el Khazen (for the Free Patriotic Movement) were generally less positive toward the Palestinians. Joseph Abu Khalil (of the Kata'ib, or Phalange, party) said that they ought to enjoy civil rights, but that the main problem between the refugees and the Lebanese state was the weapons in the camps. The journalist Ziad Majed was a strong critic of the Lebanese conduct, and the researcher Simon Haddad held a more neutral opinion, emphasizing that the situation was unacceptable rather than who was to blame.

The rejection of *tawtin*

The justifications that were given can be grouped into seven main explanations. All were mentioned or confirmed by more than one person, and suggested more than once. They are here further grouped into four all-encompassing categories. The first category was the Lebanese goal of rejecting *tawtin*, that is the resettlement of the Palestinian refugees in Lebanon; and avoiding steps that might lead to it. Second was pragmatic causes such as the Lebanese economy. A third category referred to political events and influences, and finally were explanations based on the identity and distinctiveness of Lebanon as a country. Some of the explanations belong in more than one category, and we will see how some are closely related to one another. Questions to keep in mind are why the Lebanese government wanted to avoid *tawtin*, what the reality of the economic situation and the political influences was, and how the specific conditions of Lebanon related to the civil right situation?

Those who use the rejection of *tawtin* as a reason for not granting the refugees civil rights most often related *tawtin* to Lebanon's confessionalism. Two other causes for rejecting resettlement were emphasized as well; the refugees' right to return, and the belief that the situation of the refugees was temporary.

⁴⁴⁷ See Chapter 6 for Jumblatt's suggestions, and Chapter 2 for the PSP's alliance with the PLO.

Lebanon's confessional balance

We saw in Chapter 1 that although many have discussed the rejection of *tawtin* and its link to Lebanon's confessionalism, few have analyzed the consequences of and the arguments behind that rejection in relation to the refugees' civil rights. Lebanese officials, the Lebanese public, Palestinian refugees, and international researchers all emphasized Lebanon's confessionalism as an explanation for the specific situation in Lebanon. Although almost everyone related it to *tawtin*, the government rarely named the confessional balance as the reason for rejecting it – we saw above that this only occasionally occurred.⁴⁴⁸ Because Lebanon was the home of such a mosaic of groups, and because its political system was based on that mosaic, there was a fear of integrating the Palestinians, most of whom were Sunni Muslims, into the Lebanese society; especially since they would form a rather large percentage of the population. This argument thus related to two of the differences from the other host countries; the confessional makeup and the size of refugee population in relation to that of Lebanon.

Lebanon's size and priorities

Because of the small size of Lebanon, the refugee population formed a much higher percentage of the population there than in most other host countries (with the exception of Jordan). The exact size of the Lebanese population during the years is unknown, due to the lack of censuses since 1932, but based on estimates, and taking into account that the Palestinians were probably fewer than UNRWA's registers showed, they still formed somewhere between eight and twelve per cent of the population.⁴⁴⁹ About the same number of refugees arrived in Syria as in Lebanon in 1948, but in Syria, they formed about two and a half per cent of the population;⁴⁵⁰ and integrating them would naturally take less effort than in Lebanon. Also, Syria did not suffer from limited resources. And although a higher

⁴⁴⁸ In 1951 it was mentioned as one of the reasons for rejecting *tawtin*, and in 1994, some officials referred to the 'ethnic tension' Jumblatt's relocating scheme might stir up (see Chapter 6). Otherwise it was rarely found in official sources.

⁴⁴⁹ See Chapter 2. According to Fafo, official estimates from 1971 set the Lebanese population at 2,13 million (Fafo report 177). The Palestinian population at that time was about 176,000 (Report of the Commissioner-General of UNRWA 2004-2005, 89). In 2004, the Palestinians numbered somewhere between 200,000 (Economic Intelligence Unit 2005, 3) and almost 400,000 (Report of the Commissioner-General of UNRWA 2004-2005, 89). Lebanon's population stood at 3,45 million (Economic Intelligence Unit 2005, 3).

⁴⁵⁰ Takkenberg 1998, 132.

percentage fled to Jordan, Jordan was underpopulated, and the refugees were an asset as much as a burden.⁴⁵¹ Many sources confirmed that this was an important factor for the different situation in Lebanon.⁴⁵² In a report from 1951 which consisted of resettlement proposals submitted to the UN General Assembly, both newspapers and the government claimed that Lebanon's population made Lebanese officials reject *tawtin*.⁴⁵³ And fifty years later, the Maronite Patriarch was reported to have said, during a sermon:

'If the resettlement of the Palestinians in vast under-populated Arab countries is not acceptable then the effects on a small highly over-populated country like Lebanon would be even more dire.'⁴⁵⁴

But the greatest fear was not that of overpopulation, but rather that of disrupting the confessional balance. The high numbers of Sunni Muslims would tip the balance in favour of this confessional group if the Palestinians were granted citizenship, and this might lead to justified claims that the representation in government should be changed, causing the government and political system to collapse. The Palestinian lawyer Salah Dabbagh claimed that some of the Christians were afraid that the fragile balance might be tampered with as a consequence of the Palestinian presence: 'This is always a fact that was in the background of the history of the Palestinians in Lebanon.'⁴⁵⁵ Thus, the argument was that any sign of settling the Palestinian refugees in Lebanon, such as their receiving rights, might be interpreted as if Lebanon was arranging for their permanent settlement there. In consequence, acts that might be perceived, specifically by Israel, as intermediate steps toward integration, were avoided. Joseph abu Khalil said that the confessional equilibrium was the very 'raison d'être' for Lebanon, and the reason why the Palestinians were treated differently than in the other countries.⁴⁵⁶ Lebanon's neighbours did not pursue the same strategy, but in Lebanon, civil rights such as the right to work, free movement, health and housing were claimed to be perceived precisely as such risks.

⁴⁵¹ Takkenberg 1998, 167.

⁴⁵² Interview with Salah Dabbagh 15.03.06, interview with Farid el Khazen 14.03.2006, interview with Fayad 27.02.2006. For quotation from Fayad, see Appendix 5a.

⁴⁵³ The Arab Refugee Problem. How it can be solved 1951, 38, 52.

⁴⁵⁴ Quoted in Haddad 2000: "The Palestinian Predicament in Lebanon", 5.

⁴⁵⁵ Interview with Salah Dabbagh, 15.03.2006.

⁴⁵⁶ Interview with Joseph abu Khalil, 23.03.2006.

Consensus on rejection

Although Lebanon's confessionalism caused conflicts in 1958 and in 1975, upholding the confessional balance – or imbalance – and not tampering with that system was seemingly important for almost every group in Lebanon. The argument that linked confessionalism to the problem of the Palestinian refugees started as early as 1951. During my fieldwork, every Lebanese whose interview I recorded except one confirmed the confessional balance as one of the reasons why the Palestinians were not given rights.⁴⁵⁷ Some brought it up spontaneously when they heard what my subject was; others mentioned it when I asked what they saw as reasons; and others confirmed when I asked specifically whether the confessional balance played a role.

But the explanation was not as officially emphasized as were several other justifications. In fact, although the majority of the people I talked to believed that the confessional balance was one reason why the Palestinian refugees did not have civil rights in Lebanon, many of the interviewees believed that it was an underlying factor that the public and the official Lebanon did not speak of openly. The Minister for Culture Tariq Mitri said, when I asked him why Lebanon had not granted the refugees rights before 1969:

'I think in the background there was always fear that they would disrupt the fragile communal balance. (...) Shi'ites are afraid that Sunnis become more numerous, Christians are upset because Muslim communities are growing... but no one *says* that. I think it's in the background.'⁴⁵⁸

Mitri, then, believed that the factor was important to all the confessional groups, and this does seem to be the case. In light of the above, the naturalizations that took place in 1994 seem strange indeed. There apparently was a consensus on rejecting *tawtin*, so why would the government naturalize Palestinians at this point? The Seven Villages were in an area of debated nationality, and one suggested reason was that Syria and Hizbollah pressured the government toward naturalizing their population because that would be a sign that the Seven Villages were part of Lebanon, not Israel. This would allow Hizbollah to keep its weapons when Israel withdrew, according to the Ta'if Accord.⁴⁵⁹

⁴⁵⁷ Farid el Khazen did not confirm this.

⁴⁵⁸ Interview with Tariq Mitri 07.03.2006. For the full quotation, see Appendix 5c.

⁴⁵⁹ The Ta'if Accord stipulated that Hizbollah was defined as a guerrilla force, able to retain their weapons as long as Israel still occupied Lebanon. The party says in the election program of 1992 that it wants the Seven Villages and the Sheba'a Farms to be defined as Lebanese territory. The Sheba'a farms were claimed to be of Syrian origin by Israel, but not by Lebanon or Syria.

However, consensus or not, considering how the other countries granted the refugees civil rights without resettling them, the confessional argument is still unsatisfying, and therefore this thesis examines the other factors influencing Lebanon's unique situation.

The right of return

Another explanation given for the Lebanese government's withholding civil rights from the Palestinians was the Palestinian refugees' right to return and to compensation for loss of or damage to property, established by the UN General Assembly Resolution 194. In addition to being founded on international decisions, it was an argument supported by the refugees themselves. Obviously, Resolution 194 was not easy to implement, or even to discuss in the UN since Israel never accepted it. Nevertheless, the right was recalled in multiple UN resolutions and statements during the years.⁴⁶⁰

Supporting the right of return was a focus of the Arab League, and the argument was held in common by all the host countries. The content of Resolution 194 was stated and restated by Lebanon's government and society since 1949. But for Lebanon, it also became one of the reasons applied for rejecting *tawtin*. The argument was that if the refugees were settled they would lose their right to return; even though Resolution 194 did not state that a new citizenship would alter a refugee's right to return to her original home country.⁴⁶¹ Emphasizing this right became a different way to reject *tawtin* for the Lebanese government, instead of blaming the rejection on its own confessional nature. By supporting the right of return, the government appeared to be denying the refugees intermediate civil rights in order to protect their most important and permanent right. Palestinians also emphasized their rejection of Lebanese citizenship. The Palestinian lawyer Salah Dabbagh explained the Palestinian position by telling me of his father:

'My father was entitled to get a British nationality, and he declined. He said 'the British are the cause of our situation. Should I become British?' It might be as if, psychologically, they would lose their identity. But this doesn't mean they don't want civil rights.'⁴⁶²

⁴⁶⁰ For instance in Resolution No. 36/120 and Resolution No. 36/146 F of 1981 (pp. 15ff. and 22ff. in the *United Nations Resolutions on Palestine and the Arab-Israeli Conflict 1981*). See also Salam 1994, 20f. Nevertheless, the international community's focus shifted from repatriation schemes to resettlement possibilities already in 1949, and Nawaf Salam suggests that the UN's focus on Resolution 194 may well stem from the refugees' right to compensation and not return; in order to facilitate the resettlement in the host countries (Salam 1994, 23).

⁴⁶¹ The United Nations Department of Public Information 2002, 13.

⁴⁶² Interview with Salah Dabbagh 15.03.2006. For another of his quotations, see Appendix 5b.

The right of return thus became the banner under which everyone in Lebanon gathered, citizens and refugees alike. It was still emphasized when I conducted my interviews. Tariq Mitri stated, when asked what were the most important issues regarding the relationship between Lebanon and the refugees:

‘Officially, everybody says we want the Palestinians to return to Palestine. Now, most Palestinians in Lebanon come from Northern Palestine, the Palestine occupied in 1948 – the chances that they return where they came from are not very high. But we keep sort of hammering the official position, that the law, the right of return, should be exercised and so on, so that these people will go back.’⁴⁶³

Mitri was critical to the argument although he was supportive of the principle of the right of return, probably because he was among those who argued that the refugees ought to be granted civil rights, and did not agree with the argument that this would lead to *tawtin*. There were those who focused on the fact that Israel showed no sign of allowing the right to be fulfilled during the 58 years that the Palestinian refugees had existed as a group, and therefore believed that the right of return was lost.⁴⁶⁴ But for those who might end up with the economic burden of settling them, the right to compensation was perhaps equally as important as their return to Palestine.

The belief that the situation was temporary

Another argument equal for all the host countries was the initial belief that the refugee situation was temporary. In 1948, the refugees were set up in temporary tented camps and were cared for under a temporary mandate. The host countries believed that the refugees would return to their homeland and that their stay was not at all permanent. The belief is not difficult to understand: Every Arab state was at war with Israel and the international community had declared that the refugees had a right to return home. Khalil Shatawi, the former director of the DPA, divided the decade of 1948-1958 into two; 1948-1952 were marked by the catastrophe itself, and the refugees were met with official support and hospitality. The years of 1952-1958 was a ‘period of observation’ marked by a wait-and-see mentality in which Lebanon made no decisions regarding the refugees, and did not

⁴⁶³ Interview with Tariq Mitri 07.03.2006.

⁴⁶⁴ In 1949 Israel announced its willingness to accept 100,000 refugees in the context of a peace settlement, but this offer was rejected as inadequate by the Arab delegates of the UNCCP, and lacked consensus in Israel.

consider integrating them into society.⁴⁶⁵ Some claimed that the belief did not subside until the 1960s or the Arab catastrophe of 1967, when Israel again defeated its neighbours.⁴⁶⁶ The fact that the Arab countries fought a third war with Israel seems to say that they believed in a chance of winning. On the other hand, Lebanon did not take part in the six-day war. Lebanon was sceptical prior to 1967: On the contrary to confiding that the situation would be solved, the Lebanese government grew sceptical of the future developments once the changes of the international system caring for the refugees had taken place. The attitudes of the first caretaker of the refugees inflicted little fear in Lebanese society, because the main focus of the Red Cross was planning the repatriation of the refugees to Palestine. But UNRWA was in fact created because the short-term relief programs had to be developed into more long-term schemes; followed by a growing scepticism in Lebanon, as we saw in the previous chapter. Thus, the perception that the Lebanese government did not ‘consider’ integration appears mistaken. And after the civil war and especially after the 1993 peace process, the belief that the situation would be temporary was replaced by a suspicion that the international community was planning on ‘dumping’ the Palestinian refugee problem on the host countries. In response, the right of return was repeated even more often.

However, the belief that the situation was not permanent was one of the expressed explanations why Lebanon did not deal with the Palestinians’ rights in the early period. Apparently, the idea of granting the refugees civil rights did not even occur to the Lebanese government and the belief led to the disregard of civil rights and integration. Aspects of the explanation appear quite likely, but it has not been much discussed. I have not found it mentioned in official sources, but it was suggested in several of my interviews.⁴⁶⁷ It belongs in the category of rejecting *tawtin* not because Lebanon was the only government that believed the situation was temporary, but because it was suggested that the government rejected the refugees’ temporary integration because of it.

⁴⁶⁵ Interview with Khalil Shatawi 01.03.2006.

⁴⁶⁶ Interview with Tariq Mitri 07.03.2006, interview with Khalil Shatawi 01.03.2006.

⁴⁶⁷ Interview with Khalil Shatawi 01.03.2006, interview with Simon Haddad 08.02.06, interview with Tariq Mitri 07.03.2006. For quotations, see Appendix 5c.

