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Mia Bodell

American University, Washington College of Law, mb3748a@american.edu

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THE DISTINCTION BETWEEN REFUGEE POPULATIONS IN LEBANON: A LOOK INTO LEBANON'S TREATMENT OF PALESTINIAN REFUGEES SINCE 1948 VERSUS ITS TREATMENT OF SYRIAN REFUGEES SINCE 2011

By Mia Bodell¹

ABSTRACT

This article compares the differences of treatment of Syrian refugees and Palestinian refugees entering Lebanon enforced by the Lebanese government. Using the Lebanese government's treatment of the large number of Syrian refugees admitted and resettled, this article argues that Lebanon can substantially improve its treatment of Palestinian refugees by comparing Lebanon's treatment of its Syrian refugee population. This article provides recommendations on how to apply Lebanese law more effectively to better support its Palestinian refugee population.

INTRODUCTION

The international community has applauded Lebanon for its treatment and acceptance of Syrian refugees throughout the Syrian Civil War.¹ While Lebanon has been home to Palestinian refugees for eight decades, however, almost sixty percent of refugees regularly lack resources such as housing, education, food, basic plumbing, electricity, and access to health care.² Further, they suffer from overcrowding in refugee camps over generations of families because they are barred from gaining Lebanese citizenship or owning property; their only housing option is to remain in the camps.³ In effect, Palestinian refugees have been a permanent "temporary" community in Lebanon since 1948—when they were expelled from their homeland. This is contrasted with their Syrian counterparts who have a tangible opportunity to gain Lebanese residency.⁴ With the current economic and social crisis taking

place in Lebanon, the issues for Palestinian refugees have only worsened.

I. BACKGROUND

Lebanon is currently undergoing an unprecedented economic crisis, which the World Bank has deemed a "deliberate depression" due to the elite's stronghold over the country, "continuous policy inaction," and "persistent and debilitating internal political discord."⁵ This crisis is considered one of the worst the world has seen over the past 150 years, as the Lebanese Pound has lost more than ninety percent of its value.⁶ The World Bank estimated in January 2021 that the Lebanese population poverty rate had reached forty-five percent, meaning 1.7 million people fall below the poverty line.⁷

The Lebanese Parliament was formed as the country's governing structure with help from its former colonizer, France.⁸ This governing structure has sects from the many religions that make up the country's identity, such as the Christian, Orthodox, Islamic, Druze, and Jewish communities.⁹ The country follows *jus sanguinis* for acquiring citizenship, meaning only those in the country born to a Lebanese father are guaranteed citizenship.¹⁰ The United Nations (UN) High Commissioner for Human Rights has recommended that Lebanon withdraw its reservation to Article 9(2) of the Convention on the Elimination of all Forms of Discrimination Against Women which prohibits women from passing their citizenship to their children.¹¹ The Lebanese government has also waived the requirement for children born on Lebanese soil to Syrian parents to register their birth

¹ Mia Bodell is a second-year law student at American University Washington College of Law. She graduated from The University of Washington—Seattle in 2019 with a major in International Studies and a minor in Law, Societies, & Justice. She is interested in international law and plans to go into a career either in international human rights law or international environmental law.

through a lengthy judicial process if they were not registered administratively prior to their first birthdays.¹²

On an international scale, the country has ratified dozens of treaties and conventions, such as the Discrimination (Employment and Occupation) Convention, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against Women.¹³ Further, the Lebanese Constitution's preamble refers to Lebanon abiding by the 1948 Universal Declaration of Human Rights.¹⁴ Lebanon also affirmed the Global Compact on Refugees at the 73rd session of the UN General Assembly in December 2018.¹⁵

According to the UNRWA for Palestine Refugees in the East, there are 450,000 registered Palestinian refugees in Lebanon.¹⁶ Palestinians make up ten percent of Lebanon's population, and there are twelve registered Palestinian refugee camps in the country.¹⁷ According to the UNHCR, there are currently 1.5 million Syrian refugees in Lebanon that have fled to the country as a result of the Syrian Civil War; however, only about 950,000 of them are *registered* with the UNHCR.¹⁸

II. ANALYSIS

A. THE INEQUALITY IN TREATMENT BETWEEN PALESTINIAN REFUGEES AND SYRIAN REFUGEES IN LEBANON

There are multiple different interpretations of what occurred during the 1948 Palestine War: Israel claims it originated from the rejection of the State of Israel, and subsequent declaration of war on it by Arab countries.¹⁹ Palestinian and Arab accounts claim that Israelis forced them to leave.²⁰ Further, Palestinian historians highlight the Deir Yassin massacre—which evidences the Israeli effort to remove Palestinians from the land—as the catalyst for demanding international recognition of their “right to return.”²¹ Regardless of which partisan account is historically correct, the Palestinian displacement has created a large swath of refugees throughout the world. Around 600,000 to 700,000 Palestinians fled or were expelled from what are now

territories within Israel from December 1947 to September 1949.²² They have mostly established themselves in the West Bank, the Gaza Strip, Lebanon, Jordan, and Syria.²³ Approximately 150,000 individuals of the Arab population of pre-1948 Palestine remained, becoming citizens of Israel.²⁴

Palestinian refugee camps are outside the realm of the Lebanese Government's sovereignty; in 1969, the Lebanese State and the Palestinian Liberation Organization (PLO) signed the Cairo Agreement that left Palestinian refugee camps under the PLO's sovereignty.²⁵ Therefore, Palestinian refugee camps in Lebanon are supervised by elected individuals within their own population to regulate things such as security and conflict resolution.²⁶ In practice, this organization of camp management has become a hierarchy riddled with corruption and inefficiency, leading to an even more difficult living situation for Palestinian refugees in Lebanon.²⁷

