

Insight on the Legal Status Governing Daily Lives of Palestinian Refugees in Lebanon

Study by

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Beirut – Lebanon

2005 – 2007

Funded by IDRC

Preface:

This study "Insight on the Legal Status Governing the Daily Living of the Palestinian Refugees in Lebanon" was undertaken between 1st October 2005 and 31st of July 2006, with a financial grant from "International Development Research Center" (IDRC). Due to the Israeli war against Lebanon in 2006 two months was required in order to carefully study the effects of this development.

The study was prepared in a joint effort of two researchers from the "Human Development Center" who worked on the analysis of Lebanese laws. The results of the fieldwork were obtained through workshops held in the camps comparing the regional and international criterion. In addition, local NGOs and other popular Palestinian communities also took part. Among them were: Najdeh Association, Nab'a association, National association for vocational training and social services, Altadamon social and cultural association, Beit Atfal Sumoud, Popular Committee of Qasmieh Gathering, Al Ghad Association and Democratic Youth Centers. The cooperation covered the coordination of preparations for workshops comprising of eight focus groups in the Palestinian camps including gatherings in Lebanon. We took into account the geographical dispersal of the Palestinian population in Lebanon. This was done in addition to some interviews with people engaged in various professions and also those who were responsible for the daily affairs in the local Palestinian committees. This allowed us to gain further insight into the situation and cover some lacuna in the gathered data.

Finally, it is of utmost importance to mention the central role of the legal experts, who commented, gave valuable remarks and made suggestions thus making this latest draft more accurate.

Legal Status of the Palestinian Refugees' Living in Lebanon

Preamble

The present study deals with the legal rights of the Palestinian refugees in Lebanon. The said issue is both old and new. Old, because it goes back 58

years when thousands of refugees arrived in Lebanon fleeing war and massacres. They were forced to remain here despite their claim to return¹ to their home country and in spite the issuance of the United Nations resolution N°194 confirming their right of return.¹ This was because Israel, the political entity that was established on 15/05/1948 on the land of Palestine, did not authorize their return.

It is also a new issue as the study noted that the Lebanese political inclination is to start to solve issues of the Palestinians living in the country. This fieldwork began before the Lebanese Government called for dialogue between the Lebanese and the Palestinians.

The long period of refuge witnessed many developments that led to the amendment of the laws and resolutions ruling the groups of refugees. Different authorities had different impacts such as the host, the Lebanese Republic with its governmental bodies, the UNRWA, which was established by virtue of resolution N°302 (D-4) dated 08/12/49, and later, some Palestinian political entities represented by the Palestinian Liberation Organization PLO, which appeared on 28/05/1964. These entities contended for authority and influence. Sometimes they disagreed and at other times they cooperated, which created an inconsistency in the rights and obligations of refugees. This in turn, lead to severe pressure and deprivation and caused most rights held by the Palestinians to be terminated.

The first phase from 1948 to 1969 witnessed two directions in the official Lebanese relations with the refugees. The first consisted of nurturing them and showing human and social solidarity. In the following period however, Lebanese authorities considered the refugees a security issue and a burden for the country. This is when the security restrictions started and adversely affected the daily lives of refugees.

The second phase covering the period between 1969 and 1982 and was exemplified by both the development of the role of Palestinian resistance organizations as well as the first accord concluded between Lebanon and the PLO in Cairo.² This latter agreement regulated the relationship between Lebanon and the Palestinians, but the failure of its implementation led to armed military and political conflicts. The end-result was an Israeli occupation of approximately half of Lebanon, the siege of the capital, Beirut, the departure of the PLO's fighters and institutions from Beirut and the termination of the latter's role as the Palestinian representative.

The third stage was the most difficult as it witnessed the massacres of people in the camps of Sabra and Shatila in 1982. The Cairo Accord was also

¹ UN General Assembly Resolution 194-phase 11, 11/12/1948.

² Palestine liberation Organization (PLO), established in 1964, by the declaration of the Palestine National congress in Jerusalem presided by Mr. Ahmad Shukairi, Lebanon accepted the opening of a representative bureau in Beirut the same year, Shafic Elhout as Director.

eliminated at this time and was not replaced by another legal regulation³. At the beginning of this stage, the Lebanese authorities resumed their severe discrimination against the Palestinians. Meanwhile, the region south of Lebanon including the camps were controlled by the Israeli army. This led to a number of catastrophic disasters where the refugees lost their rights and were deprived of any legal or general protection.

The Israeli forces were routed from the capital, Mount Lebanon and the south, except for the southern band. However, another internal war broke out against the camps, which lasted between 1987 and 1990. It finally stopped with the implementation of the Taef Agreement in Lebanon. Yet, there was no attempt at dealing with the consequences of the war such as the abject poverty of the martyrs' families, providing solutions for reconstruction and shelters for the displaced, or achieving reasonable economical relief for the Palestinians similar to the Lebanese. Instead, the period from 1991 until today (2006) has witnessed a new formalization in the annulment of the remaining basic rights of Palestinian people. This was done through issuing parliamentary laws and ministerial decrees, and executing administrative procedures that eliminated the freedom to travel and the right to real estate ownership. An earlier discussion on the right of employment and social security was dropped. The Lebanese Security Forces were deployed around the camps that were subsequently estranged through exclusion. This led to widespread migration as people attempted to find means to solve their problems. The demographic development was reduced to a rate of 175,000 to 225,000 inhabitants⁴ instead of the agreed rate of 400,000 refugees.

During all these phases, there was a significant transformation in the Palestinian refugees' legal status. The refugees sought procedures to adapt to such tribulations while sticking to their claims that are summarized in two frameworks:

- 1- Right of return to their country and refusal to settling abroad
- 2- Claim to civil, political, economical and social rights.

The policy of isolation to marginalization of the Palestinians in Lebanon was clearly exemplified in their waning role. In the meantime, the two uprisings that took place in the Palestinian Occupied Territories since 1967 led to the establishment of the Palestinian National Authority as the fundamental feature in the Palestinians' life and cause. This resulted in a growing awareness, both popular and official in Lebanon, of the need to deal with the Palestinian issue with a new strategy based on human rights. In 2005, resolution n° 1559 was issued by the Security Council to disarm the foreign militias. This required the Lebanese to engage in dialogue with the

³ Cairo Accord between PLO and Lebanon 1969 was canceled at 20/5/1987 in the Lebanese Parliament session held to discuss the 17 May lebano-Israeli agreement

⁴ Al-Nahar Lebanese newspaper: Tarek Dabbagh 26/5/1999.

Palestinians to offer them a wider scope of human rights in exchange for disarmament.

Methodology:

The study relied on various methods and dealt with facts and reliable data from numerous sources such as news, recent events or analysis published in the media, newspapers and magazines and so forth. In addition, it looked at the specialized Lebanese legal provisions and decrees pertaining directly or indirectly to the Palestinian refugees' affairs that consider them foreigners residing in Lebanon.

The study was set on large scale of interviews with personalities from different camps of Lebanon, whether through group meetings in workshops comprising of groups of females, males, youngsters and old people of different legal conditions and backgrounds. It included many meetings with specialized persons aimed at showing the legal issues of technocrats like teachers, physicians, engineers and others. We refrained from mentioning the names for personal concerns. We as researchers have the same problems that helps in us delve into the research to find solutions.

The survey was concluded between October 1, 2005 and July 2006, in the period where there was no possibility for Lebanese-Palestinian dialogue. The condition of Palestinian human rights was rapidly degenerating and the general image of the refugees was unconstructive with respect to their legal condition and rights. But, the last analytic part of the work was achieved in a modified framework after the government of Mr. Fouad Siniora revealed its plans for dealing with the Palestinian presence in Lebanon.

Finally, we hope that this study will serve as objective and basic material to help the two parties: the Lebanese and the Palestinian, on both the official and public levels. It is hoped that a better understanding of the legal framework will come about and will encourage suggestions for solutions. This study cannot however be comprehensive as new facts and situations arise through time. Even though the law is comprehensive and covers all aspects of life, the present survey is limited to several sections as follows:

- 1- Right of Recognition of the refugees' legal status**
- 2- Right of Recognition of an official authority representing the Palestinians in Lebanon**
- 3- Right to general amnesty**
- 4- Right to travel freely**
- 5- Right of dwelling**
- 6- Right to real estate property**
- 7- Right to form associations**
- 8- Right to free media and publication**
- 9- Right to work and social security**
- 10- Right to education and instruction**

11- Right to health care
12- Results and Suggestions

1- Legal Status of the Palestinian Refugees in Lebanon

The British Mandatory Authority evacuated Palestine on 15/05/1948. It was followed by the issuance of the Partition Resolution⁵ and subsequently by the Palestinian catastrophe (Nakba) and the displacement of the majority of Palestinians to the neighboring countries. The legal status definition of the Palestinians corresponded in particular to a special context under the patronage of the United Nations through its international organization represented by the UNRWA⁶. Therefore the legal concept of the Palestinian entity was associated with the international definition as the Palestinian Refugee in the absence of any territory or region belonging to the Palestinians and in the absence of a political body representing the Palestinian entity.

As time passed, the UNRWA became the provisional ubiquitous provider, which the Palestinians stuck to as a symbol of international responsibility for the refugees' tragedy. In addition they held on to the international resolutions which explicitly stipulated their right of return to the land from where they were displaced.

In 1964, the Palestinians managed to create a political entity; the Palestine Liberation Organization which was considered their sole representative, legal and otherwise. They also set the Palestinian National covenant. The clauses of the Palestinian National covenant defined the Palestinian on the basis of transcending the current situation (refugee) as a first step in order to define the Palestinian entity in terms of continuity and permanence. Article Four provided that "the Palestinian entity is a primordial and everlasting value transmitted from fathers to sons, and the Zionist occupation, and the dispersion of the Palestinian Arab people as the result of the disasters it underwent cannot dispossess its entity and its Palestinian belonging nor deny the said entity." Article Five stipulated that "the Palestinians are the Arab citizens who were permanently residing in Palestine until the year 1947 whether they were forced to leave or remained there. Anyone who is born from an Arab Palestinian father after this date, in Palestine or outside, is a Palestinian." The said articles show that the PLO worked on maintaining the continuity of the Palestinian entity thus preventing its merger with the Arab political entities that hosted the Palestinians refugees.

Due to the diversity and complexity in circumstances experienced by the Palestinians, the Arab countries hosting the Palestinian refugees dealt with them in different degrees. Jordan, for instance, granted the Jordanian

⁵ UN General Assembly Resolution 181 in 1947

⁶ UNRWA was established by UNGA Resolution 302/4 at 8/12/1949.

nationality to the Palestinians living on its land after annexation of the West Bank⁷.

Syria conferred most rights to the Palestinians residing on its soil that it granted to its citizens, except for nationality,⁸ while Lebanon dealt with the Palestinians residing on its territory as refugees administrated by the UNRWA.

This resulted in the dearth of most of commitments on behalf Lebanese government in dealing with the Palestinians. At times they were treated like Arab refugees and at other times as foreigners depending on the requirements and criterions. This allowed the Lebanese Republic to evade its compulsory legal duties.

The Palestinian refugee and the specificity of the definition

The Palestinian refugees' status carries a particular legal feature, which sets it apart from other legal statuses in the world. The difference rests in the international, regional and local legal provisions, which do not use one unified criterion to act in accordance with the principles of human rights and the worldwide values.

The international community refused, through the special convention that deals with the status of the refugees (1951), to include the Palestinians in its competence.⁹ In addition, the Arab reservations on the Protocol which dealt with the Palestinians within the Arab League essentially rendered it useless. Thus, the legal status of the Palestinian refugees in Lebanon varied due to restrictions that were imposed so that they were at times considered as foreigners and homeless and at other times the legal restrictions or its applications were alleviated. Generally however, their legal status still lacks a clear and binding framework securing their protection.

The historical timeframe of the refugee Palestinian

There are no official statistics declared in Lebanon about the Palestinian refugees and the figures which are published from time to time by the Statistics Central Bureau of the National Palestinian Fund in the PLO are only considered an estimate per sample. According to the annual statements of UNRWA the current number of the Palestinian refugees is 4,283,892¹⁰. More than one third of them reside in 59 camps in Lebanon, Jordan, Syria, the West Bank and Gaza Strip. The last census from UNRWA shows that the

⁷ A conference of Palestinian Notables held in Jericho 1950 proclaimed the demand for annexation of W. Bank to the Jordan Hashemite Kingdom.

⁸ Syrian Presidential Decree No 260 of 10/7/1956- Damascus, Syria

⁹ 1951 Refugees Convention-clause 1-section 6 part (d).

¹⁰ Report of the Commissioner-General of the UNRWA for Palestine refugees in the Near East 30/6/2005 p: 98.

number of Palestinians in Lebanon reached to 401071¹¹. Half of them live in twelve refugee camps while the others reside out of the camps in many agglomerations. This said figure does not include all the Palestinian refugees in Lebanon as it only reflects the numbers of those registered in UNRWA's records.

After 1948, the international community dealt almost exclusively with the state of Israel while no Palestinian State was formed. The autonomy of the Palestinian state, which existed until May 15, 1948 under the British Mandate was dismantled. Israel prevented the displaced from returning and issued a citizenship law, which is not applicable to the refugees abroad. When the law was modified in 1971, it only granted citizenship to those who remained in the country with the following terms included:

- 1- If s/he resided in Israel in March 1952 and was registered in the census of the year 1949.
- 2- If s/he resided in Israel on the day when the citizenship law was enforced on 14/07/1952.
- 3- If s/he resided in Israel or in a region annexed by the State after its establishment.

Those who were relocated from their houses and villages to other areas within the new entity were known as the displaced and the Israeli Authorities forbade them from returning to their land, like the villages of " Ikrith " Kfar Barham and others. They are still claiming and urging the right to return even though they hold Israeli citizenship. UNRWA provided them the services until the year 1952 when it stopped as a result of an agreement with Israel. The refugees in the neighboring Arab countries were deprived from such citizenship and were also deprived from holding similar citizenship legal rights in Palestine. At the same time, Israel refused all international resolutions related to the right of return of refugees and absolved itself from its legal commitments towards the international community.

Status of the Palestinian Refugees within the Refugee Convention:

The 1951 Refugee Covenant was not ratified by all Arab States, especially those hosting a majority of the Palestinian refugees like Syria, Lebanon and Jordan.

The above agreement established the legal status for the refugees in terms of assistance and protection. However, it does not govern all the refugees as it excluded those who obtained protection or assistance from any other United Nations agency like the UNRWA¹².

¹¹ Ibid p98

¹² Article 1D emphasized that "This covenant does not cover the persons enjoying actually the protection or the assistance of any UN agencies other than UN commission for refugees". That led to negate the Palestinians as "convention refugees". Because they were under the UNCCP charged by UN to guaranty their protection under the 194 UNGA Resolutions of 1948, and they received assistance from UNRWA.

The Palestinian refugees outside UNRWA jurisdictions enjoyed the legal status of "Convention refugees" only through the legal provisions issued in the hosting countries in accordance with their internal regulations.

The United Nations High Commissioner for Refugees generally showed that it did not wish to comprehensively extend the definition of refugees to include the Palestinians and in the year 2002, it gave a modified definition of the status of the Palestinian refugees. According to its observations on Article one - clause (d)¹³, it recognized the right of Palestinians residing outside the area of jurisdiction of the UNRWA to benefit from protection by virtue of the Refugees' Covenant 1951 without conditionally establishing that they have been subject to persecution for a precise reason.

UNRWA and the status of refugees

The UNRWA set a definition of the Palestinian refugees who would be eligible for its services. The said definition does not rely on nationality; it includes "any person who is needy and resided in Palestine for two successive years at least before the events of the year 1948 and who lost, as a result of the said events, his/her house and the means of living, and became a refugee in a country where the UNRWA is operational (Lebanon, Syria, Jordan, Gaza, and the West Bank), whether Palestinian or non-Palestinian.

At first, the refugees had to use their own initiative to register in the lists and records of the Red Cross Committees when arriving to the hosting country. As the period lasted a long time and led to a generation born to refugees in the hosting countries, the definition was extended to include the children descended from refugee fathers registered at the UNRWA.

The definition also included the non-Palestinians who used to reside in Palestine before the disaster. On the other hand, some of the families, who sought refuge in 1948, did not find it necessary to register with the UNRWA as they were rich while the agency was meant for the poor, and based on such criterion they were not included.

UNRWA was and is still is subjected to many influences wrought by the international balance of power. However, it maintained its legal status and its basic functions. What matters here is its policy impact on the real situation of the Palestinian refugees in Lebanon. It always started with the issue that there was no budget for the refugees in the country. This led to more pressures on the refugees who decided to immigrate to faraway countries. Their offspring were not registered which became the cause of their loss of legal status as a refugee from Palestine.

¹³ High Commissioner for Refugees: Note on the applicability of article 1D of the convention relating to the status of refugees to Palestinian refugees 2002.

The Lebanese law

The concept of a refugee

Generally, Lebanon did not set special decrees and laws for the refugees, except for a few rare legal provisions: The law of 10/07/1962 that handles the entry to, residency in, and exit from Lebanon encompasses two parts. The first deals with the regulations of the foreigners residing in Lebanon and the second deals with refuge seekers. In this latter respect, the legislator authorized, in article 19, to grant a travel document or passport to the foreigner if s/he is a refugee, just as Article 26 grants the refugee whose life or freedom is threatened due to political reasons or subject to persecution or convicted for a political offense in another country, the right of asylum. The said law was not legally applied except in the case of the Japanese Kozo Okomato. As for the Palestinian refugees, the Lebanese Republic later issued several laws regulating their condition.

The concept of a foreigner

The Lebanese legislators did not set precise provisions for the definition of a foreigner. They defined a foreigner through the law regulating the entry to, residence in and exit from Lebanon, where Article One of the Law of 10/07/1962 stipulates: "is considered as foreigner, in the meaning of the present law, any person who is not Lebanese; thus the legislator considers as foreigner any person who holds the nationality of a foreign country. The latter shall be dealt with on the basis of reciprocity. On the other hand, the legislator stipulates that the foreigners residing in Lebanon, according to decree n°79 issued on 23/05/1967, dealing with the evidence for the foreigners residing in Lebanon or those wishing to enter thereto, by virtue of the first article of this decree, shall appear before the mayor governing their area of residency, in order to obtain a proof document in case the foreigner resides on the Lebanese territory. If the foreigner wishes to enter Lebanon to engage in a profession or a job, s/he shall obtain the advanced approval of the Ministry of Labor and Social Affairs or the Directorate of General Security if she\he is an artist, in accordance with Article Six of this Law. The Palestinians were excepted from the mentioned definition since they do not hold a nationality in the legal sense of the term and were distinguished from other nationals as such procedure does not involve those of whom were residing in Lebanon and holding identity cards issued by the Directorate General for the Palestinian Refugees Affairs in Lebanon.