Economic justifications

Granting the refugees civil rights such as health care, housing and employment would put an extra burden on the Lebanese economy, and the state of Lebanon's economy and scarcity of natural resources were explanations for why the state never granted the Palestinian refugees civil rights. The explanation was that implementing civil rights or *tawtin* was impossible due to realistic conditions and also not a priority, usually followed by an opinion that the economic burden of the refugees ought to be taken by the international community and the UN.⁴⁶⁸ Some claimed that there were too few resources and that the economy was too fragile,⁴⁶⁹ while most feared that the resources and economy *might* suffer if the Palestinians were to be integrated.⁴⁷⁰ It was also an explanation used by Palestinians.⁴⁷¹ In addition, Lebanon's private economic system was held as an explanation. Sources using these explanations generally referred to the entire period, although the economy was most frequently presented as a problem after the civil war.

Lebanon's economy and resources 1951-1975

We saw in Chapter 6 that Lebanon's contributions to UNRWA was not much smaller than that of the other Arab host countries in 1951, and in 1969 the amount had risen, although it was now less than its neighbours' contributions. Although much of this can be attributed to the general attitudes of these years, it also signals the fact that the economy of Lebanon in the 1950s and 1960s was in fact blooming. The above-mentioned report from 1951 claimed that Lebanon was the most developed country in the region.⁴⁷² Its economy kept growing during the 1960s, when Beirut was called the 'Paris of the Middle East' and the country had a different attitude than its neighbour altogether.⁴⁷³ While Syria adapted a socialist form of economy and nationalized most of the major enterprises,⁴⁷⁴ Lebanon had a *laissez-faire*, capitalist economic system, which led to different economic priorities than those of many other countries in the region. Lebanon's economic system was heavily reliant on the

⁴⁶⁸ For instance, interview with Farid el Khazen 14.03.06, interview with Charif Fayad 27.02.06, interview with Khalil Makkawi 10.03.06. For quotations, see Appendix 5d.

⁴⁶⁹ Haddad 2003, 23.

⁴⁷⁰ Majed 1995, 9. Interview with Farid el Khazen 14.03.2006, interview with Khalil Makkawi 10.03.2006

⁴⁷¹ Interview with Suheil al-Natour 07.03.06, interview with Salah Dabbagh 15.03.06.

⁴⁷² The Arab Refugee Problem. How it can be solved 1951, 52.

⁴⁷³ Interview with Khalil Shatawi 01.03.2006.

⁴⁷⁴ http://en.wikipedia.org/wiki/Economy_of_Syria. Downloaded 30.12.2006.

market and on private investors; not unlike the Western economies. We saw that the majority of the health and education facilities were private, and private enterprises became a trademark of Lebanese economic life. Its priorities, then, were not socialist or pan-Arab; but rather liberal and capitalist.

In spite of the explanation that Lebanon's resources were scarce, facts show that they were in fact quite rich, as the country was ideally suited for agricultural activities.⁴⁷⁵ The report from 1951 claims that a lack of resources or over-population were not necessarily problems, as long as proper developments were introduced.⁴⁷⁶ Other reliable reports also emphasized the potential of Lebanon's resources (the resources were not developed to the extent suggested, though).⁴⁷⁷ But because of the size of the country in relation to the size of the Palestinian community, settling the Palestinian refugees would necessarily require more resources from Lebanon than from Syria.

Despite the above, both the economic situation and the state of resources were given as explanations why the Palestinian refugees were not granted civil rights both before and after the civil war.⁴⁷⁸ Both obviously were related to Lebanon's size. Neither Lebanon nor Syria struggled with unemployment, but the arrival of the refugees did not suggest any threat to Syria's future economy, as it was claimed to do in Lebanon. Syria was in fact under-populated, and the refugees were seen as assets by some.⁴⁷⁹ We saw that the Syrian legislation included the Palestinians from an early stage and this might well be one reason. The economic situation in Lebanon was sometimes linked to the belief that the situation was temporary: Even though the country was wealthy, the government did not believe that the Palestinians would stay as long as they did, and thus were not prepared for the economic cost of hosting them.⁴⁸⁰ The economic system was referred to rather more frequently: The Lebanese government did not really control the health and education

⁴⁷⁵ Economic Intelligence Unit 2005, 21.

⁴⁷⁶ Twenty-five per cent of the total area was under cultivation and at least 500 additional square miles could be, and the 100,000 acres that were under irrigation could be increased five-fold. Also, the country had several water resources (The Arab Refugee Problem. How it can be solved, 1951, 52).

⁴⁷⁷ Economic Intelligence Unit 2005, United States-Lebanon Agricultural Mission of 1948.

⁴⁷⁸ Beside interviews, Thicknesse in 1949 (44f.) and Helou in 1965 (5ff.) both claimed that the economic situation was a problem.

⁴⁷⁹ Takkenberg 1998, 167.

⁴⁸⁰ Interview with Farid el Khazen 14.03.2006.

facilities.⁴⁸¹ I have not found official statements saying this, but it was a frequent argument among the interviewees.

Lebanon's economy and resources 1989-2005

After the war, Lebanon's economic situation changed drastically, and the argument that the economic crisis was the reason that the Palestinians did not have civil rights became a common one. The civil war damaged the infrastructure, cut national production by half, and changed Lebanon's position from being the most developed country in the Middle East to being a country in need of rebuilding. The country's resources had also been subject to massive destruction.⁴⁸² An increasing use of private funding was sought; limiting the state-run health and education facilities further. At the same time there was a growing fear that the Palestinians would become a long-term economic burden for Lebanon.⁴⁸³ Among measures taken was legislation that eased restrictions on foreign ownership of real estate, alongside legislation restricting Palestinians from owning real estate (see Appendix 2). Despite improvements, the country still faced significant economic problems in 2005, especially regarding debts and the failure to produce a growing economy.⁴⁸⁴ As for its resources, the EIU country profile report from 2004 suggested that Lebanon still had much potential for further development.⁴⁸⁵

Political influences

Political events that were not directly tied to the refugee situation sometimes influenced that situation. Such were the wars with Israel in 1956, 1967 and 1973, the coup of 1958, the civil war, the Syrian hegemony in Lebanon, and the Oslo peace process. These were all contexts that the refugee situation in Lebanon was situated in, and most were not seen as 'reasons' why Lebanon did not grant the refugees civil rights. Two of them were, however, perceived precisely as such: The legacy of the civil war, and the Syrian presence.

⁴⁸¹ E.g. Faris 1981, 367.

⁴⁸² Economic Intelligence Unit 2005, 21.

⁴⁸³ Majed 1995, 9.

⁴⁸⁴ Another measure was borrowing funds, which made Lebanon's international debts rise to \$23.9 billions by 2004. This debt was among the highest in the world (Economic Intelligence Unit 2005, 24f.).

⁴⁸⁵ In 2002, the area of arable land that had been used for agriculture stood at thirty-one per cent of the total area; not unlike with the percentage from 1951. Still arable land was estimated to be about sixteen per cent.

The war legacy

Lebanon's confessional balance, the right of return, and the economic situation were all frequently given explanations, but the civil war and the role that the PLO played in it was also one of the most common explanations for the refugee situation, mentioned by the majority of the interviewees and by most other sources and writers as well.⁴⁸⁶ Some mentioned it as a justification for the rejection of civil rights, while others used the civil war in order to explain the anti-Palestinianism and why the government had blocked civil rights after the end of the war.

We saw in Chapter 2 that the PLO was one of the major actors in the Lebanese civil war of 1975-1989. And much of the Lebanese population long held an opinion that the PLO was to blame for the outbreak of the war itself and for its consequences: The Israeli shelling and invasions, the devastations, the economic crisis and downfall of the blooming economy; and also the confessional and political division of the Lebanese people. Some sources claimed that the military role of the Palestinians was the defining factor when it came to Palestinian-Lebanese relations, saying that their involvement in the war was what brought foreign powers into Lebanese politics.⁴⁸⁷ But the interesting aspect of this explanation is not the war itself, but rather the attitude; the blame of the PLO and the refugee community who was left to receive the blame. The fact that so many people claimed that the civil war was a reason for not granting the refugees civil rights seems to make little sense, since the war only broke out in 1975 and the situation before that was not taken into account. But in spite of that, the belief was strong enough to produce a justification for the refugees' lack of civil rights; which signals both the emotional nature of the argument and that a new Lebanese discourse was created around the war legacy. This will be examined more closely in the next chapter.

Syria's influence and control

Another political influence held as a reason why the Lebanese government did not grant the Palestinian refugees civil rights was the influence of Syria on Lebanon after 1989. Syria's

⁴⁸⁶ All except Fayad and Shatawi mentioned it. For various quotations, see Appendix 5e.

⁴⁸⁷ Interview with Farid el Khazen 14.03.2006. Interview with Joseph Abu Khalil 23.03.2006.

interference in the war was seen as an excuse to ‘legally’ occupy Lebanon, as its forces were established there during the war and stayed until 2005; fifteen years after the charge Syria had been appointed to had ceased to exist. In addition to taking control of the northern parts of the country, many maintained that Syria controlled the government, issuing orders and pressuring politicians, either channelling pro-Syrian Lebanese such as Hizbollah and the President Lahoud,⁴⁸⁸ or threatening people’s lives. Apart from the murder of Prime Minister Rafiq Hariri in 2005, Syria was blamed for numerous other assassinations or attacks targeting anti-Syrian journalists or politicians.⁴⁸⁹ The writer Paul Salem states that relations with Syria went so far that Syria’s control led all major decisions in the state, that it controlled the President, the Prime Minister, the Council of Ministers and the army and security branches.⁴⁹⁰ Whether or not Syria directed the government’s decisions, it certainly exerted pressure, perhaps more easily since Lebanon was already open to clientalist politics; and by default since it brokered the Ta’if Accord to begin with.

Some earlier statements from other sources than my interviews denied that there was any real Syrian hegemony.⁴⁹¹ For instance, one source stated that the ‘courts were operating normally and all Lebanese laws were in force.’⁴⁹² This was stated prior to the withdrawal, however, and were challenged by statements issued after the Syrian withdrawal, claiming that Lebanese legislation had not been functioning as usual.

As for the Palestinians, it was stated that it was Syria’s control of the government that hindered positive developments in regards to them, and this was one of the explanations for the lack of the Palestinians’ civil rights.⁴⁹³ For instance, Syria was to blame for the failure of the 1991 committee, and refused any legislation that would ease the living conditions.⁴⁹⁴ The argument has hardly been discussed in earlier studies, and it was also less cited than

⁴⁸⁸ Emile Lahoud was elected President of Lebanon 1998 and was still in office in 2005, due to a much protested unconstitutional procedure.

⁴⁸⁹ Tueni et.al 2005.Meeting with Ziad Sayegh.

⁴⁹⁰ Salem 1998, 16f.

⁴⁹¹ Statements given at a time when Syria was still in control had an entirely different context and audience than statements given after their withdrawal. The interviews were given after a lot of ‘anti-Syrian’ feelings had been let loose. One example is how, since their withdrawal, one fourth of Lebanon’s population demonstrated against the Syrian presence on March 14, 2005. Seeing how assassinations and arrests were still actual threats, some probably wished to appear loyal to Syrian alliances, but this did not occur during my interviews. Most spoke freely about their opinions on the Syrian influence.

⁴⁹² Danish Immigration Service 1998, 33, 36f.

⁴⁹³ Interview with Farid el Khazen 14.03.2006, Makkawi 10.03.2006, Fayad 27.02.2006, Mitri 27.03.2006. Said 1999, 316. For various quotations, see Appendix 5f.

⁴⁹⁴ See Chapter 6 on the 1991 committee.

the most common explanations (the civil war, the economy, the right of return and the confessionalism), but it was not among the most rarely mentioned explanations either. When sources explained the lack of civil rights by blaming the Syrian control, they did not defend the lack of rights as a justified result – on the contrary, it was claimed that Lebanon would not have behaved likewise. This makes the argument unique: All other explanations attempted to justify why Lebanon had not or could not integrate the refugees, while this argument put the blame on another country and did not defend it.

Few of my interviewees discussed why Syria would want to keep civil rights from the refugees, except that they wanted the camps to remain a ‘card’ possible for them to play, and to keep the Palestinians pro-Syrian and anti-Lebanese in order to maintain a strength in Lebanon.⁴⁹⁵ In that light, we might understand more of Hizbollah’s support to the Palestinian refugees as well. Hizbollah was directly supported by Syria, and the party may have wished to use the refugees as a ‘card’ although they had no voice in Lebanon’s political life, ensuring some form of loyalty. However, these are matters that are beyond the ambitions of this thesis to determine.

Whether or not Syria did prevent the government from ameliorating the situation of the Palestinian refugees is not likely to be revealed in the near future. On the one hand, not long after the Syrian withdrawal, a Lebanese committee was created to discuss the Palestinian weapons and civil rights, the results of which remain to be seen (see Postscript). Although several contexts for the new committee other than the Syrian withdrawal were suggested,⁴⁹⁶ its establishment backed the argument that Syria’s influence had aggravated the refugee situation. On the other hand, we saw above that the refugee camps in the Syrian-controlled areas of Lebanon generally fared better than the others regarding restrictions and bans;⁴⁹⁷ suggesting that Syria rather reduced the hardships of the refugees than increased them. And remembering the ‘bevy of cabinet ministers’ who were ready to leave when Walid Jumblatt suggested relocating the refugees in an abandoned area, as well as the multiple other examples from before the war, it seems unlikely that things would have been different if Syria had not controlled parts of Lebanon.

⁴⁹⁵ Interview with Suheil al-Natour 07.03.2006. For a quotation from al-Natour, see Appendix 5f.

⁴⁹⁶ The Lebanese government may also have wished to adhere to UN Resolution 1559 (see Postscript).

⁴⁹⁷ See Chapter 4.

The distinctiveness of the Lebanese society: Lebanon's identity

Instead of focusing on hard facts such as resources, or on principles such as the right to return, some of the people I interviewed mentioned the nature of Lebanon herself as a reason for the conduct regarding the refugees.⁴⁹⁸ This is an explanation that is hardly mentioned at all in previous studies, and was not mentioned by as many interviewees as were some of the other justifications.

There are three explanations for the lack of civil rights based on aspects that made Lebanon unique in relation to its neighbours. One was the economic system already looked at. The others were Lebanon's democratic structure, and the population's feelings of national identity.⁴⁹⁹ This distinctiveness appeared before modern Lebanon was created, and were a part of the country's creation as a modern state. The mandate created a state with a small majority of Christians who did not necessarily 'feel' Arab in the same way as the rest of the population did.⁵⁰⁰ In contrast to the other countries, which had one or two religious groups obviously larger than its minorities and would naturally be in power at end of the mandate, in Lebanon the Maronites' power was confirmed under the mandate. The creation of Lebanon in itself thus established its differences compared to the others of the region, and one could say that the distinctions were all related to the confessionalism looked at above.

Lebanon's democracy

The first explanation, which was also often related to Lebanon's economic system, was Lebanon's democratic structure and open society. Although confessional and clientalist, Lebanon had a certain democratic political system, including popular elections and power sharing; if only in name until the civil war and controlled by foreign forces after. The system was established by the mandate and came to include a significant and encouraged private sector, freedom of speech, a largely free press, individual freedoms rarely limited by legislation, and the cooperation between confessions. This was all part of what was

⁴⁹⁸ Interviews with Tariq Mitri 07.03.2006 and 27.03.2006, interview with Ziad Majed 17.03.2006, interview with Khalil Shatawi 01.03.2006, interview with Farid el Khazen 14.03.2006. Faris 1981, 366.

