
Narrow scope for Palestinian rights in Lebanon

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Title: *Narrow scope for Palestinian rights in Lebanon*

First Published: March 2014

Cover Image: Palestinian refugee girl at Ain al-Hilweh Camp, Lebanon.
Image by Ali Hashisho /Reuters

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London, NW10 7PN

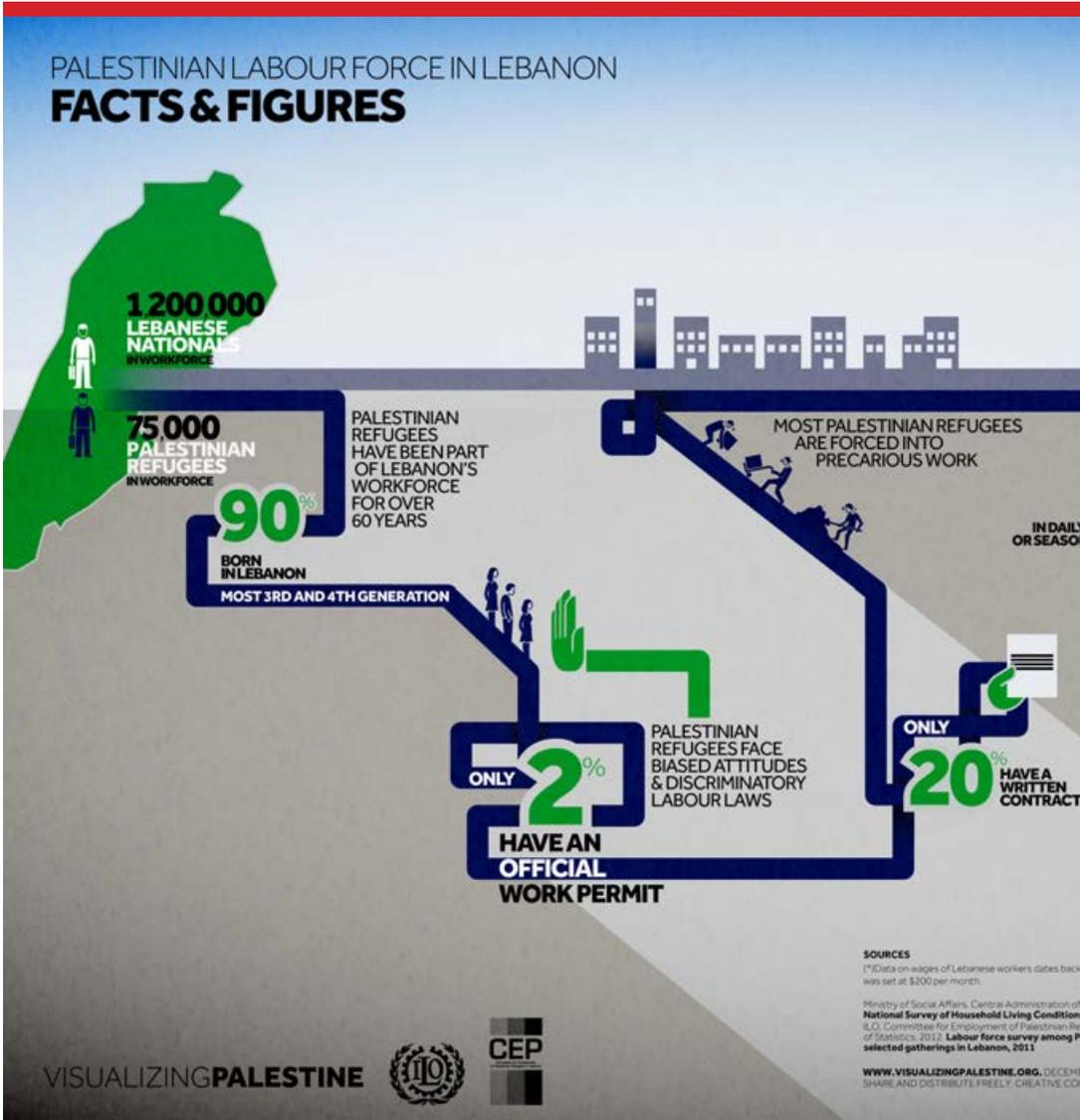
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[Image: <http://visualizingpalestine.org>]

Lebanon's legal discrimination awaits the thousands of Palestinians fleeing Syria