Categories of refugees in Lebanon

The official Lebanese practice differentiates the refugee categories with the three waves of the Palestinian displacements in the years: 1948, 1956 and 1970 deciding that there are three legal categories of them. The applied administrative procedures and practical implementation showed that the first and the second categories of residency and stay were regulated by the

Lebanese Republic through legal provisions issued by the specialized authorities recognizing their legal stay while the third category was deprived of such recognition.

The First Category: This category was registered directly after the disaster in the beginning of the fifties by the Red Cross Committee and the UNRWA. The people in this group are legally authorized to reside in Lebanon and are registered at the Lebanese Ministry of Interior, the Directorate of Refugee Affairs and at the Directorate of General Security by virtue of the census of year 1952. This category was legally exempted from providing evidence of its presence in Lebanon, based on Article Four (Item E) of the Decree n°136 dated 20/09/1969. This article provides that the present procedure shall not involve the Palestinian refugees residing in Lebanon, by virtue of an identity card issued by the Directorate General of Palestinian refugees Affairs. Those refugees shall obtain a special travel document to be able to travel.

The Second Category: It includes the Palestinians who were not covered in the first category census though some of them came to Lebanon during the period from the year 1952 to the year 1956. Their stay and status were settled in accordance to the Decree 309 of the year 1962. They could obtain a *laisser-passer* to be able to travel.

The Third Category: It comprised of a small number of the Palestinians who were obliged to reside in Lebanon after the Arab military defeat of June 1967 and the events of the year 1970 in Jordan. Some of them were expelled from the occupied Palestinian land or were released from the Israeli prisons. This category integrated into the Palestinian Lebanese social structure and became like any other Palestinian family. However the problem with this category basically exists in the legal documents of the initial hosting countries where they were living and the refusal of these countries (Egypt and Jordan) to renew their legal documents or register the marriages and births resulting thereafter. This made their stay in Lebanon illegal. They did not enjoy the freedom to move, travel or migrate. They are not registered with the UNRWA and do not benefit from its services in the fields of education, health and food. Most of the times the said category would obtain false identity papers in order to continue living in Lebanon and in some cases the newborns are registered under the name of their relatives. Some cases of these people were discovered and seized by the Lebanese authorities¹⁴.

We conclude from this, that the legal status of the Palestinian refugees classified as follows:

- The Palestinian refugees legally registered in Lebanon with the Directorate of Refugees' Affairs and taken into consideration by UNRWA records since 1948 living inside and outside the camps.

¹⁴ Al Hayat newspaper 8/1/2006:"3000 Palestinians came to Lebanon".

- The Palestinian refugees registered with the Directorate of refugees' Affairs in the year 1962 and not registered with UNRWA since they were previously registered in its other areas of activity (Gaza Strip)
- The Palestinian refugees neither registered with the state bureaus nor with the UNRWA either due to their initial registration in the Egyptian records (Gaza Strip), in the Jordanian Kingdom (West Bank) or due to the lack of the legal documents.

Of course, it is known that some of the refugees obtained Lebanese nationality and enjoyed citizenship rights¹⁵. Another category of refugees obtained citizenship in other countries after residing there and were crossed off the Lebanese records¹⁶. They were considered foreign citizens of Palestinian origin which was a pretext used by the Lebanese government to prevent them from real estate ownership in Lebanon.

¹⁵ Al-Safir Lebanese newspaper 10/7/2003: "the naturalized"

¹⁶ Al-Nahar newspaper 20/2/1997: "The Palestinian-Lebanese talks at the Ministry of foreign Affairs dealt with the situation of refugees granted third citizenship".

2- Representative of the Palestinian Refugees

There is confusion and ambiguity about the meaning of the word "representative" as used by the Palestinian refugees. Some consider it as the authority deciding on issues such as health and education. This could allude to UNRWA or a mix of responsibilities including UNRWA and the role of the Lebanese Republic through the Ministry of Education and Higher Education. Others consider it as the authority entitled to determining the Palestinian decisions meaning the PLO while a third category lowers the level of representation to the include only the camp commission, etc.

This ambiguous way of dealing with the issue of representation is due to the many specific issues of the Palestinian refugee's life. When dealing with the travel documents, the relevant authority would be the Lebanese Republic. When it comes to the social, educative and health services, the UNRWA is the concerned party. When examining the political developments and the issue of representation then it is the Palestine Liberation Organization and the political factions that are responsible. In some related fields, the popular federations, the unions and the civil bodies are in charge. These different branches have existed for the Lebanese Palestinians who adapted to them despite the tangle of issues, attributions and interests.

1- The Lebanese Representative for the Palestinian Affairs

There were successive bodies created by the Lebanese governments since 1950 and afterwards it used to collaborate with the International Red Cross to provide relief for the Palestinian refugees from 1948. These bodies were as follows:

- 1- In year 1950, the "Central Commission for Refugees' Affairs** was established in Lebanon and it was headed by Mr. Georges Haymari. However, it failed to set a policy for dealing with the situation resulting from the refugees' problems.
- 2- Administration of Palestinian Refugees Affairs in the Ministry of Interior:** On 31/03/1952 the legislative decree law n°42 was issued declaring the establishment of an administration for the Palestinian Refugees' Affairs in Lebanon. Its provisions were set by Decree n°927 issued on the same date and defined the duties of the administration of Palestinian Refugees Affairs within the Ministry of Interior¹⁷.

¹⁷ Decree No 927 defined the tasks of the department as follows: first chapter:

1- liaising with international relief agencies in Lebanon to ensure relief, shelter, education and health and social services for the refugees.

2- Receiving application for passports for departure from Lebanon, scrutinizing these application, and submitting comments to the relevant departments of the Surete' General.

3- Decree n° 3909 issued on 26/04/1960 stated the creation of the Higher Committee for Palestinian Affairs under the supervision of the Minister of Foreign Affairs and Émigrés. It composed of:

- The Ambassador, Director General of the Civil Chamber in the Presidency and the Lebanese representative at UNRWA.
- The Director General of the Ministry of National Defense and officers of the Second Bureau.
- The Head of Israel Boycott Bureau at the Ministry of National Economy and Tourism.
- The Head of Palestine department at the Ministry of Foreign Affairs and Émigrés¹⁸
- Despite these decrees, we note that the practical implementation in the previous years showed the absence of a Lebanese autonomous representative handling the Palestinian issues in the civil, social, economical, political and other fields.

4- General Directorate of General Security, which assigned a department to the Palestinian refugees containing their census record and the security matters, undertook the task of issuing travel documents for the refugees. In practice, and due to the high concentration of Lebanese Security personnel dealing with the Palestinians, new bodies were introduced to supervision and make

3- Registering personal documents relating to birth, marriage, divorce, marriage annulment, change of residency, change of sector religion, following confirmation of their validity, up to rules personal affairs register No 2,3,4,7,13,14,15,17,18,22,23,27,28,30,31,41,42 dated 7/12/1951.

4- Approving applications for the reunion of dispersed families, in accordance with the texts and directives of the Arab league and after consultation with the Armistice Commission.

5- Approving exemption from custom duties on the personal or household belongings of persons entering for purposes of family reunion under the previous item.

6- Sitting the places of Camps, undertaking necessary transactions for lease and purchase of land required for them.

7- Allocating permits allowing transfer of residency from one camp to another according to its own discretion.

8- Transferring residency of refugees from one camp to another where security considerations so required.

9- Approving applications for marriage by any male or female refugee residing in Lebanon with a refugee from another Arab country.

10- Approving transfer of frozen and incoming funds to beneficiary refugees by way of the Bank of Syria and Lebanon.

11- Rectifying errors in personal identification cards regarding names, identities and ages of the refugees.

Second chapter: All ministries offer the technical and administrative help in its competence to the Palestinian refugees department to enable it of smooth exercise its functions.

¹⁸ The Higher Committee tasks were defined by clause two of article 1 of the decree 3909 of 26/4/1960 as follows:

a- Gathering pertinent information on the Palestine problem in its political, military, economic and other dimensions, studying all aspects of the Palestine Question, monitoring its developments and drafting resolutions in response.

b- Review of Zionist activity abroad in all its manifestations and preparation of effective counter-measures, without any interpenetration of powers granted to the Refugees affairs department by virtue of decree No 927 dated 31 March 1959.

decisions, mainly the so called Deuxieme Bureau, (the Military Secret Services) as well as the Lebanese gendarmerie stations of the Interior Security. Here, we note the difference between Lebanon and the other Arab Countries where representative committees initially pertaining to the Ministry of Interior and the Ministry of Defense were set. In Syria, a general institution of Arab Palestinian Refugees pertaining to the Ministry of Social Affairs was created. In Jordan, the Palestinian Commission pertaining to the Ministry of Foreign Affairs deals with the Palestinian issue and the relationship with PLO. Palestinians were granted the Jordanian nationality and treated like Jordanian citizens.

In a further development, the Lebanese Council of Ministers, in its session held on 04/10/2000, decree n°4082 organized the Ministry of Interior and Municipalities. It annulled the previous Directorate General of the Palestinian Refugees' Affairs and attached it to the Directorate General of Political Affairs and Refugees as an integral part of it. The word "Palestinians" which showed their identity was dropped while the same duties were maintained except for receiving applications to obtain passports to travel outside Lebanon, or, for security reasons, changing the refugee's domicile from one camp to another. They then develop articles 24, 25, 26, 27 which extended the observations of the refugee's political movements and monitored anything that was against security or in line with the letter of the law.

We should mention that the successive Lebanese authorities, in order to face the needs of Palestinian refugees, always took the initiative of issuing decrees and decisions without consulting the Palestinians as the Lebanese viewpoint was always influenced by security concerns, which limited the effectiveness of the decrees and decisions as well as the practical facilities.

- From 1948 to 1969, the Lebanese authority was the sole representative for all aspects of Palestinian Refugees' life both inside and outside the camps, while UNRWA provided social assistance.
- From 1969 to 1982, the Palestinian representative, the PLO, played an important role after the Cairo Agreement and the localization of the Palestinian commandment in Lebanon.
- Between 1982 and today the Lebanese authority recovered its initial role by taking decisions such as prohibiting the holder of a Palestinian travel document issued in Lebanon from returning to the country without a visa (1994) and setting laws negating the right of real estate ownership for the non-Lebanese (2000). Such negative tendencies deeply affect the rights of the Palestinian individuals.

2) The Palestinian Representative

1. **PLO Bureau in Beirut:** Based on the decision of the Arab Kings and Presidents the first summit was held in Cairo on 16-31/1/1964.¹⁹ The First National Palestinian Constitutive Board was held in Jerusalem from May 28 to June 2, 1964. It declared the establishment of the Palestine Liberation Organization (PLO). Lebanon approved the opening of the Organization Bureau in Beirut in October of the same year (1964). Chafic El Hout held the position of the director to represent the organization in the Republic of Lebanon²⁰. The nature of this representation was not determined and from the beginning, it faced obstacles from the Lebanese security bodies. Then there were modifications afterwards. Mr Chafic El Hout declares that the issue "required a huge effort and all the details were examined. I remember for instance that we suffered a lot before we convinced the Lebanese Republic of our right to raise the Palestine flag on the Bureau façade. In practice, the Government of Hajj Hussein Oyeini agreed on dealing with the PLO as a diplomatic mission like any other Arab embassy²¹.

2. **Higher Political Commission for Palestinians in Lebanon:** This bureau with its weak representative power and representative position underwent further decline. In year 1969, the Palestinian resistance in all its factions showed up in Lebanon. After the Cairo agreement, a committee was formed including all the factions for the representation and the administration of the services. It was a body within the PLO which led to a conflict in the role of Chafic El Hout. The head of PLO bureau comments "The bureau witnessed an organization heresy without precedent...the organizations agreed to form the so-called Higher Political Commission of Palestinians in Lebanon composed of members representing all the organizations and the bureau manager²². They gave the commission all the powers held by the bureau. It was a kind of tutorship board"²³. The Higher Political Commission played an effective role, whether in the relations with the Lebanese government and its official bodies or with the UNRWA. It also dealt with the Lebanese parties and forces through its special way of setting subsidiary committees in the Palestinian agglomerations, i.e. the Popular Commissions.

After the Israeli invasion of the Lebanese capital Beirut in 1982, the PLO Bureau was closed and the Higher Political Commission was vanished.

¹⁹ Arab Summit resolution decided to "adopt all practical needed decisions to confront the Zionist danger, whether in the defence sphere or the technical one, or by organizing to Palestinian people in order to empower him to play his role in the liberation of his country and to self-determination".

²⁰ Shafic ElHout: 20 years in PLO: Souvenirs talk 1964-1984, Dar Istikbal, Beirut –Lebanon-p: 94.

²¹ Ibid.

²² The Higher political Commission had the tasks of drawing the political, military and administrative plans, administer the camps through the popular committees, coordinate the Lebanese-Palestinian relations, and supervise the organization and works of syndicates etc... (Arab Palestinian Documents 1973-IPS Beirut p.122)

²³ Shafic ElHout: ibid. p.184

Since then, the Lebanese government never authorized the reopening of the PLO Bureau until the year 2006²⁴.

In the year 1991, in Cairo, on the periphery of the Arab Foreign Ministers Meeting, the first official contact took place between the Lebanese government and the PLO. This led to an agreement to set a Lebanese ministerial commission for maintaining contact with the Palestinians in order to implement the Taef Agreement. The Palestinian factions established a unified commission which submitted a memorandum bearing its claims, mainly the creation of a representative bureau. However, the Lebanese side stopped the process after it received the Palestinian weapons and after the Lebanese army spread through the country. The contacts between the Lebanese officials and the representatives of the factions were maintained without opening any bureau.

In the year 2005, Lebanon underwent negative developments mainly after the assassination of the Prime Minister Rafic El Hariri and following the issuance of the Security Council decision 1559 bearing the collection of the Palestinian weapons according to the interpretation of one of its clauses. The Lebanese government resumed the dialogue with the PLO and the other factions. The said dialogue led to some procedural decisions, among them the authorization to reopen the PLO Bureau.

In the absence of the PLO bureau, the Palestinians submitted in several steps various alternatives for a representative, with partial or of integral role, mainly:

- 1- Commandment of the Palestinian National Action comprising of representatives of the PLO factions during the last period of the eighties 1986 – 1991. It only played a role concerning the southern camps basically due to the military conflict on two fronts, the first facing the war against the camps and the second in the Arafat – Syrian conflict.
- 2- Commission of the Palestinian National Board composed of Lebanese Palestinians as members. It used to meet in a defined occasions to set the orientation and political positions. It did not play the role of economical, social and security representative.
- 3- The Commission of PLO factions was established in the late nineties and has continued to this day. It comprises of representatives of the Palestinian factions and plays the practical role of a representative without official recognition by the Lebanese authorities.

²⁴ Al Diar newspaper; Shafic El Hout says: "we were not allowed to reopen the PLO office after the Israeli siege, the Lebanese Foreign Ministry procrastinates always, in the sense they permitted my work but without an office". 23/10/1997

4- Coalition of the Palestinian forces, refusing the Oslo Agreement, exercised security hegemony with the support of the Syrian military forces and secret services in Lebanon. It was in competition with PLO factions in Beirut, Bekaa and North Camps. The refugees and the Lebanese Republic dealt with this coalition as a de-facto entity and not as the legal and recognized representative.

Lebanese Authorization to Reopen the PLO Bureau

The Lebanese government called for a dialogue with the Palestinian representatives to solve the accumulated problems, through the initiative of the Prime Minister Fouad EL Siniora on 08/10/2005. Through meetings with the delegation of the PLO factions and another delegation of the factions of Palestinian Forces Coalition, Mr. Siniora set four the tracks:

- 1- The social and legal issues dealing with the refugees living affairs
- 2- Determination of a procedure to put an end to the Palestinian weapons outside the camps.
- 3- Dealing with the status of the Palestinian weapons in the camps and organizing it.
- 4- The study of the possibility of diplomatic relations.
- 5- Then it was declared that the Lebanese government had established a commission which included representatives of the relevant ministries headed by the former ambassador Khalil Makawi. It included the ministries of Justice, Social affairs, Labor, Health, Interior and so forth. The commission was assigned the duty of creating the paper work and appropriate suggestions to be examined and adopted later on. The Palestinians were asked to prepare their files for the dialogue and to unify their delegation.

The dialogue was delayed. Meanwhile the Lebanese government took an initiative on dealing with the Palestinian representative in Lebanon.

In the meeting of the Council of Ministers on 05/01/2006, an item which was not on the agenda dealing with Palestinian diplomatic representation was proposed, upon request through a letter sent by Abbas Zaki, the delegate appointed by the PLO Executive Committee 18/08/2005. Later, the Lebanese Minister of Foreign Affairs, Fawzi Salloukh submitted to the council of Ministers a letter on 21/12/2005 dealing with the said subject in which it was mentioned that Dr. Nasser EL Kodwa, the Palestinian Minister of Foreign Affairs, was asked to examine the possibility of establishing diplomatic representation between Lebanon and Palestine²⁵. The Government approved the opening of the PLO Representative Bureau in Beirut²⁶. As usual, this decision created an overall positive picture but the disagreements among various Palestinian parties appeared among the

²⁵ Al-Nahar newspaper 5/1/2006

²⁶ Assafir newspaper 6/1/2006

multiple political groups²⁷ with respect to its interpretation. The representative bureau was officially opened in Beirut 15/5/2006.

The Civil Representation in the Palestinian Camps

The Popular Commissions: The Popular Commissions in the Palestinian camp used to be the Commandment of Palestinian Action within the camp. These commissions were governed by the Higher Political Committee in the early days of its creation from the 1970s until 1982. They obeyed their instructions and implemented their decisions. The commissions represented the main population sectors, with a representative of each political body, popular or vocational federation in the relevant camps. They had their security apparatus playing the role of police. They were called the 'armed struggle' and were used to address security issues and for settle conflicts. The Popular Commissions' activities would extend to public services such as municipalities in the villages²⁸.

Despite the annulment of Cairo Agreement by the Lebanese Parliament on 21/05/1987, the Popular Commissions were maintained but were deeply affected by the Palestinian political conflicts. This led to the plurality of Popular Commissions without a unique representative. Many attempts were undertaken by the population to reunify the Commissions, to concentrate their activity on the social affairs and to provide the camps populations with education, health, and cultural needs as well as to protect the environment and to restore of the infrastructure. However, all these attempts failed.

We must take into consideration the fact that the International Committees like UNRWA, UNICEF and others, in addition to the international and regional non-governmental institutions preferred dealing with the Popular Commissions when collaborating to provide services for the Palestinians. They would avoid the political dissensions of the Palestinian factions, which sometimes helped these commissions to survive even on the lowest plane.

The Popular Commissions were not elected, their members were appointed by agreement between the political parties. The disputes between these parties led to absence of further agreement. There was a proposal to develop them by linking them firstly to the Popular Boards in each camp. The board would have to be comprised of qualified and influential personalities from the camps in addition to the federations and

²⁷ Assafir newspaper 17/1/2006 said: "The president Mahmud Abbas called thanking Siniora, the Democratic Front for the Liberation of Palestine appreciated the matter and called to promote it, but the Islamic Jihad considered "the decision is an anticipated step in favor of the hegemonic forces of PLO which does not interpret the right situation since OSLO".