⁴⁹⁹ Here suffices the definition of identity as 'a feeling of belonging to a national or ethnic community'. (Free translation from <http://www.ordnett.no/ordbok.html?search=identitet&publications=23>. Downloaded 03.02.2007.)

⁵⁰⁰ E.g. Maktabi 1999, 224, 239.

meant by the term ‘open society’, and was part of the explanation for why the situation in Lebanon was different from the other countries.⁵⁰¹ Although the freedom of Lebanon was far from perfect – the country has experienced a high number of politically motivated assassinations since independence – its politics were clearly structured differently from its neighbours. The Maronite Farid el Khazen and the Druze Charif Fayad, although they were affiliated with opposite political parties, both held the differences in political systems as crucial for the question of the refugees.⁵⁰² El Khazen and Khalil Makkawi claimed that one consequence of the open society had been that the PLO was able to behave the way it did, precisely because Lebanon was an open country, in contrast to Syria who would not allow this amount of freedom for the *fedayin*.⁵⁰³ In relation to this openness, the Prime Minister of 1969, Rashid Karami, said:

‘Our country has a liberal and democratic way of life. We give shelter to the advocates of various political movements and foreign ideologies. (...) How can we logically single out the Palestinians and prevent them from expressing their opinions?’⁵⁰⁴

The open society was thus closely related to the history of the Palestinians in Lebanon. But in spite of being presented as an explanation, the focus on the democratic outset did not really explain why the refugees were rejected civil rights; only why the PLO was able to operate within the system. If anything, a democratically structured system could be expected to grant more rights to its long-time guests than a despotic one, such as Syria. It was, however, connected to the other two factors of Lebanon’s distinction: Its economic priorities, and its feelings of identity.

Feelings of identity

The other aspect of the open society related more closely to the lack of civil rights. We have already seen that the economic system ensured other priorities for Lebanon, and some suggested that Lebanon’s situation made its people feel differently than the people of Syria and other Arab republics or kingdoms. Tariq Mitri put it this way:

⁵⁰¹ Interview with Tariq Mitri 27.03.2006, interview with Khalil Shatawi 01.03.2006, interview with Joseph abu Khalil 23.03.2006. For a quotation by him, see Appendix 5g.

⁵⁰² Interview with Farid el Khazen 14.03.2006, interview with Charif Fayad 27.02.2006.

⁵⁰³ This may well have been the reason why the PLO in cooperating with Egypt managed to make Lebanon accept the terms of the Cairo Agreement as well (interview with Khalil Makkawi 10.03.2006). For a quotation from Makkawi, see Appendix 5g.

⁵⁰⁴ Khadduri, Walid et.al. (ed.) (1972), 580.

'Lebanon is a country that's always been conscious of its specificity that it's different; it's Arab, but it's different from the other Arab countries.'⁵⁰⁵

It cannot be taken for granted that all Lebanese were aware or in agreement of such a notion, but several of my interviews confirmed a consciousness about this, and throughout the fieldwork it was quite common for the Lebanese interviewees to evaluate their own feelings of identity. And one of these feelings was the openness that could be detected both in the political structure and in the society's mentality. Lebanon's openness toward foreign investors and economy, tourists and religion also opened it to different influences. Despite the positive effects this could have, it also caused difficulties. For instance, the journalist Ziad Majed said that there was no unanimity about the identity of Lebanon, and that there were divided opinions relating to all the major events in the neighbouring countries.⁵⁰⁶ There was no agreement whether Lebanon should participate in the 1967 war: Its Christian population, to a large extent, wanted Lebanon to remain neutral, while the Muslims basically did not. We also saw in Chapter 2 that there were divided reactions to the partition of Lebanon from Syria after the First World War. There were even split feelings toward Israel during the civil war, when there was a need for a strong ally for the Lebanese right. This divided mentality possibly led to the idea that Lebanon should behave 'neutrally' towards the Palestinians refugees as well; for instance detected in the way the government reacted to the belief that the situation was temporary.⁵⁰⁷ This contrasted with other Arab states, which viewed Palestinians as fellow Arabs and allied with their cause. Lebanon was also divided when it came to supporting Arab regimes or the Western world when they were in conflict, and to pan-Arabism.⁵⁰⁸ The Syrian government and public was positive to the ideology that arose in the 1930s and displayed a form of Arab solidarity; and after the Ba'ath party came to power in 1963, one could say that the Syrian government was pan-Arabist. Though the Arab countries held different ideas of what it was, pan-Arabism stood for Arab brotherhood and Palestinians were an important beacon for the ideology. Many of the Muslim groups of Lebanon certainly felt affiliated with pan-

⁵⁰⁵ Interview with Tariq Mitri 27.03.2006.

⁵⁰⁶ Interview with Ziad Majed 17.03.2006.

⁵⁰⁷ Interview with Ziad Majed 17.03.2006.

⁵⁰⁸ Interview with Khalil Makkawi 10.03.2006, interview with Ziad Majed 17.03.2006, interview with Salah Dabbagh 15.03.2005. Radio Interview with the Lebanese President Helou in: Khadduri, Walid et.al. (ed.) (1972), 821.

Arabism,⁵⁰⁹ but many others, Muslims among them, felt differently. For instance, from their founding in 1936, the Maronite Phalange or Kata'ib party claimed to be descendants of the Phoenicians rather than of the Arabs.

Another impediment was that the private economic system which might suffer under pan-Arabism or socialism. The Palestinian lawyer Salah Dabbagh offered his views on the Lebanese identity that he had grown up with, arguing that since Lebanon's identity was not pan-Arab, many Lebanese were politically inclined not to accept the Palestinians, and that this meant as much in relation to them as the confessional structure.⁵¹⁰ The fact that Dabbagh was a self-declared pan-Arabist probably made him emphasize this point, but it certainly seems like one of the factors that made Lebanon different. In any case this discord caused divided feelings of identity, whether it was Arab or not Arab, Western, socialist, liberal, pro-Syrian or anti-Syrian.

Feelings of superiority

Finally, the political, economic and emotional differences were declared to manifest in a feeling of superiority over the rest of the region. Tariq Mitri suggested that the uniqueness of Lebanon had both positive and negative effects: While having a history of hospitality, such as when they welcomed the Kurds and Armenian refugees, he said that the country also had a 'history of xenophobia against foreigners.'⁵¹¹ Others also suggested that in the consciousness of many Lebanese, there was a sort of a xenophobia towards Palestinians and especially Syrians, because of the history of Syria's relations with Lebanon, and because of the 'Lebanese ego' that said they were 'better than the other Arabs'.⁵¹² But xenophobia may not be the only factor here: The Syrians represented a country that had controlled Lebanon for decades, and were despised for that as much as for being 'inferior' Arabs. And as for the Palestinians, public resentment toward them began mainly after the war. The fear that the Palestinians would continue the Syrian influence was also strong, and strengthened by the government's discourse. In other words, the Lebanese conduct regarding the Palestinians was not necessarily uniquely anti-Palestinian. Certain factors

⁵⁰⁹ Khazen 2003, 608.

⁵¹⁰ Interview with Salah Dabbagh 15.03.06.

⁵¹¹ He emphasized that this prejudice did not manifest against Westerners so much as other foreigners (interview with Tariq Mitri 27.03.06). For his quotation, see Appendix 5g.

⁵¹² Interview with Ziad Majed 17.03.06.

made Lebanon especially critical of this group, but in general, it was claimed that there was at the core a kind of superiority towards all others. Ambivalence, then, was a factor in Lebanon – or, as Suheil al-Natour put it: ‘The Lebanese are so polite, but they are not fair.’⁵¹³

Summary

This chapter has presented the explanations that were given by Lebanese for the civil rights situation of the Palestinian refugees in Lebanon. Lebanon’s confessionalism, the right of return, the economic situation and the civil war were mentioned by most of the Lebanese sources and previous studies. The Syrian control was mentioned by most as an influence at least. On the other hand, the belief that the situation was temporary and the distinctions of Lebanon (apart from the confessionalism) were explanations that were mentioned more rarely. One might assume that what was mentioned often was more likely to be ‘true’, but the fact that all of the explanations were known to the interviewees may rather signify that they were part of a discourse. Events that were not directly linked to Lebanese-Palestinian relations shaped Lebanon’s perceptions and the government’s handling of the Palestinian refugee problem, creating an influence at least as strongly argued for as the rejection of *tawtin* or pragmatic causes. Pre-war Lebanon had consisted of many political groups. The war roughly created two, and the end of it gathered them all into one as regards the Palestinian issue. In the next chapter I will discuss the justifications presented here.

⁵¹³ Interview with Suheil al-Natour 07.03.06.

Chapter 8. The Palestinian discourse and the Lebanese realities

In the previous chapter, we examined the explanations that Lebanese sources gave for the civil rights situation of the Palestinian refugees. Several of the justifications cannot in fact explain the situation on their own, and in this chapter I will discuss how they relate to each other. This chapter introduces two aspects of the Lebanese society and government that are crucial to my discussion. These are the discourses – here defined as belief systems⁵¹⁴ – prevalent in the Lebanese society, and the use of hegemonic power in relation to discourse. I will examine the most relevant discourse related to the Palestinian refugees and especially to their civil rights within the Lebanese society; that of the fear of *tawtin*. Examining the Lebanese belief systems makes it easier to see the links between the various explanations for the situation, and I shall argue that the ‘Palestinian discourse’ determined the Lebanese government’s conduct toward the refugees.

Disturbing the confessional balance?

Rejecting *tawtin* because of the confessional balance remained a constant factor in the history of the Palestinian refugees in Lebanon. Rejecting *tawtin* led to rejecting civil rights or integration of the Palestinian refugees for fear of disrupting the balance. But would granting the refugees civil rights actually have done so? In fact, the only civil right that might have a direct impact on the confessional distribution of power was that of citizenship; a notion hardly ever suggested by Lebanese or Palestinian representatives.⁵¹⁵ Civil rights would not necessarily lead to citizenship: Neither Syria nor Egypt granted citizenship along with the rights that they did bestow on the refugees. Thus there was no logical necessity that one should lead to the other. The Minister for Culture in 2006, Tariq Mitri, said:

‘Some years ago Lebanese would say ‘we don’t want to do anything that resembles normalizing the situation with the Palestinians, for normalizing is a prelude to resettlement.’ And I think we need to change that logic

⁵¹⁴ Here suffices the definition of belief systems as ‘fixed coherent sets of belief prevalent in a community or society’ (from <http://dictionary.reference.com>, downloaded 27.03.2007).

⁵¹⁵ The only Palestinian group claiming that Lebanese citizenship should be included with the civil rights was the Palestinian Human Rights Organization. Their stance on this issue led to their falling out with practically all other Palestinian groups or fractions in Lebanon.

and say that there is something unacceptable and abnormal in every sense in the Palestinian camps. This abnormality has to be dealt with. And this will not affect the consensus about *tawtin*.⁵¹⁶

Mitri thus felt that the consensus about *tawtin* was not the problem, but that the logic behind that consensus was skewed. He was sympathetic to the Palestinian cause, and his history of connections with the Palestinians must be taken into consideration when interpreting his statements, but for this discussion, he indirectly mentioned a crucial point to the problem: The *fear* that the Palestinians would be settled became the logic that hindered their civil rights – not any necessary link between *tawtin* and civil rights. That fear became a Palestinian discourse; guiding the Lebanese government's conduct toward the refugees; consisting of the notions of confessionalism and *tawtin* and of an idealism tied to Palestine; and gaining other characteristics as time passed.

Creating a Palestinian discourse

The Palestinian discourse observed in Lebanon had several layers, and the existence of such a discourse was first suggested when I mentioned that all the explanations of the previous chapter were given more than once. The usual procedure of my interviews let the interviewee respond to the open question of what were the reasons why the Palestinian refugees did not have civil rights in Lebanon. If some condition that I or other sources presumed were influential – for instance that of Syria's control – was not a part of that spontaneous reply, I asked about it specifically. In such cases, none of the explanations I presented were received as unexpected or as new ideas to the interviewees, even when they disagreed that they had an influence. They were all well-known justifications for the situation, and did not appear as spontaneous reflections.⁵¹⁷ Some sources said that they did not understand the logic behind some of the arguments, but they still knew of them. It seems, then, that the Lebanese relations to the Palestinian refugees was a part of society's discourse.

⁵¹⁶ Interview with Tariq Mitri 07.03.2006. For more quotations relating to this chapter, see Appendix 5.

⁵¹⁷ This was the case with the seven main explanations. All the aspects included under these, such as the thoughts on the Lebanese mindset of superiority and xenophobia or the economic developments, were not necessarily mentioned by everyone. Only the main explanations were asked of everyone without exception.

The discourse of tawtin

Who defines a discourse?

Whoever defines the prevalent discourses in society also holds a certain power over that society, and the discourses may be defined by the media, by the civil society, by the rulers of a country, or by other dominant establishments.⁵¹⁸ In this case, Lebanese political power was not vested exclusively by one such establishment – it had always been shared between several groups, and there was never one group which inarguably defined the discourses in society. But the Palestinian discourse of *tawtin*, which later included holding the refugees responsible for the civil war, was at least strengthened by the government and other hegemonic figures such as the *zu'ama* and the religious community leaders, as we have seen in statements. Therefore, I find the hegemonic nature of power in Lebanon to be important: It strengthened or even defined the Palestinian discourse; which in its turn defined the Lebanese conduct regarding the Palestinian refugees. The term 'hegemonic power' therefore requires something more of a definition.

For the most part, with the exception of Shehab's coercive regime, the Lebanese state did not coerce or force the population against their will. When, and if, the government exercised power, it was most commonly a form of *hegemonic* power, which basically consists of 'shaping people's ideas' without coercing them, and where no commands or orders are necessary in order to establish a consensus.⁵¹⁹ Hegemonic power is usually being applied when people agree as if they did not experience persuasion; but in fact are indirectly 'persuaded' by discourses spread through sectors like education, propaganda, and the media. Hegemonic power may be put to use in order to define the discourses of society. One scholar writes that 'hegemonic power makes people act as if it were natural, normal, or simply a consensus.'⁵²⁰ But hegemonic power is complex, and may only be successful when 'the preferred attitudes' are not completely inconsistent with the interests of those who are subjected to it. This seems to agree with the specific Lebanese conditions accounted for in the previous chapters: After the civil war, a common discourse defining

⁵¹⁸ Van Dijk 1997, 19.

⁵¹⁹ The following from Van Dijk 1997, 19ff.

⁵²⁰ Van Dijk 1997, 19.

the Lebanese relations to the Palestinian refugees was apparent. The public and officials seemed in clear agreement on protecting the confessional balance and blaming the PLO for the war. And although it is harder to define a common discourse outside of the government in the period before the civil war, *tawtin* was never suggested openly – even by Sunnis, whose numbers would increase by granting citizenship to the Palestinian refugees. This argues for the existence of a Lebanese discourse on the Palestinians that began with the Palestinian refugee situation itself – not only believed and upheld by the government, but by the Lebanese communities, as well. I will here go through the developments chronologically.