Palestinians in Lebanon are given perpetual refugee status, regardless of whether they were born in the country or how long they have lived there.²⁸ They are classified by the law as “foreigners who do not have documents from their country of origin and who reside in Lebanon with a residence or [Palestinian] identity card.”²⁹ In effect, they are legally labeled as a foreigner, even though they are stateless, and denied the opportunity to become a Lebanese citizen.³⁰ This identification as foreigner subjects Palestinian refugees in Lebanon to the Ministerial Decree 17561/64, which guides the participation of foreigners in the Lebanese labor market.³¹ Ministerial Decree 17561/64 requires that an individual obtain a work permit prior to employment; that national preference be given to Lebanese citizens, and that state reciprocity exist for employment in syndicate professions such as medicine and engineering.³² However, since Palestinians lack a reciprocal State in which to host Lebanese professionals, they are unable to meet the bylaws of the Decree that would allow them to work in fields other than manual or clerical work.³³

The country recently experienced some push and pull in labor laws: as recently as December 2021, the labor minister decided to allow Palestinians to work in previously barred professions, including law, engineering, and medicine.³⁴ However, in February

2022, Lebanon's State Shura Council decided to reverse this order after complaints that the order would encroach on the rights of Lebanese professionals and claims that the order was trying to pave the way for naturalizing Palestinian refugees.³⁵ The appeal filed by the Maronite League claimed that the labor minister had overstepped his authority when he issued this decision that would allow Palestinians to access previously barred professions.³⁶

Lebanon's response to the arrival of Syrian refugees—including the Lebanon Crisis Response Plan 2017-2020, and the country's coordination of key sectors of intervention in close collaboration with UN agencies and international and national NGOs—has inspired multiple provisions in the Global Compact on Refugees.³⁷ More specifically, positive measures have been implemented by the Government of Lebanon to facilitate civil registration for Syrians.³⁸ For example, Lebanon passed a provision that removes the requirement of presenting a valid residency permit when Syrian parents register the birth of their child.³⁹ Additionally, this measure changed the marriage registration process for Syrians in Lebanon to requiring a valid residency from only one of the spouses.⁴⁰ Further, in 2018, the Directorate of Personal Status ("DGPS") passed a law that makes birth registry even more easily accessible for children born in Lebanon to Syrian refugees by removing the requirement of proving their Syrian nationality.⁴¹ The impact of this law to end statelessness within the refugee community of Lebanon is illustrated by an increase in birth registrations of Syrian children from seventeen percent in 2017 to thirty percent in 2019.⁴² Therefore, Syrian refugees in Lebanon have the opportunity to obtain work permits, access to health care, and education—all of which helps to combat their dependence on humanitarian assistance.⁴³

Paragraph 11 of the UN's Resolution 194 crystallizes the idea that being a refugee is only temporary, as international law requires the eventual right of return to one's home country.⁴⁴ More specifically, it addressed the Palestinian right of return through creating the Conciliation Commission for Palestine "to facilitate repatriation, resettlement and economic and social rehabilitation of the refugees."⁴⁵ Therefore, those in support of the Palestinian right of

return believe that the General Assembly is unambiguously granting Palestinians an "unqualified right of return to their homes of origin."⁴⁶ However, the State of Israel argues it is not obliged to comply with Resolution 194 and suffers no legal consequence as a result.⁴⁷ Therefore, Palestinian refugees remain dependent on the UNRWA for basic accommodations and experience dire living conditions.⁴⁸ For example, the UN has strongly condemned attacks on Palestinian refugees, specifically children, in Syria.⁴⁹ However, the UN has not found a practical solution to the issue, concluding that there is no real resolution in sight because it is not safe for them to return to Palestine, it is not safe for them to remain in Lebanon, and it is not safe for them to flee to Syria.⁵⁰

III. RECOMMENDATIONS

Despite hosting more refugees per capita than any other state in the world, Lebanon has continued to provide a safe haven for refugees and contributed significantly to international responsibility sharing.⁵¹ Lebanon should reform its laws so that all children born on Lebanese soil, regardless of nationality, may register their birth through a comparatively easier administrative process after a child's first birthday, instead of a more complex judicial process. This would help prevent and reduce the risk of statelessness, as called for in UNHCR's global strategy 2014-2024.⁵²

On the international scale, it is important to stress what Paragraph 11 of the UN's Resolution 194 says about refugee status: that it is temporary.⁵³ More specifically, it addresses that temporariness of refugee status for those that were forced to flee from Palestine; unfortunately, however, they have arguably been given permanent refugee status—especially in Lebanon.⁵⁴ Therefore, there should be more widespread recognition by the international community of the plight of Palestinian refugees, which could lead to an increased pressure on Israel and Palestine to halt to their fighting. Further, this pressure could help Lebanon enter into an agreement with Israel that would allow Palestinians to slowly leave Lebanon and re-enter Palestinian territories.

IV. CONCLUSION

Lebanon's current socio-economic crisis may render the nation incapable of adequately supporting the Palestinian refugee community. However, their laws can be changed to improve the lives of the refugees. The country can and should increase its efforts of reducing statelessness within the Syrian refugee population to its Palestinian refugee population. It should pass the legal reform that would remove the

requirement for proof of nationality when they host as evidenced by the legal changes made to accommodate the influx of Syrian refugees since the start of the Syrian Civil War. Therefore, there is no legal reason for the spatial limbo the Palestinian population in Lebanon has been subjected to for decades. It should pass the legal reform so generations of Palestinian refugees can hope for a better future for their children.

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