²⁸. Arab Palestinian Documents 1973, IPS Beirut-Lebanon.

the representatives of the Quarter Commissions. The main divergent points consisted of the general non-encouragement of the factions for the democratic election of the members, while some of them agreed to grant the right of withdrawing confidence from the Popular Board in any member of the relevant Popular Commission. In practice, the divergences led to stagnation in the Commission's structure with open membership and without possibility of calling any member into account or questioning. This resulted in the corruption of many members who were criticized by the camp population for forcing bribes in order to finance the commission fund, which was used by powerful members for private use. In addition, they engaged in illegal activities like cutting the camp electricity for developing the private electric generators business. Some members were also accused of security deals with local bodies, which made the Popular Commission lose their efficient role and the people lose confidence. Confusion prevailed as they ignored their professional duties and responsibilities.

A member in Ain El Helweh mentioning camp seminars on 15/12/2005 said that 'the Popular Commissions are appointed by the Palestinian organizations and not elected; they are imposed, we wish we could have elections like in Shatila. The present Commission has positive aspects in addition to the many negative aspects mainly the fact that the Popular Commission responsible is the one who follows the security, educative and electricity problems, and there are no specialized Commissions'²⁹.

Another, in the Bass Camp Workshop on 14/01/2006 declared that: "Our Palestinian society in chaotic, even the Popular Commission has a compact structure of non-elected bodies, that it is why we have no Popular Commissions but Organization Commissions"³⁰

A third one in the El Kassimia workshop on 16/01/2006 affirms that there is a popular Commission appointed by the factions and working on solving the problems, coordinating with the associations and the inhabitants and settling the school issues. It is composed of 15 members, four of them being activists undertaking voluntary work. It deals with the UNRWA as representative and with the European Union. The Popular Committee acts under the auspices the PLO³¹.

Development Factors

People began objecting to the Popular Committees and led calls to amend and improve their roles. They were influenced by different factors mainly:

²⁹ Ein El-Helwi camp, focus Group 5/12/2005 (H.D.C .Archive).

³⁰ Al-Bass camp, focus Group 14/1/2006 (H.D.C .Archive).

³¹ Qasmieh gathering, Focus Group, 16/1/2006 (H.D.C .Archive).

- Legislative and local elections in Gaza Strip and the West Bank which introduced democracy among the refugees. This was realized through the call to implement the principle of elections among the refugees outside the lands under the Palestinian authority. Commissions were set up to prepare individual initiatives and encourage a number of political organizations such as in Shatila camp near Beirut.
- The atmosphere of national unity that appeared in the Second Intifada (revolt), allowed the new approach of human rights prepared by the Palestinian civil organizations to prevail. This was especially so because the organizations of human rights and human development made such rights acceptable and exerted pressure on the factions to experiment the democratic elections of the Popular Commissions in the Camps. The Palestinian organizations had shown increased interest in the Commissions and supported their role thus preparing their revival. They gave funds to assist in reasonable achievement in comparison with the past situation.

On 20/05/2005, a partnership was established between the civil society and the factions to carry out the first elections in Shatila Camp, the representatives of the inhabitants and the federations were elected while the political organizations appointed one representative for each of them.

The rate of participation was 80% among those who were entitled to vote, which is a high rate under such circumstances.

There was no official Palestinian representative in Lebanon. There was a tendency of the people in the Palestinian agglomerations to establish Popular Commissions to express their interests. At the same time there was increasing rivalry between the PLO factions and the coalition of the other Palestinian forces with Hamas. Because of all these factors, the PLO made the decision to establish a Central Continuing Committee for the Popular Commissions in Lebanon. It held its first meeting on 06/01/2006 and meets on a monthly basis. There is however still a conflict about either appointing its members or electing them in a democratic way.

Here, the following issues appear:

- The PLO factions attempted to establish Popular Commissions in all the camps without proposing elections for the Commission members. The coalition of rival factions agreed to reject the elections for many reasons. The responsibility of supervising the armed struggle as security apparatus (local police) was taken out from the popular Commissions, as well as the representation in the political relations with the Lebanese parties or Lebanese authorities monopolized by the political factions
- Non-representation of the Islamic Palestinian organizations in any Popular Commissions in the camps directly, even if at times they are indirectly represented through independent associates or supporters.

- Return of qualified physicians, engineers and jurists who participated in the Popular Commissions or the return of some committees financing social projects in the camps to work progressively with the Popular Commissions (like UNICEF, Zayed Emirati Institution, etc...)

2) UNRWA Representation

UNRWAs duties are determined by virtue of the General Assembly resolutions dealing with its formation and the attributions granted thereto in accordance with resolution n°302/4 dated 08/12/1949. It started its activity on 01/05/1950 to provide for the important social and relief needs for approximately 880,000 Palestinian refugees in the Near East. With its regional head office set in Beirut the UNRWA activity involves with the following:

- 1- Have the states concerned with UNRWA operations accept them on their territory.
- 2- Determine competencies to achieve a number of duties without submission to the hosting state except with regard to consultation and collaboration.
- 3- In case of conflict on the commercial or civil works, the UNRWA shall solve them through arbitration and collaboration.
- 4- The UNRWA employees are governed by the administrative by laws. The UNRWA has neither territorial competence nor any legislative or jurisdictional competence on the refugees under its custody.
- 5- The UNRWA provides services to the refugees registered with it, whether inside or outside the camps. It had established places in the camps to distribute rations as well as dispensaries and schools. In addition it carries out some duties usually carried out by the municipalities for roads, sewers and house services.

Many factors affect the roles and objectives of UNRWA such as the political and security developments, the positions of donor states, the amount of donations for the budgets and the additional projects as well as the attitude of the hosting states towards the refugee society. In addition to this is also the role of the PLO and the Palestinian authority. The Palestinian refugees have always considered is the vital for them to maintain the UNRWA since it is their principal representative for education, health and relief.

2- General Amnesty

One of the Palestinians in El Bass Camp says: "The Lebanese make the Palestinian's life so difficult. For each issue he shall refer to a department or ministry. Before such intended complexity he shall compromise the law. Sometimes he would pay a bribe to the employee and at other times they want us to be secret agents. The Lebanese cause psychological suffering to the Palestinian and insists on giving a very awful picture of

him. All people in Lebanon used the Palestinians in their conflicts. The Lebanese prisons are full of Palestinians. The latter would die without anyone caring of them. If the Palestinian is declared innocent, he won't be released. My cousins were accused of a murder and condemned to the capital punishment, which is not implemented in Lebanon fortunately. After seven years the true murderer was identified and they were discharged but the court did not decide of any indemnity for them after such discharge³²"

The wife of a prisoner in Shatila Camp says: "He was accused of a misdemeanor with a three-month prison sanction. When released he was tried again for murder and theft. We cannot appoint a lawyer and the one appointed by the court would not take care of us. They said that is an old charge forfeited by the general amnesty, but now after nine months he is not released. Why is there discrimination between the Palestinian and the Lebanese? Is amnesty for the only Lebanese?³³"

There are many signs of the Lebanese state's discrimination in terms of general amnesty and its effects on the Palestinians in comparison with the Lebanese. This resulted in the perpetual Palestinian claim, until 2006, for the annulment of the political trials and benefit of the general amnesty. This clearly appeared when this claim was included in the memorandum of human rights set by the Palestinians in Lebanon and submitted by Abbas Zaki, representative of PLO Executive Committee to the Lebanese authority during the preliminary meetings to prepare for the Lebanese-Palestinian dialogue on 16/05/2005.

Despite the many cases of Palestinians being denied amnesty, two famous cases deeply affected the relationship between the Lebanese and Palestinians. The Palestinian refugees became aware that although the laws when set were comprehensive, the Lebanese administration used these laws as means to pressure the Palestinians.

First Case: The amnesty claim for the Fateh Secretary General and representative of the PLO factions in Lebanon known under the name of Sultan Abou El Aynein.

Second Case: The claim of amnesty to release of the Palestinian Youssef Chaaban who was convicted for the murder of a Jordanian diplomat, while it appeared that the actual perpetrator was executed in Jordan.

First: After the Taef agreement, on August 26 1991, the Lebanese parliament issued, the law n°84 giving general amnesty for the offences perpetrated before March 28, 1991 in accordance with determined conditions. Exceptions were stated for some offences like those against the state exterior security (the offences transferred to the Judicial Council) the crimes of murder or attempt of murder on the religious

³² ElBass camp Focus Group 14/1/2006 (H.D.C .Archive).

³³ Shatila camp Focus Group 7/12/2005 (HDC Archive).

leaders, the political leaders, Arab and foreign diplomats, and so forth. If people engaged in committing offences after the implementation of the agreement, their amnesty would be forfeited.

This amnesty which was meant to be comprehensive bore exceptions that were intended to act as permanent threats to prevent other offences under liability of annulment of the amnesty. In such a case there would be a trial for both the new and old offences.

The political selectivity was evident through the amnesty granted to the leaders and people responsible for the armed militias although there were exceptions quite often. It was clear that this is aimed to allow the cessation of the war by enabling those people to be maintaining leadership in times of peace.

The political developments in 2005 after the murder of the former Prime Minister Rafic El Hariri on 14/2/2005 led to another general amnesty. Though it is said to be general, only select offences were chosen. No retrial could be undertaken for any related subject since 1994. It was limited to the release of Samir Geagea, leader of the Lebanese Forces after he spent 11 years in prison along with his companion Gerges El Khoury and extended even to his companions who were not under detention. The amnesty decision was stained with confessionism as it involved the prisoners of Donia and Majdel Anjar who are fundamentalists accused of terrorism. No judgments were issued against them; yet, they were released³⁴. This amnesty did not benefit to any Palestinian accused of political offences, though Abou El Aynein was convicted by default in the period following the first amnesty.

On 28/07/1999, the Lebanese Military Court issued a judgment of capital punishment by default³⁵ against Hassan Ahmad Abou El Aynein known as Sultan Abou El Aynein. He was the Fateh General Secretary in Lebanon. He was convicted of establishing an armed guerilla aimed at harming both the civil population and their properties and the Lebanese state and its authority³⁶.

³⁴ Nizar Saghieh: On the amnesty for Geagaga, a lecture in Sarroulla hall, November 2005-Beirut.

³⁵ Al-Nahar newspaper 10/11/1999: The legal frame of verdict in absentia in articles 340 to 342 of the Lebanese criminal law procedures as follows:

- Article 340: "the verdict becomes applicable the second day of its publication in the Official Gazette"
- Article 341: "if a fleeing accused is condemned and since the applicability of the verdict his property would be under the rules of absentee wealth administration; it will not be restored unless after the clear away of the judgment by its prescription".
- Article 342:"the verdict should be informed to the accused within eight days of its proclamation, by virtue of dissemination in the Official Gazette or in a court".

³⁶ Al-Nahar newspaper 29/10/1999.

This decision resulted in accusations raised by the Palestinians who claimed that the Lebanese courts were neither impartial nor fair when the accused was a Palestinian. The conviction was the main evidence of this as the judgment was passed in the context of severe political interactions.

- The Public Prosecutor before the Superior Court was at that time Judge Adnan Adoum who later became the Minister of Justice. He was accused by the parliament majority of being the instrument of legal repression used by the Syrian authority in Lebanon.
- The PLO, Fateh movement, the Palestinian Union federation and Commissions declared that they considered the judgment to be set on political grounds and brought about by a powerful political party who had political plans aimed at harming the future of the Palestinian refugees in Lebanon. They deplored such judgment that considered Fateh an armed guerrilla. Then the PLO took certain steps. Its permanent representative in the Arab League of States Mohamad Sabih met with the Secretary General Mr. Osmat Abdel Majid and asked him to intervene in Lebanon in the settlement of the case of Fateh's Secretary General. Finally, as a political challenge against the decision of the Lebanese Court, the Head of the Executive Committee of PLO Yasser Arafat issued a decision creating the advancement of Abou Al Aynein to the grade of Brigadier³⁷.

The court decision was passed in the following political context:

The American Secretary of State Madeleine Albright declared during trip around the Middle East that the future of the Palestinian refugees will be settled during the final negotiations between Israel and the Palestinians. The Lebanese and Syrian governments feared that the Palestinian authority would renounce the right of return.

- Fateh showed an interest in the revival of its political role and the increase of its authority on the Palestinian refugees in Lebanon. It resumed the military training of its militia and the distribution of weapons in the camps.
- The Israeli Prime Minister Yehoud Barak declared his plan of military withdrawal of the occupation forces from South Lebanon before July 2000. This led to the Lebanese fear of Israeli-Palestinian (Fateh) security coordination in Lebanon.
- The opposition Palestinian authorities insisted that there was Syrian influence on the Lebanese court in passing the judgment of capital punishment. The latter intended to send a message to the

³⁷ Al- Mustakbal newspaper 1/11/1999.

- Palestinians to maintain peace in Lebanon as there is a possibility of convicting any Palestinian in the same manner.
- The attempts of Farouk El Kadoumi, The Palestinian Minister of Foreign Affairs who had a close relationship with Syria failed in making the latter mediate in Lebanon in order to settle the issue.

In practice, there were two joint procedures:

First: On the Lebanese side, the government continued to operationalize its decision not to play a role in the refugee camps and only imposed strict measures through the Lebanese army barracks at the limits of the southern camps.

Two: The accused retreated to El Rachidieh Camp, south of Tyre knowing that there is no enforceable decision of his arrest and declaring his refusal to surrender. This would directly annul the decision of capital punishment and lead to retrial.

The accused himself was subject to continuous pressure. He was convicted once again by default by the Permanent Military Court for the offence of forming an armed group in the southern region of Kfarchouba with a ten-year prison sentence and penal servitude (El Nahar, 04/12/2000)

In the beginning of December 2003, two Palestinians accused of the murder of Abdallah Chyridi in Ain El Helwe camp were tried "in accordance with a decision taken by Fath secretary General in Lebanon Sultan Abou El Aynein bearing his elimination" (El Moustakbal 01/12/2003). This added a complexity to the judicial issue, especially as the penal judgment by default issued by the ordinary jurisdictions or the military courts was not subject to reversal or opposition after it became enforceable. It is only forfeited if the convicted by default surrenders in view of retrial.

The implicit agreement between the Lebanese and the Palestinians to adapt the political dealing with respect to the successive court decisions was completed when the general amnesty was mentioned again in year 2006. The Palestinians reiterated their claim for the refugees to be involved in the following succession:

In October 2004, the Lebanese newspapers published news about Abou El Aynein's visit to Damascus and his success at getting out of El Rachidieh camp under security protection, in order to attend the political meetings there, but he denied these facts. On 11/02/2005, the Lebanese television and press published the picture of a visit undertaken by Sultan Abou El Aynein to the Lebanese Speaker Nabih Berri in Mseileh and a meeting between the two men. The final message sent was that the courts were used for political aims and that the change of circumstances led to a relaxation, but the Palestinians did not benefit from the second Lebanese amnesty. The Lebanese government pretended that the general amnesty could involve a sanction resulting from a penal judgment by default, but the convicted usually never benefited from a special amnesty.

Therefore the head of the parliamentary commission entrusted with the file of dialogue with the Palestinians, ambassador Khalil Mekkawi declared that "the promise given to the Palestinians to annul the judgment issued against Sultan Abou El Aynein is under study. As it is a legal issue it needs legal jurisprudence which would take time and necessitate research³⁸. In practice, the judgments were forfeited after Abou El Aynein surrendered to the court and was discharged on 3/1/2006.

The second issue deals with Youssef Chaaban, the Palestinian from Borj El Barajneh camp who is in prison with a life sentence issued by the Judicial Board³⁹. He was convicted fourteen years ago in the case of the murder of the Jordanian diplomat Naef Maayta in the year 1994, which was never legally settled. The Palestinian civil steps undertaken consisting of strikes, sit ins and signing petitions for retrial. Though the error of the Judicial Board has been established, there is no legal means to change the decision except through legislative amendment as the judgments of such a board are absolutely not subject to any remedy of the law or appeals processes. Recently, the Lebanese legislature opened the way for a solution through the amendment of articles 328, 329 and 366 of the Code of Penal Procedure (law n°711 dated 15/12/2005). By virtue of its amendments, it authorized the request to retrial for the crimes and misdemeanors whatever the court passing them and the sanction are. Though two people were executed in Jordan after recognition of the fact that they perpetrated the crime in which Chaaban had no connection, the latter is still seeking a legal way for annulment of the Judicial Board judgment or acquiring Amnesty.

4-The right of Free Traveling

Geographical Framework: Inside then Outside of Lebanon

Inside Lebanon: It was reasonable that the Lebanese state like any other state would determine areas where the freedom of traveling is prohibited for other than the local inhabitants, such as near the borders mainly in the south. After the Lebanese – Israeli Armistice was set in the year 1949 in Rhodes, Lebanon strictly prevented the infiltration attempts undertaken by some Palestinian refugees who wanted to return to the Northern part of their occupied country. This is because it had led to Lebanese–Israeli military confrontations in addition to the many catastrophes suffered by the infiltrating Palestinians who were shot. This also led to arrests undertaken by the Lebanese security forces. Later on the Palestinians were transferred from those areas to the camp of Rachidieh and then to the North.

³⁸ Al-Nahar and Assafir newspapers 3/1/2006

³⁹ Al-Nahar, Dr Duraid Bsharawe: "The Judicial Board: a security necessity or exptional tribunal?"

In further steps, the Lebanese security bodies imposed restrictions on the Palestinians' traveling among the camps located in all parts of Lebanon. Each Palestinian had to obtain a special authorization from the Military Security to visit a Palestinian camp in the south if he were coming from other camps. The penalty for infringement would be the imprisonment.

After the Fedayin bases spread in the year 1969, conflicts ensued from time to time with regards to the free traveling, especially for the military refugees, in South Bekaa and the area of Kfarchouba. They were forbidden to travel among the Lebanese cities in military uniform. Later, the prohibited geographical areas were extended to all refugees after the Israeli occupation and the creation of the security zone, which covered villages located in the districts of Jezzine, Hasbaya, Merjeyoun and Bent Jbeil up to Nakoura. Lebanese wishing to come to this area had to obtain previous authorization from the Ministry of Defense for security purposes.

In practice, no authorizations were given to the Palestinians. After the Taef agreement in the year 1989, the southern camps suffered from restrictions. The Lebanese army set up barricades at their entrances closing all means to and from there and supervising the movement of people and visitors. The Palestinian refugees suffered more economical and social restrictions.

A- Used power to paralyze the freedom of traveling as means of pressure by the Lebanese government on the camps inhabitants. The most famous example occurred 16/07/2002 when the Minister of Interior and Municipalities Elias El Murr attempted to force people including those responsible in Ain El Helwe camp (the biggest Palestinian camp in Lebanon with a number of inhabitants not less than 40 thousand) to respond by delivering a Lebanese who fled there after murdering security agents. He threatened to close the camp and stop people's activities by putting them in a big coercive jail. He said: 'There is an option of delivering the perpetrator to the Lebanese Army then to the courts, otherwise the army has decided to escalatory the situation, even if they could result in closing the camp entrances so that no criminals shall enter there and give a bad impression of the innocent people inside'⁴⁰.