The Maronite hegemony

The Maronites' political power was consistent from the creation of the state until 1975. One could say they created or at least supported the discourse on *tawtin* (that of rejecting it) from the onset, because preserving the confessional balance of the census of 1932 was a priority for the government. It was through the demographic calculations that the government remained in power, and it employed several measures of ensuring this; for instance including the mostly Christian emigrant population in the census.⁵²¹ The Maronite President basically had all executive power, and thus were able to avoid changes to the representation. Suggestions of new censuses were consistently blocked.⁵²² One source explained that the government did not count the Lebanese population again because the modern state depended on the condition that had created it, and claimed that the state of Lebanon was founded on freedom of religion rather than on Islam, which was typical of its neighbours.⁵²³ However, religion came to define how Lebanon was ruled after all. The government did integrate Christians on various occasions, among them a large part of the Christian Palestinians, at the same time as rejecting *tawtin* defined the Lebanese position

⁵²¹ The bulk of these emigrants did not fulfil the legal requirements for citizenship, but the law was moderated in order to include them. In addition, several people with Muslim backgrounds were labelled as 'foreigners' owing to their lack of legal identity (Maktabi 1999, 230).

⁵²² Sources suggest that those 'who saw themselves at a disadvantage' sought to update the demographic data, but this was never accepted (US Department of State, Bureau of Near Eastern Affairs 2007). Maktabi suggest that the government's decisions regarding citizenship in general were generally politically motivated (Maktabi 1999, 229).

⁵²³ Interview with Joseph abu Khalil 23.03.2006.

toward the Palestinians in general.⁵²⁴ This was a sign that what increased the numbers of Christians had higher priority than the actual rejection of *tawtin*, although the government linked the possible dangers the Palestinians could bring directly to the confessional system. The Lebanese journalist Ziad Majed said that the naturalizations was done carefully and little by little so that it was not noticed much in the other communities. But for the public, *tawtin* was not a concept that they related much to in the early period in any case, and upholding the balance was mostly something the government dealt with alone. But based on statements from that period, it seems that the Christian public was not happy about the presence of a large, new Sunni community, and linked the presence of the Palestinian refugees in Lebanon to a possible danger of disturbing the balance.⁵²⁵ As for the other communities, the Shi'a Muslims were not politically organized in this period and I have no sources stating any combined views for their part. The Sunnis were organized through the *zu'ama* system,⁵²⁶ but the fact that their numbers would increase if the Palestinian refugees were granted citizenship did not seem to be considered: The refugees' possible impact on the balance was not mentioned by the Sunnis in any sources. It seems, then, that no Lebanese community argued for *tawtin* at any point in time, and that the Palestinian discourse was established from the very beginning, obstructing the possibility of granting them civil rights from an early date.

The lack of any disagreement on resettling 100,000 Sunnis may seem strange in an environment where demographics is the basis for power. One reason might be that the *zu'ama* were traditional rulers of the Sunni community and were not particularly inclined to accept a mass of new Sunni Muslims who might not accept their hegemony within that community. The Palestinians might not adhere to traditions long established within the Lebanese society. In addition, many of them were highly educated, and this factor may have played a part in the perception that they could threaten the established hierarchy.⁵²⁷ The nature of Lebanese political life thus suggests that it was not merely confessional

⁵²⁴ Rania Maktabi writes that the regime 'not only inflated the number of Christian citizens, it sought to both make and keep opponent groups minoritarian' (Maktabi 1999, 238). For the groups that were naturalized, see Maktabi 1999, 227, 229.

⁵²⁵ Haddad 2000: "Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon", 4f. Sayigh 1979, 16, 104. Interview with Ziad Majed 17.03.2006.

⁵²⁶ We remember that clientalist politics and history ensured the *zu'ama* power among the Sunni communities (see Chapter 2).

⁵²⁷ Interview with Salah Dabbagh 15.03.2006.

concerns that directed the actors' motives, but also traditional, clientalistic systems that cared more for retaining the power of some families than looking for ways to raise the number of Sunnis on a general basis.

Another reason may have been that although there was confessional discontent in Lebanon, the underrepresented communities did not necessarily wish for a complete change in the political system. The balance was essential to Lebanon as a modern state and the communities were used to living side by side. Although the civil war years saw a drastic change of priorities, it seems that the priority in the first decades was to retain some balance, both for the Christians, for the Sunnis and the Druze. Also, even though the government saw the possible danger that the Palestinians could be to the confessional balance, it was not an obvious link to the public at all – the Palestinians were believed to be in Lebanon on a temporary basis, and they never claimed to want Lebanese citizenship. The possible danger was most probably only apparent to the government after some years, and to researchers who have the luxury of viewing history in light of later developments.

The downfall of the hegemony

In the period from 1969 to 1989, the hegemony that had prevailed broke down. As we saw in Chapter 2, new political forces arose unrestricted by *zu'ama* bonds, and the civil war exploded into two main factions fighting over power without concern for the fragile mosaic of the country. As the leftist forces consisted mainly of Muslims, it seemed that the Muslims of Lebanon eventually had broken away from the traditional loyalties. But the fact that resettling the Palestinians in Lebanon might give the Sunni masses, not only the members of the *zu'ama*, more power, was no more an issue during the war than it had been before. *Tawtin* was never considered part of the fight, at least not openly.⁵²⁸ The reason may have been that the leftists were allied with the Palestinians, and the Palestinian national cause never opened for suggestions of citizenship anywhere but in Palestine. Idealism and political strategy, then, may have been a reason why *tawtin* was never a goal for the Sunnis during the war.

As for the government, some sources emphasized that the reason that the PLO behaved as it did in Lebanon was, firstly, that Lebanon was an open society that could not simply

⁵²⁸ At least, no sources that I found mention this at all.

remove an opposition who disagreed with the government's tactics and views⁵²⁹ – the confessional power sharing, although skewed, depended on a democratic structure. For the government, the hegemonic use of power was crucial to stay in control, and if the Maronite-dominated government had expelled the PLO at a time when it was widely popular among the population, they may have risked too much of a resistance. In that sense, the power of the Maronite government was firm and fragile at the same time.

The new consensus

The Palestinian discourse that followed the Ta'if Accord was very different from that of the war, when there had been no consensus at all. The compromise of the Ta'if Accord was a result of how all the different forces of identity and power relations now searched for a way to coexist. The compromise was to settle into unity again. Another change was how the PLO's former allies had gained more political power, and the PLO was no longer a factor to the Lebanese politics.⁵³⁰ The war's prevailing strategies toward the Palestinians were no longer relevant. The confessional imbalance was no longer openly protected only by those who had traditionally benefited from it, but by all groups in society. And the first sign of the change in public and official opinion toward the Palestinians was the Ta'if Accord itself, which banned any act that could possibly lead to *tawtin*. Everyone officially agreed that it was out of the question.⁵³¹ The Palestinian lawyer Suheil al-Natour claimed that what was new about the Ta'if Accord was not its content but the agreement surrounding it, extending to the Palestinians' traditional allies such as the PSP. The situation directly before and after the war had changed from a general lack of public involvement with the refugee problem to a broad public concern and anti-Palestinian feelings that had not been present before; an attitude with a high level of unity.⁵³² The fear of a new war and the relief of peace, as well as the blame laid on the Palestinians, led practically all of Lebanon to uphold the new status quo. The main reason for the compromise of the Ta'if Accord was that none of the Lebanese parties won the civil war, and everyone was tired of fighting. The rejection of *tawtin*, the dissolving of militias and the 'sacrifice' of the former Palestinian allies was a price the Sunni, Shi'i and Druze groupings paid for peace. And the end of the war

⁵²⁹ Interview with Khalil Shatawi 01.02.2006, interview with Farid el Khazen 14.03.2006.

⁵³⁰ The Palestinians' military wing was gone, and the devastated community that was left did not resemble the strong ally that the PLO had been.

⁵³¹ Except for Hizbollah, who revoked the Ta'if Accord altogether (see Chapter 6).

⁵³² Khashan 1994, 9, 13f.

introduced a Palestinian discourse which was not only supported by practically everyone, but now everyone also related to it consciously, in contrast to the pre-war situation. The former Prime Minister Ahmed Karami exemplified the agreement in 1999, where he said that ‘we are all, as Lebanese, against permanent resettlement, and no one can accept this disaster, this question is categorically rejected by all parties in Lebanon.’⁵³³ Although he represented the government, the fact that almost all of Lebanon shared this view can be seen in statements across confessional or political bonds. As the Lebanese journalist Ziad Majed put it, the war had led to anti-Palestinianism where the feeling had been neutral.⁵³⁴

That the discourse was linked to fear was obvious after 1989, but fear may also have been important in the earlier period. While the Christian communities feared *tawtin* on account on losing their political power, as well as on account of conflict, the Muslim communities may have feared instability and conflict throughout the whole period, and did not wish for a complete change of system in Lebanon (except during the war). Besides factors such as how the *zu’ama* probably did not wish to be challenged by a new mass of Sunnis, it explains why *tawtin* was not supported by any Lebanese community at any point in time. The fear of instability was the decisive matter. It was connected to both the confessional balance mostly upheld by the government before the war; and to the fear of a new war; which everyone related to after 1989. And the existence of the Palestinian discourse, or the discourse on *tawtin*, puts the various explanations in a new and more comprehensive light, since to some extent they all sprung from or depended on that belief system.

The war legacy and the Syrian control

Some of the explanations presented in the previous chapter were based on events that took place decades after the refugees arrived in Lebanon, and therefore cannot assume to explain why they were never granted civil rights since 1948. But we see here how the explanation that the civil war was the cause of the lack of the Palestinian refugees’ civil rights followed the discourse that *tawtin* would lead to a disruption of the confessional balance. In light of the above, the explanations regarding the civil war and the Syrian influence make more

⁵³³ Al-Nahar July 29 1999, quoted in Haddad 2000: “Sectarian Attitudes as a Function of the Palestinian Presence in Lebanon”, 5f.

⁵³⁴ Interview with Ziad Majed 17.03.2006.

sense, as they were linked more closely to the fear of *tawtin* than was obvious at first glance: After 1989, it was feared that *tawtin* would lead directly to a new war. The Palestinian discourse had included new factors, most importantly the notion that the refugees were to blame for the war, which served several objects at once; most importantly blocking *tawtin* and civil rights at the same time as relieving the Lebanese parties of the responsibility of the war.

Syria's hegemony and the economic crisis of Lebanon were also presented as reasons for the civil rights situation to me, and when I emphasized how that only related to the latter time period, many claimed that the civil rights had not been violated before 1989.⁵³⁵ From what we saw in Chapter 1, such perceptions may be attributed to memories being altered, to a wish for consistency, or, as we have seen, to discursive factors. The economic situation of Lebanon only deteriorated after the civil war, but was a part of the war legacy.⁵³⁶ And although Syria's control over Lebanon was not applicable until after the civil war, that too was part of the war legacy; and thus of the Palestinian discourse.

After 1989, the discourse of *tawtin* was more outspoken than before the war and could be overtly rejected because of the stipulations of the Ta'if Accord, and now it included that the Palestinians were to blame for the civil war, linking the discourse closely to the post-war consensus and anger toward the refugees. But there are several other possible factors which made the Palestinian refugees a scapegoat for the war and which caused such harsh measures and strong resentment in the following decade. Blaming the Palestinians was quite uncontroversial until 2000 at least, and although different factors led to this attitude, one of the most probable ones was the need for an external enemy.⁵³⁷ After the Ta'if Accord, blaming the different confessions or parties that had been fighting each other for the war would be dangerous: After all, they were now in something of an agreement, and the memory of war and fear of erupting into a third round of fighting was deep.⁵³⁸ An external enemy, therefore, was highly convenient. A threatening outsider is one of history's most common causes for national unity and organization, whether the perceived threat is

⁵³⁵ See Chapter 7 (pages 99-100).

⁵³⁶ We shall see in the following that some aspects of the country's economy had other implications as well.

⁵³⁷ See Chapter 6 (p. 96) for the reduced hostility after 2000, as shown in Haddad's survey from that year.

⁵³⁸ For instance, interview with Ziad Majed 17.03.2006, interview with Farid el Khazen 14.03.2006, interview with Tariq Mitri 07.03.2006.

real or not.⁵³⁹ Blaming Israel, which still occupied parts of Lebanon, might have been a preference, but aside from it being untouchable, most Lebanese believed that Israel had invaded in order to remove the PLO, not toppling Lebanon's government.⁵⁴⁰ Syria, though accused of many offences later, could not be named the reason for the outbreak of war, as its forces had not been present in Lebanon until 1976. Left to blame was the PLO; as even a vanished threat can be convenient for a traumatized society. The fear of continued war, then, was connected with what I call scapegoatism; the Lebanese *need* to blame someone other than themselves in order to start solving the country's internal discords. This feeling had diminished somewhat by 2000 and further by 2006, but there was a unity in Lebanon that the rejection of *tawtin* was essential, both in order to uphold the compromise of the Ta'if Accord, and because of the blame laid on the Palestinians. This strengthened the perception that civil rights could not, or should not, be granted to them. We thus see how Lebanon's confessionalism and the legacy of the civil war connect.⁵⁴¹

In 2004, the Ministry for Social Affairs stated that since *tawtin* was not allowed on constitutional grounds, social support for refugees consisted of 'finding permanent solutions to their problems through supporting their right to return'.⁵⁴² This was an internal report with the goal of revealing statistic conditions in Lebanon, and not to offer advice on the refugee problem. Its suggesting which solution should be applied to the refugees implies the strength of the Palestinian discourse in the Lebanese society.

We saw in Chapter 6 that the attitude, or discourse, was supported by the post-war government in 1990 and by all subsequent governments. The government may not deliberately have been part of the discourse, but it seems likely that the hegemonic power of the government was applied in Lebanon when it came to the attitudes regarding the Palestinian refugees after the civil war. Even though the government's power in many respects diminished after the war, its statements and propaganda enhanced the rejection of *tawtin*, and the public were open to a notion that blamed their misfortune on someone other

⁵³⁹ Wien 2007, 48f.

⁵⁴⁰ There were different opinions about this. Rex Brynen is among those who suggest that Israel had motives beyond that of eliminating the threat of the PLO (Brynen 1990, 159), and several Lebanese and Palestinian sources I met had similar beliefs.

⁵⁴¹ One source also suggested that the Lebanese government wished to show its opposition to the PLO in order to prove to Israel that Lebanon would no longer accept a behaviour that provoked an extended invasion.

⁵⁴² The Higher Council for Childhood et.al 2004, 46.

than themselves. The hegemonic power use coexisted with the facts that Lebanon was weakened, was occupied by foreign forces, and had been subject to violations, and the perceptions met with a welcoming anger and projection.

A focus on weapons

The fear of a new war may also explain the great emphasis on Palestinian weapons during my fieldwork. Many Lebanese claimed that the Palestinian refugees still had an unknown amount of arms inside the camps, and that some groups also had access to weapons stored outside the camps.⁵⁴³ They were perceived as a threat and were even used as an argument by some for not granting the refugees civil rights, as the state could not treat them as refugees when they acted as a 'militia'.⁵⁴⁴ The majority of the sources disagreed with that view, but during my fieldwork this was the most divisive issue between Lebanese and Palestinians and between Lebanese themselves. There was disagreement about the danger and quantity of the arms as well as about their effect on Palestinian-Lebanese relations.⁵⁴⁵ This exaggeration of basically unseen weapons indicates the fear of a new war, and the idea that the refugees still controlled weapons unattainable by the government was a frightening one in a war-ridden country where all parties had given up their priorities precisely in order to end the violence.⁵⁴⁶

Likewise, the focus on Syria's control in relation to the Palestinians grew after their withdrawal in 2005. The issues may have been linked, as there was a Lebanese suspicion

⁵⁴³ Interviews with el Khazen, Salah, Fayad, officers of the Lebanese Army (LA), abu Khalil. The main problem was claimed to be an accumulation of arms stored in northern caves, in the possession of the Syrian-backed Palestinian fraction Popular Front for the Liberation of Palestine – General Command, headed by Ahmad Jibril. For various quotations, see Appendix 5e.

