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”The Palestinian refugees and the
right to work in Lebanon”

A Minor Field Study

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Abstract

By denying the majority of the Palestinian refugees in Lebanon access to the labour market, Lebanon is violating its obligations under international human rights law. Since the Palestinians are foreigners staying in Lebanon on a non-temporary basis, they are guaranteed the right to work under article 6 in the International Covenant on Economic, Social and Cultural Rights from 1966. Lebanon is also violating the discrimination prohibition in article 26 in the International Covenant on Civil and Political Rights, by denying the Palestinians access to the labour market without presenting “reasonable and objective” arguments. There are however, no effective remedies available to the Palestinians, since Lebanon has not signed the Optional Protocol to the Covenant on Civil and Political Rights and because economic, social and cultural rights lack adequate protection in international law.

Abbreviations

AUB	American University of Beirut
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	International Covenant on Economic, Social and Cultural Rights
DFLP	Democratic Front for the Liberation of Palestine
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organisation
GNP	Gross National Production
NGO	Non-governmental organisation
NPA	Norwegian People's Aid
PA	Palestinian Authority
PFLP	Peoples Front for the Liberation of Palestine
PFLP-GC	Peoples Front for the Liberation of Palestine- General Command
PRCS	Palestinian Red Crescent Society
PLO	Palestine Liberation Organisation
RWI	The Raoul Wallenberg Institute of Human Rights and Humanitarian Law
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNIFIL	United Nations Interim Force in Lebanon
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNTS	United Nations Treaty Series

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1 Introduction

Palestinian refugees have been living in Lebanon for more than fifty years. During this time they have experienced civil war, economic, social and political marginalization, and total refusal of the Lebanese to integrate them into society. Palestinians are denied access to most of the labour market, they are, in practice, prohibited from working in all occupations except in those involving heavy labour. This has a profound effect on their general living conditions, as the means to support themselves has been taken from them. The Palestinian youth feel they have a bleak future, a perception that has a devastating effect on their will to study and results in high rates of school dropout and illiteracy.

The Palestinians in Lebanon live in a unique situation. What really sets their situation apart from the situation of other refugees, is the long time they have been in refuge and that the majority of them not at all have been integrated into the society. Although the Palestinians living in the neighbouring countries of Syria and Jordan also have a distinct identity, they have been accepted into their respective society.

The Universal Declaration of Human Rights was created at about the same time as the Palestinians became refugees in Lebanon. Human rights law has continuously developed since then. The fundamental objective of all adopted covenants and declarations is to protect the weak from abuse and to set minimum standards of rights that are guaranteed to individuals. The aim of this thesis is to find out if Lebanon is violating one of those rights: the right to work.

The peace process between Israel and the Palestinian Authority (PA) have so far done little to help the refugees in Lebanon. To the contrary, they have in fact seen an even further alienation of the Palestinians from Lebanese society and their own leadership in the West Bank and Gaza strip. The responsibility for the Palestinians' situation in Lebanon lies primarily with the Israeli State, since its consistent denial of the Palestinians right to return has created the refugee problem. However, this responsibility and "the right to return" have already been quite extensively discussed in other books and articles, leaving little room for exploration at graduate level.

The first part of this thesis describes the historical background and current living conditions for the Palestinians in Lebanon. The second part focuses on international human rights law relating to the right to work. The Lebanese labour policy regulating the Palestinians access to the labour market is then presented, followed by an analysis of Lebanon's compliance to international law. The last chapter contains the conclusions of the author.

1.1 Purpose of the thesis

The purpose of this thesis is to examine both the right to work under international law and the Palestinians situation in Lebanon, in order to determine if Lebanon is violating human rights law. Thus, the main question is: Does Lebanon violate its obligations under international human rights law, by denying the Palestinian refugees access to the labour market? Since the Palestinians' situation in Lebanon is heavily dependent on domestic and international politics, relating to the "Palestinian refugee problem", the thesis also addresses the political factors behind the situation.

1.2 Scope and limitations

"The political aspects are so important on the issue [Palestinians' presence in Lebanon], that you cannot discuss human rights independently" – Elias Hrawi, President in Lebanon 1989-1998¹

"The right to work" is really a cluster of work related rights, but the aspect discussed in this thesis is "the right to choose occupation without being denied access to the labour market by the state". This is the definition of the right to work that hereafter will be used.

The thesis is focused on the Palestinians' situation in Lebanon, with a short comparison between the situation of the Palestinians in Syria and Jordan also being made. The Palestinians are allowed to work in most occupations in these two countries and it is interesting to see if this has an impact on the economic and social situation for respective group of refugees.

Since the study was conducted in the field in Lebanon and neighbouring countries, experiences and findings from the study are included in this thesis. The field study enables the author to not only investigate laws and regulations on the subject, but also to analyse the political situation and the underlying reasons for the Lebanese treatment of the Palestinians. In order to fully comprehend the Palestinians' situation in Lebanon, it is essential to understand the basics of the politics relating to them, as well as the historical development and economic and social realities facing the refugees. This thesis is therefore focused more on politics than is usual for a study of international law. It is however, the author's opinion that this is necessary in order to paint a whole and comprehensive picture of the problem. If the reader already is familiar with the political and economic situation of the Palestinians in Lebanon, chapters 2 and 3 can be omitted.

Some limitations have been necessary in order to limit the size of the thesis. The description of the Palestinians' history in Lebanon as well as their current economical and social situation is simplified and generalised. The thesis is limited to discussing the Palestinians that have not acquired

¹ Interview with Elias Hrawi, Lebanese President 1989-1998 (Beirut, May 15 2000)

Lebanese citizenship, since the minority of the Palestinians that are Lebanese nationals naturally are allowed to work in all occupations. The Palestinians' status in international law is a complex problem, but only the most basic issues have been addressed in this thesis. This is also true of the description of international non-discrimination law, further, the conventions relating to discrimination against women and children have been excluded. Discussions relating to the question of if the Palestinians are protected by international law relating to minority groups, has also been omitted as the criteria for them to be considered as minority group are lacking. They are not Lebanese citizens and do not identify themselves as a minority group, rather as a refugee group, thus maintaining their "right to return".²

1.3 Method

This thesis is based on a field study conducted in April-June 2000. The study was financed by a "minor field study" scholarship from Sida, granted to the author by "The Raoul Wallenberg Institute of Human Rights and Humanitarian Law" which is situated in Lund, Sweden.

The thesis examines the practical consequences of labour related law concerning the Palestinians in Lebanon, and compares this practice with current international human rights law, in order to determine whether Lebanon is violating international law. This has been done by analysing data collected from different sources such as interviews, visits to refugee camps, and by studying literature and theory relating to the "right to work". Interviews have been conducted with people of different backgrounds such as political leaders, government officials, university professors and relief agency employees. In order to ensure that the material used in the thesis is as unbiased as possible, both Palestinians and Christian Lebanese have been interviewed. Most of the written material has been collected from politically independent, non-governmental organisations (NGOs). Material collected from parties with strong political interests has been used with caution.

The main problem when collecting the material necessary to complete the study, was the lack of literature relating to the right to work in international law. The area is virtually unexplored, at least when "the right to work" is defined as "the right to choose occupation without being denied access to the labour market by the state". Lebanese labour law and its amendments are mainly written in Arabic, restricting the availability of the original source to the author. The material laws quoted in the thesis are thus unofficial translations, found in various books and articles. A large proportion of the sources used in the thesis are in the form of handouts from NGOs, state reports and reports from foreign aid agencies. Since the availability of this

² The criterions required for a group to be considered a minority under international law can, for instance, be found in Thornberry, Patrick, *The UN Declaration on rights of Persons...*, in *Universal Minority Rights*, Alan Philips and Allan Rosas (eds.), *Minority Rights Group*, Åbo, 1995, p.20f, 29ff

kind of material is limited, it is difficult for the reader to obtain the original sources, which is regrettable but unavoidable.

In order to examine of the “right to work” under international law as completely as possible, a number of instruments have been discussed in this thesis. Some of these do not protect the Palestinians in Lebanon at all, due to various reasons, but need to be mentioned anyway, in order to give a comprehensive description of the right to work.

Some of the people interviewed in Lebanon asked to remain anonymous and those interviews have been used sparingly since anonymity affects the credibility of the sources. The security service in Jordan monitored some of the interviews the author held, severely restricting the nature of questions that could be asked.

2 Historical Background

1947-1949

On 29 November 1947, the British mandate of Palestine was partitioned into a Jewish and an Arab state by General Assembly Resolution 181 (II).³ The adopted plan provided for the termination of the British mandate, and the creation of a Arab and a Jewish state along newly drawn borders, no later than 1 October 1948. The Jewish Agency approved the plan, but not the Arab population of Palestine, or the Arab states, on the grounds that the resolution violated the United Nations (UN) Charter.

The adoption of the resolution led to increased violence between the Jews and Palestinian Arabs, and when the British army finally left Palestine on 15 May 1948 full-scale war broke out. Syria, Jordan, Egypt, Lebanon, and to a lesser extent other Arab nations, joined the conflict by advancing into Palestine to fight the Jews. The Jews however gained numerous military victories and the founding of Israel was proclaimed in May 1948. After more than a year of fighting the war ended with the newly founded state of Israel as the victors. Israel was now in control of most of the former British Mandate of Palestine, an area much larger than the one originally intended for the Jews in the partition plan.

After the Armistice Agreements between the Arab states and Israel in 1949, about 750,000 Palestinians had left their homeland, either voluntary, or forcibly evicted by the Israelis. Large-scale displacement of Palestinians began in December 1947 and reached its peak between April and August 1949. The reasons behind the flood of refugees is highly controversial, Israel claims the Palestinians left voluntarily after being urged to do so by their leaders, but the Palestinians claim they were evicted by force.⁴ The UN Mediator, Count Bernadotte, explained the causes of the refugee crisis: “The exodus of Palestinian Arabs resulted from panic created by fighting in their communities, by rumours concerning real or alleged acts of terrorism, or expulsion”.⁵ In order to cope with the masses of refugees in the countries surrounding Israel, the UN General Assembly decided to establish the “United Nations Relief and Works Agency for Palestine Refugees in the Near East” (UNRWA) by adopting resolution 302 (IV) on 8 December 1949. The agency began its operations on 1 May 1950.⁶

Some 104,000 refugees fled from northern Palestine into Lebanon, mainly from Jaffa, Haifa, Acre and Galilee.⁷ They were first sheltered in tent camps

³ United Nations General Assembly Resolution 181 (II), 27 November 1947

⁴ Takkenberg, Lex, *The status of Palestinian refugees in international law*, First edition, Oxford University Press, Oxford 1999, p. 88ff

⁵ “Progress Report of the UN Mediator for Palestine”, GAOR, 3rd sess., supp.11 UN doc. A/648, 14.

⁶ UNRWA homepage available at <www.un.org/unrwa> on 19/10-2000

⁷ *World Directory of Minorities*, Minority Rights Groups, Minority Rights International, London, 1997, p. 363

in Southern Lebanon and around Beirut, but when UNRWA was established and official refugee camps had been set up, they were redistributed throughout the country. Little more than half of the refugees registered with UNRWA remained in the refugee camps, the others settled outside the camps and some of them, mostly middleclass Christians, were granted Lebanese citizenship. The attitude among the Lebanese towards the Palestinians was mixed from the beginning. The pro-Arab government supported the refugees while public opinion remained more divided. The Muslim and Arab nationalist community welcomed the refugees but many important Christian leaders sympathised with the Zionist cause and a pact had been signed between the Jewish Agency and the Maronite Patriarch of Beirut in 1946.⁸

The Palestinians that took refuge in neighbouring countries began to demand their right to return home in 1948 and the Israeli government was subjected to international pressure to allow repatriation. However, during June 1948 the Israeli government decided to bar the return of the refugees, as they considered the refugees “migrants” that the neighbouring countries should absorb.⁹ The Palestinians’ status as refugees thus became permanent. The UN Resolution 194 established the right to return for the Palestinians and obliged Israel to accept their repatriation.¹⁰

The Lebanese political system was built on a sectarian foundation with the political power being shared between the Sunni Muslims, Christians and Shia Muslims. This delicate balance was challenged by the arrival of the Palestinians, who were predominantly Sunni Muslims. The refugees amounted to about 10 percent of the Lebanese population and the power balance was expected to shift towards the Lebanese Sunni Muslims. This problem, real or imagined, was largely ignored at first but would later prove to have disastrous consequences.

1950-1964

One of the missions of UNRWA was to rehabilitate the refugees by enabling them to become self-supporting. The work projects organised by the agency were intended to result in the refugees being deleted from the UNRWA rolls, however, a lack of funding and government support resulted in the failure of the projects. Instead, the refugee camps became permanent and the tents were replaced by solid shelters. UNRWA’s mandate was constantly extended since no solution to the refugee problem could be seen, and the Palestinians needed support for their sheer physical survival. The autonomy of the refugees was undermined since the Lebanese government was reluctant to issue travel permits and especially work permits. The economic boom in Lebanon between 1950-1960 therefore did little to improve the Palestinians’ situation since they, in practice, were limited to working in

⁸ Hudson, Michael C., *Palestinians and Lebanon: The common story*, in *Journal of Refugee Studies*, Volume 10, Number 3, Oxford University Press, Oxford, 1997 p. 248ff

⁹ Takkenberg (note 4) p. 14ff

¹⁰ United Nations General Assembly Resolution 194 (III), 11 December 1948

fields such as agriculture and casual labour.¹¹ Unlike other Arab states Lebanon denied the Palestinians civil, social and economic rights. They also refused to apply the League of Arab States Protocol of 1965 which urged host states to give the Palestinian refugees the same rights as nationals.¹² The Palestinians were thus marginalized economically, socially and politically during the period. A solid recruitment base of youth willing to dedicate themselves to revolution and resistance had been created.