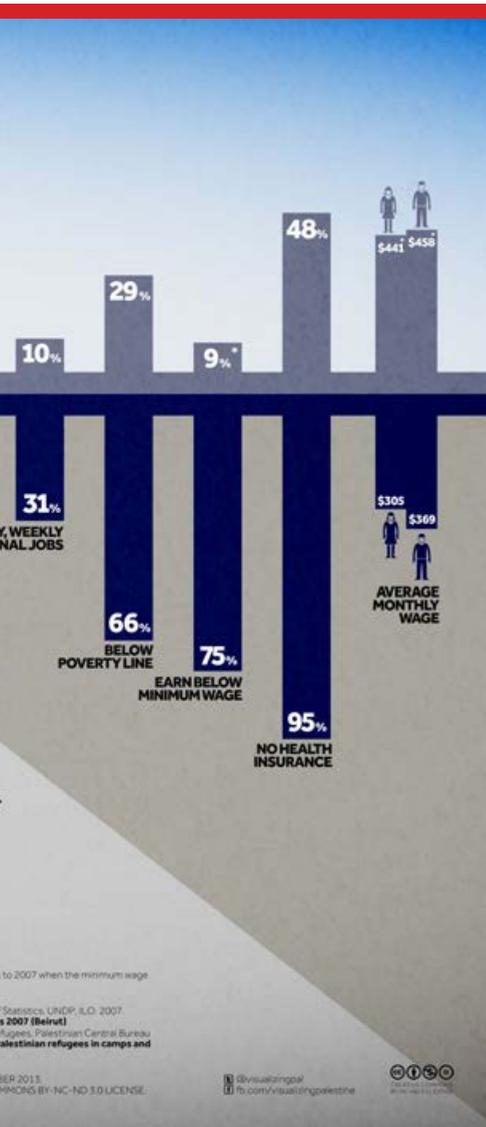
It seems to be the official message from Lebanon that Palestinians have long overstayed their not so pleasant stay. Testing times ahead for Lebanon, then, with the difficult accommodation of an extra 960,009 refugees, internal delicate sectarian make-up and

Hezbollah's involvement in the neighbouring crisis; the Palestinians, it seems, will be faced with more discrimination than ever.

Having hosted Palestinians over the past 60 years, Lebanon maintains a seclusionist discourse about them with regards to their right to own property as well as their access to official labour markets and social security and other benefits. They are "disqualified" due to a highly strategic set of principles aimed to block any endeavour to improve their situation and build a future for themselves in Lebanon. MEMO met up with a range of NGOs and human rights experts to decipher the fault lines behind Palestinian seclusionism, and its manifestations on the ground in access to, and condition of, employment for refugees.

Representing 10 per cent of Lebanese society, the Palestinians' new forced displacement from Syria will exacerbate the situation, but will they be gaining more leverage to fight for their rights? Or stir up deeply-rooted fears of permanent settlement in their host country, eliminating any hopes for a dignified future in Lebanon?

Palestinians found solidarity in neighbouring countries as they sought shelter following the 1948 creation of Israel on their land, the 1967 Six-Day War and their expulsion from Jordan following "Black September" in 1970/1. Recent events in Syria have seen Palestinian refugees



targeted by all sides in the conflict: they have been starved to death and besieged in Yarmouk Camp, defenceless, stateless communities used as leverage in a dirty war. Palestinians are now lucky if they are even able to flee, and this time around are finding solidarity in short supply as they face border restrictions, bureaucracy and expensive residence permits.

Fillipo Grandi, the outgoing Commissioner-General for the UN's sole aid agency for Palestinians, UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East), emphasised at a recent conference that despite these atrocities, countries have not welcomed Palestinians, and most have restricted access for them in particular. Mr Grandi commented on the tight restrictions for Palestinians to escape, and the conditions with which they are faced as refugees, once again: "Unfortunately, it may not be until the guns fall silent, and we realise fully the price paid by the ordinary people, that we will also realise the extent of our shared loss, and the magnitude of our shared shame," he said.