⁵⁴⁴ Interview with Farid el Khazen 14.03.2006.

⁵⁴⁵ For instance, in relation to the situation in the 1990s when the Palestinians gave large and medium arms to the LA (see Chapter 6), Farid el Khazen stated that Fatah had 'wanted' to surrender their weapons in the 1990s but were 'not allowed to do so' by Syria. Since the LA itself confirmed receiving the weapons, el Khazen most probably held a misconception that the suspected weapons of 2005 had been there since 1990. Joseph abu Khalil, although he claimed that the weapons in the camps was the most important issue to be resolved, also emphasized that organizing this problem would be a positive development for the Palestinians, and that it would lead to granting them civil rights and improving their social life in the camps.

⁵⁴⁶ Most Palestinian sources claimed that the problem was exaggerated or even fabricated, but agreed that weapons did exist. It was not possible to determine the actual situation of the weapons, as it was a subject that relied on no official numbers or records. But we saw that the Palestinians handed in the weapons requested by the LA in 1991, and in all probability, the problem was exaggerated to some extent.

that the Palestinians were a source of continued Syrian influence. This may explain some of the Lebanese focus on those weapons.⁵⁴⁷

Another likely consequence of the prevalent discourse was the lack of national criticism against the standards of the refugees' conditions, at least until 2000. There were some reactions in the early years; and that was during a period of little general interest or awareness. But the lack of protests after the war was striking, and the few exceptions from the general conduct seemed based on particular circumstances or personal feelings rather than political opposition.⁵⁴⁸ The government did not prioritize the refugees, and the anti-Palestinian feelings probably stayed popular or oppositionist protests. For the Lebanese, rebuilding the country had a higher priority than any obligations towards the refugees.⁵⁴⁹ Farid el Khazen, for instance, claimed that Lebanon had its own priorities and 'could not care less' about the refugees.⁵⁵⁰ The perception that the Palestinians suffered because they behaved as they did in the war, was a part of the discourse. This discourse saw a certain change in the later years, first signalled by the criticism of the 2001 law which banned Palestinians from owning property.⁵⁵¹

The Palestinian role in the war was not the reason why the refugees were not granted civil rights, and neither was the Lebanese resentment of them. But the blame laid on the Palestinians may explain why many Lebanese believed that the war legacy was the reason the government did not grant the refugees civil rights, and claimed that conditions before the war were not comparable to the those after 1989. The need of a scapegoat and the belief that the PLO was to blame, Syria's hegemony, the focus on weapons and the so-

⁵⁴⁷ Some sources explained that some Palestinians were allied with the Syrians and still had military positions in Lebanon that, by default, were part of the Syrian military positions and were reinforced as Syria pulled out (interview with Ziad Majed 17.03.2006, interview with Charif Fayad 27.02.2006). It should be noted that the focus on weapons grew after the UN issued Resolution 1559, insisting that all Lebanon's militias be disarmed (the only remaining militia, or guerrilla, being Hizbollah). That probably played in as a reason for the focus on the weapons in the camps. Another factor was Syria's withdrawal in 2005, which caused a change in Lebanese statements regarding its neighbour and a scepticism towards all forces that might carry on the Syrian influence. And since the issue of Syria's control was linked directly to the war, it was also a part of the prevailing discourse in relation to the war: As the Palestinians were blamed for the war, they were also blamed directly or indirectly for having 'opened' the country to Syrian invasion. This must also be seen in light of the growing focus on Hizbollah as a pro-Syrian actor and militia, and the fear of it becoming too powerful (interview with Farid el Khazen 23.03.2006). For quotations on Syria's influence and the Syrian-Palestinian relations, see Appendix 5f.

⁵⁴⁸ See Chapter 6.

⁵⁴⁹ Groupe de Travail sur Réfugiés 1997, 27.

⁵⁵⁰ Interview with Farid el Khazen 23.03.06.

⁵⁵¹ See Chapter 3, page 41, and Appendix 2.

called anti-Palestinianism are all elements of how I believe the word ‘war’ was embedded in the Lebanese society and its collective mind after 1989. ‘War’ became a discourse where associations of blame and bitterness toward the PLO and its countrymen, and sometimes toward Syria, would spring to mind automatically.

The right of return, the belief that the situation was temporary and the economic situation

In a similar vein as the above, the discourse of *tawtin* gives more meaning to the explanations that the refugees were never granted civil rights because Lebanon supported their right of return or believed that their predicament was temporary. These two explanations were factors in common for all the Arab countries hosting Palestinian refugees, but all except Lebanon granted the refugees some civil rights without being perceived as negating their right to return. These issues alone thus cannot explain why civil rights were avoided in Lebanon, but relating them to the fear of *tawtin* offers a context to why Lebanon reacted differently. Instead of focusing on internal issues and problems, emphasizing the right of return allowed the Lebanese government to deny a group of people civil rights and still appear as championing and supporting their rights as a people. And claiming that the sudden and tragic situation of 1948 did not require legal reactions can also be attributed to the government’s ardent rejection of the idea of *tawtin*, even in 1948.⁵⁵² Also, the justification that the economy would suffer, even though it was blooming, was probably tied to the discourse. However, we shall see below that the economic argument had different aspects as well.

That the Arab host countries and Lebanon among them emphasized the right of return did not mean that they necessarily had motives other than supporting the Palestinian cause. Some probably believed that refusing to integrate the Palestinians in new countries was critical in order to avoid that they lost their right to return to Palestine. We saw that during the war, one reason why *tawtin* was not an issue was the idealism for the Palestinian cause; so idealism certainly seems to have played an important role in the Palestinian

⁵⁵² Many issues are really undeterminable: The government may not have considered drawing up legislation relating to the Palestinians because not much legislation was drawn up in Lebanon anyway; or that argument may have been an excuse in order to explain the lack of legislation. Viewing it in the light of the Palestinian discourse, however, suggests a context to the situation.

discourse throughout the years. But the explanations of confessionalism, the right of return, the belief that the situation was temporary, the economy, the war legacy and the Syrian control all at least partly originated from the Palestinian discourse including the fear of *tawtin*, which blocked intermediate steps.

The distinctiveness of the Lebanese society

The fear of *tawtin* probably influenced the initial Lebanese reactions to the situation in 1948; including the response that followed when it was believed that the situation was temporary. However, the different consequences this had in Lebanon may have had other causes than just the fear of *tawtin* and all that entailed – namely other distinctive features of the Lebanese society. The two explanations of confessionalism and Lebanese distinctions are obviously closely linked since the confessionalism *was* a Lebanese distinction and several others sprung from it; but all cannot be explained by the same discourse. Lebanon's open society and divided identity were other factors used as explanations for the lack of the refugees' civil rights, created before or alongside the birth of modern Lebanon. This was linked to the belief that the situation was temporary: Although that case was true for all host countries, some claimed that the mentality was different in Lebanon than in Jordan and Syria, who 'thought' that the Palestinians might stay from early on, whereas Lebanon did not.⁵⁵³ We have seen that in Jordan the refugees were an asset as much as a burden, and that this may have been true for Syria as well. For Lebanon, other priorities were part of the small country's mindset. The explanations involving the identity of Lebanon herself may further examine and explain the prevailing belief systems.

Whether or not the Lebanese felt more different from their neighbours than any other nation's population might is not really determinable. But the basis and developments of the country was different than those of the other Arab countries, and it is probable that the factors that shaped Lebanon – specifically its confessional mosaic and politics and its economic system – made the Lebanese people feel unique in the region. We saw above that discourses such as the belief that everyone would benefit from upholding a certain confessional balance were prevalent, and these also formed the Lebanese understanding of its own history. The 'uniqueness' of Lebanon can be said to have been one such discourse,

⁵⁵³ Interview with Khalil Shatawi 01.03.2006.

and isolationist attitudes may have influenced the lack of integration of the Palestinian refugees. The lack of any economic integration could also be attributed the country's capitalist economic system.

In other words, although the confessional concerns, and thus the Palestinian discourse, were part of the Lebanese distinctions, other distinctive factors also played in. The distinctions led to an isolationist government policy alongside the 'openness' of Lebanon, and the capitalist system and limited state control were also factors leading to the lack of integration, independent of the discourse defined above.

One consequence of the open society was the reaction to the different influences that faced Lebanon, especially, perhaps, the pan-Arab ideology and the economic structures. Pan-Arabism was an influence in several Arab countries, like Syria; while Lebanon adhered more to a nationalistic mentality. Syria's economic interests did not conflict with integrating the Palestinians.⁵⁵⁴ In Lebanon, private investors decided much of the country's economic priorities; and this partly explains why Syria granted the refugees the right to health and education, while Lebanon did not. Also, the private economic system could help explain why so few medical facilities were open to the Palestinians: The costs were too high, and the state-run hospitals were fewer in Lebanon than in other countries. In other words, Lebanon's distinctiveness led to different priorities than its neighbours, perhaps especially evident within the economic sector.

Reviewing the economic situation

Here we find again the argument that the economy hindered the granting of civil rights to the Palestinians. The economic crisis did not hit Lebanon until after the war. It certainly aggravated the conditions, perhaps making an integration of the refugees impossible; but it cannot explain why the refugees were not granted civil rights before. However, it was a fact throughout the period that the percentage of Palestinian refugees was higher in Lebanon than in the other Arab host countries, and that integrating them would require more resources. Integrating the refugees in Lebanon thus would have a stronger impact on

⁵⁵⁴ For instance, Syria adapted policies to lessen class disparities, and from a socialist point of view the majority of the refugees belonged to a poorer class (<http://en.wikipedia.org/wiki/Syria#Economy>, downloaded 02.02.2007).

Lebanon: Not because the country was poor, but because of its size. Those claiming that economy and resources were problems before the war may either have been misinformed; have wished to exaggerate the economic problem; or they were in fact referring to the size of the country in relation to the size of the refugee community.

Thus, the 'economic situation' was one of the justifications specific for Lebanon that was among the reasons for the civil rights situation, independent of the discourse of *tawtin*, although they were related to each other.

Summary: Merging the explanations

This chapter has attempted to demonstrate that discourses and influences affected the way that the Lebanese related to the Palestinian refugees, both in practise and when suggesting reasons why the state did not grant them civil rights. In summary, we may conclude that the Lebanese confessionalism and all it entails of discourses and fear; the distinctiveness of the Lebanese identity, including its economic and ideological priorities; and lastly, the country's size compared to that of the refugee population, are in fact reasons why the situation in Lebanon was different from the other Arab host countries when it comes to granting the Palestinian refugees civil rights. Lebanon's nature as a multi-confessional state, with its capitalist economy and open society gave the country an identity in which feelings of brotherhood and support toward the Palestinians was felt by some, and not by others. The size, confessional system and possibly other traits of identity caused a fear of *tawtin* that was not present in the other host countries.

The other explanations either originated long after the onset of the refugee situation or would also apply to all the other host countries, but that does not mean that they did not have an impact on the situation. In all probability, they were affected by the all-encompassing Palestinian discourse which rejected *tawtin* for various reasons. Real idealism and a belief that the situation was temporary probably interfered; especially if we view the latter in relation to the specific conditions of Lebanon. And for the most recent decades, the results of the civil war and the crumbling economy certainly made matters worse for Lebanon; integrating new, decisive factors into the discourse. The argument that

the lack of civil rights was Syria's fault was, in all probability, mostly an excuse, although the focus on Syria's role also was a part of the discourse.

All the explanations given for the lack of civil rights were somehow related to rejecting *tawtin*. One might say that all were influenced or even created by the discourse of the fear of *tawtin*, and probably by other discourses originating from the uniqueness of the Lebanese society. The official avoidance of mentioning the confessionalism was probably that which led to an increased focus on other explanations such as the economy, resources, and the right of return.

Lastly, it must be noted that the 'real' reasons for the situation probably changed and merged through the decades. At the core, there was always a fear of *tawtin* based on confessional and economic priorities, and the Lebanese government always related to the Palestinian refugees because of the country's specific conditions of size, political system and ideology. In the 1960s, idealist support for the right to return was added and became one reason for the lack of integration. The attitudes of different governments also influenced the situation; perhaps especially that of the military government of that era. We cannot know if the situation would have been different in the absence of Syrian forces, or what would have been the case if the civil war had ended differently. But the discourse of blame and the economic crisis may have become new reasons why the governments did not grant the refugees rights.

Chapter 9. Conclusions

The conditions of the Palestinian refugees in Lebanon have changed in time, though less than one might expect in a time period of almost sixty years. While reports claim that the living conditions of the refugees were better in 2005 than they were in 1948,⁵⁵⁵ such statements seem to say more about the desperate situation of the first generation than of any satisfactory conditions of the third. The topic of this thesis has been the situation of the refugees in relation to their civil rights, and although the elements of that situation changed from 1948 to 1958, from 1958 to 1969 and from 1969 to 1989, it has shown that most fundamental conditions remained consistent through the period when the Lebanese government was in charge of the refugees. I have attempted to clarify the reasons for this situation by way of using findings from my fieldwork, particularly opinions and statements derived from interviews with Lebanese and Palestinian sources. I have considered the legal and de facto status of the refugees and related the empirical findings to two civil right conventions, and concluded that the consequences of the Lebanese government's conduct is that the civil rights of health, housing, freedom of movement and labour were not fulfilled for the Palestinian refugees during most of the period, and that the government's role in this was extensive. Focusing on these four civil rights has to a great extent illustrated general Lebanese attitudes and practises. I have also attempted to account for the contexts and the reasons for this situation by presenting and discussing prevalent attitudes throughout the period, and by discussing the different explanations that were given by Lebanese sources. This last chapter will briefly summarize the findings, draw some conclusions, and suggest criteria for a future solution.

Summaries and conclusions

In the introduction to this thesis, I explained the necessity of determining what the civil right situation actually was during the period when the Lebanese government was in charge of the Palestinian refugees, and this was done to a great extent in Part II. Through the empirical findings here, we saw that the civil rights of the Palestinians were indeed violated

⁵⁵⁵ Fafo 2005, 9. Danish Immigration Service 1998, 39.

– either directly through legislative measures or restrictive policies; or indirectly by the government's not assuming responsibility or offering aid. Relating this to my first condition, then, the government was indeed connected to the problem, and could also be held responsible for some, though not all, of the sub-standard conditions.

The foreigner definition

Some civil right violations were caused by de facto policies such as isolation of the camps and checkpoints restricting the movement of the Palestinians; but most originated from the fact that the Lebanese state defined the Palestinian refugees as foreigners, and related to them by the principle of reciprocity. This conduct relied on the temporality of the refugees' condition, so after nearly sixty years that logic was clearly outdated. We saw that formally, this policy did not violate any international stipulations, but that it led to a deprivation of the refugees' rights in reality. No other group of refugees worldwide were systematically treated according to this principle (at least not without international disapproval), and no other Arab host country dealt with the Palestinian refugees in the same manner as Lebanon did. The result was that the official Lebanese conduct toward the refugees was unreasonable. The argumentation throughout this thesis leads to the conclusion that treating the refugees as foreigners, and the way it was done in Lebanon, led to a violation of their civil rights.