Then, the security barracks role changed from providing security, protection and coordination with the responsible people in the camps to a point of intensification where the grip around the camp was tightened, hindering its activity, isolating it from the neighborhoods, eliminating the freedom of traveling to and from it, all by decision of the executive authority.

⁴⁰ Al -Mustakbal newspaper 16/7/2002

B- A accident caused an important conflict concerning the freedom of traveling where a Palestinian succumbed to his injuries at Ain EL Helwe camp barracks. It took place on 08/11/2001 when the refugee Husni Mohamad Hassam El Gazal (35 years) was shot by the Lebanese Army at the checkpoint of the entrance. He died inside the camp later. The directorate of Orientation in the Army Commandment said in its statement about the accident that the Palestinian escaped from a car where the passengers had their identity checked. He had a falsified identity card. There had been warning shots, he kept on running away and was wounded. Later on it appeared that he died⁴¹.

The camp inhabitants believed that they were deprived of their freedom to travel. They refused to consider the military as a border between the two zones. They organized protests expressing their concerns about the fate of the children and families crossing the check points. The Lebanese and Palestinian commandments worked on controlling the accident and preventing its ramifications, especially in terms of guaranteeing the safe freedom of traveling for the camp population.

Outside Lebanon: The decree n°1188 issued on 28/07/1962 provides in its article 22 that a Palestinian are exempted from carrying a travel document when traveling between Lebanon and Syria. If s/he wishes to travel to another country, s/he shall obtain a travel document from the relevant authorities. S/he shall have to submit an application to the Directorate General of Refugees' Affairs in order to obtain a travel document. The directorate shall examine his/her application and state its opinion, and then transfer it to the relevant departments in the Directorate General of General Security.

Several facts deeply hindered the Palestinians' free traveling from and to Lebanon:

- The purpose of the trip, to determine the possibility of authorization or prohibition of traveling abroad and return.
- The procedures required to facilitate the travel and to reduce its complexity.
- The Lebanese–Palestinian political and security complications.

The trip purpose has always played an important role. Many Palestinians in order to find job opportunities, wanted to freely travel to the Gulf

⁴¹ Al-Nahar newspaper, 9/11/2001.

states where oil appeared as the main industry. Those Palestinians usually benefited from facilities but the Lebanese State stipulated that UNRWA should strike their names from the relief records. In the 1950s, this issue was interpreted as an attempt to provide assistance for the other refugees in Lebanon to alleviate their problems, especially if the emigrants were able to provide for themselves and their families. Then the Lebanese authorities stipulated that this same Palestinian should be registered with the UNRWA in order to obtain a travel document.

For the Palestinian traveling to another country for the purpose of military training, his application was totally refused. That is why in the early sixties, when the Iraqi President Adbdel Karim Kassem decided to establish a Palestinian army he authorized the volunteers from the refugee camps to join the army wherever they were. Among these volunteers were Palestinians from Lebanon. The Lebanese government passed orders saying that if they left the country, they could not return. That is what happened until the year 1967 when the Lebanese authorities refused, according to reports in the Lebanese newspaper El Hayat Lebanese on 13/05/1967, the requests of the PLO to authorize officers of the Liberation Army in Iraq to enter Lebanon in order to visit their relatives. This happened again on 04/10/1970 when the Lebanese government also refused to authorize an Iraqi airplane to unload a number of military agents of the Arab Liberation Front returning from Baghdad in Beirut Airport (El Hayat Lebanese newspaper – Beirut 05/10/1970). The Cairo agreement and the Lebanese – Palestinian conflicts led to difficult negotiations on the interpretation of such issue, until travel facilities were established and the PLO office in Beirut issued a statement⁴² saying that the Minister of the Interior had decided on the following:

First: Authorize all Palestinians residing in the Lebanese Republic to go to the Arab Republic of Syria and return there from without previous authorization (which was very difficult to obtain from the Lebanese military Security 'The Second Bureau', and accept the only identity Card.

Second: Authorize the Lebanese embassies and consulates abroad to renew the travel documents held by the Palestinians residing in Lebanon similar to Lebanese citizens. Earlier, they were returned to the Lebanese General Security to be renewed or refused.

Third: Limit the formalities of issuing travel documents to the Palestinians from the Department of General Security. Remove the previous routine where the issuance documents issuance had to pass through the Directorate of Palestinians' Affairs and the Second Bureau.

This development reduced the problems suffered by the Palestinian Refugees when exercising their freedom to travel. However, the

⁴² Al-Nahar newspaper 8/1/1970

Directorate of Security General adopted many procedures creating hindrances for obtaining of a travel document. It always subjected the applicant to security investigations and attempted to make him a secret agent for its body. The application would be refused without specification. It would be delayed until the employees were able to procure bribes in order to facilitate the process. In addition there was the delay of delivering or renewing the document, which is not usually less than three weeks and could take up to a few months.

We mention that the decree n°7706 issued on 29/12/1954 had exempted the Palestinian refugees from paying the fees of the visa on their passport when traveling from one country to another and also from paying the fees for obtaining travel documents, renewing or extending their term. After the year 1970, the Lebanese General Security started to collect financial fees for exactly as much as a Lebanese passport.

After the Palestinian obtained a travel document s/he is able to freely travel from and to the country. The travel documents could be renewed through the Lebanese diplomatic missions abroad after fulfilling the terms requested for such renewals. The Ministry of Interior stipulates upon delivery of a travel document that the Palestinian shall establish that he is registered in the UNRWA lists and shall submit the ration card, which determines his legal status as refugee in Lebanon.

The stipulation of registration with UNRWA as basis of the right of legal residence gave exceptional importance to its registers and records, despite the fact that originally they were not intended as a census of the Palestinians. It is known that many Palestinians refused the services provided and the rations and were not registered in the records of the year 1948. They only registered their names in the census of the Ministry of Interior for the year 1952. As they have no UNRWA card from a legal point perspective they are considered special refugees. Those who traveled abroad were also struck off the UNRWA service records and obtained a laissez-passer for one year only.

Imposition and Annulment of the Return Visa:

The right to free travel of the Palestinians in Lebanon was deeply affected on 07/09/1995 by a political decision issued by the then Prime Minister Mr. Rafic El Hariri, with an agreement with the president of the Republic at that time Mr. Elias Hrawi. This decision was conveyed to the vice-Prime – Minister, the Minister of Interior Mr. Michel El Murr, then the Minister of Transport Mr. Omar Miskawi⁴³.

The difficult times began when the Libyan President Moamar El Gaddafi took the decision to expel the Palestinians from Libya on 01/09/1995.

⁴³ Al-Nahar news paper 9/9/1995.

Approximately 5,000 came from Lebanon with others came from other countries where they were sent back. In Lebanon, the prohibitions against the Palestinian refugees began on 10/09/1995. The Minister of Interior and the Minister of Transport decided to impose an embargo against the ships coming from Libya and a formal prohibition against all Palestinians residing abroad, in a very surprising step, without giving any delay in settling the issue of those wishing to return. On 22/09/1995, the Minister of Interior issued the decree n° 478 relating to the control of entry and exit for Palestinians. The decree imposed an entry and exit visa before leaving. Persons abroad were required to obtain a return visa from the Lebanese diplomatic mission in the country, but this was not actually delivered.

The interactions accompanying this procedure showed the usage of legal means to put pressure on the Palestinians and forced them to travel outside Lebanon only by means of laws and executive decisions that were issued. Some important Lebanese individuals carried out a discrimination campaign against the Palestinians at this time, particularly because the Gaddafi saga of deporting the latter was playing itself out simultaneously. This particular issue led the Minister Nicolas Fatouch to say that the Palestinians were "human waste"⁴⁴. The Palestinians in Lebanon thus asked for the revocation of the said procedures or at least a limit of its effects as mentioned below:

- The risk of dispersion of the families as the members abroad could not return to their relatives.
- Some countries where the refugees had work opportunities stopped receiving them for fear that they would not leave the country upon expiration of their work contract as Lebanon would not accept them back.
- The Palestinians repeatedly asked for the implementation of the Casablanca Protocol issued in September 1965 by the Arab Summit and signed by Lebanon. It stipulates that 'the Palestinians shall be treated in the Arab countries where they reside as Arab nationals with respect to their traveling and stay... while maintaining their Palestinian nationality.'⁴⁵.
- In a statement to the Lebanese Press on 07/09/1995 the then Lebanese Minister for Foreign Affairs Mr. Fares Bouez admitted that the Lebanese government had taken a decision to freeze the need to carry Lebanese travel documents valid for the Palestinian refugees, the renewal of documents and any entry visa. This indicated that the real purpose of such procedures was to absolutely prohibit the returning of the thousands of Palestinians

⁴⁴ Al-Nahar news paper 14/9/1995.

⁴⁵ Treating Palestinians in the Arab Countries Protocol 11/9/1965 Session of the Arab kings and Presidents meeting at Casablanca –Morocco
Arab league Documents-Cairo

who legally left Lebanon to seek work and education and leave them dispersed all over the world. Each of them had to adjust his stay and immigrate to a country where he could settle after a period of residence.

The Palestinians made every effort to revoke such an arbitrary procedure. In the beginning of year 1999 when Dr. Selim El Hoss became Prime Minister, issued a decision, which 'rehabilitated the Lebanese travel documents delivered to the Palestinians residing in Lebanon.' As of 13/01/1999 this has practically led to an annulment of the stipulation of carrying a visa in order to return to Lebanon⁴⁶. Later on, the Directorate General of General Security declared that it will, (as soon as the needed administrative measures are taken in the directorate and with the diplomatic missions abroad) declare the actual dates of implementation of the new procedure in accordance with a decision of the Prime Minister. It would bear traveling facilities for the Palestinian refugee through travel documents delivered to them and resembling the Lebanese passport⁴⁷. This decision was complied with.

5-The Right of Dwelling

Most human rights instruments discuss the rights to dwelling. The right of the human being to his dignity and its protection, the principle of non-discrimination, the right of individual and familial security, the right of a decent life, and the right of freedom in choosing a dwelling are all connected through the right of dwelling. In addition, the right of dwelling enables a person to enjoy a healthier environment and maintain psychological and physical health, and so forth⁴⁸.

⁴⁶ Assafir newspaper 13/1/1999.

⁴⁷ Al-Nahar newspaper 13/1/1999.

⁴⁸ Legal sources for the right of acceptable shelter by the International Humanitarian Law are:

- Int. Covenant on Economic, Social and Cultural rights (1966): article 11-1 says; "The states Parties to the present Covenant recognize the right of everyone to adequate standard of living for himself and his family, including adequate food, clothing and housing".
- The International Convention on the Elimination of all Forms of Racial Discrimination: article 5 says:" In compliance with the fundamental obligations laid down in article 2 of this Convention, states Parties undertake to prohibit and to eliminate racial discrimination in all forums and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (e) Economic, social and cultural rights, in particular the right to housing".
- Universal Declaration of Human Rights (1948), article 25-1 says: "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".
- International labor Organization (ILO) Recommendation no 115 (1961) on worker's housing contains in its second clause: "It should be an objective of national housing policy to...(ensure) that adequate and decent housing accommodation and a suitable living environment are made available to all workers and their families. A degree of priority should be accorded those whose needs are more urgent".
- Vancouver Declaration on Human Settlement (1976), section III(8) and chapter II (A,3) state respectively: "Adequate shelter and services are a basic human right, which places an obligation on governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programs of self help and community action. Governments should endeavor to

From the beginning of their displacement the Palestinians were seeking refuge. Due to the importance of the issue, the state interfered with the right to decide the transfer of any Palestinian from one camp to another and the security bodies were entrusted with the same authority. The largest fraction which included more than the half of them was hosted in Lebanese cities and villages while the others were distributed in 15 camps. From 1973 to 1976 three of these camps were destroyed and their inhabitants were forbidden from returning there. These were the camps of Nabatieh, Jisr El Bacha and Tel al Zaatar.

The camps were distributed on the Lebanese provinces as follows:

- 1- Province of the South:
 - A- Region of Tyre: The camps of El Bass - Borj El Chemali - El Rachidieh.
 - B- Region of Saida: Camps of El Mieh Mieh and Ain El Helwe.
- 2- Province of Mount Lebanon: Camps of Dbayeh, Shatila and Borj El Barajneh
- 3- Province of Beirut: Mar Elias Camp
- 4- Province of Bekaa: Wavel Camp (Ghalile)
- 5- Province of the North: Camps of El Beddawi and Nahr El Bared.

Land where the camps are set: The Lebanese government donated some of its properties while others were leased from their owners through contacts with UNRWA and under the supervision of the Lebanese authorities. There were also donations from civilians. As this land was not owned by the Palestinians, any horizontal extension of the area would have to take place under the same procedures, i.e donation of land from the state or the owner or at the conclusion of an official lease contract with UNRWA. An administrative arrangement with the Lebanese security bodies prohibited construction of floors in the camp houses, which led to the negotiations with the population until 1969. The population of the camps increased over time through natural causes and many left. There were refugee agglomerations outside the camps as well which were not recognized by the UNRWA or the Lebanese State such as Jal El Bahr, and El Kassimi in Tyre, Sikka near Saida, Saadanayel in the Bekaa, etc.

Palestinians residing outside the camps may change their dwelling as they wish once they deliver the notice of acknowledgment provided for by article 1 item 3 of Decree n°927 of the year 1959 dealing to the Organization of the Works in the General Directorate of Refugees' Affairs in Lebanon. The Palestinians living in the camps should ask for

remove all impediments hindering attainment of these goals. Of special importance is the elimination of social and racial segregation, inter alia, through the creation of better balanced communities, which blend different social groups, occupations, housing and amenities".

authorization to move from one camp to another in accordance with the same article item 7.

The elements of the Palestinians' right of dwelling involve the legal security of possession provided for by the contracts drawn between the UNRWA and the state or the owners of the land. Hence, there is no threat of coerced evacuation of whole groups except in the case of other Palestinian agglomerations.

The sites of camps and agglomerations close to cities generally allow the refugees to access places of work and health care. With the passage of time, the infrastructure worsened and there were several suggestions for improving it and for providing important and necessary things. However, the most negative aspects lie in the absence of the appropriate engineering and health requirements such ventilation, natural lighting and environmental health in the camps especially since they comprise of markets, shops, economical centers, social clubs and schools, health clinics, dispensaries and so forth. Water and electricity are provided for a fee by the government to meet the needs of the houses. There is a very high rate of demographic concentration in the camps due to the narrow geographic space. This led to acute congestion.

The demographic density led to overcrowding as the camp dwellings do not generally exceed 30 square meters and are composed of one or two rooms, a kitchen and bathroom. Most of the dwellings lack appropriate ventilation and lighting. Due to the changing security conditions, a lot of people left the camps but maintained their rights through leasing their houses. Then a new custom was established where occupant of the dwelling who is not the owner would lease the said dwelling. This in turn resulted in many problems among families for the issues of indemnities, reconstructions, dwelling rights, and so forth in cases where the house was destroyed or damaged due to war.

Samples of Adaptation for the Right of Dwelling

The population in the camps resorted to vertical construction because of the impossibility of horizontal extension. This is why we can see tall buildings in camps like Shatila, reaching to seven floors. The danger lies in the fact that the proper foundations were not initially laid and the buildings did not meet engineering. The populations living there, too poor and lacking alternatives, are in constant fear of the collapse of the buildings.

Due to the battles during the years of war, a great number of buildings were destroyed in addition to houses that were partially damaged. This solicited suggestions for reconstruction and restoration. This process faced many obstacles:

- A- Prohibition of introducing the reconstruction and restoration materials to the southern camps, especially in the region of Tyre enforced by the intermediary Lebanese Army through its barricades at the entrance of the camps. Before the sustained pressure to resolve this issue, the Lebanese government declared a lifting of restrictions on reconstruction materials on 30/11/2004, but revoked it quickly 20/6/2005⁴⁹.
- B- Lack of the financial resources assigned for reconstruction and restoration. The UNRWA collected special donations for this purpose, out of its annual budget and adopted the following methods to provide dwellings.
- 1- Granted the refugees loans to restore their houses the last of such loans went back to 2005 and consisting in 15 loans of 38 thousand dollars in total.
 - 2- Achieve projects of building new houses for the refugees in the destroyed camps. This was undertaken in collaboration with the Lebanese Ministry for the Displaced through stopping the refugee evacuation from Dbayeh camp and resuming the payment of indemnities set for the Palestinian displaced. They in turn transferred the amounts to UNRWA to build them new houses in other replacement camps⁵⁰.
 - 3- Encourage the initiative of restoration and construction in the frame work of "self help", which calls for the participation of the inhabitants in the construction of their houses, either through financial contribution, free work power or providing the equipments needed for construction⁵¹.

In fact, in the period between 1997 and 2003, 462 families benefited from the dwelling and restoration projects completed by the UNRWA. The records showed a need for repairing 1571 houses in the camps in the north, Bekaa, Beirut and Saida, and 1427 houses in Tyre' camp. There was a long waiting period for obtaining the UNRWA loans, thus, some owners resorted to private loans for the construction or restoration of their houses. However, it remained impossible for the families facing excessive hardships to manage to do the same⁵².

Adaptation Concerning the Issue of Infrastructure: Electricity is the most common issue. The increase in the number of houses led to a parallel increase in needs for electricity. The official electricity company provides the service at a low rate. Extensions on constructions require a higher number of transformers in the camp streets, which is not provided by the Lebanese company. As

⁴⁹ UNRWA Commissioner-General report 1 July 2004 to 30 June 2005. UN publications, N.Y.(2005).

⁵⁰ OP.C. the years 2000-2001

⁵¹ Ibid

⁵² OP.C. the years 2003-2004

UNRWA was suffering from a permanent budget deficit and failing to satisfy the increasing needs, the PLO through the Popular Commissions, proceeded to the purchase of transformers.

In some camps there are counters for the electricity company but the fees are not usually collected from the individuals. This is because Lebanese officers either refuse to enter the camps for other security reasons. The alternative for the electricity company is to provide the camp with the electric current and the internal distribution is undertaken by the inhabitants under supervision of the Popular Commission. This led to chaos and many refugees were electrocuted. The fees settlement is undertaken by the Popular Commission which collects monthly payments from the inhabitants and delivers them to the electricity company. When several camps failed to pay the due fees, the electricity was cut. There were suggestions to either resort to direct collection from individuals or of collective collection from everyone to pay to the electric company in order to resolve the problems. In 2003, the Lebanese Council of Ministers took a decision to go back to the original method of installing counters for each house but the electricity company never undertook such a process. It only asked the UNRWA to pay the cumulated amounts and the latter refused⁵³. The people of the camps are still suffering of almost daily power cuts, though new counters have been set in some camps.

The roads inside the camps are such small narrow ways that cars cannot cross. They are mostly not asphalted and lack periodic maintenance. This turns them into swamps of mud and dirty water after periods of rain. The Lebanese municipalities have given nothing to the camps claiming that the UNRWA is responsible for them.