*441,543
Palestinian
refugees
registered with the
UN in Lebanon*

Discriminatory directives

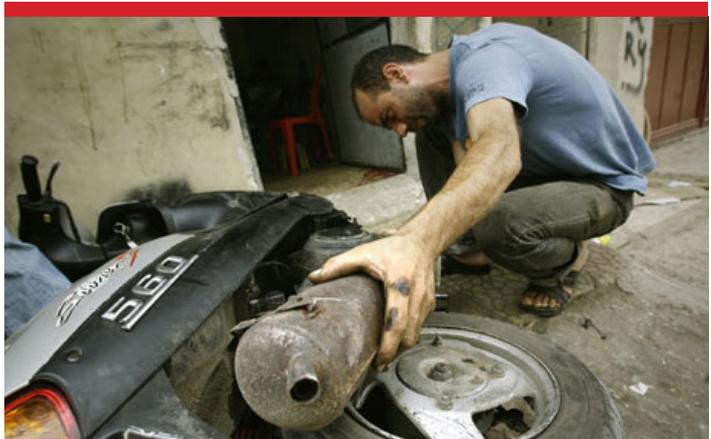
The 441,543 Palestinian refugees registered with the UN in Lebanon ([UNRWA, 2014](#)) are facing discriminatory laws and employment regulations obstructing the conditions for development of their community. An estimated 75,000 Palestinians are included in the Lebanese workforce, 75 per cent of whom earn below the minimum wage, mostly living below the poverty line with no health insurance or social security.

Recently, the media highlighted the issue of employment access in connection with 20 year-old Iqbal Al-Assaad, the young Palestinian woman who became the youngest doctor in the world last summer. Born and raised in the Bekaa refugee camp in Lebanon, she is unable to contribute to her own home country, or her host country, so her career move took her to the US. Lebanon prohibits Palestinians from working in over 70 professions, of which medicine is one, except within the refugee camps. The prohibitive legislation only applies to Palestinian "foreigners" in Lebanon; protectionist syndicate regulations combined with a lack of labour

regulations and the implementation of the few that exist, makes Palestinians an unnecessary burden for the Lebanese.

UNRWA spokesman Christopher Gunness emphasised how the legal status surrounding refugees' right to work has contributed to their continued marginalisation in Lebanon. "Reducing this marginalisation helps Lebanon's stability," he argued. According to Gunness, apart from enriching the country with their skills in the workforce, giving them the right to work and easing their hardship would also serve to make refugees less vulnerable to exploitation by third parties.

The lack of job opportunities and decent work is intensifying a vicious cycle of impoverishment, insecurity and discriminatory conditions that Palestinians are forced to endure. Refugees by international definition, but "foreigners" by official decree, Lebanon accommodated Palestinians in twelve



[Image: The Guardian]

UNRWA-funded camps, placed strategically around areas in need of a cheap and unregulated workforce such as Beirut and Sidon. On Lebanese soil the Palestinian refugees are provided for and more or less "hosted" by UNRWA in terms of education, health care, housing and social services. With the current influx of Palestinian "double refugees" from Syria, for whom UNRWA remains the sole UN agency, it is estimated that Palestinians within Lebanon now make up around ten per cent of the total population.

However, only 53 per cent of Palestinian refugees are accommodated in the twelve over-populated camps, which have poor infrastructure, leaving the rest to join unofficial "gatherings", wherein UNRWA services are of little or no avail due to the

agency's mandate which limits its operations to the official camps. This creates deficits in education, higher education and vocational training, making a bad situation even worse.

Historically, there has always been a tradition of separatism by Palestinians in Lebanon, to the apparent benefit of both parties. The Palestinians are able to maintain political pressure for their right to return to their homeland, while the Lebanese fear permanent settlement if they become too integrated. The predominantly Sunni Palestinians could also tip the balance of the already fragile sectarian make-up of Lebanon.

According to Nadim Houry, the MENA deputy director of Human Rights Watch, the regulations governing Palestinians in Lebanon carry with them the hangover from this history. Labour Law used to be the main problem for any foreigner but it was amended a few years ago for general employment, which made it easier. "However," he stressed, "it is still not clear about the benefits, and on the practical side there is not much difference."

HRW deals with human rights in the context of the law but, as Houry mentions, "I become more and more aware of how implementation of these laws is the major problem with employment for Palestinians." Palestinians do get work, but mainly in the informal sectors. HRW focuses on legal issues but structural issues sometimes take precedence, such as the Lebanese economy. Most Lebanese employers can, if they want, pay the same salary to Palestinians as they pay to their Lebanese employees. The structure within the labour market is not regulated via labour law; there is simply no strong employment deal to protect labourers or any social security, especially in the precarious and unofficial sector in which Palestinians are forced to operate.