The official tendencies

In Part III we saw that in 1948-1969 and 1989-2005, attitudes varied among both Lebanese officials and the public, and were often influenced by political events such as Shehab's military coup, the influx of the PLO to Lebanon, and the 1993 Oslo peace process. We saw that among prevalent attitudes were popular support, suspicion, repression and resentment. A lack of knowledge about the actual situation was also a tendency at times. But some tendencies were almost consistent, regardless of the changes inside and around Lebanon. First was the lack of a clear, written policy in which the government showed its conduct toward the refugees, especially obvious in relation to their vague legal status. We saw that the definition of them as foreigners only had more implications than was perhaps expected, and formed the background for many of the violations. A second consistent tendency was

the general disregard of any official responsibility, exemplified by the limited state institutions relating to the refugees, the lack of any health system relating to them, and the policy of isolating the camps after the war. The third pattern was the rejection of *tawtin*, continuously repeated in statements since 1949 and put into law in 1989. And fourth was the support for the Palestinian cause of which the right of return became the beacon. I here conclude that the official support was almost exclusively vocal: Apart from a few pieces of legislation in the 1950s, no support was given by way of legislation. And apart from the welcoming attitudes with regards to the housing situation in the 1950s and early 1960s, as well as the lack of restrictions on work until 1962, support was hardly a tendency in the practises either. The motive remained the same throughout the period: Measures were taken to avoid integration, in order to avoid *tawtin*. On the other hand, the public attitudes were much more varying, from broad support through unconcern to downright blame and resentment; followed by a new unconcern and an increasing sympathy since around 2000.

The explanations for the conduct and tendencies

When presenting explanations for the situation, previous studies have mostly focused on Lebanon's confessional balance; the right to return; Lebanon's density and economic situation; and the role that the Palestinians played in the Lebanese civil war. My study has confirmed that all were important factors, and that the Lebanese confessionalism was highly significant; but has also included explanations that have not been thoroughly discussed in earlier works. These are the belief that the refugee situation was temporary in the first years; the distinctions of Lebanon as a country; and the extensive war *legacy* rather than the Palestinian role in the war itself; which included the exaggerated focus on Syria's influence on the refugee situation and on the illegal Palestinian weapons. My assumption that 'other factors' influenced the situation thus proved more than correct: Aspects I believed to be influences only were in fact believed to be true reasons by several Lebanese sources.

Reviewing the hypotheses

My first hypothesis were that the Lebanese government 'consciously avoided integration of the Palestinians', among other things by not granting them civil rights; and the second was

that the reasons most commonly used for the conduct were Lebanon's confessional balance and the role of the Palestinians in the Lebanese civil war.

The first of my hypotheses, thus, seems to have been accurate: The Lebanese government avoided the integration of the Palestinian refugees, and not granting them civil rights was a means for avoiding integration. It seems probable that much of the neglect was deliberate; originating from intentions or motives, and not merely from circumstance or chance. Part III included statements and examples that showed that at least some of the official conduct followed motives and patterns, and debated the existence of discourses and mindsets influencing the official position on the refugees' civil rights, which caused an avoidance of *tawtin* and of anything that might lead to it.

One of my assumptions was that the government used laws, coercive power, attitudes, discourses and statements in order to avoid *tawtin*. We saw that the government did use legislation, although to a limited extent. As for coercive power, that assumption only fit the decade of 1958 to 1969: For the rest of the period, it can hardly be said that the Lebanese government used direct oppression to a great extent, although similar means were employed by way of checkpoints and alleged threats. In fact, we have seen that discourses, which influenced the attitudes, were perhaps the most frequently applied 'method' for avoiding it, particularly when it comes to involving the public in the period after the civil war. It is likely that official statements were used to strengthen the discourses relating to the Palestinians. Whether or not the discourse accounted for in Chapter 8 was 'used' by the government cannot be determined by the methods of this thesis. One can only speculate that the post-war attitudes were not created merely by the government but by the war experience as well; and that the government sometimes employed the existing discourses in order to achieve the goal of avoiding *tawtin* more easily.

As for my second hypothesis, relating to the reasons that were most commonly believed to account for the civil rights situation, I found that the right of return was equally, if not more, emphasized than the confessionalism and the Palestinians' role in the civil war. That the Syrian influence on Lebanon also was among the most commonly mentioned theories was rather unexpected. The explanations based on the economic situation and the distinctiveness of Lebanon; including the reactions to the belief that the situation was temporary; were not as common, but were still stated frequently. I assumed that there

would be excuses for the situation as well, but this categorization proved to be more complicated. All the explanations were excuses in some sense, since all except one were presented as justifications for a tragic situation. They did not ‘excuse’ the situation, however, but rather ‘explained’ it, mostly stating how it was impossible for Lebanon to integrate the refugees. The only actual excuse presented to me was that which blamed the Syrian hegemony over Lebanon. When that was stated as a reason for the refugees’ problems, it was claimed that the situation was not acceptable and that Lebanon would not have allowed it to continue – excusing it, therefore, by blaming external factors, which were probably exaggerated.

Throughout the thesis we have touched on the existence of a Palestinian discourse, created deliberately or unintentionally, and remaining prevalent in the Lebanese society. We have seen that the power of ideas; the prevailing belief systems; had a strong hold on the Lebanese perceptions of the Palestinian refugees. The *idea* that they would disrupt the confessional balance led the government to avoid *tawtin*, and to ban their civil rights. This idea of what integration could entail had a larger impact on the situation than any pragmatic causes had. It was merely a risk; a possible outcome of integration; but the belief and fear of a confessional disruption nevertheless guided the government’s actions and motives to an extent which was more important than the actual, tangible obstructions facing Lebanese integration of the refugees (although these existed as well). The Maronite-dominated government strengthened the discourse before 1969, and it fit into the war legacy after 1989 and was strengthened by hegemonic power use. It caused the Palestinian discourse to reign the Lebanese perceptions of the refugees’ possible impact on the Lebanese society.

The reasons for the civil rights situation

The question I asked in the introduction to this thesis was why the Lebanese government did not grant civil rights to the Palestinian refugees in the country, and why the civil rights situation was different in Lebanon than in the other Arab host countries. And the answer, as far as I am able to determine, was that the confessionalism of Lebanon; the identity of Lebanon; and the economic basis of the country were the reasons for the specific situation. The confessional make-up of the country and the Lebanese identity formed a discourse where the idea of integrating the Palestinian refugees practically came to mean the

downfall of the Lebanese political system and possibly of the foundation of the modern state. The confessional system was a tangible reason for fearing *tawtin* of a new mass of Sunni Muslims; and the Lebanese distinctions as a country caused different priorities, both economically and ideologically, than Lebanon's neighbours perhaps experienced. But without the prevailing belief system which linked it all and caused the Lebanese to fear Palestinian integration, these two reasons may not necessarily have affected the refugees' civil rights in the country. Other belief systems also played in, such as the economic priorities. But the main reason, following the analysis of this study, was beyond any tangible obstacles.

Apart from the world of ideas and discourse, the aspect of the economic basis was also a pragmatic hindrance to the refugees' integration. By 'economic basis' I mean the country's size and resources in relation to the size of the Palestinian population, and not the actual economic situation of Lebanon. However, the nature of Lebanon's economy may have been a reason for one aspect of the conduct: The government did not control the majority of the facilities of health and education. Therefore, one might say that it was exempt from responsibility with regards to some aspects of these. But the economic system does not explain the situation fully, and therefore can only be a partial cause.

Apart from the above, it is evident that several other factors influenced the situation. Political events and changes, most distinctively the civil war, probably caused developments that otherwise would have been very different. The post-war economic crisis did not explain the situation, but it was an obvious influence. Idealism and the role of Syria may also have been such influences. However, whether the causes were 'believed' or 'real' did not have as much importance, and were not as easily determined as I first supposed.

The conclusion to the question, then, would be that there were several influences challenging and changing the civil rights situation of the refugees, some of which led into mere speculation of what might have been if the conditions had been different. But what remains are the three specific conditions of Lebanon: Her size, confessional nature, and specific identity; conditions that Lebanon was born with or achieved along the ways of her development. These formed the ideas that came to govern the society and the government's mindset and discourse relating to the Palestinian refugees.

Criteria for change and solution

What we have seen in this study makes it obvious that the situation of the refugees in Lebanon is in need of solutions; at least of a temporary solution that leads to the Palestinian refugees enjoying civil rights during their stay in Lebanon. A solution is not necessary only for the refugees themselves, but also for Lebanon. By retaining the camps in appalling conditions, the refugee issue has been kept on the international agenda, and the tactic was somewhat of a 'success' in that regard. But at the same time, the conditions of the camps have given Lebanon a negative reputation in the international community.⁵⁵⁶ Also, the government's conduct began receiving criticism from its own citizens in the later years, especially in relation to constitutionalism.⁵⁵⁷ We saw that some Lebanese explained the violations of the civil right conventions with the quotation from the Constitution rejecting *tawtin*.⁵⁵⁸ But granting the refugees civil rights would not necessarily lead to *tawtin*: That was only a common perception. In fact, the Lebanese democracy was seen as challenged by some by the refugees' presence, since it was problematic that a democracy should deny a group of foreigners civil rights for almost sixty years. And since violating the UN conventions was understood as unconstitutional, one might argue that only one of the courses of action in practise led to violation the country's Constitution, and that was withholding civil rights from the Palestinian refugees.

Yet another problem for Lebanon could be detected in Simon Haddad's survey from 2000, where forty-three per cent of anonymous Palestinians reported to either be unsure, or would in fact accept Lebanese citizenship if it was offered to them.⁵⁵⁹ Where there before had been consensus between Lebanese and Palestinians that Lebanese citizenship was out of the question, this apparently was no longer uncontroversial among the Palestinians in Lebanon. The official argument that the Palestinians themselves did not want *tawtin*, then, might become outdated. Although the majority of the Palestinian refugees still rejected citizenship, the living conditions deteriorated to a level where some felt they might be persuaded to give up their cause in order to gain some rights and benefits.

⁵⁵⁶ Suleiman 2006, 26. One could say that Lebanon's avoiding intermediate steps had 'positive' effects, since it kept the issue on the international agenda, and stalled talks of settling them there – at least officially. The situation in Syria was not regarded equally precarious by the international community.

⁵⁵⁷ See Appendix 2 for a detailed example of oppositionist critics in relation to Law 296.

⁵⁵⁸ Majed 1995, 8. Interview with Farid el Khazen 23.03.2006, interview with Tariq Mitri 07.03.2006, interview with Charif Fayad 27.02.2003.

⁵⁵⁹ Haddad 2003, 136. The official stance remained at a total rejection, though.

This result was quite the opposite of the ‘three-step plan’ of the Lebanese government, and shows that the conduct might lead to a reduction of the feelings of Palestinian identity instead of a strong focus on it. In addition, matters such as illegal weapons, crime, and continued Syrian influence were emphasized as problems for the Lebanese. The journalist Ziad Majed, for instance, felt it was crucial to grant the refugees rights in order to solve the internal problems in Lebanon as well as those of the refugee community.⁵⁶⁰ The discourse that civil rights would lead to a disturbance of the confessional balance hindered integration of a large group who, instead of becoming integrated in society as they had in Jordan and Syria, became a burden, a mass of impoverished, discontented people with negative associations to anything Lebanese. Leaving the appalling conditions as they are only causes the problems to grow deeper, and if the day comes when the Lebanese open for their integration, that will release much more resources than if the problem were dealt with at an earlier stage. Khalil Makkawi felt that this had been a problem throughout the years, saying: ‘It [the refugee problem] was not treated properly from the beginning, on the humanitarian level. If we had treated it properly from the beginning, maybe it would not have been compounded unto this turn for the worse.’⁵⁶¹

The economic and international criterion

The first criterion for a solution to the situation is of an economic nature. During my interview with him, Khalil Makkawi said that the needs were too great to be covered by the state of Lebanon; the economy was in too critical a state. If the donor countries to UNRWA were to fund the projects suggested by the 2005 committee he was heading, he believed that seventy per cent of the problem would be solved.⁵⁶² The fact of the matter is that in 2005, solving the refugee problem would need a fundamental financial support by the international community. And this conclusion brings us to a second factor: Although the responsibility of Lebanon has been determined, Lebanon was also a victim to events it did not cause. We saw that the international community neglected its responsibility toward the Palestinian refugees almost from the onset of the problem. The role of the UN in relation to the Palestinian refugees, therefore, should be revised. A former director of UNRWA, Lex Takkenberg, claims that the political sensitivity surrounding the Palestine question had a

⁵⁶⁰ Interview with Ziad Majed 17.03.2006.

⁵⁶¹ Interview with Khalil Makkawi 10.03.2006.

⁵⁶² Interview with Khalil Makkawi 10.03.2006. For his quotations about this, see Appendix 5c and 5d.

considerable impact on how both the UNHCR dealt with Palestinian refugees,⁵⁶³ but it is clear that the role of the UN ought to be enhanced. The unreasonable level of responsibility laid on the Lebanese government is not the focus of this thesis, but for a solution, it is crucial to recognize that the international community has neglected a responsibility it ought to acknowledge. There is no justified reason why the Palestinian refugees should remain the only group whose human rights are left entirely unprotected. The responsibility of their host countries is out of proportion compared to that of other host countries. On that note, I wish to emphasize that after 1993 especially, the Lebanese suspicion that the international community wished to ‘dump the problem’ on Lebanon in fact seems rather well-founded. This notion is not just a Lebanese excuse for the situation. Therefore, for a solution to the problem, the international community should assume at least some political responsibility, and critical for a valid solution is that Lebanon not be made to pay the expenses of integration. For health and housing, the only tangible hindrance of granting the refugees civil rights is economic. But before a solution to the unemployment crisis in Lebanon is found, it can hardly be expected that the whole work force of the Palestinian refugees could be granted the right to work, although economic aid would ease this process as well. As for the freedom of movement, this has little to do with the economic criterion, and a second one proves imperative.

The discourse criterion

The second criterion consists of dealing with the prevailing Palestinian discourse in Lebanon. There is a flawed perception that granting the Palestinian refugees civil rights would lead to their settlement and their receiving a Lebanese citizenship which would in turn shift the confessional balance. Even though the logic behind this is proven void, that does not mean that the problem is solved. Acting with consideration for perceptions and belief systems is just as important as finding pragmatic solutions. However important, one cannot simply state that the logic behind *tawtin* is not conclusive, and tell a society to change its belief systems. Discourses must be overcome through studies, through discussion, and through a real focus on the problem in Lebanon while respecting the special Lebanese conditions. In order to discuss solutions to the problem, the Lebanese perceptions of what the problem is must always be one of the foundations for the discussion. In a similar way,

⁵⁶³ Takkenberg 1998, 316.

the Syrian control and the illegal Palestinian weapons were the two aspects that came across as the most imperative ones to the Lebanese government and society; and although they were not the cause for the treatment of the refugees, the issues were still *perceived* as crucial. A solution, however temporary, demands that one considers the importance of these factors to Lebanon, even though they cannot be categorized as reasons for the civil rights situation. However, for a solution that grants the refugees civil rights in Lebanon, the logic behind *tawtin* must be redressed.