1965-1981

The first Palestinian guerrilla crossed the Lebanese border into Israel in January 1965. This marked the beginning of the armed resistance by Palestinians against Israel from Lebanese soil. After the defeat of the Arab states in the 1967 war and the symbolic “victory” against Israel in Karamah, Jordan, where Palestinian resistance fought against overwhelming odds, the Palestinian resistance movement rose in numbers and popularity.¹³ Commando raids by the Palestinians into Israel, resulted in retaliatory raids against Southern Lebanon in which Lebanese civilians suffered. The most dramatic of these retaliations was the destruction of thirteen civilian airliners belonging to the Lebanese national carrier Middle East Airways. The increasing intensity in the fighting between the Palestinian guerrillas and Israel and the inability of the weak Lebanese army to intervene, resulted in the “Cairo agreement” in 1969. The agreement established the “Palestine Liberation Organization’s (PLO) legitimate struggle” against Israel from Lebanese soil, and it also contained other conditions for the Palestinians’ presence in Lebanon.¹⁴

In July 1972, the PLO was expelled from Jordan after fighting erupted between the PLO and the Jordanian army. The PLO moved to Lebanon and set up its new headquarters in Beirut. Tension mounted between the Palestinians on one side and the Lebanese army supported by Christian militias now forming. The Christians saw the Palestinian presence in Lebanon as a threat to their position within the country, as the balance of power shifted in favour of the Muslims. In May 1973 the Lebanese army attacked Palestinian refugee camps with ground and air attacks.¹⁵

Although Lebanon was not directly involved in the 1973 Arab-Israeli war, the southern part of the country was used for guerrilla bases, and suffered from Israeli attacks. In 1974 fighting erupted between Christian Phalangists¹⁶ and Palestinians. Following a Palestinian attack on Phalangist

¹¹ Weighill, Marie-Louise, *Palestinians in Lebanon: The Politics of Assistance*, in *Journal of Refugee Studies*, Volume 10, Number 3, Oxford University Press, Oxford, 1997, p. 296ff

¹² Shibliak, Abbas, *Palestinians in Lebanon and the PLO*, in *Journal of Refugee Studies*, Volume 10, Number 3, Oxford University Press, Oxford, 1997, p. 263f

¹³ McDowal, David, *The Palestinians: The Road to Nationhood*, Minority Rights Publications, London, 1994, p. 70

¹⁴ Danish Immigration Service, *Report on fact-finding mission to Lebanon*, Copenhagen, October 1998, p. 5f

¹⁵ Regional Surveys of the World, *The Middle East and North Africa 2000*, 46th edition, Europa Publishing, 1999, p. 771

¹⁶ The Phalang militia was one of the leading Christian militias during the civil war

members in May 1975, the Christian militia killed civilian passengers on a bus who were mainly Palestinians. This event started the Lebanese civil war that was to ravage the country for 15 years. By 1976 PLO was becoming increasingly more involved in the civil war, supporting Muslims against Christians. Syria intervened in the war and has kept a military presence in the country ever since.¹⁷ A Palestinian “state within the state” was established in Lebanon, it was dedicated to fight Israel but also committed war crimes against the civilian Lebanese population. Israel invaded Southern Lebanon in 1978, allegedly to curb Palestinian cross-border actions. Israel then created a “security zone” to stop Palestinian infiltration and the UN peacekeeping force, UNIFIL was established.¹⁸

1982-1990

In 1982 Israel once again invaded Lebanon in an all out attempt to crush the PLO presence in Lebanon. This time the Israeli army went all the way to Beirut, in a devastating military campaign. Up to 14,000 civilians were killed during the first two weeks of the invasion, Lebanese and Palestinians alike.¹⁹

The PLO withdrew from Beirut in August 1982, under the protection of an international military presence led by USA. Under the conditions of the withdrawal, Israel promised not to move into the predominantly Muslim West Beirut. Yet, following the assassination of newly elected President Bashir Gemayel, Israel’s army took control over West Beirut on the 15th September. On the 16th September, Christian militias went into the unprotected Palestinian refugee camps Sabra and Shatila. Unhindered by the surrounding Israeli army, the militias massacred the civilian inhabitants of the camps.²⁰ It is unknown exactly how many civilians were murdered, but probably over 1000.²¹

The re-emergence of pro-Arafat PLO forces in Lebanon led to “the war of the camps” 1985-1987. The pro-Syrian Shia militia Amal attacked several camps around Beirut and in Southern Lebanon to oust pro-Arafat Palestinians. Several thousand Palestinians died during the sieges, most of them civilians. The situation in the camps became so appalling for the refugees during 1987, the inhabitants were, for example, forced to eat rats because of starvation, that the outside world reacted and Syria reportedly asked Amal to lift the sieges.²²

The peace settlement following the war in 1989, known as the Taif agreement, led to peace in Lebanon in 1990. Militias were to be disarmed (except Hezbollah and Amal who were fighting Israel’s army in Southern Lebanon) however, the Palestinians resisted. This led to sporadic fighting

¹⁷ Regional Surveys of the World (note 15) p. 771

¹⁸ Danish Immigration Service (note 14) p. 6

¹⁹ Fisk, Robert, *Pity the Nation: the abduction of Lebanon*, Simon and Schuster, New York, 1990, p. 255

²⁰ Regional Surveys of the World (note 15) p. 773

²¹ World Directory of Minorities (note 7) p. 364

²² Regional Surveys of the World (note 15) p. 777

between Palestinian groups and the Lebanese army until an agreement reached in 1991.²³

1990-2000

-“*Oslo hasn’t given anything to the diaspora refugees [in Lebanon]. We have been through war, we have lost many lives, and suddenly we find ourselves naked, severed from our nation. Oslo struck against our hopes of return.*” – Soheil Al-Natour, DFLP member.²⁴

During the 1990s the Palestinians in Lebanon have been marginalized and they have been fragmented politically, mainly because of the Oslo agreement in 1993. The Oslo accords postponed negotiations on the refugee problem and this fuelled Lebanese and Palestinian suspicions that the future solution to the refugee problem would be naturalisation and integration into the countries where the refugees now reside. Even if the implementation of the refugees’ right to return, according to UN Resolution 194, seemed remote before the Oslo accord, it now seemed like a hopeless scenario.

The Oslo accord was signed without consultations with the leaders of the Palestinians in Lebanon and most of them now resent the PA and Yassir Arafat. They feel betrayed and Fatah²⁵ is now the only group in Lebanon that still supports Yassir Arafat. A representative of PFLP²⁶ in Beirut explains: “We agree with the Palestinian Authority that there must be unity among the Palestinians. We however disagree on the Oslo treaty, the efficiency of the negotiations with Israel and the goal of the final negotiations”.²⁷

The Lebanese government reacted to the Oslo accords by stating that “under no circumstances will Lebanon agree to give Palestinians citizenship”.²⁸ The Oslo agreement thus led to even stronger anti-Palestinian politics and a reluctance to grant them social and economic rights.

Yassir Arafat’s support for Iraq during the Gulf war in 1990-91, led to alienation between the Palestinians and the Arab world. The generous contributions to PLO by the Arab states were cut significantly and Palestinian workers in the Gulf States were evicted. This had massive impact on the Palestinians’ economic situation in Lebanon; the PLO had to cut their support, no more money was sent by family members working in the Gulf, and there were more mouths to feed as the workers came back to Lebanon. UNRWA’s funds were not increasing at the same rate as the

²³ Danish Immigration Service (note 14) p. 6

²⁴ U.S Committee for refugees, *Trapped on all sides: The Marginalization of Palestinian Refugees in Lebanon*, Written by Steven Edminster, ISBN 0-936548-02-9, June 1999, p.1

²⁵ Fatah is a Palestinian militia commanded by Yassir Arafat

²⁶ Popular Front for the Liberation of Palestine, Palestinian left wing group

²⁷ Interview with Marwan Ab Abdulla, PFLP official in Mar Elias Camp (Beirut, May 11, 2000)

²⁸ Middle East International, no475, 13 may 1994.

natural demographic growth, and international attention was focused on the West Bank and Gaza strip because of the peace negotiations.²⁹

²⁹ World Directory of Minorities (note 7) p.364

3 The Palestinian refugees' current situation in Lebanon

This chapter discusses the current situation for the Palestinians in Lebanon. To understand the impact of the Lebanese labour laws concerning the Palestinians, it is essential to have a basic understanding of the Palestinians' general situation in Lebanon. This chapter will therefore discuss areas such as Lebanese politics concerning the Palestinians, the impact of the Oslo agreement and social and economic conditions for the Palestinians. It is however, impossible to include every aspect of the matter, a selection of especially noteworthy areas have been examined.

3.1 The Palestinians in Lebanon today

The actual number of Palestinian refugees' in Lebanon is subject to debate. The estimation of the number of refugees is controversial since there has been no official census in the country since 1932, and because the number of refugees present in Lebanon is important for future policies concerning them.³⁰ This is true both regarding internal Lebanese policies on how the refugee problem should be addressed and on international policies on how to deal with the same problem. There were 373.440 refugees registered at UNRWA in November 1999.³¹ There are however, many reasons why these figures should be used with caution. Not all refugees are registered at UNRWA, for different reasons, some have obtained Lebanese nationality, emigrated abroad, or have been killed during the civil war.³²

Lebanese authorities tend to claim higher numbers than the official UNRWA numbers; they see high figures as an argument of Lebanon's inability to absorb the refugees.³³ The Department of Palestine Refugee Affairs estimates the number of refugees at 410.000.³⁴ There are however, numerous sources claiming figures much lower than the official UNRWA figures. A senior official (wishing to remain anonymous) at an aid agency in Beirut, claims that the true figure is somewhere around 160.000 refugees.³⁵ Soheil Al-Natour, legal expert and DFLP³⁶ member, claims that there are 150.000-175.000 "real" Palestinian refugees left in Lebanon, not counting

³⁰ World Directory of Minorities (note 7) p.358

³¹ UNRWA in figures, Public Information Office, UNRWA headquarters in Gaza, February 2000

³² For example, see discussion in Throne-Holst, Marina, *Palestinians in Lebanon*, A study commissioned by the Swedish Ministry for Foreign Affairs, August 1996, p. 6

³³ Example: Lebanese politician Pierre Halo claims that Lebanon hosts 400.000-600.000 Palestinian refugees (interview in Beirut, May 5, 2000)

³⁴ Interview with Chalid Shatawi, Director of Department of Palestinian Affairs, Ministry of Interior (Beirut, May 4, 2000)

³⁵ Interview with UNRWA official, wishing to remain anonymous (May 2000)

³⁶ Democratic Front for the Liberation of Palestine, Palestinian left wing group

the minority of Palestinians that have been given Lebanese citizenship.³⁷ In a study commissioned by the Swedish Ministry of Foreign Affairs an estimate of 200.000-250.000 refugees is considered the most reliable.³⁸ Today, about half of the refugees still live in refugee camps spread across Lebanon.³⁹

3.2 The living conditions of Palestinians in Lebanon

A brief description of the Palestinians' general situation in Lebanon will be given in this chapter. The Palestinians' employment situation will be more thoroughly examined in 7.2.2.1 hence it is not discussed in this chapter.

After over 50 years living as refugees, the Palestinians in Lebanon are still economically marginalized and they live in poor conditions. After the "Oslo agreement" in 1993, the already bad situation has become critical. Meanwhile, the world's attention remains focused on the peace negotiations and the situation in the West Bank and Gaza Strip. Syrian labour has become a fierce competitor on the already limited labour market, making it even harder for the Palestinians to earn their living and UNRWA's relief funds are diminishing.

3.2.1 Security

The general security situation in Lebanon seems a lot better than it was some years ago. It is safe to travel in most parts of the country, even though there are mines left in Southern Lebanon.⁴⁰

The security situation for the Palestinians in Lebanon seems satisfactory. Most of them can travel freely in the country without being at a risk of unlawful detention or imprisonment. However, Syria still arrests people in Lebanon that are considered to be a "threat to security", but few arrests have been made during the recent years. The problem however, still exists and a report on enforced disappearances in Lebanon from 1997, described disappearances of Palestinian residents of Beirut and Tripoli in 1995 and 1996.⁴¹

Other problems also exist, several Palestinians have been sentenced *in absentia* in military courts in Beirut, for treason related crimes. Sultan Abu Ainayn, Fatah leader in Lebanon, has been sentenced to death in this way and he cannot leave the Rashidieh Camp where he lives. The sentence is

³⁷ Interview with Soheil Al-Natour, Jurist and DFLP member (Beirut, April 27, 2000)

³⁸ Throne-Holst (note 32) p. 7

³⁹ Information found at UNRWA homepage, available at <http://www.un.org/unrwa/refugees/lebanon.html> on 19/10-2000

⁴⁰ Authors finding during his study in Lebanon 15April-15May 2000

⁴¹ Human Rights Watch Syria/Lebanon - An Alliance Beyond the Law: Enforced Disappearances in Lebanon (May 1997), in REF WORLD CD-ROM, UNHCR, Geneva, January 1999 edition

probably politically motivated since Fatah is a long time enemy of Syria and Syria is a major power because of its *de facto* occupation of Lebanon.⁴²

3.2.2 Economy

The economic situation for the Palestinians is harsh. UNRWA has an aid program for special hardship cases, assisting refugees with insufficient income. 10.8% of the registered refugees in Lebanon are covered by that program, the highest percentage among Palestinian refugees in the Middle East. As a comparison, the program covers 8.6% of the registered refugees in the Gaza strip and only 2.6% of the registered refugees in Jordan.⁴³ According to a Fafo⁴⁴ study done in February 2000, only about 5% of the refugees had any bank savings and just 50% could raise 200.000 Lebanese pounds (approximately 130 U.S Dollars).⁴⁵

3.2.3 Health

The Lebanese state health system is reserved for Lebanese citizens. Palestinian refugees do have access to the system but are in practice excluded from it since they are obliged to pay for services themselves.⁴⁶ UNRWA and Palestinian Red Crescent Society (PRCS) provide most of the medical services to those who cannot afford private medical insurance.

About 45 % of the Palestinians visit UNRWA clinics after acute illness, 10% visit PRCS hospitals and 30% visit private clinics. The rest are treated by, for example, NGOs.⁴⁷ UNRWA does not have resources to pay for the most expensive treatments and fatalities occur as a result of inadequate treatment.⁴⁸

According to Waffa Yassir, at the Norwegian Peoples Aid, it is not uncommon that Palestinians with serious chronic illnesses, such as heart disease, are forced to beg in the streets to cover medical expenses. Those who cannot collect enough money for their treatment perish.⁴⁹ A recent Fafo study, shows that 19% of the Palestinians suffer from chronic health failure and the majority show signs of psychological distress.⁵⁰

⁴² Danish Immigration Service (note 14) p. 25f

⁴³ UNRWA in figures (note 31)

⁴⁴ Fafo is a Norwegian research institute for applied social science. Homepage available at www.fafo.no on 19/102000

⁴⁵ Fafo study, initial findings, *Living Conditions of Palestinian Refugees in Camps and Gatherings in Lebanon*, Fafo (www.fafo.no), February 2000

⁴⁶ Danish Immigration Service (note 14) p. 47

⁴⁷ Fafo study (note 45)

⁴⁸ Danish Immigration Service (note 14) p. 48

⁴⁹ Interview with Waffa Yassir (note 96)

⁵⁰ Fafo study (note 45)

3.2.4 Housing

The refugee camps in Lebanon are extremely crowded and of poor condition. The average refugee household consists of 2.2 rooms and the occupancy rate is 2.6 persons per room. Among recently displaced families, this figure rises to 3.4 persons per room. Most camps lack adequate water and electricity and only 57 percent of the households are connected to the public sewage system.⁵¹ According to a Fafo study, nearly 7 out of 10 households are cold and difficult to heat during winter.⁵²

3.2.5 Education

The education system in Lebanon is part governmental and part privately run. Private schools are popular but expensive, few Palestinians can afford to send their children there. Lebanese citizens are given priority at state schools, thus severely limiting Palestinian participation.