Water: The quantity of water provided by the Lebanese companies is insufficient and less than the minimum required to satisfy the needs of the inhabitants. Many donors such as UNICEF, UNRWA, PLO service institutions and the Popular Commissions established tanks after digging wells to fill a few gaps, but more water is still urgently needed. Moreover, the water pipes often lack maintenance and are often polluted, which causes the spread of diseases and epidemics.

Waste Water: Though 58 years elapsed after the Palestinians came to the refugee camps, waste waters still flow along the narrow ways in the camps, which is one of the most important factors affecting health degeneration. In addition, there is lack of

⁵³ Assafir 4/9/2003: UNRWA: "We won't pay the bills of electrical current for the Camps".

natural lighting and ventilation as the buildings are built very close and they are designed poorly.

Dwelling Outside the Camps: The Palestinian like the Lebanese is bound by the terms of the lease contract in accordance with the market. The amount of rent is determined by agreement in accordance with prices prevailing in the region and to the circumstances. In general the various Lebanese wars led to the distribution of the population in the regions on confessional grounds which restricted the areas of Palestinians lease. Then a law was issued prohibiting them from real estate ownership which made the need to lease more important. Due to the high prices in the cities, they rented houses outside. This became a factor in the migration and displacement of many families with low incomes who gathered in the poorest suburbs and in the country where the infrastructure is very poor. We note that most of these Palestinian families would get money to rent from members working abroad. It must also be noted that the distance from the camps and the UNRWA health and education created difficulties for these families.

6-The Right of Real Estate Ownership

The Lebanese government policy in terms of real estate ownership for the Palestinians aimed to:

- 1- Forbid the development and improvement of camps, which led many people to leave them for Lebanese cities and villages or for other countries.
- 2- Put exceptional pressure on the region of Tyre in the south (El Rachidieh, Borj El Chemali, El Bass) to force their population to move north, where the UNRWA was encouraging the displaced by building houses, mainly in Nahr El Bared (50 new houses).

The increase in the number of Palestinian youth immigrating abroad, whether seeking work or economic refuge in the western countries enabled many of them to provide financial assistance to the rest of their families for overcoming the difficult conditions in Lebanon.

This allowed many families to purchase dwellings in the new buildings and became important after the situation was pacified in Lebanon. Many Palestinian businessmen also contributed in the fields of construction and real estate in Lebanon. The Lebanese economical stagnation in the field allowed poor Lebanese and Palestinians to purchase houses in installments, at rates close from the monthly rent for the same house. They could not register the real estate property before settling all installments which usually took many years. It was estimated that approximately 5,000 Palestinian families had acquired property, paid its price and only had to register it. The Palestinians who previously acquired flats and real estates had officially registered them but paid relatively high fees in comparison to those paid by the Lebanese (16.5% instead of 6%, for the foreigners including the Palestinians). Then the law was amended in the last five years, which encouraged many people to register of their property. An intense registration process took place from

1998 to 2001, which was exploited by confessional parties that had historically objected to the Palestinian presence in Lebanon. They undertook a hostile campaign claiming that the purchase of residential flats is a covert plan for the Palestinian refugees settling in Lebanon.

The Lebanese legislator publicized law n°296 dated 03/04/2001 published in the official Gazette under n°15 on 15/04/2001, which is the amendment of the law implemented by the decree n°11614 on 04/01/1969 (The law for the non-Lebanese acquiring real estate property in Lebanon). Article one of the laws provides the following:

“Article One: No non – Lebanese, whether physical or legal person, and any Lebanese considered by the law as foreigner is entitled to acquire, through a contract or another legal act between living parties, any real estate right on the Lebanese land or any other estate right set by the law unless he has obtained an authorization given by the council of ministers upon preposition of the minister of Finance. There are no exceptions to this rule out of the cases expressly provided for by the law.

No estate right of any kind may be required by any person who is not holder of the nationality of a recognized state or to any person if such acquiring is in conflict with the provisions of the Constitution concerning naturalization (tawteen).

In practice, the last item led to a restriction on the Palestinians for the acquisition of estate rights, even if it was a dwelling or a shelter as they have no state. Before such amendments they like other foreigners had the right to acquire up to 5000 square meters without any authorization. The second part is related to the process of settling prohibited by the Lebanese Constitution and associated with the Palestinians acquiring estate rights. This is a misrepresentation of the settlement process as well as a deliberate attempt at discriminating against Palestinians.

A number of Lebanese deputies tried to revoke such discrimination. On April 20, 2001, they submitted a legal constitution to the Constitutional Board that rejected it. Then, on 27/07/2001 nine deputies submitted a law project in order to amend the foreigner’s ownership law in Lebanon. They mentioned in the motives that this leads to an embargo against the Palestinians at the exclusion of any other Arab or foreign nationals. The Palestinian’s acquisition of a flat would not lead to his settling, especially because the Palestinians in all their factions are against settling as they wish to return to their country under the claim of the right of return. They emphasized acquiring Lebanese Nationality depends on only the law of nationality and has nothing to do with any other law or legal act like purchasing or inheriting a floor. The deputies rightfully considered the ban as harmful to the image of Lebanon as country of equality and freedom, pointing out the Human Rights Declaration adopted by Lebanon in its Constitution, affirming the right of acquiring property separately or jointly with others (article 17) They argued that this should be

complied with. The deputies mentioned that the ban resulted in many legal and social issues that needing resolution due to the negative effects it produced. The speaker transferred the project to the Commission of Administration and Justice to be studied, and it is still pending.

Impact of the Law on the Palestinians' ownership

The amendment mentioned of the law n°296 issued on 04/05/2001 is clear in its discrimination against the Palestinians on grounds of their national origin. This had the effects of increasing pressure on them, in addition to infringing on international agreements and declarations of human rights. In this framework, three issues arouse:

1)The first deals with the Palestinian owners who purchased estates a long time ago but did not register their property with the cadastre, either for lack of the funds needed to pay the fees or because they are still paying the installments according to sale contracts that are not registered before full settlement.

By logic these people were governed by the old law and were allowed to register their property. But in fact, those who tried to do so found that orders and decisions were announced to the cadastre employees and also to the notary public⁵⁴ to prohibit registration. This created a state of deprivation, although there was a law that required the implementation the rules until new rules were created to replace them.

2) Second: This law practically forced Palestinian owners to choose one of three options: register in the name of a Lebanese person, which leads to conflicts between the people. Although there were a lot generous persons occasionally some may cheat the real owner as they know that the ownership is illegal and registered in the name of another person. Article 16 of the decree n°11614 of 04/01/1969 relating to the acquisition of real estate rights by non-Lebanese was not amended and annuls the contract and a places penalty for each act drawn through an intermediary to avoid the implementation of the law.

The fall of property prices fell affected the sale of real estate as new purchasers knew about the legal quagmire of Palestinian sellers. The real estate market has witnessed a severe crisis over the past few years where the supply has exceed the demand, and there has been a period of stagnation. As a result of these factors, Palestinians were compelled to sell at very low prices, which was extremely unfair.

Therefore, the law deeply harmed the individual right of ownership, as a right guaranteed and protected by the law, which is infringed only in case of

⁵⁴ Consultations and Legalizations Committee at the Justice Ministry of Lebanon/basic no 1/378/consultation no 394.

emergency and for the public interest after an appropriate indemnity is paid. Though the new amendment infringes the right of private property, it does not refer to any public interest or mention the indemnity to be paid to the persons harmed by its implementation in any special item.

- 3)** Third: This law is in conflict with the right of inheritance, which practically led to the annulment of real estate inheritance whether for Muslim or Christian Palestinians. If a Palestinian inherited property before the law 1614 was amended or if this inherited property came from a Lebanese relative such as a mother or a wife, the law would be in conflict and contradiction with a right included in the religious laws for inheritance which the Lebanese legislature left to religious groups to address.

After the establishment of the Ministerial Commission for Lebanese – Palestinian dialogue under the headship of Ambassador Khalil Makkawi, the Lebanese Prime Minister expressed his vision for progress as follows:

- Alleviate the restrictions on the holders of different nationalities who are of Palestinian origin. In practice, in the law of December 15, 2005, a decision was issued authorizing the Ministry of Finance 'to enable any person bearing the nationality of one of the states recognized by Lebanon to obtain a certificate of absence of ownership to be able to acquire property according to the set procedure⁵⁵'
- A promise to authorize the registration of inherited property regardless of the nationality of the inheritor in accordance with the law in force, in order to protect private property.
- A promise to study the possibility of registration for the real estates owned by Palestinians legally residing in Lebanon, which were bought before the amended law was issued. As to the present period following the said law, the prohibition mentioned therein shall be maintained.

7-The Right to form Associations

The right of forming associations is considered as one of rights established by the Lebanese Constitution issued on 23/05/1936. Its article 13 provides that 'The right of expressing opinions orally and by writing, the freedom of printing, the freedom of reunion and the freedom of forming associations are all guaranteed by the law⁵⁶. The issues dealing with formation of associations were entrusted to the Ministry of

⁵⁵ The Prime Minister Seniora letter addressed at 15/12/2005, archives no 2/3101, issue no 5/1697.

⁵⁶ Decree no 153 at 16/9/1983 article 2: "The right to form an Ngo is a right to all Lebanese by virtue of Lebanese constitution".

Interior. The decree n°4082 determines the duties and missions⁵⁷ of the Ministry of Interior concerning the Lebanese internal affairs in terms of security, supervision of the districts, municipalities and mayors, and, according to article one of the decree, the issues dealing with associations. These associations follow the Directorate General of Political Affairs and Refugees dealing with the associations under the title of Department of Political Affairs, Parties and Associations. In accordance with the provisions of decree 4082 article (21), the department undertakes the affairs dealing with associations through:

- Expressing an opinion about the applications for notice of acknowledgment of the needs.
- Controlling the licensed associations and ascertaining that their activities are not in conflict with the purpose for which they were set.
- Preparing periodical annual reports about the activity of the association and submitting it to the relevant authority.
- Working on the implementation of the Associations law.

Provisions of the Lebanese Associations Law

The Lebanese law deals with the existence and formation of the associations on grounds of the Ottoman law issued in 1909 at the time of the Ottoman Sultanate. This law provides in its article six the prohibition of forming secret associations. The Ministry of Interior shall be advised upon formation of an association through a letter or statement forwarded by the founders of the name of the association, its head office and the names of the persons entrusted with its administration with their positions within the association. As soon as the statement is sent to the Ministry in addition the articles of association and is received from the person entrusted with the association management, a notice of acknowledgment is delivered.

Associations Working in the Palestinian field

Since the day of their presence on the Lebanese territory, the Palestinians established ties and civil commissions with familial or partisan aspect. It is clear that such institutions are taken from the cultural structure known by the Palestinian in his country. With the development and complication of the Palestinian situation, the ties developed under multiple forms. However such progression from a civil tie to a non governmental organization faced the obstacles of the legality and legitimacy of such links and institutions, which survived until this day. Many Palestinian civil associations were not legal and so could not be overtly present, specialize in anything or target any groups. The absence of legality for such associations is the result of a legal statute of

⁵⁷ Ministry of Interior and Municipalities: decree no 82-4, Official gazette no 50, dated 2/11/200, Beirut-Lebanon.

the Palestinian refugees in Lebanon on the one hand and the absence of a legal legitimacy for creating associations, on the other hand. Despite this absence, associations with multiple functions and objectives spread in the Palestinian society at an increasing pace until they covered all aspects of life.

The Adaptation of Palestinian Associations with the Lebanese Associations Law:

Some associations tried to obtain a notice of acknowledgement from the Lebanese government through formal implementation of the law. This was carried out as follows: The establishing party submitting the application is formed of Lebanese citizens to whom the Palestinian parties referred to in order to have an acknowledgement notice issued for forming an association and establishing a head office outside the camp. By this means, the Palestinian associations employed Lebanese people to manage the associations. The Lebanese constitutive committee was only a façade used for obtaining the notice. In fact, there was a Lebanese administrative committee and a Palestinian committee undertaking executive management and supervision of the associations. The latter also observed the requirements, submitted their budget and the composition of the administrative committee periodically to the Lebanese authorities to be advised. They also held general assembly meetings in the presence of a delegate from the Lebanese Ministry of Interior.

Other associations established NGOs without submitting any application for the notice of acknowledgement. The head office however had to be in the camps. These resulted in two ways of establishing NGOs.

In the first way of Lebanese Civil Associations, the bylaws compelled the founders to make a higher rate of profit from the projects of the associations. These went to the Lebanese as they are Lebanese associations. This was stated by the head of a Palestinian non-licensed associations who participated in a focus group in camp of Shatila who declared: «Most of the associations working in the camps are not officially registered, like the one I manage. Otherwise, they are registered as Lebanese associations like the Succor Association or the Association of Vocational and Technical formation, which are not Palestinian Associations from the legal point of view. The associations licensed as Lebanese associations are governed by the terms of the law dealing with the establishment of associations in Lebanon such as one third of the beneficiaries should be Lebanese. There are also associations working in the Palestinian field, as branches of foreign associations. Their legal statute refers to the legality of the mother association in a foreign country⁵⁸.

In the second way, the associations functioned without notice of acknowledgement or official registration. They lack support of the donors

⁵⁸ Shatila camp Focus Group 7/12/2005.

who rely on standards and procedures in order to grant funds. Legal association had a legal standing and had bank accounts and financial patrimony which allowed a transparency in accounting and facilitated means of acquiring contributions or donations from donors. There is also another deadlock since the associations cannot obtain funds from the Ministry of Social Affairs and face many difficulties like the lack of funds and invitations to take part to seminars, congresses and training sessions held in Lebanon and abroad. This in turn negatively affects the opportunity of obtaining the needed expertise and hinders the associations' progress. This also led to the spread of many associations working in same field without management and coordination, and resulted in the absence of comprehensive planning to meet the real needs in of Palestinians. This brought about rivalry between the existing associations, working in limited fields despite their importance in terms of vocational qualification and rights of the women and children. They are still very weak due to the dispersion of energy and capacities. Generally the absence of coordination undermines the structure of the Palestinian refugees' society, which lessens the popular confidence in the capacity of the associations to find solutions for their social, economic and other related problems. The phenomenon of Palestinian associations spread in the Palestinian society but their numbers do not necessarily indicate a sound situation in the absence of a structured and comprehensive law regulating their activity.

8-Freedom of Media and Publication

Any accident is normalized in Lebanon. The news media however dealt with the arrest of a Palestinian and his trial before the court for a penal accusation, by publishing the news on 21/09/2004.⁵⁹ They announced the arrest of the person in charge of the division responsible for central media in the Fatah. He was ordered by the public prosecutor to appear before the Superior Court for the offence of establishing a non-licensed television called Al Aksa TV, illegally broadcasting in the limited audience of the two camps of Nahr El-Bared and El-Badawwi. Al Moustakbal newspaper added that the concerned person handles local and satellite TV channels called "Returning Stations" broadcast within camps in Tyre. A conflict arose between the Lebanese and Palestinian authorities regarding the Palestinian right to media and freedom of publication with the Lebanese scope of authorization, especially in the light of the following facts:

- Lebanon grants tremendous access to information and facilitates in obtaining and circulating it.
- The history of Lebanese press shows a path of freedom in issuing the prints and a large scope of television and radio broadcasting. The theater and cinema are investment areas where the private sector is free of any state control. Arab journalists, most of them Palestinians, participated in the Lebanese media renaissance, mainly from the sixties to the eighties. The Palestinians also printed and broadcasted works of their famous authors on different tribunes and in different ways.
- We should add that the media and press profession was legally regulated in Lebanon. Unions were established for owners of newspapers and editors in the fields of communications and media. Constitutional, legal and institutional guarantees were granted to protect their freedom and prevent any state infringement of their rights. The struggle of journalists deeply affected the developments, which led the legislature to issue amnesty provisions more than once and amend the laws to restrict the provisional arrest of the journalists, set by the Lebanese law in accordance with article 28 of the decree law n°104 dated 30/06/1977, and by virtue of decree-law n°330 dated 18/05/1994.

What about the Palestinian Refugee in this context?

The international convention to eliminate all forms of racial discrimination, the article/51/8 provides the right of freedom of opinion and expression, article 5e/6 provides the right of equality in contributing to the cultural activities. Palestinians expressed their anger in response to the press

⁵⁹ Al-Nahar, Assafir and Al-Mustakbal Lebanese newspapers 21/9/2004.

campaigns undertaken against them, aiming to show them as "terrorists or armed criminals." As they were considered outside the law, the Lebanese instigated them through acts such as those of the former Minister Nicolas Fattouch who once said that the Palestinians were "human waste." Nevertheless, no person or committee took steps to try him before justice or call him to account for his words.⁶⁰ It should be known that Lebanon ratified the international agreement on eliminating of forms of racial discrimination on 12/11/1971.

The different stages of the Palestinians Journalists' Torturous Path

In the fifties, the newspapers received many Palestinian journalists and editors who were divided in two categories.

First Category: Those of Palestinian origin bearing the Lebanese nationality. They are legally Lebanese and fully governed by the Lebanese law.

Second Category: This was also made of two parts. One was of the Palestinians who used to work by virtue of a non-registered work contract and who would not enjoy the rights of their Lebanese colleagues in the same institution. Those Palestinians coming from outside Lebanon, bearing the nationality of the country from whence they came and working in the press would be treated like all Arab journalists on grounds of reciprocity.

1- Definition of the Journalist: This is noted in the law of prints issued on 14/09/1962 and its amendments on 30/06/1977. Article 10 of the law stipulates that s/he should have chosen journalism as profession and means of living. The article 22, item (A) stipulates that s/he should be Lebanese and more than twenty-one years old etc. Thus, the Palestinian in Lebanon is not be duly considered a journalist. The union of editors introduced some nuances. Article 90 provides the prohibition of affiliation for the non-Lebanese and adds that, "A foreigner may exercise the profession of editor without being affiliated to the union. S/he is also entitled to bear a press card as an editor outside the union, within the following conditions:

- 1- S/he must be authorized to reside and work in Lebanon.
- 2- The rule of reciprocity must be implemented between his country and Lebanon.

Palestinians bearing the nationality of a country implementing reciprocity may work in the profession while it is prohibited for Palestinians registered in Lebanon.

Later, from 1970 to 1982, Beirut became the real center of Palestinian media as the media departments of the PLO were settled there. It not only trained,

⁶⁰ Al-Nahar 14/9/1995: "critics of Fattouch statement and a call to tranquil handling".

graduated and employed many refugees, but also gave good work opportunities to the Lebanese.

In the period following 1982, the Lebanese press lost the Palestinian writers for a short period, but the latter gradually returned especially after the launch of the First "Intifada" in 1987. There were several Palestinian contributors, but they remained under Lebanese laws, but these laws had regressed to the earlier period of repression. Despite the large number of media materials about Palestine and the number of Palestinian journalists producing them, they were mostly from outside Lebanon.