Houry said that the case of the syndicate law required a lot of effort over the past 2 or 3 years but there has been little movement on any policy. The Lebanese-Palestinian Dialogue Committee (LPDC) tries to be a generator for ideas, but it seems that the political climate is not in place to push for change. He believes that

“the inherent” story is repeating itself, as not even parties usually allied with Palestinians’ rights have championed a Palestinian rights law in Lebanon. In any case, says Houry, all responsibility for human rights within Lebanon lies with the Lebanese government, including Palestinian rights.

Property law in Lebanon limits ownership to citizens of the state. In 2001 a law was passed to exclude all Palestinians specifically from being able to own any property in the country. Unjust and unjustified, this law was approved with some resistance from the LPDC, an inter-ministerial government body which, despite its nominal representation, is not in actual “dialogue” with Palestinians; no Palestinians are, evidently, able to be employed or are being consulted within this mission. The committee’s job, vis-à-vis the current legislative and social status of Palestinians, is to conjure up some kind of debate on their standing in Lebanon, but practically it is demoted to implementing current government policies, however discriminatory they might be. Mr Houry emphasises this as the “really big problem” as it is against human rights. Prohibiting Palestinians from owning any property also “hinders them from bequeathing the wealth needed to pull families out of poverty.”

Sect and religious conviction remain important factors within the Lebanese Parliament, which is divided over granting of rights to Palestinians. While many Lebanese parties call for improving the civil rights of Palestinian refugees, others raise concerns about naturalising the mainly Muslim population demographic and the potential disruption this could cause for Lebanon’s fragile society.

Since Hezbollah’s fighting role in Syria was revealed the Lebanese state security forces have been bolstered to tackle potential consequences within Lebanon. These have already been played out in the Shia-dominated Beirut suburb of Dahieh and in Hezbollah strongholds in South Lebanon. The Alawite Assad government in Damascus attracts many supporters from fellow sect-members, as well as other Shia, including Hezbollah.

Many Palestinians in Lebanon believe that Hezbollah is different

from the rest of the country's political parties. Respected for its opposition to Israel, camp residents point to the group as the most recognised and recognisable party, the relationship enhanced further by the hospitality and support given by Hezbollah to Syrian-Palestinian refugees. However, with regards to its direct engagement in Syria, Palestinians remain divided.

Within Lebanon's 12 refugee camps, security systems are in place independent of the rest of the Lebanese Internal Security Forces. In times of sectarian crisis, however, Palestinians are vigilant about how political parties could use them to advance their own cause.

Conditioning human rights on Palestinians' political settlement

According to the CEP (Commission for Employment of Palestinian Refugees in Lebanon), the issue of Palestinian employment in Lebanon is a politicised, taxonomic one. Classified as "foreigners" rather than refugees, Palestinians are consequently excluded from refugee rights and support from the Lebanese government. There are only a few provisions in Lebanese law that deal specifically with the half-a-million Palestinian refugees within the country. Largely originating prior to the 1948 mass displacement, these regulations ignore the refugees' volatile situation. As "foreigners", for example, Palestinians can only enjoy employment rights and suchlike on condition that Lebanese citizens can enjoy the same rights in the home country of the "foreigners", which effectively excludes the stateless Palestinians from getting any rights at all.

From a political angle, impediments stem from a general dismissal of the notion of a Palestinian community within Lebanon. Political discourse on Palestinian rights, for example to own property or have a job, is believed to be the way to arrive at an inescapable and undesired permanent integration of Palestinians into Lebanese society. There is, furthermore, a tendency amongst Arab leaders to use the collective demonisation of Israel, vis-a-vis the continued statelessness of Palestinians, as a tool to evade responsibility for the marginalisation and discrimination of the almost half a million Palestinians in Lebanon. The camp residents and their miserable conditions within it are thus camouflaged as an important aspect of "political pressure" on Israel and the international community to

*Lebanon's 12
refugee camps
have security that
is independent of
Lebanese Internal
Security Forces*

address the issue, whilst the responsibility for their current rights are pushed into the blame-game of a broader political conflict, or simply go uncared for and unaddressed.

This deceptive link between employment rights and permanent settlement, and thus the release of political pressure on Israel, is contrary to the principles of human rights but it works comfortably for the Lebanese. Basic human rights for Palestinian refugees should never be “conditioned on or linked with the political process of a final solution to their plight,” a recent CEP report stated.