UNRWA is therefore virtually alone in providing education to the Palestinians and the annual UNRWA report claims that around 95% of Palestinian school children attend UNRWA schools. The classes of those schools are overcrowded; the average number of pupils in each class is 53.⁵³ There is virtually no access to secondary education; a fact that led to student protests outside UNRWA's headquarters in Beirut during September 2000.

According to a Fafo study, the average educational level is low, illiteracy is high, and many students quit for economic reasons or de-motivation. Participation in higher education is very low.⁵⁴

3.2.6 Visa and travel restrictions

Travel within Lebanon is not a major problem for most Palestinians. In 1995 entry and exit visa requirements for the Palestinians were introduced, restricting their ability to travel and work abroad.⁵⁵ Those restrictions were lifted in January 1999 when the Lebanese authorities agreed to upgrade the status of travel documents issued to Palestinians living in Lebanon.⁵⁶

3.3 Political situation

Ten years after the civil war ended in Lebanon the internal political situation has improved through slow reconciliation, economic improvement, and

⁵¹ Abbas, Mahmoud et al., *The Socio-Economic Conditions of Palestinians in Lebanon*, in *Journal of Refugee Studies*, Volume 10, Number 3, Oxford University Press, Oxford, 1997, p. 382

⁵² Fafo study (note 45)

⁵³ Danish Immigration Service (note 14) p. 44ff, 48ff

⁵⁴ Fafo study (note 45)

⁵⁵ Danish Immigration Service (note 14) p. 45f

⁵⁶ Regional Surveys of the World (note 15) p. 791

most importantly, continuing peace. However, problems still exist, the economic upswing during the beginning of the 1990s has come to an abrupt halt, tensions remain high in Southern Lebanon despite Israel's recent withdrawal. Syria's military and political presence in the country puts its mark on all important political decisions.

The tension between the Lebanese people and the Palestinian refugees is still high. Continuous rejection of laws granting the Palestinians more economic and social rights alienates the Palestinians. The fact that the Palestinians are probably the only refugee group in the world that are heavily armed and controls its camps sows the seeds of distrust among the Lebanese.

This section will discuss the political perspectives separating the Lebanese and the Palestinians in Lebanon today. To have a basic understanding of why the tension exists between the groups, one needs to understand both sides of the argument.

3.3.1 Palestinian refugees and the Lebanese political attitude

One of the few political issues that unites most of the parties in the confessional political system in Lebanon, is that of the total rejection of permanent settlement of the Palestinians in Lebanese society. The reluctance to give the Palestinians civil, economic and social rights in the country is an expression of the fear that it would lead to their full integration into society.⁵⁷ This is not only clearly visible in Lebanese politics, the majority of Lebanon's citizens support this policy.⁵⁸

What is the reason for the unified Lebanese front against the Palestinians? The Palestinians are after all, former neighbours, Arabs, and a common enemy of Israel. The answer to this question is complex and important to discuss in order to understand the Lebanese position on the "refugee problem". Below, different arguments for rejecting the Palestinians are presented, some of them are official in the sense that they are publicly proclaimed, and others are more unofficial in character.

-Arguments concerning demography and the sectarian balance in Lebanon:

The political system in Lebanon is built around sectarian power sharing. This means that government power is shared along confessional lines, rather than political. The appointed president must be a Christian Maronite, the

⁵⁷ Interview with Robert Fisk, Author and journalist at "the Independent" (Beirut, May 14, 2000)

⁵⁸ 75% of the Lebanese citizens opposed permanent integration of the Palestinians in Lebanon, according to a survey conducted in November 1991, U.S Committee for refugees (note 24) p. 12

Prime Minister a Sunni Muslim and the speaker of parliament a Shia Muslim. The 30-member cabinet is divided equally between Christians and Muslims: six Maronite Christians, six Sunni Muslims, six Shia Muslims, three Druze, four Greek Orthodox Christians, three Greek Catholics, one Armenian Catholic and one Armenian Orthodox Christian.⁵⁹

Since the majority of the Palestinians are Sunni Muslims most Lebanese politicians agree that a naturalisation of the refugees would severely disrupt the fragile system, perhaps plunging the country into civil war again. Only some Sunni Muslim politicians support the idea of giving the refugees Lebanese citizenship, since this could boost their power.⁶⁰

Others point to the fact that the balance of power in Lebanon already has shifted in favour of the Muslims, because of reasons such as natural demographic increases and emigration among Christians.⁶¹ Journalist Robert Fisk claims that the Palestinians could contribute positively to the Lebanese political system if they were integrated, since they tend to vote politically and not along confessional lines.⁶²

- Arguments concerning the Palestinians involvement in the civil war

Many Lebanese blame the Palestinians for the civil war and remember PLOs “state within a state“ that emerged during the 1970s. Lebanon’s civilian population suffered during both of Israel’s invasions in 1978 and 1982. The main reason for the invasions was to try to crush PLO activity in Southern Lebanon.⁶³

Christian Lebanese especially, tend to blame the cause of the civil war on the Palestinians.⁶⁴ The “first” war from 1975-1976 is often referred to as “the Lebanese-Palestinian war”. This is however, certainly not an undisputed fact, others blame the Christian militias for the start of the war⁶⁵ and a short civil war did break out in 1958 without the interference of the Palestinians. It is clear however, that the PLO played a major role during the civil war and this is reflected in the minds of the Lebanese people. The fear of another armed conflict with Palestinians is clearly expressed by American University of Beirut (AUB) scholar Farid Al Khazen: “The Palestinians could rearm themselves and they would not hesitate to build a state within the state again”.⁶⁶

-Arguments concerning Lebanon’s economy

⁵⁹Regional Surveys of the World (note 15) p. 782

⁶⁰ Interview with Nizar Hamzeh, American University of Beirut, Political Science Department (Beirut, April 4, 2000)

⁶¹ Interview with Soheil Al-Natour (note 37)

⁶² Interview with Robert Fisk (note 57)

⁶³ U.S Committee for Refugees (note 24) p.10

⁶⁴ Interview with member of a now banned Christian militia, who wishes to remain anonymous (May 2000), interview with former President Elias Hrawi (note 1), interview with Farid El Khazen, American University of Beirut, Political Science Department (Beirut, May 15, 2000)

⁶⁵ Interview with Robert Fisk (note 57)

⁶⁶ Interview with Farid Al Khazen (note 64)

Some of the most common arguments against giving the Palestinians more economic and social rights concern Lebanon's fragile economy. Fears that the Palestinians would take "Lebanese" jobs if they were allowed to work are widely expressed. Former president, Elias Hrawi, expresses concern that the Palestinians would take the place of Lebanese professionals if allowed to work, since many Lebanese students graduating as engineers, doctors and lawyers are already having a hard time finding a job in Lebanon.⁶⁷

However, Lebanon hosts hundreds of thousands of workers from Syria, the Philippines and Sri Lanka. The actual number of foreign workers is unknown, but it is probably much higher than the Palestinian workforce. Professor Nizar Hamzeh, at the American University of Beirut's political science department, claims that Syrians are working as dentists and engineers in Lebanon, jobs that Palestinians are barred from.⁶⁸

That Syrians are treated more equally than the Palestinians on the labour market, probably stems from the fact that Syria is occupying most of Lebanon with its "peacekeeping" forces. Syrian labour in Lebanon is an essential contributor to Syria's weak economy and its workers in Lebanon send most of their wages back to their families in Syria, while the Palestinians spend their wages in Lebanon. The Syrians are still "more welcome" on the labour market, according to Maronite politician Pierre Halo, who himself wants to get back into the Lebanese parliament and thus needs to gain political support from Syria.⁶⁹

There is also a strong perception among the Lebanese that the country is too small to host immigrants, or as Ali Khalidi at AUB puts it: "The Lebanese people think that Lebanon is a country of emigration, not immigration".⁷⁰

-Arguments concerning "the right to return"

The right of the Palestinians to return to their homes in former Palestine is widely supported by Lebanese politicians. The Lebanese politician Pierre Halo says that "Palestinians shall exist in Palestine but not in Lebanon" and he is thus a firm supporter of the Palestinians' right to return.⁷¹ Fatah's leader in Lebanon, Sultan Abu Ainayn, says that he is sure that the only interest the Lebanese government has in "the right to return" is to make the Palestinians leave Lebanon.⁷²

AUB professor Nizar Hamzeh claims that part of the reason that Palestinians are denied civil rights in Lebanon is because they could then

⁶⁷ Interview with former President Elias Hrawi (note 1)

⁶⁸ Interview with Nizar Hamzeh (note 60)

⁶⁹ Interview with Pierre Halo, Lebanese Politician, leader of the organisation "Maronite League" (Beirut, May 5, 2000)

⁷⁰ Interview with Muhammed Ali Khalidi, American University of Beirut, Philosophy Department (Beirut, May 15, 2000)

⁷¹ Interview with Pierre Halo (note 69)

⁷² Interview with Sultan Abu Ainayn, Commander of Fatah in Lebanon, currently living in "exile" in Rashidieh Camp since he has been sentenced to death in absentia (Rashidieh Camp, May 9, 2000)

forget their origin and choose to stay, instead of demanding the right to return.⁷³ DFLP member Soheil Al-Natour is of a different opinion on the consequences of more Lebanese acceptance towards the Palestinians. He points out that most of the Palestinian guerrillas fighting Israel during 1960-70 were Palestinians living in Syria, where they enjoyed the same civil and economic rights as Syrians.⁷⁴ Granting the Palestinians in Lebanon more economic and social rights would not therefore result in the abandonment of the idea of the right of return, according to him.

-The use of the Palestinians as scapegoats in domestic politics

“All countries have their scapegoats and Lebanon has its Palestinians”- Robert Fisk.⁷⁵

Lebanon’s current economic difficulties, and the cause of the civil war that tore apart the nation, need an explanation in Lebanese politics. The Palestinian refugees in Lebanon come in handy here, as they can be blamed for both. Wafl Kheir, member of “Foundation for Human and Humanitarian rights”, claims government officials in Lebanon instigate collective hatred against the Palestinians,⁷⁶ and Robert Fisk says that “a culture of distaste” has been built around the Palestinians.⁷⁷

Examples of this were not hard to find during the field study in Lebanon. Politician Pierre Halo claimed that “10% of the Palestinians are killers and kidnappers” and that “400.000 of the 600.000 Palestinians in Lebanon are criminals”,⁷⁸. Lebanon’s former president, Elias Hrawi, claimed that the Palestinians caused the civil war,⁷⁹ and AUB scholar Farid Al Khazen, that “the Palestinian refugee camps are islands of non-justice”,⁸⁰.

When visa requirements were imposed in 1995 for Palestinian refugees working outside Lebanon, Lebanon’s Tourism Minister (sic), Nicholas Fattush, declared that Palestinians were “human waste being dumped in Lebanon.”⁸¹

3.3.2 Palestinian politics in Lebanon

The Palestinians in Lebanon are today, very politically fragmented. No single strong political organisation represents the Palestinians and Yassir Arafat’s group, Fatah, has lost much of its support in Lebanon. The signing of the Oslo accords, which marginalized the Palestinians in Lebanon, led to

⁷³ Interview with Nizar Hamzeh (note 60)

⁷⁴ Interview with Soheil Al Natour (note 37)

⁷⁵ Interview with Robert Fisk (note 57)

⁷⁶ Interview with Wafl Kheir, Director of “Foundation for Human & Humanitarian Rights” (Beirut, May 12, 2000)

⁷⁷ Interview with Robert Fisk (note 57)

⁷⁸ Interview with Pierre Halo (note 69)

⁷⁹ Interview with former President Elias Hrawi (note 1)

⁸⁰ Interview with Farid Al Khazen (note 64)

⁸¹ U.S Committee for Refugees (note 24) p. 14

that many of the refugees feels let down by Arafat. The accords were signed without prior consultation with the leaders of the Palestinians in Lebanon.⁸²

Fatah is today mainly supported in the refugee camps in South Lebanon, an area where Syria has very little influence, and no military presence. Around Beirut, and in Northern Lebanon, PFLP and DFLP are the strongest factions, a total of ten factions opposing Arafat are represented in Lebanon. There are three main strands within those factions, a secular stand represented by PFLP and DFLP, a fundamentalist strand represented by groups such as Hamas and Islamic Jihad, and a pro-Syrian strand with groups such as Fatah al-intifada.⁸³ Most of the above mentioned groups are armed to various degrees. Armed guards and militias are clearly noticeable in most of the refugee camps, most notably in the Fatah controlled camp Rashidieh situated in Southern Lebanon.⁸⁴ The Damascus based group PFLP-GC has military camps in Lebanon according to one of its officials in Damascus.⁸⁵

3.3.2.1 Rejection of naturalisation

One of the few subjects that seems to unite the various political factions is that of non-naturalisation and “the right to return”. Most of the Palestinians the author spoke to, rejected the idea of their full integration into Lebanese society, emphasising their right to return to their hometowns in former Palestine, established in UN resolution 194. However, until the Palestinians are allowed to return to “occupied Palestine”, they want to enjoy basic civil and political rights, they want to be able to travel freely and to work in the field they choose.⁸⁶

3.4 The legal status of Palestinians in Lebanon

This chapter will briefly discuss the Palestinians’ legal status in Lebanon, however, many areas had to be omitted in order to keep the thesis within its boundaries. Labour related law will be discussed further in 7.1.

The Palestinians in Lebanon have always been considered foreigners under Lebanese law, albeit with a “special status” that changes with the times. After the Palestinians fled to Lebanon in 1948, they were viewed as refugees staying temporarily in the country, and no laws were passed dealing with their legal status in the country. By 1950, it had become clear that the Palestinians were more than temporary visitors and the “Central Committee for Refugee Affairs” was set up to co-operate with UNRWA in defining the status of the refugees.