3- License of Printed Press: Article 31 of the same print law provides to grant the license for political newspapers only:

C- For a journalist

D- For press companies of all kinds satisfying the following terms:

- 1- For the partnership and the limited liability companies, all partners shall be of Lebanese nationality. Then the Palestinian is not authorized to own a license for a political print, since article 30 has previously set the terms to be fulfilled by the applicant for a license as follows:
- 2- "He shall be Lebanese residing in Lebanon or electing domicile there, enjoying of his political rights, not convicted for a crime or an infamous misdemeanor stated by the electoral law; he shall not be at the service of a foreign country".

The Lebanese legislator reiterates the same conditions for anyone who wishes to establish a publishing house, whether for books or newspaper (article 70). In practice, the Lebanese press used to give an important place to the Palestinian cause, with basic Lebanese contribution and this of some Palestinians. In the year 1965, appeared the "Palestine" appendix published by the Al Anwar newspaper under the supervision of the journalist Ghassan Kanafani. Palestinian organizations participated in the media through a public periodical bulletin called "Our Palestine" expressing the opinion of Fatah movement which was clandestine at that time. Its license was in the name of Lebanese people.

In the period from 1969 to 1982, the rise of the Palestinian media in Lebanon was comprehensive and covered all publications related to Palestine political parties both internal and general. A Lebanese institution was established to issue books and studies about the Palestinian cause under the patronage of President Charles El Helou by the end of the sixties. A legal license was delivered to the establishment to issue a quarterly periodical under the name of Palestinian Studies magazine, which is maintained up to this day with participation of many Palestinians.

In the field of radio broadcasting, the Lebanese government agreed, by virtue of Melkart Agreement on 17/08/1973 article 6, that Palestinian parties would not establish any radio station broadcasting the statements

of the Palestinian Resistance of Lebanon, except one news agency which would be authorized under the name of "Wafa".

In the field of the right of free expression and media, the Palestinians are also affected by the laws dealing with printing press, the protection of intellectual rights and the audio-visual law. The prints law issued on 14/09/1962 authorizes any person to own a printing press after obtaining a license. Its article 13 requires the presence of a responsible manager of the printing press who shall be Lebanese. Thereafter the Palestinian could purchase the printing press or participate in it without managing it.

Article 12 of the law of free intellectual and artistic ownership n°15 issued on 03/04/1999 provides that the innovative intellectual and artistic works should benefit from the protection granted by virtue of the said law to the following authors:

- Lebanese authors wherever their domicile is.
- Non-Lebanese authors, provided that they bear the nationality of a country that is a member of the Bern Convention for the Protection of Intellectual and Artistic Works or the International Convention for the Protection of Author's right, or live here in Lebanon.
- The authors, nationals of a member state of the Arab League of states who did not join any of the aforementioned conventions, under the condition of reciprocity.

The said article does not involve the Palestinians residing of Lebanon as they do not meet the mentioned conditions.

Finally, Lebanese law regulates the formation, attributions and rights of the Union of Newspaper Owners, the Union of Editors and others like the Higher Board of Media, which comprises, in addition to many laws, privileges for the Lebanese journalist which do not benefit the Palestinian like the following:

- Benefit of the allowances of the Social Security Fund for journalists
- Determining the municipalities fee on the rental value of the journalists' houses (by virtue of decree law n69 issued on 05/08/1167)
- Benefit for the editors registered on the journalists' list for a deduction of 50% on the telephone fees (decree n°11719 issued on 04/01/1963)
- This was one of the reasons that made the Palestinian journalists establish the Lebanese Branch for the General Federation of Palestinian Writers and Journalists. It collapsed after 1982 and the attempts to revive it failed due to inter-Palestinian political conflicts.

9- The right of work for the Palestinian in Lebanon

An inhabitant of Ain El Helwe Camp declares that after three years of work with a Lebanese trader, he was fired from his work due to a fifteen-day

absence for illness, without any indemnity⁶¹. This case summarizes the Palestinian's suffering and his deprivation of any rights in this respect. Moreover, others from, Saadanayel⁶², El Bass⁶³ and Nahr El Bared camp⁶⁴ declared that their university studies as engineers physicians never allowed them to engage in any such profession due to the Lebanese laws. Some would resort to alternatives such as a Palestinian physician working in a Lebanese dispensary or in a Lebanese clinic protecting him, or a Palestinian engineer assisting a Lebanese who can cover for him, but within unfair conditions of low salaries, longer hours of work and absence of social security.

1- The path of Refugees' work: In February 1951 De Courvoisier, head of the UNRWA met with Mr. Georges Haymari, a Lebanese official in the Ministry of Foreign Affairs and they discussed the situation of the Palestinian refugees and the possibility of employing them in the private projects in the regions of Bekaa, Akkar and South Lebanon⁶⁵. "However, by the end of this same year, Lebanon witnessed important interior changes with regard to the Palestinian cause and the situation of the Palestinian refugees residing there. The Lebanese authorities started to impose strict restrictions on them, especially for those who were engaged in work. The Minister of Social Affairs Emile Lahoud issued a law requesting the refugees to stop working citing the fact that they had no work licenses and were competing with the Lebanese⁶⁶. The Lebanese Parliament in many sessions had discussions showing division concerning the Palestinian presence in Lebanon and ways of dealing with them. The Palestinians as refugees in Lebanon were treated worse than other foreigners⁶⁷.

In the 1960s, there were more restrictions on the Palestinians right of work after the first decree regulating the entry, exit and work of foreigners in Lebanon was issued on 10/07/1962. There was pressure to stop the Palestinians' work in Lebanon. The Minister of Labor and Social Affairs at that time, Mr. Jean Aziz strictly requested to stop Palestinians from working in Lebanon. They were estimated at 6% of the Lebanese work power. Some of the reasons he pointed out were that they were strong competition for the Lebanese and were taking away their means of living⁶⁸. However, many Lebanese politicians and journalists fought this restriction, which raised strong objections which resulted in some leniency for Palestinian employment. After a year and a month the decree n°17561 dated 18/09/1964 was issued regulating the work of foreigners in Lebanon. The

⁶¹ Ein El Helwe camp focus group 15/12/2005

⁶² Saadanayel gathering focus group 27/1/2006.

⁶³ El-Bass camp focus group 14/1/2006.

⁶⁴ Nahr ElBared camp focus group 4/2/2006.

⁶⁵ Dr Hassan Hallak: "Lebanon Attitude towards the Palestine cause 1918-1952"-p:309/PLO Research Centre Books, 1982- Beirut-Lebanon

⁶⁶ Ibid. P:315.

⁶⁷ Ibid.p:320.

⁶⁸ Ousbou Arabi Magazine 2/6/1963-Beirut.

Ministry of Labor and Social Affairs considered in its executive interpretation of the decree that the Palestinians residing in Lebanon were foreigners. The decree stipulated that foreigners had to obtain a work license to be allowed to work in Lebanon. No special exceptions were provided to the Palestinians due to their situation: a result of Israeli occupation of their land and their inability in returning. Lebanon did not recognize the Palestinian State, which created a situation in which work licenses were rarely delivered to the Palestinian refugees. Obtaining such license required many procedures such as the payment of important fees. The work license was delivered for one year which compelled refugees to periodically renew it. Moreover, it depended on a work contract with a particular party and would be forfeited in case such party is changed.

In the case of professions such as medicine, law business, pharmacy and other, the Lebanese legislations restricted their membership to unions. The Palestinian could not therefore engage in them, since the affiliated member of such syndicate had to be Lebanese for more than ten years or national of a state implementing reciprocity. The Ministry of Labor set an important penalty for parties that employed foreigner under any labor contract or an industrial license without previous approval or work permit. This led the Lebanese employers to desist from employing Palestinians and to firing those working with them.

Moreover, Palestinians do not benefit from social security covering illness, maternity issues, insurance for work accidents and vocational diseases, the system of family indemnities and the end of service indemnity.

Article 9 item 4 of the social security law provides that «the foreign employees working on the land of the Lebanese Republic shall not benefit from the provisions of this law in some or all of the branches of social security unless the State to which they belong establishes the principal of equal dealing for the Lebanese nationals in terms of social security. » Palestinians are compelled to pay fees for social security without benefiting from it. Article 21 of decree n°17561 emphasizes that 'each infringement of the provisions of previous approval exposes its author to sanction.'

Then, article 4 of the law of Labor (Chapter of Sanctions) dated 04/05/1968 provides in accordance with decree n°9816 the following: 'Whoever employs a foreigner under a work contract or an industrial license without previous approval or a work license issued by the Ministry of Labor and Social Affairs shall be sanctioned with a fine not less than 50L.L in all circumstances, for each day of Labor». Obviously this law involves foreigners including Palestinians. As result of negotiations between the PLO and the Lebanese authorities regarding Palestinian workers in Lebanon at that time, the former obtained an verbal promise to not produce tickets against them but only send them notices. The director of PLO Bureau published this verbal guarantee in An Nahar newspaper on 5/7/1972 with the following declaration:

<<The Ministry of Labor and Social affairs, in order to give more facilities for the Palestinian's work, decided not to establish tickets against them, but to initially send them notices that it shall establish tickets against all those who receive notices and do not apply for a work license. >> Such promise was the ultimate achievement that could be reached with the Lebanese government in order to suspend the ticket while seeking a work license.

As to the decrees dealing with the regulation of the foreigner's work in Lebanon and the social security law, they set two rules for the foreigners (including the Palestinians) wishing to work in Lebanon: The first deals with reciprocity and the second with the work license. Further conditions were added dealing with the limitation of some professions to the Lebanese at the exclusion of others, which were periodically decided by the Minister of Labor through administrative decrees he issued. The former ministers used to draw a list of about seventy prohibited professions and only manual labor such as agricultural and construction work was left for the Palestinians.

The previous ministerial decrees were as follows:

- 1- The Minister Dr. Adnan Mroueh issued the decree no. 289/1 dated 18/12//1982 in which he limited some professions to the Lebanese. In the category of employees he prohibited the administrative and banking work, mainly of manager, vice-manager, head of staff, treasurer, account, documentary secretary, archives keeper, computer employee, door Keeper, concierge, store keeper, seller, money changer, jeweler, laboratory employee, officer, barber, electrician, plumber, glassmaker and mechanical.
In the category of employers he prohibited trade, especially general trade, import, export, commission, commercial representation, goods and ready to wear trade, exchange, jewelry, trade of gold, jewels and precious stones, trade of cars and their accessories, building trade.
- 2- The Minister Abdallah El Amine issued on 11/1/1993 decree n° 3/1 limiting professions to the Lebanese and prohibiting them to foreigners, including the Palestinians. He reiterated the articles dealing with employees mentioned in Dr. Mroueh's decree, He added the following: engineering works driver & waiter works, etc. To the category of employers he added prohibition of accountancy, contracting, industry of shoes and clothes, furniture and all kinds, the accessories industry, pastry, printing, publication and distribution, industry of construction materials, barber work, car repairing (metal works, mechanics, glass making, upholstery and car electricity).
- 3- The Minister Assaad Hardan issued on 18/12/1995 the decree n°621/1 in which he reiterated the same provisions set by Minister El Amine for the employees and employers.

There is a difference between the ministers El Amine and Hardan and the Minister Dr. Mroueh who showed relative tolerance for some professions with the possibility of delivering a work permit for some of the mentioned

professions, which were later on prohibited by the said two ministers. Such tolerance relates to the workers of construction and its derivative except for electricity fixtures, sanitary equipment and glassmaking, works of agriculture tannery and leather works, digging and carpet making, metallurgy and cleaning works, baby sitter, nurses, cooks, car washing and lubrication workers.

Also, the decree of the Ministers El Amine and Hardan provides exceptions set for foreigners classified as follows: Foreigners fulfilling the terms set by article 8 of decree 17561 (regulation of foreigners' work)⁶⁹ may be exempted, especially if the foreigner.

- Has resided in Lebanon since his day of birth.
- Is born from a Lebanese mother or a mother of Lebanese origin.
- Is married to a Lebanese since more than one year

The same decrees set other conditions such as of being expert in a field where there are no Lebanese working. An announcement is published in the newspapers for a period of three days with specifications about the profession in addition to the obligation of employing three Lebanese in the company against every foreigner, which practically leads to the elimination or restriction of the number of people benefiting. Among 400,000 Palestinians registered in Lebanon, a very little number managed to obtain a work license while many others were fired from work or were tried before the courts such as the Palestinians physicians in Bekaa who are all young men born in Lebanon but prohibited from obtaining a work license despite the exceptions.

There are many obstacles, legal ones such as the condition of reciprocity and the obligation of obtaining the work permit and practical ones such as the opportunities found on the labor market or the ability of Palestinian applicants to satisfy the requirements of the qualifications.

The table of the work licenses as stated in the statistics statements of the Ministry of Planning/ Lebanese Central statistics Bureau until 1973, and the statistics of the Ministry of Labor and Social Affairs in Lebanon until the year 1982.

Year	Number of licenses	Years	Number of Licensed
1966	9887	1993	327 ⁷²
1967	1244	1994	350
1968	2448	1995	354
1969	2362	1996	271
1970	1826	1997	460
1971	1990	1998	355

⁶⁹ Foreigners work law in Lebanon 18/9/1964.

⁷⁰ Al-Nahar newspaper 9/5/1994

⁷¹ Ibid

⁷² Lebanese statistics board-Ministry of planning 1995.

1972	1866	1999	350 ⁷³
1973	1850	2000	229 ⁷⁴
1977	307	2001	316
1978	312	2002	293
1979	284	2003	245
1982	319	2004	245
1985 ⁷⁰	2362	2005	272 ⁷⁵
1992 ⁷¹	193		

Obstacles Facing the Palestinian Right of Work

First obstacle: The principle of reciprocity in Article 59 of the Lebanese law of labor provides that "foreign employees in case of firing, enjoy the same rights as the Lebanese, with the stipulation that there is reciprocity from their countries and they obtain work licenses." As the Lebanese state does not recognize the existence of a Palestinian state providing reciprocity for the Lebanese, the first stipulation eliminates the Palestinians' rights upon being fired from service even if they have obtained work licenses. As the Palestinians do not usually obtain written work contracts, they subsequently do not possess a work license. Their work is considered to be in violation with the ban stated by law. This leads to absolute prohibition as these are the two most crucial provisions of the right to work in Lebanon. Thus, Palestinian workers are deprived of any expulsion indemnity⁷⁶.

The principle of reciprocity supposes that a state (A) deals with nationals of another state residing there by virtue of determined laws and terms, which is a guarantee for the citizens of the state (A) on the land of the State (B) in terms of equal treatment in accordance with equivalent laws and terms. There is no official recognition of the Palestinian State, so that a way of dealing might set for the nationals of the said State as follows:

- 1- Lebanon recognizes that in the period before the setting up of the Israeli State and the total disappearance of the Palestinian State in accordance with the principals of Public International law, Palestine was subject to the British Mandate and lived under the constitution issued on 10/08/1922.
- 2- No recognition of the continuity of any laws of the Palestinian State under the mandate. At present no Palestinian state exists but there is a Palestinian authority issued from the Oslo Accords in 1991. The condition of reciprocity is null due to the absence of a Palestinian State which would be the counterpart of the Lebanese State, and such a condition is impossible at present.

⁷³ Central statistics Administration Bulletin no 12 2000.

⁷⁴ Lebanese labor Ministry, statistical archives 2006.

⁷⁵ Ibid

⁷⁶ Dr. Tufic Hassan Faraj: "labor law in Lebanon and Egypt" p:196-University House Publications (No date)-Beirut/Lebanon.

A- In the first Case, we find that article 59 of the Palestinian Constitution (1922) did not consider the Lebanese as foreigners in Palestine but were treated as Palestinian citizens. The said article provides the following:

«In achievement of the intended purpose of the present chapter, the world foreigner means the national of the European or American States or the State of Japan, but does not include:

- 1- The indigenes in a State under protection of a European country or under Mandate granted to a Western State.
- 2- Ottoman nationals.
- 3- Persons who lost their ottoman nationality and did not acquire another nationality (p 3303 of the Palestinian Series of Laws).

This constitution remained in force in Palestine until year 1948. It is known that Lebanon was under the French mandate, ruled by a European State until the year 1943. After that date the statute of the Lebanese in Palestine did not change, which means that there was more than reciprocity since the Lebanese was treated better and enjoyed equality with the Palestinian in terms of human and civil rights. S/he was not subject to any discrimination but enjoyed social advantages like the Palestinian citizen him/ herself. Thus, Palestinians should be exempted from the principal of reciprocity in the framework of the present labor law.

B- In the second case if Lebanon does not recognize any more the existence of the Palestinian State and the maintaining of the previous conditions, the Palestinians are considered as refugees duly registered in Lebanon then the hosting state is bound by the obligations set by international law, the declaration of human rights and the Conventions on Economical and Social rights, in addition to the Protocol of the Arab League of States signed by Lebanon in the Casablanca Congress for Arab Ministers of Foreign Affairs in the period from September 9 to 13, 1965 and ratified by the Arab Summit held in Casablanca on 13-17/9/1965

Here we note that the Palestinians' work opportunities are affected by the following:

- Lebanon signed the UNRWA Protocol and granted the guarantees needed to provide services for the Palestinian refugees, through observations exchanged from October 27 to November 26, 1954, between the two parties. It provided employment of the refugees but was implemented only for the UNRWA institutions schools, clinics and relief mission.
- The Palestinian work force in Lebanon is accounted for through various figures. There are 400,000 refugees registered whether with the UNRWA or the Ministry of Interior but this is an estimated figure. In reality of half of them that reside in Lebanese territory, 60% are children who are not able to work

(below 12 years old). The benefits of employment would be given to about 70 -80,000 woman and men at most. The rate of unemployment among the Palestinians stands at no less than 60% of their working force⁷⁷. These Palestinians have their fields of work and basic resources limited to a few sources such as the jobs provided by the UNRWA, allowances and services from the civil and political organizations and the funds sent by the refugees working abroad to their families, (which are very important). There are refugees who set their own projects or work with Lebanese and others in ordinary works of construction and agriculture, as teachers and accounts. They worked without legal protection, which exposed them to exploitation from their employee. Minister Trad Hamade issued a memorandum under n°37/1 on 27/06/2005 bearing their exemption from "the provisions of decree 79/1 article one, dated 02/06/2005 (providing the limitation of some professions to the Lebanese) to help the adjustment of their legal status and allow others to work legally.

Although the decree opened the way to some professions like clerical, accountancy, building doorkeeper and others, it did not change the reality for Palestinians eligible for profession practices such as those who had graduated from universities and had to be affiliated to an association in order to engage in their professions. The bylaws of Unions and Syndicates provide that the membership is limited to those who bore the Lebanese nationality for more than ten years.