UNRWA's Chris Guinness emphasises a similar point about improving the Palestinians' living conditions in a way that this is independent from and not in any way linked to settlement in Lebanon. “They have the right to enjoy decent human living conditions pending a final solution to the refugee problem,” he insists.

The legislative scope for Palestinians' rights in Lebanon is equally flawed by the previously mentioned principle of reciprocity of treatment. Bearing in mind the stateless situation of Palestinians, this bilateral arrangement or professional authorisation is, self-evidently, unattainable.

A legislative “advance”

On 17 August 2010, the long-anticipated Law 129 amended Article 59 of the Labour Law revoking two major obstacles to Palestinians and access to employment in Lebanon: the former “work permit fee” required only for Palestinian “foreigners” in the country, and the “principle of reciprocity”. However, almost four years later neither change has been seen in practice.

Jaber Suleiman, a specialist on Palestinian rights in Lebanon and an independent UN consultant, confirmed to me that there are several issues concerning the amendment of labour law, and Law No. 128 amending Article 9 of the Social Security Law in particular, as the amendments were ambiguous and did not go into sufficient detail in response to the scale of the problem. “The amendments maintained the work permit requirement for Palestinian workers,

continuing to treat them as foreigners under the law despite demands to abolish this requirement as was done for Syrian workers.” Palestinians are still disqualified in many professions including medicine, law and engineering, due to the continuing application of the “principle of reciprocity”. Thus, Jaber concludes, “Palestinians are only allowed to do manual and clerical jobs provided that they obtain a work permit.”

It has been several years since the Lebanese parliament adopted these amendments to the labour code which only allowed Palestinians to work in well-defined professions. Since then, there have been two attempts by two different ministers of labour (Messrs Harb and Nahas) to implement the law. Guinness pointed out that, as both attempts proved unsuccessful, “two years down the road, all obstacles to implement the law are still there.”

The amendments also technically allow Palestinian workers subscribed to the Social Security Fund to receive the end-of-service insurance, whereas before they used to contribute to the Fund without receiving it. Sulaiman explained that “amendments still exclude Palestinian workers from the benefits of the family allowance fund and maternity sickness fund, even though they are obliged to pay their contributions to these funds”; thus is discrimination against Palestinian workers sustained.

Laws No. 128 and 129 have not been implemented as they are pending a decree by the minister of labour. “No one knows when this decree will be issued,” said Suleiman as he explained how the Lebanese legislature has circumvented the rights of Palestinian refugees to work as well as deferred negotiations indefinitely on their right to own property, linked falsely to Lebanese fears that Palestinians might be settle in their country. He rationalised this “in the light of Lebanon’s changing national priorities and the absence of a national consensus around fundamental issues such as the Special Tribunal investigating the Hariri killing and the role of the Lebanese resistance” which means that “the Palestinian issue is not a priority.” At best, it is a subject of compromise between Lebanese political forces.

Government claims that the current crisis and political climate is not right for such legal changes have been echoed in other new initiatives and many laws are awaiting the new Lebanese government. Furthermore, the arrival of Palestinians from Syria contributes to the hesitation of government institutions to pass any human rights laws regarding the refugees. An exponentially-growing fear of their permanent residency in Lebanon reveals the long struggle behind and ahead for Palestinians. Simultaneously, Palestinians today are very interested and more active in the different campaigns, but during these trying times, the securing of human rights appears to have tumbled down the list of priorities.

Likewise, while the rights campaign is not perhaps topping the schedule at the LPDC its President, Dr Khaldoun el Sharif, is determined that his unit is working towards the creation of a “national policy” on Palestinian refugees, addressing, besides rights, the issues of the refugee camps, disarmament and Palestinians without identity documents.

UNRWA has called on the new Minister of Labour, Sejaan Azzi, to take action as a matter of urgency to implement the amendments so that what was decided by the parliament two years ago becomes a reality. Without such a decree it will remain cumbersome and difficult for Palestinians to participate legally in the labour market.

MEMO met up with Sawsan Masri, National Project Coordinator at the International Labour Organisation (ILO) and author of a number of reports on Palestinian rights in Lebanon. “Palestinians have stayed here for more than 60 years and are still facing a lot of discrimination, having never been ‘localised,’” she told me. “They are still treated like foreigners.”