⁸² Danish Immigration Service (note 14) p. 16

⁸³ Danish Immigration Service (note 14) p. 14

⁸⁴ Authors visit 9 May 2000

⁸⁵ Interview with Ahmed Abd-Alrhman, Chief Editor of PFLP-GC’s official newspaper (Damascus May 21 2000)

⁸⁶ Interview with Soheil Al Natour (note 37)

A separate government agency dealing with the refugees was set up in 1959, it was called “Department of Palestine Refugee Affairs in Lebanon”. It was created as a part of the Ministry of Interior. “Decree No. 927” spelt out the tasks of the department; it was, amongst other things, to liaise with relief agencies, receive applications for passports and to submit comments to the security police.⁸⁷

A national legislation decree, No.319 of 1962, regulating the legal status of foreigners, considers Palestinian refugees as one of five different categories of foreigners.⁸⁸

Following the establishment of the PLO in the 1960s and the organisation’s power-surge in Lebanon, the Lebanese government signed the Cairo agreement (see chapter 2) with the PLO in 1969. The agreement redefined the legal status of the refugees in Lebanon. The right to work and residency for all Palestinians living in Lebanon was established, local committees composed of Palestinians living in the camps were established and those committees represented the interests of the residents in discussions with the authorities. The agreement also allowed the Palestinians to launch an armed attack against Israel from Lebanese soil.⁸⁹

The years following the Cairo agreement are considered the “golden years” by the Palestinians in Lebanon, despite the outbreak of the civil war in 1975. In practice the Palestinians enjoyed the right to work in most professions and the Minister of Interior during part of the 1970s, Kamal Jumblatt, was liberal in his attitude towards the Palestinians. He reportedly said, “If you ask them (the Palestinians) not to work, you ask them to steal”.⁹⁰

The Cairo agreement was however unilaterally abrogated by the Lebanese parliament in 1987, following the withdrawal of the PLO from Lebanon. The Palestinians were once again defined as just another group of foreigners living in Lebanon. An attempt to formalise the Palestinians legal status was made in 1991 by the Lebanese government. This however, resulted in nothing, and the Committee who worked on the issue was suspended.⁹¹

The Taïf agreement that was part of the peace treaty ending the civil war, contains one provision relevant to the Palestinians in Lebanon, principle 1H, which states that there shall be “no repatriation [of Palestinians in Lebanon]”.⁹² The agreement was incorporated into the Lebanese constitution in 1990.⁹³ Paragraph I of the new preamble of the constitution states: There shall be no segregation of the people on the basis of any type of belonging,

⁸⁷ Al-Natour, Soheil, *The legal status of Palestinians in Lebanon*, in *Journal of Refugee Studies*, Volume 10, Number 3, Oxford University Press, Oxford, 1997, p.360f

⁸⁸ UNHCR RefWorld, UNHCR Centre for Documentation and Research, CD-ROM, January 1999 edition

⁸⁹ Al-Natour (note 87) p.363f

⁹⁰ Interview with members of Palestinian Human Rights Organisation (April 24 2000)

⁹¹ Al-Natour (note 87) p.363f

⁹² The Taïf agreement can be found at <www.mideastinfo.com/documents/taif.htm> on 19/10 2000

⁹³ *Regional Surveys of the World* (note 15) p. 782

and no fragmentation, partition, or settlement of non-Lebanese in Lebanon”.⁹⁴

3.4.1 Practical results of the Palestinians’ legal status: some examples

Today, only the Palestinians who took refuge in Lebanon in 1948 and their descendants, are considered legal residents. They are considered foreigners with a “special status” and are rarely mentioned at all in Lebanese law.⁹⁵

Since they are considered foreigners, they are denied the access to most occupations (see 7.1). Numerous restrictions on the right for Palestinians to own immovable property and acquire land, exist.

According to Waffa Yassir, at Norwegian Peoples Aid (NPA), Palestinians who manage to acquire work permits pay 36% of their income in social security fees, but they cannot benefit from social security since they are considered foreigners.⁹⁶ This is because of Lebanese reciprocity laws: foreign nationals receive the same treatment in Lebanon as Lebanese would have received in the foreigners state. Since no Palestinian State has yet been established, they receive no services.⁹⁷

3.5 The Palestinian refugees’ situation in Syria and Jordan: a short comparison

In order to understand the impact of Lebanon’s restrictive labour laws on the Palestinians in Lebanon, a comparison will here be made on the Palestinians’ situation in Syria and Jordan. Since the three countries are different in size, population and political structure, it is impossible to draw any quick conclusions on the effect of different labour laws. Nevertheless, the author still thinks it is interesting to examine any major differences in the social- and economic life of the refugees exist.

⁹⁴ Preamble of the Lebanese constitution from 1990

⁹⁵ Interview with Chalid Shatawi (note 34),

⁹⁶ Interview with Waffa Yassir, Director of Norwegian People’s Aid in Lebanon (Beirut, May 11 2000)

⁹⁷ Throne-Holst (note 32) p. 8

3.5.1 The Palestinian refugees in Syria

Syria received fewer refugees per capita in 1948 than Lebanon and Jordan did. Approximately 90,000-100,000 refugees were received and they have never constituted more than 2 to 3 % of the Syrian population. The country did not suffer from unemployment and since the country was underpopulated at the time many Syrians regarded the refugees an asset to development. Today, the Palestinians are treated equally with the Syrians in almost all aspects. They are drafted into the Syrian army, they have access to Syrian schools and hospitals, and they have equal right to employment. They do not however, have the right to vote (the Syrians do not have this right either in practice), the right to buy arable land, or the right to own more than one house.⁹⁸ They are also denied Syrian citizenship, something they claim they do not want to have.⁹⁹

There are about 380.000 Palestinian refugees registered with UNRWA in Syria.¹⁰⁰ According to Lex Takkenberg, deputy director of UNRWA in Syria, the Palestinian presence is not sensitive in Syria. The Syrian government contributes to the infrastructure in the camps and has a good relationship with UNRWA.¹⁰¹ There is little or no discrimination/prejudice against the Palestinians, either in the public or private sector, according to some of the persons interviewed in Syria.¹⁰²

3.5.1.1 The living conditions of Palestinians in Syria

As far as civil and political rights are concerned, it is essential to remember that Syria is a hard-line dictatorship, where the ruling Bath Party tolerates no true opposition. Neither Syrians nor Palestinians in Syria can criticise the government and get away with it, but that problem goes far beyond the scope of this thesis.

Syria is a relatively a poor country, with a GNP of 1,160 \$ per capita, compared to Lebanon's 2,970 \$ per capita and Sweden's \$25,710 (1996).¹⁰³ This is of course, reflected on the Palestinians' economic situation in the country. Even though the Palestinians income might be higher per capita in Lebanon than in Syria, it must be taken into account that living costs are much higher in Lebanon. 6.9% of the UNRWA registered refugees are covered by the special hardship program, compared to 10.8% in Lebanon.¹⁰⁴

⁹⁸ Takkenberg (note 4) p. 167f

⁹⁹ Interview with Mohammad Arab, Leader of DFLP in Yermouk Camp (Damascus, May 20, 2000)

¹⁰⁰ UNRWA in figures (note 31)

¹⁰¹ Interview with Lex Takkenberg, Deputy Director of UNRWA in Syria (Damascus, May 17 2000)

¹⁰² Interview with Lex Takkenberg (note 101), Mohammed Arab (note 99), Ahmed Abd-Alrhman (note 85)

¹⁰³ Figures taken from Encyclopædia Britannica, available at <www.britannica.com> on 19/10 2000

¹⁰⁴ UNRWA homepage (note 6)

Palestinians are employed on an equal footing with Syrians, both in the public and private sector. Palestinians have also been ministers in the Syrian government.¹⁰⁵ Since the Palestinians benefit from both state and UNRWA education, it is often easier for them to get a job than the Syrians, since they are generally considered to be better educated.¹⁰⁶

The housing conditions for the Palestinians who still live in refugee camps in Syria are however, poor. Most shelters are very basic and the water and sewage systems need upgrading.¹⁰⁷

3.5.1.2 Health and education

The Palestinians in Syria have access to state schools, universities and hospitals. UNRWA services complement those services and are thus not the single provider, as the case is in Lebanon. This eases the pressure on UNRWA and the overall situation for the refugees as regards health and education, is better than it is in Lebanon. Education is also a lot cheaper for UNRWA to provide in Syria, the cost per elementary pupil is 133\$ on average, compared to 485\$ in Lebanon.¹⁰⁸

3.5.2 The Palestinian refugees in Jordan

In 1950, the new Hashemite Kingdom of Jordan was established, uniting the West and East Bank. Palestinians thus became approximately half of the countrys population and the Palestinians became Jordanian citizens.

Israel occupied the West Bank in the 1967 war and during the *intifada* in 1988, Jordan's King Hussein announced that the West Bank was to be severed from Jordan, giving the Palestinians "self-rule".¹⁰⁹

Today, about 2.1 million of the 4.8 million inhabitants of Jordan are Palestinians.¹¹⁰ Most of them are Jordanian citizens and in theory enjoy the same rights as "original" Jordanians. The Palestinians in Jordan can be classified in different categories: the original 1948 refugees, "internally displaced" refugees from the West Bank who arrived during the 1967 war and refugees from the Gaza Strip who were never granted Jordanian citizenship. Because of the limited scope of this thesis, only the situation of "original" Palestinian refugees and their descendants living in Jordan with Jordanian citizenship, will be discussed.

After the PLO had been evicted from Jordan in 1971, the relationship between Jordanians and Palestinian Jordanians became severely strained. After the PLO was recognised as sole legitimate representative of the

¹⁰⁵ Interview with Lex Takkenberg (note 101)

¹⁰⁶ Interview with Mohammed Ammouri, Director of Education Program at UNRWA in Syria (Damascus, May 17, 2000)

¹⁰⁷ UNRWA homepage (note 6)

¹⁰⁸ UNRWA in figures (note 31)

¹⁰⁹ Takkenberg (note 4) p.155f

¹¹⁰ Figures taken from Encyclopædia Britannica, available at <www.britannica.com> on 19/10 2000

Palestinian people in 1974, King Hussein reduced the participation of Jordanian Palestinians participation in the government.¹¹¹ The relationship between original Jordanians and Palestinian Jordanians have improved since then but tension still exists under the surface.

3.5.2.1 The living conditions of Palestinians in Jordan

Since the Palestinians in Jordan are Jordanian citizens, they are in theory treated on an equal footing with the original Jordanians in economic and social rights and in areas such as the health and the education system.

However, most of the people interviewed by the author testified to discrimination against the Palestinians, especially concerning employment in the government sector and in the military. In areas such as the police, government, and in state television and radio, Palestinians seem to be discriminated against in terms of employment opportunities.¹¹² The top jobs in the government are almost exclusively reserved for original Jordanians and 95% of the officers in the army are original Jordanians.¹¹³

The current economic situation in Jordan is bad, with a GNP of 1650\$ per capita¹¹⁴ and unemployment quite high at 14% in 1999.¹¹⁵ This is particularly serious for the 18% of the 1.7 million registered refugees with UNRWA who still live in refugee camps. There are also three additional unofficial camps where refugees live under similar conditions. Together, the official and unofficial camps shelter about 65% of the registered refugees.¹¹⁶ Only 2.6% of the registered refugees are included in UNRWA special hardship program.

3.5.2.2 Health and education

The Palestinians in Jordan have access to the health and education systems, equal to that of the original Jordanians. All registered refugees are eligible for health and educational services as provided by UNRWA.¹¹⁷

3.5.3 The refugees' social and economic situation in Lebanon as compared to the situation of these in Syria and Jordan: Conclusions

The Palestinians in Syria and Jordan are fairly well integrated into the social and economic life of their host countries. Although Palestinians in Syria lack

¹¹¹ Interview with Matar Saqer, Public Information officer at UNRWA in Amman (Amman May 23, 2000)

¹¹² Interview with Matar Saqer (note 111)

¹¹³ Interview with Adel Badarnih, Jordan Ministry of Labour (Amman, May 25, 2000)

¹¹⁴ Encyclopaedia Britannica homepage (note 103)

¹¹⁵ Interview with Adel Badarnih (note 113)

¹¹⁶ UNRWA homepage (note 6)

¹¹⁷ UNRWA homepage (note 6)

Syrian citizenship and Palestinians in Jordan seem to be discriminated against in at least the public sector, they are not considered outcasts and undesirables, as the Palestinians in Lebanon are.

The fact that the Palestinians in Syria and Jordan are allowed to work in most professions is reflected in the relatively low percentage of refugees registered in the UNRWA special hardship program. The registered percentages in the two countries are much lower than the figures in Lebanon, even though the GNP per capita is almost three times as high in Lebanon. The difficult economic situation for the Palestinians in Syria and Jordan is made easier by the fact that they enjoy the benefits of health and education programs in their host country, something that the Palestinians in Lebanon are denied.

3.6 Other foreign groups residing in Lebanon

Apart from the Palestinians, some other groups of foreign minorities exist in Lebanon. In order to examine if those groups are being treated differently from the Palestinians, a short description of them is given below.

- Armenians

About 125,000 Armenians live in Lebanon. Most of them arrived during the late 19th century and early 20th century, mainly because of Turkish genocide committed against them. They were welcomed by the Maronites in Lebanon in order to enlarge the Christian population and were offered Lebanese citizenship¹¹⁸. They are therefore mostly naturalised within Lebanese society and not subject to the restrictions applying to foreigners.

-Kurds

About 50,000 Kurds live in Lebanon. They arrived from Syria in 1950s and 1960s as workers and they have no civil rights, except for about 20,000 whom have been given Lebanese citizenship.¹¹⁹

According to the Palestinian Human Rights Organisation, the Kurds in Lebanon have special identification card and are given work permits as they wait for Lebanese citizenship. However, this was not confirmed by any other source.¹²⁰

-Syrians

The number of Syrian workers in Lebanon is unknown and estimated figures vary from one million to a couple of hundred thousand, depending on whom

¹¹⁸ World Directory of Minorities (note 7) p. 201

¹¹⁹ World Directory of Minorities (note 7) p. 202

¹²⁰ Interview with Palestinian Human Rights Organisation (note 90)

you ask and what references you use.¹²¹ Most of the Syrians in Lebanon are casual labourers and small business traders but some major Syrian companies also exist. Various sources also claim that Syrians work as dentists and engineers, professions where work permits are required.¹²²

That Syrian workers have extensive freedom in working in Lebanon can be explained by the fact that Syria is a major political factor in Lebanon, because of its *de facto* occupation of the country, and Syria uses Lebanon's economy to support its own.

- Other foreign workers and refugee groups

Thousands of foreign workers from the Philippines and Sri Lanka work in Lebanon, mainly as housekeepers. The actual number of Asians working in Lebanon is unknown, but the US committee for refugees claims it is "tens of thousands".¹²³ They seem to have no problem in getting work permits and their presence is tolerated by the Lebanese authorities.

