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Refugees feature: Palestinian refugees - a legacy of shame

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Hundreds of thousands of Palestinian refugees in Lebanon live in overcrowded refugee camps, struggling to fulfil basic human needs. They do not have the right to work in dozens of professions or to receive social security. They do not have the right to own or inherit property. To this day, the international community has failed to find an adequate, durable and sustainable solution to their problem and that of the millions of Palestinian refugees scattered around the world. For over 50 years, they have been excluded from the international system for the protection of refugees.

Palestinians were forced to flee or were expelled from their homes and lands at the time of the establishment of the State of Israel in 1948 and again when Israel occupied the West Bank and Gaza Strip in 1967. Many of them took refuge in Lebanon, where they remain today, together with their descendants. There are today about 400,000 Palestinian refugees in Lebanon and the majority of them live in refugee camps run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Some of the Palestinian refugee camps in the south of Lebanon might easily be mistaken for military zones. The camps are isolated from the outside world by fences and are guarded by Lebanese soldiers that control and vet access to and exit from the camps. Once you pass the Lebanese soldiers, another layer of armed soldiers, this time Palestinians, is in place. Many armed political factions compete for control of the camps and factional fighting is a common feature of life in some of the camps.

Life inside the camps is harsh. Additional rooms have been added to existing buildings, often to the detriment of the narrow alleyways between them, often blocking the sun. The sight of sewage waters in the streets of a camp is commonplace. Palestinian children have to learn to live in this environment, for this may be the only home they will ever have. And they are the lucky ones when compared to the thousands of Palestinian families who live in "unofficial" camps.

Jal al-Bahr, near Tyre, is one of those camps. It is a make-shift camp, made of mud, bricks and corrugated iron sheets. Its location on a thin strip of land bordered by the sea and a highway makes it particularly dangerous for children. It has no school, clinic, sewage, or running water. Its population of approximately 1,200 people could not find a place in one of the "official" camps.

Lebanon has repeatedly stated that it will not accept the permanent settlement of Palestinian refugees in Lebanon and that their presence in the country is temporary. The Palestinians' right to return is clearly recognized and upheld in international law. However, over 50 years have already elapsed since the start of the Palestinian refugee problem and the right to return has yet to be realized.

According to UNRWA, the hundreds of thousands of Palestinian refugees in Lebanon have the highest rate of people living in "abject poverty" of all the Palestinian refugee communities they serve.

When Palestinians venture out of the camps to look for work, they are hit by laws that discriminate against them. Lebanese law restricts dozens of professions to Lebanese nationals. The Lebanese government applies a policy of reciprocity of treatment when it comes to granting work permits; it will grant the right to work to foreign nationals to the extent that their state grants the right to Lebanese nationals. Palestinians are at a particular disadvantage in relation to other foreign nationals as they do not have a state that could provide reciprocal treatment to Lebanese nationals.

The Popular Committee, an administrative committee representing different political factions in the 'Ayn al-Hilwah camp, Lebanon's largest Palestinian refugee camp, says that the rate of unemployment is 80%. It mainly attributes this to laws discriminating against Palestinian refugees in their ability to seek work. For example, a Palestinian cook; accountant; medical doctor; hairdresser; pharmacist; engineer; concierge or lawyer is unable to practice their profession legally in Lebanon. Until there is a recognized Palestinian state or until the Lebanese government amends its laws, Palestinians will continue to be denied one of their most fundamental economic, social and cultural rights – the right to work.

As for the living conditions in the camps, it is currently not possible to carry out any construction of new camps to host the new generations of Palestinians. Furthermore, construction and redevelopment inside the existing camps in the south of Lebanon, where the largest camps are situated, is prohibited.

Not being able to own property in Lebanon is a further hindrance – the law currently bars Palestinians from owning real estate. Lebanese law also bars them from inheriting any property or registering property that they had already bought, or were in the process of buying, at the time the law was issued. The law does not explicitly target Palestinian

refugees, but bars those who are not "bearer[s] of nationality of a recognized state" from owning property; in practice, this means only the Palestinians.