A possible suggestion

One might hope that the further the new generations are from the memories of war, the discourses of society might fundamentally change. One suggestion for a solution that might change the discourse was touched on by a few of my sources and consisted of granting the Palestinian refugees Palestinian nationality. Tariq Mitri was one of those who brought this up, saying:

‘For some, when they say ‘we don’t want the Palestinians to be settled here’, they have in mind the fact that the Palestinians should not be given Lebanese citizenship, even if they stay here. They could stay, but with another citizenship, a Palestinian citizenship, for example.’⁵⁶⁴

In order to appease the fear of *tawtin*, one solution could very well be that the Palestinian Authorities granted the refugees a Palestinian citizenship without necessarily planning their actual return, formulated in ways that could never be interpreted as to challenge that right. This would mean that they were no longer stateless, and the risk to Lebanon would be reduced and might introduce civil rights as that, and that alone: Civil rights, and not *tawtin* or resettlement. It would obviously not solve every problem, but it could be one way of trying a new approach, and starting the creation of a new discourse in Lebanon relating to the Palestinian refugees.

⁵⁶⁴ Interview with Tariq Mitri 07.03.2006. Farid el Khazen and Salam 1994 also mentioned this.

Postscript

The time period of this thesis ended in 2005 because of events which yet again changed the Lebanese circumstances, the consequences of which were not clear at the time I finished this study. These developments began with the UN Resolution 1559, issued in September 2004, calling for the Syrian withdrawal from and the disarming of all militias in Lebanon. The Syrian withdrawal was a fact in March 2005 after the assassination of Prime Minister Rafiq Hariri, and these events created an atmosphere where the general focus was on Lebanon's sovereignty and on the weapons of both Hizbollah and the Palestinians. It was in this atmosphere that the new committee of dialogue between Lebanese officials and Palestinian representatives was established, led by Makkawi. Whether or not the committee's work will lead to significant changes remains to be seen, but the development nonetheless marks the first time in history that the civil rights of Lebanon's Palestinians were being addressed in an extensive manner by the Lebanese government, as this committee had representatives from all ministries related to the Palestinians. Changes in the official attitude towards the Palestinians was reported by Palestinian researchers as well.⁵⁶⁵ One result of the committee's work was seen in the reopening of the PLO office in Beirut in May 2006, which gave the Palestinian refugees some formal representation.⁵⁶⁶ There was also increased contact between the PLO / PA and Lebanese officials, increased cooperation between Lebanese and Palestinian NGOs, and a few statements of late 2005 also signalled that something might be changing within official Lebanese-Palestinian relations. A Lebanese newspaper quoted President Lahoud saying that 'protecting the Palestinian refugees in Lebanon is a Lebanese responsibility.'⁵⁶⁷ Lahoud was not known for being more pro-Palestinian than his predecessors, but this was a clear change from earlier statements. In a similar way, a meeting that UNRWA had with Prime Minister Siniora in 2005 (prepared with a paper referred to in the thesis proper⁵⁶⁸) apparently gave some results. About one year after the meeting, a newspaper reported that some of the camp projects that Siniora had supported had received funding from the donor countries and were now 'well under way', and that Siniora, like Lahoud, claimed that the Palestinians were under the government's protection, although they were the responsibility of the international community. The newspaper stated that 'Prime Minister Fouad Siniora's commitment to the projects, first conveyed to UNRWA during a meeting in October 2005, marked a turning point in a historically troubled relationship.'⁵⁶⁹

The statements must be seen in light of the new committee, which in its turn must be seen in the light of Resolution 1559 which called for an end to all militias, including the ones inside the camps, and which was met mostly with accept in Lebanon; as well as the newly established Lebanese sovereignty. Besides the new PLO office, no results have yet been reported. Any developments were stalled by the war between Israel and Hizbollah / Lebanon which broke out and ended in July 2006. The focus of Lebanon yet again turned to war and rebuilding, and the work with the camps was put on hold. The short war was followed by a governmental deadlock and crisis, still remaining to be solved. Whether or not work will be picked up again and the government will follow through on its statements once the issues are resolved, remains to be seen.

⁵⁶⁵ Suleiman 2006, 23ff.

⁵⁶⁶ The Daily Star, May 16, 2006.

⁵⁶⁷ The Daily Star, November 11, 2005. He may have referred to protecting the refugees' civil rights, but since it was a concern with the Palestinian refugees that they would be too vulnerable without any weapons, it is more probable that he referred to protecting them from attacks if they were willing to give up their weapons.

⁵⁶⁸ UNRWA 2005: Briefing paper for HE Fouad Siniora.

⁵⁶⁹ The Daily Star, November 02, 2006.

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APPENDIX 1

LIST OF INFORMANTS

LEBANESE INFORMANTS

Where it is known, the informant's confessional belonging is listed.

INTERVIEWS:

- Joseph Abu Khalil*: Member of the Kata'ib, or Phalange party. Christian Maronite.
Charif Fayad: Party secretary of the Progressive Socialist Party. Shi'a.
Simon Haddad: Writer and researcher. Greek Orthodox.
Farid el Khazen: Member of Parliament representing the Free Patriotic Movement.
Writer and professor at the American University of Beirut. Christian Maronite.
Lebanese Army: Two officers who wish to remain anonymous (not recorded).
Ziad Majed: Journalist of the newspaper al-Nahar.
Khalil Makkawi: Former ambassador to London, New York, and the UN. Leader of the 2005 committee of dialogue with the Palestinians in Lebanon.
Tariq Mitri: Minister for Culture. Christian Orthodox.
Khalil Shatawi: Former director of the Department for Refugee Affairs (1994-2000).
Writer. Alawite.

OTHER:

- Hussein Awwad*: Independent Member of Parliament, affiliated with Hizbollah. Shi'a.
Tannous Mouawad: Former general of the Lebanese Army.
Ziad Sayegh: Media Planning Consultant with the Ministry for Social Affairs.
Kamal Shayya: Leader of the Youth Advocacy Forum.

PALESTINIAN INFORMANTS

INTERVIEWS:

- Salah Dabbagh*: Lawyer.
Haifa Jammal: Human Rights Officer with the Norwegian People's Aid, Lebanon.
Suheil al-Natour: Lawyer and general director of the Human Development Center, Mar Elias refugee camp. Member of the Democratic Front for the Liberation of Palestine.
Salah Salah: Writer. Leader of the NGO Social Communications Center (Ajjal). Former representative of the PLO.

OTHER:

- Khaled Ayed*: With the Institute for Palestine Studies, Beirut.
Rola Badran: Spokesperson for the Palestinian Human Rights Organization.
Mahasin Baraskaji: Leader of Association Najdeh in Burj al-Barajneh refugee camp.
Ghanem Bibi: Director of the Arab Resource Collective (Lebanon).

Rita Hamdan: Representative from Popular Aid for Relief and Development (PARD).

Jamal Issa: Director of the news agency Misof. Member of Fatah.

Issam Soudidan: Leader of the Vocational Training Course in Burj al-Barajneh refugee camp.

Jaber Suleiman: Writer and researcher.

Wafaa el Yassir: Leader of the Lebanese Norwegian People's Aid, Lebanon.

OTHER INFORMANTS

Anni Kanafani: Leader of the Cultural Foundation for Ghassan Kanafani.

APPENDIX 2

LEGISLATION RELATING TO RIGHT TO OWN PROPERTY

This is included in the Appendix because it does not touch on the civil rights that were the focus of this thesis. The property laws hardly affected the houses in the camps, but rather referred to Palestinians owning property outside of the refugee camps.

Before 1969 there was no legislation regarding foreigners' rights to property, as Lebanese law had initially been very liberal in relation to this.⁵⁷² In 1969, however, Palestinians were included in Decree no. 11614, which stipulated the nature of non-Lebanese property rights in Lebanon. According to the decree, foreigners must file an application to the Minister of Finance who would pass it on to the Council of Ministers in the government. They then may or may not grant a property license. The decisions were not subject to appeals, and here is a good example of the way that individuals and policies determined the status of the Palestinians more than the legislation itself. Decree 11614 also barred foreigners from owning property within three kilometres from Lebanon's borders, and stipulated the maximum size of the property according to the nature of the area.⁵⁷³ Property licenses exceeding 5,000 square metres could not be granted to 'single' foreigners (meaning a family); whereas companies may be granted ownership over areas that exceeded these limits. If this happened, there were strict limitations as to who could sign on as owners of the company.⁵⁷⁴

According to the Ministry of Finance, Palestinian property outside the camps in 1993 formed one quarter of foreigner's property in Lebanon, or 0.00001 percent of Lebanon's total area.⁵⁷⁵

The second law influencing Palestinian property rights was Law 296 from 2001. This law was an amendment to Decree 11614, and cancelled all the rights of Palestinians to own property. After repeating Decree 11614's condition that foreigners need apply for licenses, the law reads:

'A person not enjoying a nationality from a recognized state is not allowed to acquire any real right of any kind. This applies also to others if the acquisition is incompatible with the Constitution's clauses regarding the rejection of the refugees' settlement.'⁵⁷⁶

This amendment did not only in its text and nature ban Palestinians specifically from owning property in Lebanon; it also caused Palestinians who had bought property on instalment before April 5, 2001, but who had not registered it since the payment was not completed, to lose the property. This way, some 5,000 families lost property that they had paid for.⁵⁷⁷ This inspired deputies and lawyers to protest, and the Minister for Justice, Samir al-Jisr, published a memo ordering employees to allow Palestinians to register before implementing the new law:

⁵⁷² Sayigh 1988, 17.

⁵⁷³ *Marsûm raqm* 11614. Al-Natour 1997, 372f.

⁵⁷⁴ Al-Natour 1997, 373.

⁵⁷⁵ Al-Natour 2003, 53.

⁵⁷⁶ Law n. 296, Article one-new, Official Gazette issue n. 15, 2001.

⁵⁷⁷ Al-Natour 2001, 11.

'...it is the right of Palestinians who have paid for their real-estate properties, before the new law, to register if they have the necessary appropriate documents.'⁵⁷⁸

The amendment was a discrimination of Palestinians based on their national origin, which violated the ICCPR's fourth article (see Chapter 5). In addition, several politicians interpreted the law as being unconstitutional on the grounds of being discriminative. On April 20, 2001, ten deputies representing different parties appealed to protest the amendment. The parties represented included the PSP, Hizbollah, the Nationalist Syrian Social Party, the Hariri bloc, and the Arab Socialist Ba'ath Party.⁵⁷⁹ This law, then, was one of the few which received collected protests cross-politically.

⁵⁷⁸ Al-Natour 2003, 65.

⁵⁷⁹ Al-Natour 2003, 67.

APPENDIX 3

The Palestinian refugee camps in Lebanon

CAMPS IN 1961

LEBANON REFUGEE CAMP PROFILES

CAMP	NUMBER OF REGISTERED REFUGEES
Dekwaneh Camp	4,731
Burj el Barajneh Camp	6,178
Jisr el Pacha Camp	1,451
Mar Elias Camp	472
Shatila Camp	4,065
Dbayeh Camp	2,251
Nahr el Bared Camp	7,806
Biddawi Camp	3,875
Gouraud Camp	3,335
Wavell Camp	2,582
Buss Camp	4,237
Rashidieh Camp	2,509
Burj el Shemali Camp	5,259
Nabatieh Camp	3,037
Ein el Hilweh Camp	13,312 (plus 274 unofficially registered)
Mia Mia Camp	2,003

Source:
UNRWA 1961, *Activities in Lebanon*, pp. 27-34

CAMPS IN 1989/2005

LEBANON REFUGEE CAMP PROFILES

CAMP	NUMBER OF REGISTERED REFUGEES
Mar Elias	612
Burj el-Barajneh	15,484
Dbayeh	4,002
Shatila	8,212
Ein el-Hilweh	45,004
Mieh Mieh	4,473
El-Buss	9,287
Rashidieh	25,745
Burj el-Shemali	18,625
Nahr el-Bared	30,439
Beddawi	15,641
Wavel	7,551
Dikwaneh & Nabatieh (destroyed camps)	16,282
+ 9,595 refugees distributed throughout the camps.	

Source:

**UNRWA: Lebanon Refugee Camp Profiles, at URL <http://www.un.org/unrwa/refugees/lebanon.html>
(downloaded 27.03.2007)**

APPENDIX 4

ADDITIONAL QUOTATIONS

Related to Chapter 6: Lebanese Attitudes and Statements Regarding the Palestinian Refugees

A) Jean Malhat, 1951

Jean Malhat, collection of ministerial declarations, 81f, in al-Natour 1993, 38 (referred to on page 81). *The statement read:*

‘Le gouvernement libanais s’associe aux gouvernements des pays frères dans toutes les dispositions qui visent à contenir les dangers qui pèsent sur la Palestine. Il a apporté sa contribution aux aides décidées par la Ligue arabe, a fourni des munitions et des armes. (...) Le Liban ne pouvait pas faire moins dans le domaine humanitaire et matériel. Il a accueilli des dizaines de milliers de réfugiés, a soignés les blessés et les a traités avec respect. (...) Le gouvernement veille à leur santé, leur assure logement et nourriture. Il leur apporte toute l’aide et l’assistance nécessaire.’

B) Kull-Shay, 1951

“The Arab refugee problem. How it can be solved”, 1951, 25. From the newspaper Kull-Shay (referred to on page 83). *The statement further read:*

‘Who brought the Palestinians to Lebanon as refugees, suffering now from the malign attitude of newspapers and communal leaders, who have neither honour nor conscience? (...) The Arab States, and Lebanon amongst them, did it! Does not Lebanon share in the common responsibility for their fate? But when she is asked to shoulder the burden of the outcome of her participation in a political and military misadventure [the 1948 war], some newspapers and certain groups hasten to foretell calamities and disasters.’

C) Prime Minister Karami, 1969

International documents on Palestine 1969, 580 (referred to on page 85). *Interview Statements by the Lebanese Prime Minister Karami on Lebanon’s Policy as Regards Israeli Threats:*

‘...once a people decides to take up arms to defend their rights nothing in the world can stop them. I have said before and I now repeat, that the Palestinian resistance fighters deserve our admiration and respect.’

D) President Sarkis, 1981

International documents on Palestine 1981, 27 (referred to on page 87). *Speech by President Sarkis:*

‘If the Palestinian cause has its sacred inviolability, the sanctity of Lebanon’s unity, security, sovereignty and independence is obviously second to the sanction of no other cause. Here our disappointment and bitterness when some behave as if it were permissible, in their view, to jeopardize values, principles and rights relating to Lebanon in the process of defending or settling another issue. (...) But how long must Lebanon continue to suffer, how long is it permissible for Lebanon to suffer, on behalf of others?’

E) Khalil Makkawi, 2006

The former PLO spokesman Salah Salah and the director of a committee of Lebanese-Palestinian dialogue established in 2005, Khalil Makkawi, explained the situation of the 1991 committee (referred to on page 89). *Here follow an extract of my interview with Makkawi, 10.03.2006.*

Maria Reme: Mr. Salah told me that they gathered some of the heavy weapons and handed them to the army –
Khalil Makkawi: Correct.

MR: He said all the heavy and medium weapons, and the army said they could keep the light ones inside the camps –

KM: Correct.

MR: And then they postponed the meeting and Mr. Salah never heard from them.