About 4,200 refugees mainly from Iraq, Somalia and Sudan were registered with UNHCR in Lebanon. The 1951, refugee convention is not applicable in Lebanon since the Lebanese government has not ratified it. UNHCR in Lebanon does however, provide assistance to the refugees to help meet their basic needs. The refugees are not allowed to work according to UNHCR.¹²⁴

¹²¹ World Directory of Minorities (note 7), p363 says the number could be one million. The U.S Committee for Refugees (note 24), p. 13 claims the number is about 400,000

¹²² Interview with Nizar Hamzeh (note 60) and Elia Abouaoun, member of the human rights group "Nouveaux Droits de l'Homme (Beirut, May 1, 2000)

¹²³ U.S Committee for Refugees (note 24) p.13

¹²⁴ UNHCR Regional Overview: The Middle East, available at www.unhcr.ch/fdrs/gr99/overmide.pdf on 19/10, 2000

4 The status of Palestinian refugees´ in international law

The subject of the Palestinian refugees´ status in international law is complex. Many different aspects of their legal status exists, subjects such as the exact definition of a Palestinian refugee, humanitarian law aspects and “the right to return”. Since this thesis is of very limited scope, this chapter will focus on the Palestinians´ status under the 1951 refugee convention and international law relating to stateless persons. Even those two subjects will only be briefly discussed below. For a more elaborate study of the subject, Lex Takkenberg´s book “The Status of Palestinian Refugees in International Law” is recommended and it has been used as the main source for this short overview.¹²⁵

4.1 The 1951 Convention relating to the Status of Refugees

The 1951 Convention Relating to the Status of Refugees¹²⁶ (1951 refugee Convention) is the main instrument of international refugee law. It contains different obligations and restrictions on how contracting parties shall handle refugees, rules ranging from the principle of *non-refoulement* (art 33) to articles containing provisions of administrative assistance (art 27). The convention, together with its protocols, contains the standards for the treatment of refugees in more than 130 nations.¹²⁷ The Palestinian refugees are however, not protected by the convention, because of the existence of article 1D, examined below.

Article 1D was incorporated in the convention for the benefit of the Arab countries hosting masses of Palestinian refugees from the 1948 war. The reason to include article 1D was to free the Arab host countries from direct responsibility of the refugees and put this burden on the UN instead.

Article 1D, first sentence, states that: “This Convention shall *not apply to persons* who are at present, *receiving from organs or agencies* of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance” (emphasis added).

Since the Palestinian refugees did receive support from the newly founded UNRWA at the time of the drafting of the 1951 convention, they are not protected by it. Even though this exclusion-clause fulfilled its purpose, it has not yet been ratified by any Arab country.¹²⁸

¹²⁵ Takkenberg (note 4)

¹²⁶ Convention Relating to the Status of Refugees, UN, 28 July 1951, 189UNTS137

¹²⁷ Takkenberg (note 4) p. 86ff

¹²⁸ Takkenberg (note 4) p. 90ff

4.2 Law relating to stateless persons

There is no room in this thesis for an in depth analysis of international law relating to stateless persons, but a few questions need to be addressed.

Before the creation of the state of Israel in 1948, Palestine was under the British mandate. Under the mandate system, the Palestinian citizens were to be considered “protected persons”, but not nationals of Britain. The Palestinian citizenship was terminated together with the mandate in 1948.

Even though a Palestinian sovereign state is in the making at the moment, there can hardly be such thing as a Palestinian state right now, since the basic criteria of statehood under international law are lacking. According to international law, a state must possess a permanent population, a defined territory, a government and the capability to enter into relations with other states.¹²⁹

Since no Palestinian state exists yet, “real” nationality for the Palestinians is lacking as well and Palestinians who have not become citizens of a third country are to be considered stateless persons.¹³⁰ The Palestinians in Lebanon and Syria can thus be considered stateless, but most of the Palestinians in Jordan are Jordanian citizens.

4.2.1 The 1954 and 1961 Conventions relating to stateless persons.

The purpose of the “Convention Relating to the Status of Stateless Persons” (1954)¹³¹ and the “Convention on the Reduction of Statelessness” (1961)¹³² is to improve the status of a stateless person and to grant him as many rights and freedoms as possible. However, the preamble of the 1954 Convention states that “those stateless persons who are also refugees are [instead] covered by the [1951 Refugee Convention]”, and refugees protected by the 1951 convention are therefore not protected by the Conventions Relating to Stateless Persons. Since most of the Palestinians are *not* protected by the 1951 Refugee Convention, but instead are covered by UNRWA’s mandate, the two Conventions relating to statelessness should be applicable to the Palestinians. However, since none of the Arab countries adjacent to Israel have adhered to the Conventions, they have very little impact on the situation for the Palestinians in the Middle East. The Conventions are instead, mainly relevant for refugees living in Europe.¹³³

¹²⁹ Takkenberg (note 4) p. 181f

¹³⁰ Takkenberg (note 4) p. 175ff

¹³¹ Convention Relating to the Status of Stateless Persons, 28 September 1954, 360UNTS117

¹³² Convention on the Reduction of Statelessness, 30 August 1961, 989UNTS175

¹³³ Takkenberg (note 4) p. 191ff

5 “The Right to Work” in international law

The following two chapters will examine the right to work and non-discrimination in international law. Since the two areas are interdependent, the separation made of the two is somewhat artificial, but gives a clear overview of the relevant documents. All relevant, major conventions concerning the right to work will be discussed below, not only those which are applicable to the Palestinians. Since the Palestinians are not Lebanese citizens, rules concerning non-nationals will be given extra attention.

The right to work is a fundamental human right, contained in article 23 in the Universal Declaration of Human Rights¹³⁴ (UDHR), and perhaps the most important of the socio-economic rights since access to work is necessary to be able to provide for oneself and one's family.¹³⁵ The right to work is fundamental in order to access subsistence and livelihood rights such as the right to food and housing.¹³⁶ The constitution of the International Labour Organisation (ILO) states that interdependence exist between labour conditions, social justice and world peace. The preamble of the Constitution concludes that “universal and lasting peace can be established only if it is based upon social justice” (paragraph 1). Paragraph 2 stated that there is a possibility that “condition of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled”. Those paragraphs should be read in the context that World War I was just over and revolutionary unrest threatened Europe, making decent conditions for workers essential to maintain peace and civil order.¹³⁷

In ILO's Declaration of Philadelphia¹³⁸ labour was considered more in the context of individual freedom and dignity. This was spelt out in article I(a) and II(a) in the words that “labour is not a commodity” and that “all human beings...have the right to pursue both their material wellbeing and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”.

¹³⁴ Universal Declaration of Human Rights, UN General Assembly Res. 217 (III), 10 December 1948

¹³⁵ Article 23 in the Universal Declaration of Human Right (note 134)

¹³⁶ UN: The Committee of Social And Cultural Rights, *Fact sheet No.16*, available at: www.unhchr.ch/html/menu6/2/fs16.htm#4 on 19/10 2000

¹³⁷ Drzewicki, Krzysztof, *The Right to Work and Rights in Work, in Economic, Social and Cultural Rights: A Textbook* (Asbjörn Eide et al. Eds), Martinus Nijhoff Publishers, Dordrecht, 1995, p. 169

¹³⁸ Article I(a) and II(a) of the Declaration concerning the Aims and Purposes of the International Labour Organisation, adopted at Philadelphia on 10 May 1944 and incorporated in 1946 in the ILO Constitution.

When the Universal Declaration of Human Rights was adopted by the General Assembly in 1948, ILO had actually already drafted 86 conventions concerning labour rights and thus, also, human rights.¹³⁹ International labour legislation emerged well before any comprehensive international human rights legislation. The conventions adopted by ILO were at first limited to some categories of workers, but soon spanned into most areas of labour legislation, covering areas such as abolition of slavery, child labour, exploitation of women and long working hours.¹⁴⁰ The right to work has now been incorporated in various human rights instruments.

The right to work has often been seen as just one of the many human rights, but it seems to be more of a complex system of provisions protecting various aspects of the right to work and rights of the worker. In the book “Economic, Social and Cultural Rights: A textbook”, a chapter written by Krzysztof Drzewicki discusses the right to work.¹⁴¹ Drzewicki divides the different aspects into four subcategories:

- employment-related rights;
- employment-derivative rights;
- equality of treatment and non-discrimination rights; and
- instrumental rights.

Drzewicki's article, as well as this chapter, focuses on employment-related rights. Employment-derivative rights concern areas with rights such as conditions of work, and the right to vocational guidance, while equality of treatment addresses non-discrimination. Non-discrimination will be discussed in the next chapter. Instrumental rights concern areas such as freedom of association and the right to organise.

Drzewicki identifies seven different dimensions of employment-related rights:

- Freedom from slavery and similar practices;
- Freedom from forced and compulsory labour;
- Freedom to work;
- The right to free employment services;
- The right to employment (or the right to work *sensu stricto*);
- The right to protection of employment; and
- The right to protection against unemployment.

Again, some aspect of the employment-related rights have to be omitted: the freedom from slavery, freedom from forced labour and the right to free employment services will not be discussed here. The freedom to work, the right to employment and the right to protection against unemployment will be examined below, under the different covenants and treaties concerning

¹³⁹ Conventions C1-C86 were drafted from 1919-1947, but not all of them were later ratified by state parties, A list of the conventions can be found at www.ilo.org on 19/10 2000

¹⁴⁰ See, for instance, ILO conventions C5, C3 and C14 available at www.ilo.org on 19/10 2000

¹⁴¹ Drzewicki (note 137) p.169ff

the right to work in international law.¹⁴² Available remedies and implementation mechanisms will be discussed in chapter 8.

5.1 The Universal Declaration of Human Rights.

Article 23 in the Universal Declaration of Human Rights establishes the right to work. It contains four principles: a) the right to work; b) the right to equal pay; c) the right to just remuneration; and d) the right to freedom of association. Only “the right to work” will be discussed below since the other principles fall outside the scope of the thesis.

Art 23 (1) states: “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”

Article 23, containing the right to work, was subjected to intense debate and many changes during the drafting of the convention. One of the debated issues was whether an obligation for the individual to perform work for the society should be included into the right to work. The adopted version was constructed as a collective economic right to work, by putting the responsibility on the state to give free access to the labour market.¹⁴³ This means that no direct economic burden has been put on the state but the state must abstain from disturbing the market by restricting the individuals right to work. It does not mean that the state is obliged to provide every individual within its jurisdiction with work.

According to Källström/Eide,¹⁴⁴ the right to access the labour market guaranteed by the Declaration, applies to non-nationals. If the right to work under article 23 applies to non-nationals then the article would also protect refugees, staying legally in the State. Some restrictions obviously have to exist, such as protection of workplaces connected to national security and limitations in the access to work for tourists.

5.2 International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights¹⁴⁵ (CESCR) that protects basic human rights, such as the right to work and the right to food, has often been neglected in comparison to its sister covenant, the International Covenant on Civil and Political Rights¹⁴⁶ (ICCPR). This is

¹⁴² Drzewicki (note 137) p. 169ff

¹⁴³ Källström, Kent and Asbjörn, Eide (eds.), *The Universal Declaration of Human Rights: a common standard of achievement*, Article 23, edited by Gudmundur Alfredsson and Asbjörn Eide, Kluwer Law International, Hague, 1995, p. 493ff

¹⁴⁴ Källström, Kent and Asbjörn, Eide (eds) (note 143) p. 505f

¹⁴⁵ International Covenant on Economic, Social and Cultural Rights, UN, 19 December 1966, 999UNTS171

¹⁴⁶ International Covenant on Civil and Political Rights, UN, 19 December 1966, 999UNTS171

understandable since civil and political rights are generally considered the “core” of human rights, however, it is also regrettable because of the importance of the rights enshrined in the CESC. This section will discuss the right to work in the CESC.

5.2.1 The right to work in the Covenant on Economic, Social and Cultural Rights

Article 6 in the Covenant protects the right to work. It reads as follows:

1. The State Parties to the present Covenant recognize the right to work, which includes *the right of everyone* to the opportunity to gain his living by work which he *freely chooses* or accepts, and will take appropriate steps to safeguard this right (emphasis added).
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

The Committee on Economic, Social and Cultural Rights has stated that: “This right encompasses, therefore, both the right to enter into employment and the right not to be unjustly deprived of work”.¹⁴⁷ Article 6 in CESC contains no obvious restrictions in the right to work, but some limitations exist.

The wording “the right of everyone” seems to include all categories of workers. However, some limitations in the right for non-citizens to take every kind of work are allowed, such as restricting foreigners access to certain workplaces essential to national security, or access to some civil service occupations. Excluding foreigners from working in such positions is not considered discriminatory.¹⁴⁸

The wording “freely choose” in article 6 suggests that it is the right of the individual to take up whatever profession he chooses (with national security and some civil service occupations as a limitation). The article itself does not have any restrictions but certain qualification demands are probably consistent with the covenant, such as the requirement for a foreign lawyer to obtain a certificate proving that he masters the law of the country where he wants to work.

5.2.2 Are non-citizens protected by the Covenant?

In order to establish if the right to work in CESC is also guaranteed to refugees, it is necessary to analyse if refugees and other non-citizens are protected by the covenant at all.

The non-discrimination provision in article 2(1), is similar to the corresponding article in ICCPR and UDHR. The prohibited grounds of

¹⁴⁷ United Nations High Commissioner for Human Rights, Fact sheet No. 16, The Committee of Social and Cultural rights <<http://www.unhchr.ch/>>

¹⁴⁸ Drzewicki (note 137) p. 178ff

discrimination in the article are not exclusive, and non-citizens are also protected by the article (see 6.1 for a more elaborate discussion).

Article 2 (3) in CESCR also states that “developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.” This article has to be read in the context of article 2 (1) stating that “Each State Party...undertakes to take steps..., to the *maximum of its available resources*, with a view to achieving progressively the full realisation of the rights recognized...” (emphasis added). Since allowing non-temporary foreigners to work does not cost anything or very little for the state, this article can hardly be used to limit access to the labour market for refugees that have stayed a long time in the country. This “extra” labour force can, on the contrary, contribute to the national economy of the country and it is the opinion of the author that article 2 cannot be used to deny foreigners the right to work. Simply put, the “available resources” are always sufficient to give foreigners staying on a non-temporary basis access to work, as long as they are taxed on an equal basis as the nationals.