Second Obstacle: The Stipulation of a Work License

- The Palestinians eligible to benefit from the decree are still subject to requirements of the work license from the relevant ministry and the payment of fees. The annulment of such point is crucial for improving the working conditions of Palestinians.
- The Lebanese Ministry of Labor worked on reducing the fees for the Palestinians' and Syrians' work licenses through compelling them to pay an amount equal to the one fourth of the basic fees. However, figures show that Palestinians or their employers rarely apply for licenses for practical reasons as some workers did their jobs without work permits with the agreement of their employers. As their salaries were low, they did not obtain them as they required further financial charges that would not change their incomes. Moreover, the employers were compelled to pay social security fees even though the Palestinian did not benefit from them according to the law. Finally, the Palestinian workers were concentrated in the

⁷⁷ Dr. Hussein Shaaban: study on the unemployment crisis of Palestinians in Lebanon/Assafir newspaper 24/6/1997.

fields of agriculture, lower and middle jobs since it was impossible for them to engage in other professions.

Third obstacle: The decree issued by Minister Hamade did not affect the status of the Palestinian refugees with respect to the negative discrimination as they were still obliged to pay social security even if they does not benefit from it. The principle of reciprocity still prevented the adjustment of the Palestinian status in the Lebanese social security system.

How did the Palestinian refugee adapt to legal deprivation in regards to the right of work?

The workshops in the Palestinian camps in Lebanon brought forward some samples in the following fields:

The Legal Profession: The conditions for engaging in the legal profession are set by the law n°70/8 issued on 11/03/1970 and its further amendments. Its article five was amended through the law number n°42 dated 19/01/1991 and the conditions for the exercise of such profession became as follows:

1- One must have Lebanese nationality for a minimum of ten years. No Palestinian who graduated from the law faculties could ever work in this profession. A jurist from Nahr El Bared Camp says that he collaborates with Lebanese lawyers in a legal firm in Tripoli in the capacity of a legal consultant. He plays the role of lawyer by following-up cases and files but cannot appear before the Lebanese judge. This duty is left to a Lebanese from the firm. Another jurist from Beirut says that he purchased a law firm in the name of his Lebanese mother in the capital and collaborated with a Lebanese Lawyer in the same work. Thus, some refugees found ways to partly adapting to the legal obstacles. Many others became teachers mainly in UNRWA or had their own trades such as being the owner of a library or holding a position of responsibility of a civil institution in Ain El Helwe camp.

Other Prohibited Fields of the same Specializations: According to the law issued under n°76 on December 7, 1940 and its amendments Palestinians cannot work as Notary Public as only a person holding Lebanese nationality for at least ten years can be appointed to this position. They are strictly forbidden from being an attorney of state, this being a contract where one would receive his or her salary as ordinary civil employee and not as public officer in the government administration. The stipulations were set to prevent any Palestinian from engaging in any such work in Lebanon. The decree n°16528 dated 2, June 1964 and its amendments stipulated that such office is assigned to an attorney working in the profession and registered in the public schedule for at least seven years. S/he should have a law firm in Beirut (article 5). The law

issued by decree-law n°65 on 09/09/1983 prevents Palestinians from being appointed as agents working on bankruptcy foreclosures in accordance with the stipulation set by article 3 providing that the holder of such offices must hold Lebanese nationality for more than ten years and be above twenty-five years of age.

Physician: The medical profession in Lebanon was organized by virtue of the law issued by decree n°1658 on 17/01/1979 which stipulates in its article three that « no physician is entitled to engage in their medical profession on the Lebanese land unless he has registered his name in the schedule in one of the two unions- Beirut or Tripoli - under liability of judicial pursuit". The second chapter dealing with the conditions and qualifications required for the exercise of the medical profession mentioned the nationality of the physicians authorizing to deliver a license to a non – Lebanese Arab national under the terms stated in article five:

- 1- "Satisfaction of the conditions and qualifications required for the Lebanese physician.
- 2- The physician must be a national of a country authorizing Lebanese physicians to work in the medical profession on its land, i.e existence of reciprocity at the inversed fraction of the Lebanese citizens and the group, to which the foreign physician belongs, with the principle of reciprocity being established through a convention between the Lebanese State and the relevant State". Then there is no way for the Palestinian to exercise medicine in Lebanon since Lebanon does not recognize the state of Palestine and no agreement may be set on such grounds.

The same applies to the dentists in the two unions of Beirut and Tripoli. Article 3 amended by virtue of the law 82/10 dated 2/2/1982 of the law organizing the nursing profession by virtue of the decree n°1655 dated 17/10/1979 stipulates that "Nobody has the right to bear the title of licensed nurse unless fulfillment of the following conditions.

- 1- S/he shall be Lebanese and nineteen years old" (thus the Palestinians are exempted).

The medical profession went through a special cycle. The development of the Palestinian medical structure had an important impact as the period between the fifties and the sixties of the last century witnessed the granting of the Lebanese nationality to many qualified persons owning capitals and to Palestinians belonging to some confessions in Lebanon. Physicians holding British and American degrees had the chance to practice in Lebanon. The rising role of the Palestinian resistance created the Palestinian Red Crescent Association comprising of qualified Lebanese and Palestinian persons. There was also an increase in the number of graduates from the medical faculties due to the multiple scholarships in the former communist countries, and due to the failure of the Lebanese administration in implementing laws and

helping more Lebanese and Palestinians benefit from medical services. All these factors led to acceptance the Palestinians in the field of medicine, which was needed in order to fill the gap in faraway areas, especially in the south, Bekaa and the suburbs of Beirut.

After the resistance when the PLO left in September 1982, the Lebanese State reverted to its strict policy of implementing its laws. However the Lebanese local conflicts led the Lebanese state to exercise some flexibility until the Taef agreement in 1991. Then, the restrictions and prohibitions on Palestinians appeared again with the Lebanese jurisdiction examining lawsuits against the Palestinian physicians accused of illegal practice in the medical profession. The real cause of such lawsuits was competition in addition to the policy of legal discrimination against the refugees. The example in Bekaa was the most obvious. A number of Palestinian physicians were arrested while other had their clinics closed in different Lebanese regions. The claims of the right of work increased in the camps supported by the poor people who could afford the low fees of Palestinian physicians. In addition, other political reasons led to a mutual Lebanese -Palestinian adaptation which took place in the following terms:

- The Lebanese law prohibits the exercise of the medical profession and such exercise is prohibited outside the camps under liability of judicial pursuit.
- Palestinians may engage in the medical profession in the Palestinian Red Crescent Centers dependent on the PLO, whether hospitals or clinics. He may also work in the profession in the health sector of UNRWA.
- Some clinics belonging to Lebanese physicians still conclude subcontracts with Palestinian physicians who give prescriptions in the name of their Lebanese owners. Some Lebanese civil associations benefit from the experience of some Palestinian physicians, without express contracts or legal registration. Sometimes, this form of adaptation is dangerous. In case there is a medical mistake, the doctor who is practicing outside the law cannot be held accountable or brought to justice.

Engineers: A Palestinian engineer from El Bass Camp said during a workshop on 12/01/2006 "There were many Palestinian engineers affiliated with the Lebanese Union of Engineers before 1982. Now, this is prohibited. If anyone manages to become member of that union he has to obtain the license for the exercise of the profession, which is impossible... there is a large group of Palestinian engineers in south Lebanon working in the office of a well-known Lebanese engineer (G.B) and achieving most of the duties. However they are not considered engineers and their

salaries are low. Some of them have become teachers in the private schools.”

“The admission of the Palestinian engineer in the Lebanese Union, especially in the order of Tripoli was possible before as Arab engineers joined the said Union at a limited rate. I used to work in a company with a group of Palestinian engineers and we tried to register in the Syndicate. They said that there are 600 applications from Syrians and Arabs, and refused us... that is why I work as teacher»⁷⁸.

The engineering profession in Lebanon was organized through the law n°636 issued on April 23, 1997. In its article 4 the following stipulations were set for the engineer who was a non- Lebanese national of a Arab country to be admitted:

- A- The legislation of his country must provide reciprocity for the Lebanese engineers.
- B- He shall establish that he enjoys the right to exercise the engineering profession in his original country.
- C- He shall be holder of a residence permit and a work license issued by the relevant department, and shall actually reside in Lebanon.
- D- If he is of foreign origin and bearing the nationality of an Arab country, he must have borne such nationality for five years.

It is impossible for the Palestinian engineer to comply with items B and C and to join the union. Thus he is prohibited from working in this profession. We found that the 400 Palestinian engineers registered with the Federation of Palestinian engineers / Branch of Lebanon work as mathematics teachers whether in the UNRWA schools or in the private Lebanese schools. Most of them would leave Lebanon and conclude contracts with companies working abroad. Those who work with Lebanese engineering offices are considered as foremen to avoid the legal prohibition.

Pharmacists: The law n°367 issued on 01/08/1994 regulates the exercise of the pharmacy profession in Lebanon and sets stipulations for the Lebanese in its items 1, 2, 3 and 4. For the non –Lebanese national of the Arab countries, article five stipulates the following:

- 1- He shall fulfill the conditions set in article three (degree and age)
- 2- He shall be the national of a country implementing reciprocity with respect to the Lebanese pharmacists, in accordance with an agreement between the two countries.

Thus, Palestinians is not authorized to work in this profession. In fact we find the following practices among the Palestinian pharmacists

⁷⁸ Wavell camp focus group in the Bekaa 27/1/2006.

- Most of them take jobs out of Lebanon, whether in the Arab countries, drug production companies, hospitals or some pharmacies. In some rare cases graduates from foreign universities managed to find work in the country where they had studied.

Due to the absence of the Lebanese state within the camps, some Palestinians managed to set up about 30 pharmacies there. A Palestinian pharmacist in El Kassimiya workshop notes that such disorganization would result in many risks. Most of the pharmacy owners are not university graduates in the said specialization. Some of them used to work in the health department of the UNRWA or in the Palestinian Red Crescent and acquired some knowledge and experience through practice. She also notes that the conditions of medication preserving (temperature, moisture, term of validity, etc.) are not met accurately. There is no responsible authority or process of control on pharmacies. Moreover the graduates avoid working in such pharmacies due to the low salaries, which make them akin to grocery shops.

10-Right of Education

Public Education in Lebanon

Public schools

Despite the presence of private schools and other gratuitous religious schools public schools form the largest segment of education establishments spread over Lebanese land. The confessional structure of Lebanon facilitated the establishment of many private schools, not owned by the state but only officially supervised in terms of programs and educational system. In this respect, the public schools are said to have limited places for the non-Lebanese residing in Lebanese territory, varying from one school to another and from one area to another in accordance with the situation of these schools⁷⁹. Such public education establishments are governed by the bylaws of the primary and intermediary public schools. Article 3 of decree n° 820 issued on 05/09/1968 sets in its first item the conditions for a student to be admitted in the public schools: "He shall be Lebanese." Thus, foreign students residing in Lebanon cannot enroll in public schools. However there is an exception for conditional admission of said students in the public schools. Article 102 of the same law provides that in <<the exceptional cases where there are still vacant places in the school, non-Lebanese students may be admitted. >> This exception is not actually implemented since the public schools have no places for the non-Lebanese students as the financial strains suffered by many sections of the Lebanese society force students to quickly

⁷⁹ In Kasmieh gathering Focus Group, one student participant confirmed that she was expelled with other Palestinians from Abbasieh school by pretext of registering new Lebanese students, they were accepted back with special sever conditions.

come to the public sector. Moreover, most of the public schools teach French as second language while Palestinians are more inclined to provide English education to their children.

Public Universities

There is only one public university in Lebanon, the Lebanese University admitting the great mass of Lebanese students. It has faculties and branches for different specializations in various Lebanese regions. This university has set conditions for the student enrollment, mainly that the student has to bear the Lebanese nationality. Some faculties delivering theoretical teaching would admit non-Lebanese students although this is forbidden in the faculties of medicine, engineering and pedagogy. This specialized university is above all intended for the Lebanese students. It does not require high tuition fees but only registration fees as the education it delivers is supported by the Lebanese State.

Private Education

In Lebanon a great number of private schools and universities provide education for all students whatever their nationality is, provided that they pay the due fees. An important part of such institutions, schools and universities represent branches of foreign schools and universities where the foreign language is a basic matter of education. The private, subsidized schools depending on religious establishments undertake the education of the poor sections of the Lebanese students and may admit foreign students in some exceptional cases.

Palestinians and Education

The Palestinians in Lebanon have solid links with private educative establishments, mostly those of the UNRWA spread on the different camps where the students receive primary and intermediate education. The PLO first took care of establishing secondary schools. When they stopped, this responsibility transferred over to the UNRWA. University education is provided to students by the private universities in Lebanon and abroad through the scholarship system and through their own expenses in the governmental universities.

Educative Establishments for the Palestinians

UNRWA Schools

UNRWA undertook, since 1950, the organization of education for Palestinian refugees. The education process begins in primary school after the age of six

and is completed in the intermediary school.⁸⁰ This excludes Kindergarten. Some civil associations established kindergartens as the preparatory cycle. In 1979, the PLO established four secondary schools⁸¹ in Tripoli, Bekaa, Saida and Tyre. They were under the supervision of the PLO Education and Teaching Department until the middle of the eighties when it suspended the financing. Such situation led to student protests before the UNRWA that was considered responsible for Palestinians' education. It managed to obtain the support of donor states in building 5 secondary schools over the last ten years.

The primary and intermediary education system set up by UNRWA has several shortcomings:

- Equipment: Most of the school buildings were not set to be used as schools but for residence.
- School hours rely on the double shifting system (morning and evening classes)
- Over crowdedness of the classes, which may reach to 50⁸² students in the same class, in comparison to the normal conditions in Lebanese public schools where the class do not exceed 36 students in the primary and elementary and 30 for secondary school⁸³.

UNRWA also adopted the policy of automatic promotion, which led to significantly lowering the education standards of Palestinians in Lebanon. This was particularly noticeable when comparing the refugees' education in the other Arab host states such as Syria and Jordan in addition to the Palestinian regions themselves in the West Bank and Gaza strip. One of the most important aspects of the deterioration is the school drop out at a rate of 6% in the primary cycle for the Palestinians of Lebanon against 2% for the Palestinians in Syria, 2.2% for the Palestinians of Gaza, 2.8% for the Palestinians of Jordan and 3% for all Palestinian refugees.

The drop out rate in the intermediate school reached to 15% against 5% for the Palestinians in Gaza, 7% for the Palestinians in Jordan, 9% for the Palestinians in the West Bank and 8.2% for all Palestinian refugees (UNRWA Statistics for the academic year 1993/1994).

⁸⁰ El Bass camp focus group, revealed that "the educative level of UNRWA schools deteriorated gradually, mainly at primary cycle. Kindergarten teaches the letters and words for their Kids, but those who do not enroll find hard to accommodate with education adaptation.

⁸¹ Al Kuds Arabi Magazine; November 2001-Beirut/Lebanon.

⁸² Ain Elhelwe focus group, "we suffer from shortness of time of teaching, each class of 45 to 50 pupils has 35 minutes each lesson, how can the student self adapt? Without the help of families in teaching no one can study and by final exams a number of students fail, others succeed automatically".

⁸³ Decree no 9091 of 15/11/2002 related to the criterion of school buildings in public education before university.

The rates of failure are also high in the two schools. The rate of failure in the primary school reached to 10% for the Palestinian of Lebanon against 1.7 for the Palestinians of Jordan, 3.2% for the West Bank, 4.8% for Syria and 4.6% for the refugees in all countries. The rate of failure in the intermediate school reached 15.5% for the Palestinians of Lebanon against 6.6% for all Palestinian refugees, 3.8% for Jordan and the West Bank 8% for Gaza and 10.5% for Syria.

The results of official Baccalaureate exams in Lebanon for the year 1994 show a very poor educational standing. 48.8% of the Palestinians in Lebanon passed while such results were excellent for the Palestinians in the other countries (87% in Gaza, 97% in Jordan and the West Bank, and 91% in Syria)

Many Palestinian students still face problems. Although UNRWA built secondary schools, these are still insufficient for the majority of students. Moreover, administrative confusion is caused by the absence of books, which are not delivered to the students the beginning of the school year. There was a decision to suspend distributing free stationery materials limiting this privilege to the poorest students. There are repeated absences of teachers who are not called into account and the students are also not compensated. In addition, there is a lack of extracurricular activities such sports, fine arts and the like.

University education raises a problem for the great majority of Palestinians in Lebanon due to the high tuitions and the impossibility of getting admitted into the Arab universities. In addition the PLO stopped giving scholarships. The Palestinian Students Fund makes every effort to provide university education for the greatest number of Palestinian students in Lebanon but faces deficits year after year.

Sebline Vocational Center

UNRWA began to deal with vocational education and training in the year 1961. It established Sebline Center intended for vocational training and habilitation. The center relied on free vocational education. It provided the opportunity for learning up to 19 different professions. Since the center was established, many students enrolled there considering it as their last option for completing their education, for the following reasons:

- 1- Lack financial capacity to pursue university studies.
- 2- Lack of desire to pursue academic education for some students.
- 3- Failure in obtaining an official degree of secondary education.
- 4- Desire of some students to obtain quick education in order to help provide for their families.
- 5- Existence of work opportunities for Sebline students after they graduate.

6- Palestinian students were not admitted in the official Lebanese vocational centers like the Hostelry School and others that were free. Despite the charity of the Seblin Center however, the number of students never exceeded 600, which is its maximum capacity, with most of its programs intended for boys not girls.

Real Facts in the Palestinians Educative Issues

Palestinians consider education a crucial issue in their lives. It is the basic means for them to earn their living, and so they took great care to obtain it. However, higher education cannot be obtained in a private educational establishment without paying high tuition fees. Although there are no specific authorities involved, financial assistance is sometimes provided. In Lebanon, the Palestinian students get some university scholarships through the Palestinian Student Fund that sets some conditions to accept the applications. In the year 2002, the Lebanese Council of Ministers modified the fees of affiliation with the Lebanese University through the law n°392 on 08/02/2002, which approved the budget. The article 42 of the public budget law provides the collection of fees from the foreigners exceeding four times those collected from the Lebanese. Palestinian students protested to amend the law. The Lebanese Council of Ministers then modified it exempting the Palestinian students from this regulation. The suffering of the Palestinian students in the field of education has many aspects:

- Difference of the education systems between UNRWA and the Lebanese schools, which in turn affects the students' performance at the examinations for the official degrees.
- Relationship of Palestinian students with the Lebanese University and the public schools. Palestinian students are considered foreigners and all the terms required for the foreign student apply to them, which makes it impossible for them to enroll in the science faculties such as those of medicine, engineering, agronomy and the Teacher College.
- Relationship of the Palestinian student with the UNRWA schools, is also ambiguous. The UNRWA schools lack technical equipment and teaching staff as well as general capacity due to the increasing number of students in a class. They often suffer from school drop outs since the whole teaching process becomes a form of pressure on the students.
- The existing fields of education are basically in conflict with the student's education options. The poverty of the Palestinian refugees also dictated their choice of universities and university subjects, as they could not afford expensive education, or subjects which cost more money. This led to a vicious cycle of poverty and education feeding each another.
- Absence of a Palestinian representative authority regulating the education process and handling it, which makes such processes

lack coordination and leads to chaos. Palestinian students give up their pursuit of education and would in many cases see the process hindering their progress in life.