Ms Masri believes that the labour law amendment is an important step to begin a dialogue. Now, after four years since the amendment was agreed, Palestinians can work almost anywhere legally, with the exception of around 20 syndicated professions in which the reciprocity law still applies. One of these “exclusive” syndicates is the Lebanese syndicate of medicine, which is very protective towards Lebanese employment and has,

therefore, chosen to maintain a very strict policy over the hiring of Palestinians in particular. Photographers and accountants, on the other hand may provide windows of opportunity. The CEP and other partners are currently in consensus talks on two or three syndicates, where there is a window for opportunity for employment for Palestinians and are undertaking research to understand which professions Palestinians are more active within and which matching syndicates could be encouraged to be more open. Recently, the syndicate of nursing has become more lenient now that it is facing an increasingly higher demand for nurses.

PALESTINIAN LABOUR FORCE IN LEBANON
RESTRICTED PROFESSIONS

THE WORLD'S YOUNGEST DOCTOR
 GUINNESS BOOK OF RECORDS

20 YEAR OLD **IQBAL ASSAD** WAS BORN AND RAISED IN **LEBANON**

SHE **CANNOT PRACTICE MEDICINE** THERE SIMPLY BECAUSE SHE IS A **PALESTINIAN REFUGEE**

IQBAL IS NOW **FURTHER STUDYING** AND MAY GO ON TO BE A **DOCTOR** TH

AFTER MORE PALESTINIAN REFUGEES FROM NUMEROUS IN LEBANON, INCLUDING LAW AND ENGINEERING, THEY ARE DEFINED.

SOURCES
 Fathi El-Khamesi & Roger Chelbi, 2009. *Legal Texts Governing the Employment of Palestinian Refugees in Lebanon*
 Middle East Monitor, 2013. *Miracle Palestinian Refugee Doctor* (last accessed 12 December 2015)
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[Image: <http://visualizingpalestine.org>]

Only two per cent of Palestinians in Lebanon have official work permits; they are the lucky ones in official employment with contracts. Those who have a contract and try to obtain work permits are faced with unwilling employers and state bureaucracy and so try to avoid it altogether.

According to Masri the problem is political rather than structural. As HRW argued: “Refugees filled a great demand for labour when they came [to Lebanon] which is why we see camps in specific places in the South, for example.

Most camps were near high demand labour areas and so ever since they have been employed in agriculture. Since the demand fell, fewer have been employed.” This has led to camp residents withdrawing into their closed communities and having little contact with their Lebanese neighbours.

At the moment, most Palestinians work in the unofficial and unregulated labour market with precarious working conditions; only 20 per cent hold an official contract with their employer. Masri estimates that despite this “advance” on the legislative side, it will take a lot of effort to break the cycle of poverty, unemployment and insecurity amongst the Palestinian refugee population.

Pushes and pulls for international advocacy

The Lebanese government is reluctant to improve civil and human rights for Palestinians; the influx of refugees from Syria has already had a negative effect on unemployment figures. When Palestinians initially went to Lebanon, they had political freedom within the camps, independent from the rest of Lebanon, and they had their own systems for policing them.



Sawsan Masri explained that when it comes to civil rights, “Palestinians are confined, very confined”. Although foreigners are usually restricted politically but included socially, with the Palestinians the reverse is true. “Palestinians face strict regulation on their socio-economic rights and lenience with regards to the political environment in the camps.”

The ILO noted that one of the main challenges in bringing about necessary policy changes regarding Palestinian access to social and economic rights in Lebanon is the lack of reliable and objective data on the issue. Because foreign groups, especially Swiss agencies, fund such research and reports, Ms Masri suggested that instead of having other donors promoting their rights it would be better if these agencies could work with the government directly. Direct donors should push for an end to discrimination by using their not insignificant leverage. She underlined that they are sometimes “taking the easy way out” and not giving the support, such as political lobbying of the Lebanese government. “The states and countries have a leverage they could make more use of.”

The CEP’s chair, Samir Khoury, told Lebanon’s Daily Star that the group is “totally committed” to UN resolutions regarding Palestinians, particularly their right of return. “The CEP,” he said, “believes that the right of Palestinians to work in Lebanon does not go against the right of return to their homeland.” He rejected this argument often put forward by the opposition. “Giving Palestinians the right to work is beneficial to all... It’s a win-win scenario,” Khoury added.

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