According to Asbjörn Eide, the right of access to the labour market applies to non-citizens, when they stay in the country on a non-temporary basis.¹⁴⁹ Tourists or foreign students can thus be denied access to the labour market, but hardly non-citizens that have been living in the country for a number of years. In an earlier written article, Eide discussed if everyone present in a territory can demand that their economic, cultural and social rights shall be ensured by the state. He notes, by consulting the “Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live”, discussed below in 6.4, that some economic and social rights, such as the right to work, are not included in the declaration. He then concludes that economic, social and cultural rights must be dependent on the nature and length of stay of the non-citizens in the country.¹⁵⁰

5.3 The 1951 Convention Relating to the Status of Refugees

This convention is the main and universal instrument of international refugee law. It contains a definition of the term refugee, and establishes various obligations such as the rule of *non-refoulement*, an obligation prohibiting contracting states to expel refugees threatened by, for example, torture in his country of origin.

¹⁴⁹ Källström/Eide (note 143) p. 505f

¹⁵⁰ Eide, Asbjörn, *Economic, Social and Cultural Rights as Human Rights*, Social and Cultural Rights: A Textbook (Asbjörn Eide et al. Eds), Martinus Nijhoff Publishers, Dordrecht, 1995, p. 32f

Article 17 of the convention contains obligations for the state related to the right to work. The first paragraph states that the contracting party “shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances”.¹⁵¹

Article 17 (2) contains more restrictions for States to deny access to work:
2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

- (a) *He has completed three years' residence in the country*; (emphasis added)
- (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;
- (c) He has one or more children possessing the nationality of the country of residence.

A refugee who has resided in a contracting state for more than three years is thus granted the same treatment as nationals, according to the 1951 convention, when the restrictive measures concerned are designed to protect the national labour market. The 1951 convention does not prohibit restrictions that limit foreigners employment in sensitive areas concerning, for instance, state security.

As was discussed in 4.1, this convention is not applicable to the Palestinians living in Lebanon, Syria or Jordan.

5.4 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

The Convention¹⁵² was adopted by the General Assembly Resolution 45/1581 of 18 December 1990. It has not yet entered into force and does not protect refugees (Art 3 D), but some areas in the convention deserve attention anyway.

Article 7 is a non-discrimination clause similar to article 27 in ICCPR and article 2(2) in CDESCR. It prohibits the state parties to discriminate against migrant workers because of, for example, national origin and nationality.

Article 25 is also interesting since it protects migrant workers from being treated differently than nationals of the state: “Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and a) Other conditions of work, that is to say, overtime, hours of work, weekly rest...”.

Article 27 gives migrant workers the same right to social security as nationals of the state.

¹⁵¹ 1951 Refugee Convention art 1 (note 126)

¹⁵² International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, UN General A/Res/45/158, 18 December 1990

5.5 International Labour Organisation Conventions

Creating international labour legislation has become one of the main functions for the ILO. As discussed in the introduction of this chapter, the organisation established different aspects of the right to work even before the Universal Declaration of Human Rights was adopted. A number of conventions relevant to foreign workers have been adopted, the most important of them are discussed below.

5.5.1 C97 Migration for Employment Convention (Revised), 1949

The Migration for Employment Convention has been ratified by 41 countries and entered into force in 1952.¹⁵³

This convention protects migrants that enter another country for employment. The term “migrant for employment” is defined in article 11 in the Convention, as “...a person who migrates from one country to another with a view to being employed...”. Thus, refugees are probably not protected by the convention since they do not migrate in order to be employed, but rather as a result of persecution or forced eviction. This interpretation of the article is supported by ILOs recommendations on the convention, since the annex of the recommendation contains a “model agreement” including regulations concerning migration of refugees, to be used as a model for additional bilateral agreements. This suggests that the original Convention is not applicable to refugees.

Article 6 in the convention, is a non-discrimination clause, protecting migrants for employment against treatment less favourable than to nationals of the member state, in areas such as remuneration, social security and accommodation.

5.5.2 C111 Discrimination (Employment and Occupation) Convention, 1958

The Discrimination Convention has been ratified by 142 countries and entered into force in 1960.¹⁵⁴

This is ILOs main non-discrimination Convention, protecting weak groups in the member states against discrimination. The term discrimination, includes any distinction “made on the basis of race, colour, sex religion, political opinion, *national extraction*, or social origin” (art 1). There is no provision in the convention excluding refugees from its scope, however, there is no prohibition of using *nationality* as a ground for discrimination.

¹⁵³ Ratification data available at <www.ilo.org> on 19/10 2000

¹⁵⁴ Ratification data available at <www.ilo.org> on 19/10 2000

Due to the wording of the article, the prohibited grounds of discrimination seem to be exclusive, (unlike for example the discrimination clauses in ICCPR see 6.2).

Article 1 states that discrimination nullifying or impairing equality of opportunity or treatment in employment or occupation is prohibited. Since the prohibition of discrimination only protects persons of different “national extraction”, persons with foreign origin that is, not with foreign citizenship. It seems like refugees who are either citizens of another country, or stateless, remain unprotected by the convention.

5.5.3 C122 Employment policy Convention, 1964

This convention came into force in 1966 and has been ratified by 91 countries.¹⁵⁵

The convention aims to promote full and freely chosen employment by obliging member parties to pursue an active policy designed to meet those goals (art 1).

Article 1 (2) states that: “The said policy shall aim at ensuring that:

- (a) there is work for all who are available for and seeking work;
- (b) such work is as productive as possible;
- (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, *national extraction* or social origin.”

Once again, the prohibition of discrimination is focused on “national extraction” and not nationality, and refugees in a foreign country are thus unprotected.

5.5.4 C168 Employment Promotion and Protection against Unemployment Convention, 1988

Only six countries have ratified the convention and it came into force in 1991.¹⁵⁶

The convention is designed to combat unemployment and to promote various actions taken by the states to reduce the effects of unemployment by providing, for instance, social security. Member states that have ratified this convention “shall take appropriate steps to co-ordinate its system of protection against unemployment and its employment policy. To this end, it shall seek to ensure that its system of protection against

¹⁵⁵ Ratification data available at <www.ilo.org> on 19/10 2000

¹⁵⁶ Brazil, Finland, Norway, Romania, Sweden and Switzerland had ratified the convention on 7/9-2000 (ratification data available at <www.ilo.org> on 19/10 2000)

unemployment,...contribute to the promotion of full, productive and *freely chosen employment...*” (Article 2, emphasis added).

According to article 7 “each member shall declare as a priority objective a policy designed to promote full, productive and *freely chosen employment by all appropriate means...* (emphasis added).

What makes this convention special in comparison to the above mentioned ILO conventions, is its non-discrimination clause contained in article 6:

Article 6

1. Each member shall ensure equality of treatment for all persons protected, without discrimination on the basis of race, colour, sex, religion, political opinion, *national extraction, nationality*, ethnic or social origin, disability or age (emphasis added).

This convention contains a ban to discriminate against a person because of *nationality*, not only national extraction. This includes refugees into the category of people protected by the convention, since also foreigners are protected. The impact of this convention is however weak since so few countries have ratified it.

6 Non-discrimination in international law

In order to analyse the right to work, it is necessary to consider regulations concerning non-discrimination against non-citizens under international law. This special case of non-discrimination law is not nearly as well developed as, for instance, racial discrimination law. This is probably due to the fact that it is accepted to make a distinction between nationals and non-nationals of a country in various fields, in particular in the participation of political activities within a state.

6.1 Non-discrimination in the Universal Declaration of Human Rights

The Universal Declaration of Human Rights does not have any provisions expressly saying anything about aliens. So, are non-citizens of a state protected by the Declaration?

Article 2 (1), in UDHR states that:

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other origin, property, birth or other status”

This article does not contain a direct prohibition of making a distinction because of *nationality*, but does that mean that distinction in general is legal if it is directed against non-citizens? Professor Richard Lillich claims that this is not the case.¹⁵⁷ The article begins with the statement that *everyone* shall be entitled to all rights and freedoms set forth in the Declaration and many of the articles in the Declaration state that *no one* shall be deprived of the rights established. The wording “without distinction of any kind, *such as...*” shows that the following list is to be considered illustrative and not exclusive.

That non-nationals are exempted from those general statements is not mentioned in the Declaration. There are however some articles that are directed only towards nationals of the state concerned, such as articles 13(2) and 2. Article 21(1), for instance, states that “Everyone has the right to take part in the government of *his* country, directly or through freely chosen representatives”(emphasis added). Those articles are clearly intended to only give nationals of the state the rights concerned. Since the other articles do

¹⁵⁷ Lillich, Richard, *The Human Rights of Aliens in Contemporary International Law*, Manchester University Press, Manchester, 1984, p. 42f

not expressly exclude foreigners, it is even more evident that they are protected by the Declaration.¹⁵⁸

It can thus be concluded that the UDHR protects non-citizens against discrimination, in all its articles, except the articles specifically referring to rights given to a person in “his” country. However, the protection granted by the UDHR is rather weak since it is a non-binding UN General Assembly Declaration.

6.2 Non-discrimination in the International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights generally follow the UDHRs structure in granting “everyone” protection in a variety of contexts. Since article 2(1) is almost identical as the corresponding article in UDHR, the above stated arguments can again be used to conclude that the rights granted to a person in the Covenant, are also granted to non-citizens, if not the opposite is expressly stated in the article concerned.¹⁵⁹ The Human Rights Committees General comment 15 concludes that, the rights granted by ICCPR are also guaranteed to aliens and stateless persons, irrespective of reciprocity, if nothing else is stated in the articles.¹⁶⁰

The “right to work” is however, not guaranteed by ICCPR. Article 2(1) is therefore not protecting discrimination against a foreigner on this subject.

Article 26 is another non-discrimination clause in ICCPR. It not only prohibits distinctions made on rights guaranteed by the Covenant, but also carries a general prohibition of discrimination in law and practice. It states that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The article has many characteristics similar to article 2, i.e. it protects “all persons”, and the list of grounds where discrimination is prohibited is not exclusive. The main difference is however, as mentioned above, that this article stipulates that the law shall prohibit all kinds of discriminatory practices, not only protecting rights guaranteed by the covenant. The Human Rights Committee, which can consider complaints if the State Party has ratified the Optional Protocol, has interpreted the article as an independent right that may apply to rights guaranteed by CESCR.¹⁶¹

¹⁵⁸ Lillich (note 157) p. 42ff

¹⁵⁹ Lillich (note 157) p. 45ff

¹⁶⁰ Human Rights Committee General Comment 15, 11/04/86

¹⁶¹ Rosas, Alan and Scheinin, Martin., *Implementation Mechanisms and Remedies, in Economic, Social and Cultural Rights: A Textbook* (Asbjörn Eide et al. Eds), Martinus Nijhoff Publishers, Dordrecht, 1995, p. 368

Thus, discriminatory laws regulating the access to the labour market could be prohibited by the convention. But does this article also protect aliens? Again, the non-exclusive characteristics of the article support this viewpoint. In the Human Rights Committee case *Gueye et al v. France*¹⁶², Senegalese soldiers complained that they received a lower pension than their French colleagues did. Senegal was a former colony of France. In 1974, French legislation introduced differential treatment of the Senegalese in comparison to French citizens, which lowered their pension in comparison to French soldiers.

The Committee said that it could not be proved that racial discrimination had taken place, but it concluded that:

“It notes that nationality as such does not figure among the prohibited grounds of discrimination listed in article 26, and that the Covenant does not protect the right to a pension, as such. Under article 26, discrimination in the equal protection of the law is prohibited on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. There has been a differentiation by reference to nationality acquired upon independence. In the Committee's opinion, this falls within the reference to "other status" in the second sentence of article 26. The Committee takes into account, as it did in communication No. 182/1984, that "the right to equality before the law and to equal protection of the law without any discrimination does not make all differences of treatment discriminatory. A differentiation based on reasonable and objective criteria does not amount to prohibited discrimination within the meaning of article 26”

The Committee thus decided that nationality falls in the reference to “other status” and that differential treatment must be based on reasonable and objective criteria.

It must therefore be concluded that the general prohibition of discriminatory practice in article 26 protects non-nationals, and that differentiated treatment in access to the labour market only can be accepted if it is based on reasonable and objective criteria.

6.3 International Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination¹⁶³ (CERD) contains various provisions prohibiting discrimination based on grounds such as race, colour and national origin.¹⁶⁴ Article 1(2) however, excludes non-citizens:

Article 1(2) This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

¹⁶² *Gueye et al v. France*, Communication 196/1985, U.N. Doc. Supp. No. 40 (A/44/40) at 189 (1989).

¹⁶³ International Convention on the Elimination of All Forms of Racial Discrimination, General Assembly res. 2106 (XX), 21 December 1965 660UNTS195

¹⁶⁴ Article 1(1) CERD (note 163)

Article 1(3) does prohibit discrimination concerning nationality, citizenship and naturalisation, but only when discrimination is against a *particular* nationality. However, the three different categories are exclusive and CERD does not prohibit discrimination between non-citizens of different nationality on other grounds, such as the right to work.

The protection in CERD is therefore very weak when it comes to non-citizens. In General Recommendation 11, CERD even had to expressly state that the exclusion of non-citizens from its protection does not detract from their right and freedoms in other instruments.¹⁶⁵

6.4 Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which they Live

This non-binding, UN General Assembly Declaration¹⁶⁶ from 1985, addresses the problem of the rather weak protection of non-citizens in international law.¹⁶⁷ It was the result of a Sub-Commission study on the rights of non-citizens, and it provides for the respect of rights such as the right to life, freedom of opinion and the right to safe and healthy working conditions.¹⁶⁸

The Declaration's non-binding status and the fact that the right to work is not guaranteed by the Declaration, makes it of little importance in this thesis.

¹⁶⁵ CERD General recommendation XI (42), 19/03/93

¹⁶⁶ Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which they Live, UN General Assembly Res.40/144, 13 December 1985

¹⁶⁷ Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, GA resolution 40/1454 of 13 December 1985

¹⁶⁸ Weissbrodt, David, *Working paper submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities*, 51 Session E/CN.4/Sub.2/1999/7, 31 May 1999

7 The Palestinians access to the labour market in Lebanon

This chapter will describe Lebanon's labour laws regulating access to work for foreigners. The material is gathered from different sources such as interviews with Lebanese officials, unofficial UNRWA handouts and from other such reports on the situation for the Palestinians in Lebanon.

7.1 Lebanese labour law

The right for foreigners to work in Lebanon was limited in 1962 by the "Law regarding entry to, Residency and Exit from Lebanon",¹⁶⁹ which prohibits: "The non-Lebanese foreigner from engaging in any work or profession in Lebanon unless so licensed by the Ministry of Labour and Social Affairs in accordance with the laws and rules and regulations in force".¹⁷⁰

Law No. 17561¹⁷¹ from 1964 regulates the necessary prerequisites for a foreigner to gain a work permit. Article 8 of the law subjects nationals and foreign institutions to the regulation of the law. Article 53 stipulates that foreign workers should enjoy all rights enjoyed by Lebanese wage earners upon termination of service, provided that their country of origin provides reciprocity of treatment for Lebanese workers. The law also allows foreign workers to acquire union affiliation provided that they are licensed to work in Lebanon.¹⁷² Thus, the principle of reciprocity (see 7.1.1) was established in Lebanese labour law.