Finally due to the UNRWA commitment to adopt the programs set by the governments of the hosting countries, and in accordance with the UNESCO standards, there was no Palestinian educational plan and the study of the Palestinian cause was dropped as basic matter helping to develop the national Palestinian personality.

**Development of the number of Palestinian students residing
in Lebanon
1958- 2005 (Annual Reports of the UNRWA)**

Primary Cycle				
Year	UNRWA Schools	Official Schools	Private Schools	Total
58-59	15023	861	7079	22963
63-64	18753	687	4770	24210
79-80	25502	234	2499	28235
89-90	23186	683	3848	27717
97-98	25932	692	2629	29253
04-05	24795	-	-	-

Preparatory Cycle				
Year	UNRWA Schools	Official Schools	Private Schools	Total
58-59	1343	102	2157	3602
63-64	3619	141	1577	5337
79-80	10078	347	2298	12723
89-90	10113	479	1625	12217
97-98	12544	461	2812	15817
04-05	13093	-	-	-

Secondary Cycle					
Year	UNRWA Schools	Official Schools	Private Schools	Total	University
58-	-	689	4	793.	-

59					
63-64	-	1037	33	1070	500
79-80	-	2744	871	3615	2258
89-90	-	5664	222	5886	1822
97-98	649	506	3665	4820	-
04-05	2661	-	-	-	-

11-Right of Health Care in Lebanon

The issue of medical treatment and health care in Lebanon has two contexts. The first deals with special treatment services through hospitals and private clinics while the second concerns the governmental treatment services through public hospitals and dispensaries dependent on the Ministry of Health and the Department of Social Affairs. The two contexts start from legal determinants, either with individual dealing with the non-insured patient who wishes to be hospitalized at his or her own fees, or through the Ministry of Health which provides services to the Lebanese citizens by means of legal contracts in accordance with a decree⁸⁴ issued by the Minister of Health. It determines the means of communicating and dealing with hospitals, and the financial credits for each public or private hospital according to its capacities, its geographical location, the number of beds or its ability to undertake various surgeries. In addition there is another dimension where the link between the patient and the hospital is established through the social security system covering the health and hospitalization fees for the subscribers and beneficiaries, Lebanese or foreigners, to whom the principle of reciprocity applies. In Lebanon, the expenses of the health services are incurred by the State, the private sector and the citizen. The State spends on the health sector through cooperative state employees and through the contribution of its administration in the social Security Fund. The private sector contributes through its subscriptions to the branch of illness and maternity in the National Fund of Social Security, to 12% of the monthly salary of the employees and workers. The patient contributes in some hospitalization expenses to settle the difference in the amounts resulting from such contributions. The non-insured citizens often resort to the private health insurance companies.

Lebanese Social Security System

⁸⁴ Decree 13364 of 10/9/2004: Basis of contracting of Public bodies for health care expenses of the Ministry of Public Health.Beirut-Lebanon.

In accordance with article nine of the law of Social Security, the ensured who benefit from social security hospitalization and medical allowances classified within the services of illness, maternity, guarantee of work accidents vocational illness, familial and education allowances, and end of service indemnity, are those working on the Lebanese land. The law governs the following:

- A- The Lebanese wage earners (servants and employees)
- B- The Lebanese employees who are not bound to a determined employer
- C- Staff members in the higher education establishments provided for by the law regulating the higher education.
- D- The Lebanese persons working for the State, the municipalities or many administrations, public establishments or autonomous services.

The law of social security authorizes foreign workers to benefit from the awards provided that they have obtained a work license in accordance with the standards set in the foreigners' labor law, but with the stipulation that the State to which they belong deals with the Lebanese on grounds of equality with its nationals in terms of social security. However the foreigner's family members who are not residing in Lebanon shall not benefit from social security except for end of service indemnity.

Palestinians and Health Care

Due to the failing of the Lebanese medical sector to take care of the Palestinian refugees as result of the provisions of the social security law, which prevented them from the right of hospitalization since they were considered as foreigners residing on the Lebanese land and unable to implement reciprocity. They thus have two authorities able to provide them medical care, the UNRWA and Palestinian Red Crescent Society. Due to the circumstances witnessed by the agency, mainly permanent deficit of its budget, comprising medical care funds, different procedures were adopted, which led to a reduction of such services, whether through the contracts drawn with the Lebanese hospitals or the exclusion of some cases from medical care. The Palestinian Red Crescent society also suffered from a deficit, which forced it to reduce its services.

UNRWA Health service

UNRWA provides the medical care services to the Palestinians in 25 poly-specialized facilities dealing with basic medical care in the fields of obstetrics, family planning, and prevention of contagious and non communicable diseases.

The main problems arise with hospitalization because of the increase in the number of Palestinian refugees needing it, the high fees of medical care and

UNRWA's constant deficit. In 1993, exclusive standards were introduced, which led to suspension of health assistance in some critical cases. The UNRWA stopped appointing physicians and reduced the allocations for medical equipments and infrastructure maintenance. As no new physicians were appointed, the active physicians had to examine a large number of patients (approximately 75 to 100 cases per physician every day).

In the last five years the UNRWA abstained from providing medical services to those above sixty years, although this category of age is most in need of such services. With regards to medical care provided for pregnant women, UNRWA undertook to pay only for the first childbirth. UNRWA covered 25% of the actual surgery fees. It had no hospitals and instead drew contracts with Lebanese hospitals, which led to administrative complications and medical negligence.

Palestinian Red Crescent Service

The Palestinian Red Crescent society was founded in 1968 in Jordan. In year 1969, following a decision of the Palestinian National Council it was considered as the health and social body for the Palestinian population. The PLO established social security in Lebanon in 1975 with the support of the Palestinian National Fund. After PLO left Lebanon in 1982, the association faced many challenges and lost most of its medical capacities as its hospitals were destroyed and ransacked in the war both during and after in that period⁸⁵. However, the association maintained its presence with limited capacities in comparison to the requirements of the Palestinian health care. PRCS suffers from a budget shortage and insufficiency of and so it cannot offer anything. Its dispensaries lack drugs and the basic requirements for any medical staff. Its hospitals undertaking surgeries lack a lot of public health conditions and equipment needed for surgeries. PRCS health services were no longer free after it imposed minimal fees. Despite the troubles faced by this institution, the Palestinians and poorer Lebanese do not have alternatives as the service is provided in the camps and is less expensive.

Adaptation to Health Care Requirements

One of the essential reasons of deficiency in the health services for the refugees results from the Lebanese laws preventing the Palestinian physician from exercising their profession in Lebanon. The refugees are deprived of their care and have to pay higher fees to the Lebanese physician. Additionally, the Palestinian's legal prohibition from establishing hospitals similar to the Lebanese limits the capacity to fill the gap of government and private allocation. The decree n° 9826 issued on 22/06/1962 and its amendments on 20/10/2003 provides in its article three the stipulation for establishing a private hospital that it has to be Lebanese for over ten years.

⁸⁵ Aldiar newspaper 27/9/1990 "The Palestinian Presence in Lebanon since 1948".

Foreigners, whether individuals or collective entities, may obtain licenses, as long as they provide reciprocity, and that they satisfy all the conditions required. So, Palestinians are not entitled to establish a private hospital.

On the other hand public hospitals treat only the Lebanese. They recently started, in limited cases to admit the non-Lebanese including the Palestinians, who would pay less than they would in private clinics. Generally, surgeries are limited to the Lebanese. Some Palestinians, mostly those residing away from the camps used identity documents belonging to Lebanese friends or relatives (which carries the offence of forgery) to be treated on the fees of the Lebanese Ministry of Health. Moreover, the Ministry delivers highly expensive medications for diseases such cancer for free. In rare cases, Palestinians obtained such medications through special orders of the Minister.

Aside from these complications faced by the Palestinians to get medical care, the bad health conditions of the refugees turned to into another form of added pressure. People would engage in various methods of obtaining money for medical care. Some families of Palestinian refugees would sell their gold jewelry or launch campaigns to get donations. They would resort to Lebanese and Palestinian civil NGOs or to the political factions to get medical assistance. This became a trend in the Palestinian society of finding solutions to emergencies and incurable cases. This indicates the priority given to medical needs compared to other humanitarian concerns for the refugees in Lebanon.

UNRWA adopted a new system in its health services in order to cover the permanent deficit of its budget. What is called the refugees auto-contribution involves the following.

- 40% contribution to hospitalization fees in specialized hospitals bound to UNRWA through contracts.
- Contribution to about 50% of costs of equipments such as hearing aids and so forth
- Contribution to about 50% of medications unavailable in UNRWA clinics.
- Contribution to about 40% of life-saving medications unavailable in the UNRWA clinics.

The refugees bear all the fees of services not provided by the UNRWA such as kidney dialysis. The system adopted in the last five years led to deprivation of a great number of persons from the right of health care.

- The civil establishments and non- governmental associations dealing with health care established dispensaries in the camps, which are small in number, have poor resources and rely on volunteer physicians from foreign states. This is why their activity is interrupted, but in all circumstances they fill some of the gaps.

- The Palestinian physicians usually work in the camps, with low salaries in comparison to the Lebanese physicians but are not entitled to sign the medical prescription.
- The environmental health care is not provided to the camps by Lebanese bodies, even though it mingles with the surrounding Lebanese environment. UNRWA solved the issue of wastes through employing a number of workers and providing some equipment. Basically however, the people still rely on the initiative of the camp inhabitants and the civil institutions in order to provide some equipment to undertake public hygiene campaigns or develop vaccination campaigns in accordance with the available capacities and the support that the donating authorities may sometimes provide.

12-Conclusions and Suggestions

The clearest conclusion is the Palestinian refugees' need of a comprehensive work in the field of Lebanese laws, administrative and executive regulations to reach two correlative goals:

First: preserve their Palestinian entity, their national affiliation bound to their right of return, and to enjoy the political rights within PLO committees.

Second: to be granted their human, economical, social and cultural rights in Lebanon like any other Arab citizen living in this country.

Therefore an initiative needs to be undertaken by the Lebanese parliament and government to enact laws, regulations and decisions aimed at eliminating all kinds of negative discrimination whether direct or indirect against the Palestinians in Lebanon.

This necessitates adequate engagement with their political representation, expressing the interests of refugees in Lebanon, recognition of their institutions, agreeing to mutual criterion of rights and duties. Also this necessitates the formation of a Libano-Palestinian specialized committee to coordinate, plan and put programs in order to empower Palestinian human rights with Arab, regional and international support for common efforts to afford resources for the implementation of intended aims. We suggest:

1- Legal Status

- The need to issue a law aimed at regulating the refugees' situation through a unified process to have them legally registered in Lebanon before the directorate of political Affairs and Refugees, and UNRWA at the same time, whether inside or outside the camps, whatever the period of their arrival. This requires a solution for those non-registered before the Ministry of Interior and classified as Non ID or granting them the right of residence by delivering a special ID. Their files should be transferred and those with no proof of identity must be registered in the UNRWA records while canceling the NR category.
- Re-register the Palestinians who were struck off the Lebanese state records or UNRWA if they wish it and withdraw the deletion of those who obtained the nationality of another country; to maintain their belonging to Palestine and their right to return home.
- Israel tries to have the refugees settle in hosting country, which raises strong sensitivities, especially in Lebanon where the political system is set on confessional grounds. Thus, the common interest rests in refusing such implantation. The Palestinians reiterated their refusal of settlement. The Lebanese emphasized their rejection through the current Taef Constitution. Thus, the Palestinian and Lebanese parties agree on refusing the suggestions of the Palestinian President Mahmoud Abbas on 11/07/2003 calling for naturalization of the refugees. This does not mean settlement but leads to

- Establishment of an organizational process in collaboration with UNRWA to control the records, birth, marriage, divorce, death, etc. to determine the situation of each person and legalize it.

2-Reference

- A- **In the Lebanese Context:** It is necessary to establish a committee specialized for the Palestinian affairs, involving all their legal economical, social, security and other affairs. Such a committee should be vested with the appropriate attributions to implement and develop the decisions adopted by the Lebanese official administration and control the proper implementation of such decision. This is why it should be headed by a minister, or a special ministerial portfolio that should be established to deal with the Palestinian refugees' affairs. Or, a department should be assigned to it in each ministry or province with an employee entrusted with the said refugee' affairs.
- B- **The UNRWA:** It maintains its entrusted role as a representative for providing education, health and other services and coordinates with the Lebanese authority and PLO in providing its services.
- C- **Palestinian Representative:**
- The opening of the PLO office was a right step, but appeared to be a hesitant and insufficient one, needing legitimacy of its diplomatic role and its immunity, in addition to the role of the custodian of refugees' interests in Lebanon. This required Lebanese endorsement of an embassy and the reorganization of the pertinent committees as representatives, each in its specialization (Higher Political Committee and its branches, Popular Commissions of the Camps, etc...)
 - Adoption of international standards of human rights and the issue of representation of human groups through democratic elections of the representative of the Palestinian refugees' society in Lebanon, whether by PLO or Lebanon, and cooperation to achieve such goals and offers for the facilities needed.

3- General Amnesty: Legal issues still exist from the two previous amnesty laws, that did not involve the Palestinians. We needed to develop the formula for the law n°84 to use *rationale temporis* and *rationale materie* on these Palestinian cases and to issue through the parliament a law of amnesty for the Palestinians arrested for political offences or during the armed conflict in the past period or those accused and still awaiting trial.

4-The Right of Freedom to Travel

- Claim of eliminating the military/ security barracks at the entrance of the south Lebanon camps in Ain El Helwe, Mieh Mieh, Rachidieh, El Bass and Borj Chemali.

- Facilitate Palestinians' traveling to Syria and returning from there by using the refugees' ID and revoke the stipulation of obtaining a travel document.
- Revoke the stipulation of registration with UNRWA for Palestinians who request the issuing of travel documents.

5-The Right of Dwelling

- Necessity of allowing the reconstruction of the three camps destroyed or providing an appropriate piece of land to set a camp that satisfies decent standards of human living. This constitutes a step towards a solution for the dwelling crisis that has come about as a result of a demographic increase. This will help to reduce the demographic pressure in many existing camps.
- In this context, there is a necessity of finding a legal solution to solve the legal issues existing in the Palestinian agglomerations that are not recognized by UNRWA or the Lebanese State.
- Submit the camp buildings to the engineering standards guaranteeing secure human use.
- Work on providing the allocations needed, whether in collaboration with the Lebanese State or the UNRWA through support of the international community or within the capacities of the Lebanese municipalities and the relevant authorities, in collaboration also with the PLO and the Camp Commissions. This should be done in view of fully restoring the infrastructure of all the camps in Lebanon, which will provide them with the necessities such as water, electricity, telephone, mail, appropriate wastewater sewerage in line with prevailing conditions in each Lebanese area.
- Collaboration with other parties for the Palestinians to be involved with the housing loans systems.
- Complete the payment of the due indemnities by the Ministry of Displaced to the Palestinian refugees.
- Periodically collaborate with the municipalities in the regions of the camps and agglomerations, to asphalt and organize the roads and narrow streets.

7- The Right of Real Estate Property

- Seek to get legal amendment by the parliament bearing exemption of the Palestinians from the effects of the prohibition stated in Article 1 of the law 296 dated 03/04/2001, and consider them as equals to the Arabs residing in Lebanon and enjoying the right of real estate property in accordance with the set terms and the limitation of area space.
- Authorize the Palestinian who purchased before 03/04/2001 and who did not register his property to do so.
- Fully authorize the registration of real estate inheritance for Palestinians.

7-The right to form Associations

The Ministry of Interior is requested to recognize the legality of establishing non-governmental Palestinian organizations in Lebanon with Palestinian members and executive committee, with the practical and legal results like their acquiring the legal entity, their registration through a notice of acknowledgment and their right of patrimony.

8- Media and Publication

- Issue a law authorizing the Palestinians to exercise journalism in Lebanon and obtain the ID and privileges duly pertaining to the said profession (editor, responsible, photographer, and so forth)
- Authorize any Palestinian to issue publications, establish a publishing house for newspaper, books and so forth and own a press or other such establishments.
- Authorize the Palestinian to contribute to the establishment of radio and television by participating in the Lebanese projects.
- Protect the literary, intellectual and artistic production of any Palestinian in Lebanon and implement the international convention of copy right for the Palestinians.

9- Right of Labor

- Annul the principle of reciprocity (article 59 of the Lebanese labor law) with respect to the Palestinians.
- Exempt Palestinians from the stipulation of obtaining a work license.
- Apply the principle of equal dealing as with the Lebanese for every Palestinian benefiting from social security.
- Authorize the Palestinians to undertake professions without obstacles.
- Authorize establishment of Palestinian Syndicates to facilitate its dealing with counterparts.

10- Right of Education:

- Amend laws authorizing young Palestinians to fulfill their right to education without obstacles and through the public establishments. This is especially important in secondary education and vocational training. In addition, end the restriction of the Palestinians from some university departments, like the engineering and medicine faculties and other.
- UNRWA should request a renewal of curriculums and reinstate the teachers. It should restrict the number of students per class and supply urgently needed modern equipment such as computers. It should settle issues resulting from automatic promotion, annul double shifts, resolve of the issue school dropouts and problems arising from

- the bureaucratic slowness intrinsic in the administration of this department i.e. establish of integral educative policy.
- Imperatively collaborate with the civil community to properly provide for the needs of the children and people with special needs. Develop activities within programs of drawing, sports, music, singing, handwork, and so forth. Encourage the active role of the parents' commission, social supervisors, provide appropriate libraries, develop fields of leisure within school activities, in addition to habilitation and maintenance of the school buildings and set new premises.
 - Activate the role of the teachers' and student' federations, the collaboration between the Palestinian and Lebanese committees, and the coordination of efforts to obtain scholarship and loans for the University students.
 - Include the teaching of the Palestinian cause and awareness of Palestinian rights in the school programs.

11- The Right of Health Care

- 1- Full treatment for the Palestinian Patients equal to the Lebanese in public hospitals.
- 2- Provide medications for the contagious and chronic diseases, blood diseases, Thalethemia and cancer.
- 3- Extend rehabilitation and physical treatment by the Ministry to the Palestinians, especially those with special needs.
- 4- Authorize the Health establishments to work and establish legislations, in this request, deal with them on the same basis as the establishments depending from the Lebanese Ministry of Health in terms of financial and technical support, exempt them from the fiscal and customs fees, and facilitate the obtaining of the medical materials and equipments from abroad.
- 5- Deliver a license to schools of nurses, pharmacist assistants, and laboratories as well as the schools of other medical professions, provided that the academic curricula set for in the Lebanese related regulations and laws shall be complied with.
- 6- Collaborate and cooperate in the field of health care in the framework of bilateral cooperation, especially in the scientific and academic issues and for the national health projects, and coordinate the work of similar health committees.
- 7- Extend the Lebanese health and security regulations to the Palestinian employees.
- 8- Extend the programs of the Lebanese Ministry of Health to the Palestinian camps and agglomerations that deal with health surveys and statistics, especially those dealing with contagious infectious, chronic diseases and scientific research.