The Lebanese Prime Minister, Rafiq Hariri, admitted that the current ban on the right of Palestinians to own property in Lebanon was "unjust". When speaking on the subject last October, he made clear that "the time was not right to grant Palestinian refugees such rights", indicating that such bans might be lifted one day. The Prime Minister made his statement on the occasion of the withdrawal of a draft parliamentary bill that would have amended a 2001 law that effectively bars any Palestinian from owning or inheriting property in Lebanon. However, he did not clarify when the "unjust" ban would be lifted. Until then, Palestinian refugees are compelled to remain confined to a dozen camps scattered around Lebanon.

These camps are restricted to small areas of land and struggle to support an ever-growing population. Palestinian refugees have little choice than to live in often very poor living conditions. This is in violation of another fundamental right – the right to an adequate standard of living.

Jordan, Lebanon, and Syria have the largest Palestinian refugee populations. Those in Lebanon probably suffer the most out of these three communities. For them, the pain associated with the loss of their homes, the decades of exile in foreign countries is aggravated by a policy of systematic discrimination against them.

Lebanon is a country with a small population and very diverse ethnic and religious communities. It has suffered through a long civil war and severe sectarian tensions, to which the Palestinians were inextricably linked. The involvement of Palestinian factions in the civil war is cited as one of the main reasons why Palestinians are the victims of discrimination in Lebanon. This does not excuse the systematic discrimination against them or the violation of their fundamental human rights.

Lebanon's discriminatory practices against Palestinians violate international human rights law; they are in violation of its obligations under the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of Racial Discrimination and Convention on the Rights of the Child. Lebanon should end all forms of discrimination against Palestinian refugees in Lebanon. It should provide them greater access to work in different professions and give them access to social security. It should give them the right to own and inherit property. It should end all restrictions on construction and development works in existing camps. Only then may Palestinian refugees in Lebanon enjoy an adequate standard of living.

If permanent settlement is not the solution for Palestinian refugees in Lebanon, this does not mean that intermediate, adequate solutions that protect their fundamental rights should not be sought.

The legacy of shame about the treatment of Palestinian refugees goes beyond Lebanon. The international community has consistently failed them. While the United Nations has entrusted UNRWA – whose budget depends on donations of UN member states – to provide assistance for Palestinian refugees within its area of operation, UNRWA is encountering ever increasing difficulties in meeting the needs of an expanding population with a budget that cannot cope with these needs.

The lack of adequate assistance is only one of the failures of the international community towards Palestinian refugees living in UNRWA's area of operation. Unlike other refugees, they are not protected by the 1951 Convention relating to the Status of Refugees or the United Nations High Commissioner for Refugees (UNHCR). Both the 1951 Convention and the Statute of UNHCR exclude Palestinian refugees from international protection.

Ironically, like the Lebanese law barring them from owning property in Lebanon, the Convention and the Statute do not explicitly exclude Palestinian refugees; rather, they exclude anyone who receives assistance from other organs of the United Nations. Here again, Palestinian refugees find themselves singled out.

In 1948 and 1967, Palestinian refugees were expelled out of their homes by force. Today, they are scattered in dozens of countries in the Middle East and around the world. They continued to suffer like they have for over 50 years, not just because of their exile, but most importantly due to a lack of political will at the local and international level to end their predicament.

The international community has failed to provide adequate, durable and sustainable solutions to the Palestinian refugees and, in the meantime, has failed to provide adequate protection and assistance. Member states of the United Nations should expand the international system for the protection of refugees to include Palestinian refugees and should provide adequate funding for assistance provided by UNRWA that will guarantee that Palestinian refugees enjoy their fundamental rights.

The international community should also make serious efforts to provide an adequate, durable and sustainable solution for the Palestinian refugee problem. Action is long overdue.

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