Today three different categories of work exist in Lebanese labour law:

- Professions where access to the labour market is regulated by syndicates. Membership in the different syndicates is mandatory to work in respective field of work.
- Work where a work permit must be obtained from the Ministry of Labour. This category includes a number of occupations ranging from doormen to bank managers.
- Jobs where no work permit is necessary. This includes mainly manual labour jobs such as in construction and agriculture.

The following chapters examine those three different categories in detail.

¹⁶⁹ Law regarding entry to, Residency in and Exit from Lebanon (Found in Al-Natour (note 87) p. 366)

¹⁷⁰ Law regarding entry to, Residency in and Exit from Lebanon Part 1 Section 1:1

¹⁷¹ Law No. 17561 (18 September 1964) (Found in Al-Natour (note 87) p. 366)

¹⁷² Law No. 17561 (18 September 1964) Part 4 Section 2:1 (Found in Al-Natour (note 87) p. 366)

7.1.1 Syndicate professions

The practice of some trades and professions are reserved to members of professional societies and associations. Professionals that are unaffiliated to those syndicates are prohibited to work in their trade.

The access for foreigners to the various professions where membership of a syndicate is mandatory, thus depends on national legislation regulating the syndicates, and the respective syndicate's own rules. A couple of examples of conditions for affiliation to the syndicates is presented below (information collected from a UNRWA handout ¹⁷³):

-The Law Syndicate: The conditions regulating entry to the law syndicate is set up in Law No. 8/70 from 1970¹⁷⁴ and in later dated amendments. Article 5 defines the conditions for membership in the syndicate as follows: "It is incumbent on whoever intends to practice the legal profession to be, first, of *Lebanese nationality for at least ten years*" (emphasis added). Since Lebanese nationality is a prerequisite for working as a lawyer in Lebanon, foreigners are effectively excluded from this profession.

-The Medical Associations: Decree No. 1658 from 1979¹⁷⁵ regulates the affiliation to medical associations (dentistry excluded). The law permits foreigners to practice medicine in Lebanon if they are nationals of a state that applies the reciprocal treatment principle. This means that only citizens from a country that would let Lebanese nationals practice medicine, are allowed to practice in Lebanon.

-The association of pharmacists and the engineering associations also apply the reciprocal treatment principle.

7.1.2 Occupations where work permits are required.

Law number 17561 from 1964, regulating foreigners work in Lebanon is still in force. Several amendments have been made, regulating which occupations that require a work permit. Decision No. 289/2 from 1982¹⁷⁶ and Decision No. 621/1 from 1995¹⁷⁷ are such amendments.

Article 1 and 2 of the 1995 decision contains lists of occupations reserved for Lebanese citizens:

Article No.1

¹⁷³ UNRWA handout, Unofficial UNRWA handout on the Palestinians status in Lebanon

¹⁷⁴ Law No. 8/70, dated 11 March 1970 (found UNRWA handout (note 173))

¹⁷⁵ Decree No. 1658, dated 17 January 1979 (found in UNRWA handout (note 173))

¹⁷⁶ Decision No. 289/2, issued by the Ministry of Labour and social affairs on 18 December 1982 (found in UNRWA handout (note 173))

¹⁷⁷ Decision No. 621/1, issued by Ministry of Labour on 15 December, 1995 (found in Danish Immigration Service (note 14) annex 7 p. 95)

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

Workers:

All type of administration and banking jobs, especially: general manager, manager, deputy manager, staff manager, treasury, accountant, secretary, documentation, registry, computer, trade representative, marketing representative, trade consultant, workers supervisor, store manager, sales worker, exchange jobs, jeweller, laboratory, pharmacy and electrical workers, electronic, painting, glass fixing, mechanics and maintenance, doorman, concierge, guard, dyer, cook, butler, hairdresser, elementary/secondary and high school teachers, in case of need for foreign language teaching (foreigners are exempted), engineering in all specialities, landscape and land survey works. Priority should be given to Lebanese for all types of jobs and professions.

Business Owners:

Trade business (all categories), exchange, accounting, commission, engineering (all categories), contracting and building trades, jeweller, shoes and clothes manufacturing, furniture and related works, patisserie, printing and publishing, hairdresser, ironing and drying, car maintenance (smithworks, mechanical, glass fixing, furniture and electricity). In general any job that impedes the chances for Lebanese.

Article No. 2.

Some foreigners are exempted from the obligations of the Decision of Article No. 8 of Decree No. 17561 dated September 19, 1964 (stipulating foreigners work) when it is applicable. Especially the following conditions:

If the foreigner is:

- 1) Residing in Lebanon since birth,
- 2) of Lebanese origin or his/her mother is Lebanese
- 3) married to a Lebanese female for more than one year.

The minister is entitled to give a final approval in any of the above mentioned cases.

As the list above shows, the number of occupations that foreigners are denied access to is extensive. Article 1 first part, ends with the wording “Priority should be given to Lebanese for all types of jobs and professions” and the second part stipulates “In general, any job that impede the chances for Lebanese”. Those two provisions can be seen as general clauses reserving other jobs and professions not included in the article for Lebanese citizens.

Article 2 exempts some categories of foreigners from the reciprocity principle of the 1964 law, that is foreigners who have resided in Lebanon since birth, foreigners with Lebanese mothers and foreigners married to Lebanese females. The implementation of those exceptions in practice will be discussed in 7.2.1.2.

According to Waffa Yassir at Norwegians Peoples Aid, a company that wants to employ foreigners must employ four Lebanese citizens per foreigner hired. The work permits for the foreigners costs the companies 2500 U.S \$ per year (each).¹⁷⁸

7.1.3 Jobs where work permits are not required

This third class of job and occupation is exempted from the main rule that a work permit must be obtained in order to work in Lebanon. According to Dr. Chalid Shatawi, director of the Department of Palestinian Affairs those jobs are mainly in the agricultural field and construction and day labouring i.e. irregular and poorly paid jobs.

¹⁷⁸ Interview with Waffa Yassir (note 96)

The opportunity for non-citizens to work in Lebanon is thus severely hindered by regulations meant to reserve the labour market for Lebanese citizens. The only jobs that, in practice, are accessible for untrained foreigners are the jobs in the “third category”. Foreigners that are well educated in fields such as medicine and engineering can get a work permit if the respective syndicate accepts them, depending if the principle of reciprocity is fulfilled.

7.2 Lebanese labour law and its impact on the Palestinian refugees

How do the Lebanese labour laws affect the Palestinian refugees ability to successfully seek and gain employment in Lebanon? This chapter will examine the impact of the labour laws on the Palestinian refugees. The practical implementation of the labour laws will be discussed first and then the social effect of this practice on the Palestinian community in Lebanon.

7.2.1 The practical implementation of the labour laws.

The jobs and professions are divided into three different categories under Lebanese labour law, as were shown above. What chance does a Palestinian in Lebanon have, to gain employment in the respective category?

7.2.1.1 Syndicate professions

Since the syndicates require an applicant to be a Lebanese citizen or at least be a citizen of a country that would give Lebanese nationals the right to work in the same profession, Palestinians do not have access to syndicate professions. This is due to the fact that the Palestinians refugees in Lebanon are effectively stateless (see 4.2) and the requirement of reciprocity can thus not be met.

The author came across many testimonies of Palestinians being denied work because of this principle of reciprocity. Oussama Khaled, a member of the “Palestinian Human Rights Organisation”, graduated from a university in Odessa, Ukraine, in 1992 with a Master in mechanical engineering. The university is accredited in the Engineering Union in Lebanon. He applied for a work permit in 1993, but was rejected with the explanation that no foreigners can work as engineers in Lebanon. In 1994 he heard that foreigners were allowed to work, and he applied again. This time he was denied a work permit with the explanation that since he was Palestinian, he could not have a work permit.¹⁷⁹

¹⁷⁹ Interview with Oussama Khaled, Member of “Palestinian Human Rights Organisation” (Beirut, May 24, 2000)

The “Palestinian Human Rights Organisation” gave another example of Palestinians they claim have been denied work permits¹⁸⁰:

Two Lebanese and two Palestinians graduated from the same university with a medical degree. The syndicate demanded that they should take a test to show their skills and they all passed. The Palestinians could however, not be accepted into the Medical Association because of the principle of reciprocity. The Palestinian doctors opened a small clinic anyway, without permission from the Ministry of Labour. They were soon arrested and faced criminal charges for practising “black magic”. According to the “Palestinian Human Right Organisation” they would have been put in prison if not for the intervention of the Syrian authorities.

7.2.1.2 Occupations where work permits are required

Decision No. 621/1 from 1995 lists a number of occupations reserved for Lebanese nationals as shown above. However, article 2 also contains a provision that excludes some groups from the restrictions. The exclusion of people “residing in Lebanon since birth” should in particular be applicable to the majority of Palestinians that are actually born in Lebanon and not in Palestine. Thus, there is no formal obstacle preventing Palestinians born in Lebanon from gaining permission to work in the listed professions.

This is however, only true in theory. In practice, very few Palestinians are being granted work permits, in 1995 it was as few as one hundred out of several hundreds of thousands refugees.¹⁸¹ According to Palestinian legal expert Soheil Al-Natour, many Palestinians are forced to pay bribes to obtain work permits.¹⁸²

The Palestinians are in practice allowed to operate small businesses and shops inside the refugee camps, where almost half of the workforce are employed. The income generation of those businesses are, very limited.¹⁸³

7.2.1.3 Jobs where work permits are not required

Manual labour and agriculture jobs do not require work permits. These are the type of jobs that the Palestinians are forced to resort to, as they are practically barred from the rest of the labour market. It is however, becoming increasingly more difficult for them to support themselves and their families by those kind of jobs, as they have to compete with a massive influx of Syrian workers. The Syrian workers can accept much lower wages than the Palestinians since living expenses are low in Syria, while the Palestinians in Lebanon have to cope with the relatively high costs in Lebanon. It is also increasingly more difficult for the Palestinians to find

¹⁸⁰ Interview with members of the Palestinian Human Rights Organisation.

¹⁸¹ Throne-Holst (note 32) p. 8

¹⁸² Danish Immigration Service (note 14) p. 41

¹⁸³ Fafo study (note 45)

work in farming, since many farmers are leaving their land and moving to the cities.¹⁸⁴

7.2.2 The labour situation's impact on the social situation for the Palestinians.

"I honestly do not know how they [Palestinian refugees in Lebanon] make ends meet"- Alfredo Miccio, UNRWA's director in Lebanon.¹⁸⁵

The inability for the Palestinians in Lebanon to freely choose their occupation has led to poverty, apathy and general depression among the Palestinian community. Unemployment rates are very high, household income very low, and the health situation in the camps is deteriorating. According to a recent study by Fafo, 20% of the refugees suffer from chronic health failure and the same percentage uses medicine due to psychological distress.¹⁸⁶

The remaining part of this chapter examines the effect of the Lebanese labour policy, highlighting the unemployment, economic and educational situation for the refugees.

7.2.2.1 Unemployment situation

Unemployment among the Palestinians is high, the actual unemployment figures vary greatly depending on source.

According to the Fafo study, 16% of the Palestinian workforce are unemployed and 13% are underemployed. The unemployment is higher in the Beirut area (26%) than in other areas. The study has been criticised for the way unemployment is measured; anyone who worked (for pay or in kind) for at least one hour during the reference week preceding the survey was classified as employed. The method used is however, a standard ILO framework method.¹⁸⁷

In a report issued by UNRWA in 1995, the unemployment rate among the Palestinians in Lebanon was estimated to 40%, compared to 14-15% in Syria and 18.8% in Jordan.¹⁸⁸

Those figures include the "unofficial" labour market (the black labour market), and self-employed Palestinians such as shopkeepers in the camps. The Norwegian Peoples Aid in Beirut trains Palestinians in secretarial skills, knowing that it will be impossible for them to gain work permits. According to Waffa Yassir, a Lebanese secretary earns between 500-1500 US\$ a month, but Palestinians working without work permits in Lebanese

¹⁸⁴ Danish Immigration Service (note 14) p. 42

¹⁸⁵ U.S Committee for Refugees (note 24) p. 13

¹⁸⁶ Fafo study (note 45)

¹⁸⁷ Communication by e-mail with Marwan Khawaja, Research Co-ordinator at Fafo, Communication by e-mail (June 27, 2000)

¹⁸⁸ Yassir, Waffa, *The Situation of Palestinians in Lebanon*, Beirut, 1999

companies earns 300-800\$ a month. Waffa Yassir estimates that 80-90% of the Palestinians are unemployed in the sense that they lack work with a monthly salary.¹⁸⁹

7.2.2.2 Financial situation

The fact that the Palestinians are being deprived the opportunity of gainful employment severely disrupts the community's financial situation. As mentioned in 3.2.2, the number of hardship cases in Lebanon is the highest in the UNRWA's fields of operations. This is reflected in the health situation in the camps (see 3.2.3).

Even Palestinians that have been able to get a work permit and a good job in a Lebanese company suffer economically due to the fact that they are Palestinian refugees. Deductions for social security¹⁹⁰ are made from the salary, but since the law regulating social security is built around the principle of reciprocity for foreigners, the Palestinians are denied benefits in case of, for instance, work related injuries.¹⁹¹ Article 9 of the Social Security Law from 1963¹⁹² defines the conditions of a foreign workers eligibility for social security:

“the said foreign wage-earners shall benefit from the provisions stipulated in the Social Security Law, provided they hold work permits in accordance with the laws and rules and regulations in force and provided that reciprocal treatment is afforded its own nationals where social security is concerned”

7.2.2.3 Educational situation

When the Palestinians first came to Lebanon in 1948 they were regarded as well educated and they played a leading role in Lebanese higher education.¹⁹³

The picture of Palestinians in Lebanon as highly educated has however changed during the last decades. Apart from the fact that Palestinians can rarely afford to go to Lebanon's many private schools, study motivation is very low among the Palestinian youth.