KM: In my personal view, the Syrians did not want a deal, because most ‘Arafat and Fatah were dominant in Lebanon. Maybe Syria did not want a deal that ‘Arafat was involved in. In one way or other, maybe they torpedoed the negotiations.

MR: Salah also told me that all the parties seemed pleased with the talks, and then it just...

KM: ...fizzled away. Of course, you cannot point at one thing and say ‘that’s why it failed.’

MR: But it was set up to deal with the problems?

KM: Correct. But it did not succeed.

APPENDIX 5

ADDITIONAL QUOTATIONS

Related to Chapters 7 and 8

All quotations are from Lebanese interviewees, unless otherwise noted.

A) On the subject of the confessional balance

The party secretary of the Progressive Socialist Party (PSP), CHARIF FAYAD, said, when I asked him about the situation in the first period:

‘There is a problem in Lebanon; it is the sectarian balance. You know most of the Palestinians are Muslims, so if they are integrated in the Lebanese society, they will raise the Muslim share in the government. And Lebanon is a small country. If the Palestinians have the right to have land and property, this will help them to change their stature, and they will be Lebanese. From one generation to one generation, they work; they marry; they raise children – slowly and slowly, they will become Lebanese.’⁵⁸⁰

He emphasized later that he and his party strongly supported granting the refugees civil rights, and that Lebanon should deal with the Palestinians as with ‘any other foreigner in Lebanon’:

‘We have more than 500,000 Syrians, working and living in Lebanon, and most of them are not legal. So why must we fear the Palestinians? No. They must have their civil rights. What shall an engineer do, if he has no right to work in Lebanon? Shall we force him to leave the country? Or shall we leave him in poverty, and illiterate?’

B) On the subject of the right of return

When I asked the Maronite MP and academic FARID EL KHAZEN why the refugees did not receive civil rights, he said:

‘What kind of rights do you have in mind? Citizenship? (...) You would end the cause. Israel would tell us okay, you solved our problem. This is what they are saying.’⁵⁸¹

When I defined civil rights as including work and education, he said that these rights were handled by UNRWA, and that Lebanon did not have the economy to deal with them.

*

I asked the researcher SIMON HADDAD whether he believed that granting the Palestinians civil rights would lead to their implantation, and he said that the issue was linked to the right of return, especially in light of the peace process of 1993:

⁵⁸⁰ Interview with Charif Fayad 27.02.2006.

⁵⁸¹ Interview with Farid el Khazen 14.03.2006.

‘The Lebanese government is keen not to do any act or any action that could be understood by the Israelis that they are willing to negate the right of return. That’s why the case of the Palestinian refugees is frozen. There is no progress, and no one is talking about the humanitarian and social side, they only talk about the political problem.’⁵⁸²

*

I asked the Palestinian SALAH DABBAGH about the right of return, and he said:

‘Yes, it is important, but the right of return does not mean that the refugees should be treated with substandard conditions.’⁵⁸³

C) On the subject of the belief that the situation was temporary

When I asked about the situation of the first period, KHALIL MAKKAWI said:

‘There was no issue except that it was not treated properly from the beginning, on the humanitarian level. If we had treated it properly from the beginning, maybe it would not have been compounded unto this turn for the worse. The Palestinians were not looked upon as a threat, they were seen as poor refugees in the camps, waiting for a solution. And Lebanon was doing what it could to help, with its means. But basically our help was on the political level, through the UN etcetera.’⁵⁸⁴

*

I asked TARIQ MITRI what issues were the most important in the first period. He said:

‘In the sixties, no one talked about this: It was a general assumption that they would go back to Palestine. And liberating Palestine, going back to Palestine, was kind of a general, undifferentiated perception. Things became more focused on when the peace process started, I think, and you knew that returning to 1948 Israel was not possible; that Palestinians are going to have a state on the West Bank and Gaza. And then, in conjunction with this turning point in the Palestinian history, then the issue of the future of the Palestinians in Lebanon became an issue. Before, I don’t think it was. Civil rights were an issue, but also less controversial and less acute than it is now, because I mean in the sixties, Palestinians had only been there for twelve or fifteen years, and they were in camps. There was a sense that all of this is provisional, that they will go back. So it’s only normal then, that they have a kind of precarious status. And they were first generation refugees. Now they’re second, third – in some cases fourth. There are people who were born here, who went to school here, who have no life elsewhere. So that is why it has become an issue, it was not in the sixties. (...) As far as I remember, before the war in the sixties [the six-day war], there was a kind of universal perception that this is altogether provisional. They’re going back, so why bother give them...? I think in the background there was always fear that they would disrupt the fragile communal balance.’⁵⁸⁵

⁵⁸² Interview with Simon Haddad 08.02.06.

⁵⁸³ Interview with Salah Dabbagh 15.03.06.

⁵⁸⁴ Interview with Khalil Makkawi 10.03.2006.

⁵⁸⁵ Interview with Tariq Mitri 07.03.2006.

D) On the subject of economic influences

The Palestinian lawyer SALAH DABBAGH said, in response to my enquiring after the state of Lebanon's economy:

'Lebanese emigrate. In general, this has been historical. We have no natural resources.'⁵⁸⁶

*

KHALIL MAKKAWI said, when I asked about the goals of the new committee:

'There is a list of so many demands. We have the very important issue of improving the lives of the Palestinians inside the camps. This means executing projects for the infrastructure, schooling, education, health facilities. All these projects need money. And Lebanon is already in an economic crisis. We strongly feel that this is the responsibility of the international community. UNRWA was created to help the Palestinians, and the burden should be shouldered by the UN. We are speaking with many donor countries to contribute more to UNRWA so that they can execute many vital projects in the camps.'⁵⁸⁷

E) On the subject of the war legacy

CHARIF FAYAD said, when I asked about his party's history with the Palestinians:

'We were allied with the PLO, because we think that the Palestinians have right to let their case live, and they must take over their case in their hands. But we were against their behaviour inside Lebanon.'⁵⁸⁸

He also said that the behaviour had grave consequences:

'This military stature deprived the Palestinians from being integrated in the Lebanese society, made them a military existence, not a civilian existence.'

*

I asked SIMON HADDAD what the greatest obstacles to giving the refugees civil rights were, and he said:

'Some, or many of the Lebanese do not have a positive memory or positive ideas about Palestinians in general, they are inclined to segregate them from the other groups in society. You can say it's discrimination, but it is somehow a justified discrimination for some groups, especially the Christians, and the Shi'a Muslims.'⁵⁸⁹

He emphasized later that he did not mean that it was justified to keep civil rights from the Palestinians.

⁵⁸⁶ Interview with Salah Dabbagh 15.03.2006.

⁵⁸⁷ Interview with Khalil Makkawi 10.03.2006.

⁵⁸⁸ Interview with Charif Fayad 27.02.2006.

⁵⁸⁹ Interview with Simon Haddad 10.02.2006.

FARID EL KHAZEN stated the following:

‘Once the PLO was established in Lebanon, Lebanon was involved in the Arab-Israeli conflict. You had Israel, you had Syria, you had Jordan, you had Iraq – and the PLO attracted all these forces into Lebanon. Not because of Lebanon but because of the PLO in Lebanon.’⁵⁹⁰

He emphasized the meaning of the weapons greatly, and stated that there was an inseparable link between the civil right or humanitarian situation of the refugees, and their weapons. He also linked the war legacy directly to the weapons and the humanitarian situation:

‘The problem here is that the Palestinian refugees in Lebanon, and refugees elsewhere - if we go by the same standard - there are no refugees anywhere in the world that carry weapons. So if the Lebanese Government wants to deal with the refugees as ‘refugees’, no doubt the refugees have rights and we have to give them these rights. But we cannot, on the one hand, accept the Palestinian argument that they are refugees one day, and the next day they are controlling areas that are inaccessible to the Lebanese Government.’

He claimed that the government undeniably would protect them once they gave up their arms. Farid el Khazen was the only one among my interviews who did not mention the confessional balance as a reason, nor did he directly answer when I asked whether civil rights would lead to *tawtin*. His main focus was the military status of the refugees, and he said that in order to debate civil rights, Lebanese and Palestinians must first create a climate of trust, and in order to do this, the situation of the weapons in the camps must be solved.

*

TARIQ MITRI suggested quite the opposite from el Khazen, when I asked him about the issues of the weapons and the civil rights:

‘There are those who say that these issues are not separable, but even though this is true, we want to separate the issues and deal with them independently. We don’t want to favour a logic of bargain – you give us this, we give you that. We want to be genuine, sincere, in wanting to address of the humanitarian situation – no matter what comes out of our dialogue about the arms. At least for some of us, that is the case.’⁵⁹¹

Mitri was part of an official delegation that visited the camps in 2006, and he also recounted his experience to me, related to the issue of weapons and the perception of their threats:

‘Even I, who have a history with the Palestinians – people told me ‘what the hell are you going to do there?’ I saw the Prime Minister before going to Sabra and Shatila, and an official there told him: ‘But this is a good minister, why are you giving him a one-way ticket?’ I told him ‘Come on...’ and he said ‘I don’t know – I don’t want you to take risks.’ I said ‘I’m not taking risks, don’t worry about me.’ But that’s the perception.’

Mitri did not go to ‘Ayn al Hilweh, but his visits in Sabra, Shatila and the camps of Tyre were positive experiences of some importance, and the camp dwellers were ‘pleased to see them’.

⁵⁹⁰ Interview with Farid el Khazen 14.03.2006.

⁵⁹¹ Interview with Tariq Mitri 27.03.2006.

I asked the Palestinian SALAH SALAH about the state of the weapons, and he said:

'I think up to now, you cannot find weapons in the hands of everybody. You find it only in the hands of the Armed Struggle, which is the Palestinian police, and with some people who are guarding their offices, or offices to some Palestinian factions, not more. (...) Those who are speaking about Palestinian weapons outside the camps and inside the camps, they are exaggerating. It is not real! There are no weapons outside of the camps. And even inside the camps, it has been well organized since 1991. (...) Maybe there are some accidents here or there – it is normal, it happens anywhere. In the United States you can find weapons here and there, everywhere! So, I think this problem has been resolved since 1991.'⁵⁹²

F) On the subject of the Syrian influence

When I asked TARIQ MITRI what his views were that Syria controlled the government and the camps until 2005, he said:

Tariq Mitri: 'To a great extent it's true. Syrians have always played one against the other in Lebanon, so that they would be looked upon as the supreme arbitrator. Different groups were encouraged to come to Damascus as a last resort – and in order to become a last resort, you need to create dispute. I think was a pattern of Syrian behaviour, and it's true of Lebanese-Palestinian relations. But you also have to consider the Lebanese themselves. Especially the Christians and the Shi'ite Muslims, who have had unhappy experiences with the Palestinians, were not prepared to deal with them in a fair, just, reasonable, peaceful manner. (...)'

Maria Reme: 'Perhaps the Syrians encouraged this treatment and the Government did not feel the need to argue?'

Tariq Mitri: 'Very little.'⁵⁹³

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We saw that KHALIL MAKKAWI explained that the demise of the 1991 committee was caused by Syrian influence, and he also said that the committee that he was heading was able to deal with such issues because Syria had left:

'It is only after the ousting of the Syrian military presence of Lebanon that Lebanon became free to look at this issue. And that's why the committee exists and that's what we are doing now.'⁵⁹⁴

He later added that the Syrian withdrawal was not the only reason for the committee:

'Lebanon's new government thought that the time has come to face this challenge that has been dragging on for so many years without a proper solution. Because of the withdrawal of Syria, our job will be easier because there will be no interference with what we want.'

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HAIFA JAMMAL was the human rights officer at the Norwegian People's Aid, and when I asked about Syria controlling Lebanon and causing the problems, she said:

⁵⁹² Interview with Salah Salah 10.02.2006.

⁵⁹³ Interview with Tariq Mitri 27.03.2006.

⁵⁹⁴ Interview with Khalil Makkawi 10.03.2006.

'I agree a little bit from a different point of view. (...) The Syrian government was in control of the situation in Lebanon. And if they had made the decision to improve the situation of the Palestinians, they could have done so. They could. But they didn't. (...) They didn't encourage the Lebanese government to improve. Already the situation was not good, but they didn't encourage them.'⁵⁹⁵

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While discussing the relations and cooperation between the Palestinians and the Syrians, which FARID EL KHAZEN deemed extensive, he asked me to inquire about this from Palestinian officials, and insinuated that they never wished to speak about this.

Former PLO official SALAH SALAH claimed that Lebanon focused on Syria and the Palestinians in order to have an excuse for the situation:

'They use it for political reasons. First, they want to say 'okay, the Syrians have withdrawn'. But their representatives the Palestinians are still there and still working for the interest of the Syrians. Second, they want to say 'okay, Palestinian weapons are a part of the weapons of Hizbollah. They want to make a link between the weapons of the Hizbollah and the Palestinian ones, to prove how dangerous the weapons of Hizbollah are.'⁵⁹⁶

Palestinian lawyer SUHEIL AL-NATOUR put it this way:

'The negative manipulation of the human rights of the Palestinians began since our arrival, and Syria was not here. What the Government uses as reasons, let them. What we are living is a continuous deterioration, with or without the Syrian presence.'⁵⁹⁷

G) On the subject of the distinctions of the Lebanese society

KHALIL MAKKAWI claimed that the political system of Lebanon mattered to a great deal:

'In Syria and Jordan there were dictators. They were not allowed to behave there the way they did in Lebanon. The proof of this was Black September. So why the Palestinians were treated differently here is also because of the different system – in other Arab countries they are not allowed to behave in this manner. This is very important.'⁵⁹⁸

Relating this to the war legacy, he believed that the negative image the Lebanese had of the Palestinians may have been avoided if they had not been allowed to behave in the manner they did during the war.

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TARIQ MITRI confirmed that there were anti-Palestinian feelings, but also said that there were anti-Syrian feelings:

⁵⁹⁵ Interview with Haifa Jammal 10.02.2006.

⁵⁹⁶ Interview with Salah Salah 10.02.2006.

⁵⁹⁷ Interview with Suheil al-Natour 07.03.2006.

⁵⁹⁸ Interview with Khalil Makkawi 10.03.06.

'Lebanese have developed a sense of being the 'best Arabs'. It was always the most Westernized, and therefore they looked down on other Arabs. They looked down on Africans because of the history of emigration there – they went, made money, and came back – took people's fortunes. So there is a history of having a sense of superiority over other Arabs, which plays against the Palestinians. While in Syria or Jordan the Palestinians were the same as the Syrians.'⁵⁹⁹

Mitri emphasized that this was not one-sided or complete. Lebanon's people may feel superior, but it was mixed with an openness and hospitality towards others:

'We were better than Sweden when it came to welcoming Kurds, and Armenians, and Syrians. They have been integrated. We welcomed the Palestinians when they came in 1948. On the one hand we welcomed the influx of peoples. It's a mix, it's ambivalent, it could go either way.'

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Phalange party member Joseph abu Khalil said the following about the distinctions of modern Lebanon in the Middle East:

'L'objectif était de créer en Liban un état de droit. Ça veut dire un pays de liberté; à tous les niveaux; démocratique. (...) Surtout, la liberté de croyance. (...) C'est unique au Moyen-Orient. (...) Le Kata'ib s'ont fait pour soutenir ce projet d'état.'⁶⁰⁰

⁵⁹⁹ Interview with Tariq Mitri 27.03.2006.

⁶⁰⁰ Interview with Joseph abu Khalil 23.03.2006.