Since the Palestinians have a very hard time acquiring work permits for jobs involving brainpower rather than manual labour, few youths see any point in acquiring a good education. 21% of children 7-18 years old are not enrolled in any education and enrolment rates for 15-24 years old students are half those of the rates for Lebanese students. Of those who drop out early, four students out of ten leave due to de-motivation.¹⁹⁴

¹⁸⁹ Interview with Waffa Yassir (note 96)

¹⁹⁰ 36% according to Waffa Yassir (note 96)

¹⁹¹ Takkenberg (note 4) p. 164

¹⁹² Social Security Law issued on 26 September 1963, article 9, paragraph 3, clause 2 (found in Al-Natour (note 87) p.370)

¹⁹³ Hudson (note8) p. 246

¹⁹⁴ Fafo study (note 45)

8 Analysis

The Palestinians in Lebanon suffer from severe restrictions in their ability to access the labour market. The fact that they are denied membership of syndicates and work permits in most occupations, leads to a situation where they have to compete with, amongst others, Syrian workers for the lowest paid jobs, involving the hardest labour.

Although an informal labour market exists, where Palestinians are employed in small private shops and businesses inside the camps and work in Lebanese firms without work permits, their economic situation is disastrous. The intentional economic and social marginalization from Lebanese society leads to psychological distress and hopelessness. The Palestinians feel they have a bleak future since they do not expect much from the peace process between the PA and Israel.

The political reasons for this rejection of the Palestinians are diverse and complex. The Palestinians are not looked upon kindly by many Lebanese due to reasons such as their involvement in the civil war and because of intentional efforts made by Lebanese politicians to blame the Palestinians for some of the misfortunes that have struck Lebanon.

Is the treatment of the Palestinians on the right to work consistent with international law that Lebanon is obliged to respect? The following part of the thesis will try to answer this important question.

8.1 International law and the treatment of the Palestinians in Lebanon

Relevant provisions on the right to work and non-discrimination in international law will here be compared with the Lebanese treatment of the Palestinians. The division of “right to work” law and “non-discrimination” law used in chapter 5 and 6 is abandoned below and the different documents will instead be divided in two groups consisting of documents that can be relevant for the Palestinians and the documents that are not. Conventions that for some reason are not applicable to the Palestinians will be discussed first and documents of more relevance will then be analysed.

8.1.1 Conventions not applicable to the situation in Lebanon

The Palestinians in Lebanon are excluded from the protection of several fundamental human rights documents (see below), such as the 1951 Refugee Convention and the Convention on the Elimination of All Forms of Racial Discrimination. The following sections shows how weak the protection afforded to the Palestinians are under international law.

8.1.1.1 The 1951 Convention relating to the Status of Refugees

Lebanon has not ratified this Convention.¹⁹⁵

Generally, this convention gives quite good protection of the right to work for refugees that have been present in a country for more than three years, as discussed in 4.1.

However, as was also discussed in 4.1, the Palestinians in Lebanon are not protected by the Convention, since Lebanon has not ratified the Convention, which is a prerequisite for its applicability in Lebanon, and article 1D excludes the Palestinians from its jurisdiction.

8.1.1.2 International Convention on the Elimination of All forms of Racial Discrimination

Lebanon ratified CERD 12 November 1971.¹⁹⁶

As described in 6.3, CERD is not applicable to non-citizens, except where a distinction is made between different nationals on regulations concerning nationality, citizenship and naturalisation.

In this respect it is possible that Lebanon is violating international law if citizenship is granted to some nationalities, to the Kurds for example (see 3.6), while the Palestinians are being denied citizenship. However, the author could find no evidence of this practice, and besides, the question is out of the scope of this thesis as it is one of discrimination in naturalization practices.

Even though non-citizens are not protected by the Convention, the Committee on the Elimination of Racial Discrimination has commented on the Palestinians' situation in Lebanon. In its concluding observations from 1998, the Committee recommends that Lebanon fully guarantee access to work for all foreign workers, including the Palestinians.¹⁹⁷

8.1.1.3 Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which they Live

This document is also of minor importance since it is a non-binding UN General Assembly Declaration and excludes the right to work (see 6.4). However, article 8 of the Convention does contain provisions relating to work-related rights, such as the right to safe and healthy working conditions and the right to join trade unions.¹⁹⁸ The right to join trade unions could be

¹⁹⁵ Ratification information available at <<http://www.unhchr.ch/pdf/report.pdf>> on 19/10 2000

¹⁹⁶ Ratification information available at <<http://www.unhchr.ch/pdf/report.pdf>> on 19/10 2000

¹⁹⁷ Committee on the Elimination of Racial Discrimination, Concluding observations: Lebanon. 30/03/98. CERD/C/304/Add.49, paragraph 24

¹⁹⁸ Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live (note 167)

violated in Lebanon, since the Palestinians are prevented from joining the Lebanese professional syndicates, however, Lebanon has no legal obligation to follow the declaration.

8.1.1.4 International Convention on the Protection of the rights of all Migrant Workers and Members of their Families.

Lebanon has not yet ratified the Convention.¹⁹⁹

Since the convention has not yet entered into force and does not protect refugees (see 5.4) it is of minor importance to the Palestinians in Lebanon.

8.1.1.5 The International Labour Organisation Conventions

Lebanon ratified Conventions 111 and 122 (1 June 1977), but not Conventions 97 or 168.²⁰⁰

Since the three ILO conventions C97 Migration for Employment Convention, C111 Discrimination (Employment and Occupation) Convention and C122 Employment policy Convention, do not offer protection to foreign refugees, they are of little importance in this thesis.

The C168 Employment Promotion and Protection against Unemployment Convention from 1988 does protect non-citizens and it obliges its member states to promote “freely chosen employment by all appropriate means”.²⁰¹ The convention is however, not binding to Lebanon since its government has not ratified it.

8.1.2 Documents of relevance to the Palestinians in Lebanon

8.1.2.1 The Universal Declaration of Human rights

Although the Universal Declaration of Human Rights is a non-binding UN General Assembly declaration, it is of major importance to the development of human rights law and practice.

As have been shown above (see 5.1), the Declaration protects the right to work, (article 23) and is applicable to non-citizens, but because of its non-binding status, it cannot be used alone as legal support that Lebanon is violating international law. However, one may ask; can the right to work be considered customary law, and therefore binding to all nations?

Customary law is derived from the practice and customs of states. Even though most states limit the access to employment for temporary visitors, most states probably allow non-temporary visitors to work, especially if they have resided in the country for fifty years. Is this enough to establish customary law? Probably not. Even if it could be shown that almost all

¹⁹⁹ Ratification data available at <http://www.unhchr.ch/html/menu3/b/treaty20_esp.htm> on 19/10 2000.

²⁰⁰ Ratification data available at <www.ilo.org> on 19/10 2000.

²⁰¹ ILO convention C168, article 7

states in the world would have given non-temporary residents access to their labour market, the required *opinio juris*, which is the belief of states that the practice is of obligatory nature, is lacking.²⁰² This is a necessary component for the creation of customary law, and the lack of it means that the right to work can hardly be considered customary law.

8.1.2.2 International Covenant on Civil and Political Rights

Lebanon ratified ICCPR 3 November 1972, but has not yet ratified the Optional Protocol to the ICCPR.²⁰³ The Human Rights Committee has not been given jurisdiction to receive inter-state complaints.²⁰⁴

The non-discrimination article 2(1) is only applicable on rights guaranteed by the Covenant and since the right to work is not part of the instrument, article 2(1) can not be used to claim that Lebanon is violating the Covenant (see 6.2). However, as also discussed in 6.2, article 26 contains a general discrimination prohibition. The category “other status” in the article includes non-citizens and the Human Rights Committee has concluded that differential treatment against non-citizens must be based on “reasonable and objective criteria”.²⁰⁵ That the refugees are stateless and the resulting absence of reciprocity does not change the fact that they are protected by the Covenant according to Human Rights Committee General Comment 15 (see 6.2).

Denying temporary visitors access to the labour market is acceptable since it can be deemed “reasonable” to deny access to the labour market for, *inter alia*, tourists or refugees that have just arrived in a country and are awaiting asylum. But is the Lebanese decision to deny the Palestinians access to labour market reasonable, considering they have been living in the country for more than fifty years?

To find the answer to this question it is necessary to analyse the different arguments for denying the Palestinians the right to work that were described in 3.3.1. The argument that the Palestinians access to the labour market must be restricted in order to “maintain the sectarian balance in Lebanon” cannot be deemed a “reasonable and objective criteria”. The sectarian balance has already been disrupted in favour of the Muslims and the Palestinians would not gain the right to vote even if they were given the right to work. The fear that the Palestinians would want to stay and be naturalised in Lebanon if given access to the labour market, is probably misguided since the Palestinians wish is to return to their homeland like their countrymen in Syria and Jordan, and not to stay in Lebanon. The right to work would therefore not automatically lead to naturalisation.

²⁰² Dixon, Martin, *Textbook on International Law*, Third Edition, Blackstone Press Limited, London, 1996, p. 27ff

²⁰³ Office of the United Nations High Commissioner for Human Rights, Status of Ratifications of the Principal Human Rights Treaties, as of 18-Sep-00. Available at <http://www.unhchr.ch/pdf/report.pdf> 19/10 2000.

²⁰⁴ Declarations recognizing the competence of the Human Rights Committee under article 41, in REFWORLD CD-ROM, UNHCR, Geneva, January 1999 edition.

²⁰⁵ Gueye et al v. France (note 162)

Denying the Palestinians access to the labour market because of their participation in the civil war can not be considered a valid reason either. In an interview with former president, Elias Hrawi, he said that Lebanon can not give the Palestinians the right to work while they are armed and control the camps.²⁰⁶ This statement is contradictory to the statement of Mr. Maamari of the Lebanese Ministry of Foreign Affairs, who in a CERD summary record said that “Lebanon drew a distinction between armed Palestinians who had taken an active part in the civil war and its [Lebanon’s] Palestinian residents who were not considered agitators”.²⁰⁷ It is the author’s opinion that denying all civilian Palestinians the right to work, because of the actions of some Palestinians during the war, can not be considered reasonable. If some Palestinians in Lebanon refuse to abide by Lebanese law by not surrendering their arms, they could of course be denied work permits, but not civilians that follow and respect the law.

Protecting Lebanon’s citizens from competition on the labour market by denying the Palestinians the ability to gain work permits is probably not allowed either. Allowing the Palestinians to work with heavy labour, jobs that the Lebanese are reluctant to take, while reserving the better jobs for Lebanese citizens seems like a discrimination that is not based on “reasonable and objective criteria”.

The Lebanese government will probably have to present more valid arguments in order to justify the distinctions made between the Palestinians and the Lebanese citizens in its labour laws to fulfil the “reasonable and objective” criteria. While failing to do so, Lebanon must be considered as violating their obligations under international law, established by article 26 in ICCPR. If, for example, it can be proved that Kurds have better access to the labour market than the Palestinians, the Lebanese violation of article 26 would be even more evident, since one group of non-citizens then would be treated in a more favourable way, than the other.

Article 41 of the Covenant enables State Parties to submit complaints to the Human Rights Committee claiming that another State Party is not fulfilling its obligations under the Covenant. However, this remedy can only be used by, and against, state parties that have made separate declarations recognising the Committees competence to receive such complaints.²⁰⁸ Since Lebanon has made no such declaration, the Committee lacks jurisdiction to consider interstate complaints against Lebanon.

Since Lebanon has not ratified the Second Optional Protocol to the ICCPR, the Human Rights Committee does not have the jurisdiction to receive and consider complaints from individuals as the Optional Protocol provides for.

Thus, the only implementation mechanism available is the report system stated in article 40 in the Covenant. This establishes the obligation for State Parties to submit reports on measures adopted to give rights recognized in the Covenant effect, to the Human Rights Committee. The last such

²⁰⁶ Interview with former President Elias Hrawi (note 1)

²⁰⁷ Summary record of the first part of the 1259th meeting: Lebanon. 01/04/98. CERD/c/sr.1259 paragraph 20

²⁰⁸ ICCPR article 41 (note 146)

communication held was in 1997 when the Human Rights Committee submitted its concluding observations. The report did not mention the situation of the Palestinian refugees.²⁰⁹

The “1503 procedure” is discussed in the section below.

8.1.2.3 International Covenant on Economic, Social and Cultural Rights.

Lebanon ratified the Covenant 3 November 1972.²¹⁰

As shown in 5.2.2, CESCER is also applicable on non-citizens. Article 2(3) of the Covenant enables developing countries to determine to what extent they would guarantee non-nationals economic rights with due regard to their national economy.²¹¹ Can Lebanon claim that article 2(3) can be used to exclude the Palestinians from the protection of the Convention? It must be concluded that giving non-nationals, staying on a non-temporary basis, access to the labour market can be accomplished with little or no cost (see 5.2.2). The national economy in Lebanon would not suffer from letting the Palestinians work, on the contrary, it would probably benefit from it. The prerequisites for the covenant to *not* be applicable on the Palestinians are not met and since the Palestinians are staying in Lebanon on a non-temporary basis, the right to work under article 6 protects them.

This would make both the membership requirements of the syndicates and the practice of denying the Palestinians work permits illegal, since the effect equals to discrimination against the Palestinians on the right to work as written in article 6. Lebanon is therefore violating article 6 in CESCER, recognising the right to work for everyone. However, no direct remedies are available in the Convention.

The international monitoring of the CESCER lies on the reporting procedure established in article 16 of the Convention. This procedure is based on dialog between the State party and the Committee on Economic, Social and Cultural rights. The last report dialog between Lebanon and the Committee took place in 1993, when the committee submitted its concluding observations on the situation in Lebanon. Since the report came out shortly after the end of the war it mainly deals with the problem of internally displaced persons, but the committee also reminds the Lebanese government of the country’s obligations under article 6 in CESCER. The Palestinian refugees were not mentioned at all in the report.²¹²

²⁰⁹ Concluding observations of the Human Rights Committee : Lebanon. 01/04/97. CCPR/C/79/Add.78. available at <http://www.unhchr.ch/> on 19/10 2000.

²¹⁰ Office of the United Nations High Commissioner for Human Rights, Status of Ratifications of the Principal Human Rights Treaties, as of 18-Sep-00. Available at <http://www.unhchr.ch/pdf/report.pdf> 19/10 2000.

²¹¹ CESCER art 2(3) (note 145)

²¹² Concluding observations of the Committee on Economic, Social and Cultural Rights : Lebanon. 09/06/93. E/C.12/1993/1, available at : <http://www.unhchr.ch/tbs/doc.nsf/MasterFrameView/0bebc656c88d18c12563e8005a677a?Opendocument> on 19/10 2000.

The so-called 1503 procedure²¹³ can also be used. Individuals and organisations can submit complaints of human rights abuses to the United Nations. This procedure is however, confidential and the body that considers the communications, the “Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities”, may only forward the complaint to the Commission of Human Rights if the human rights abuses reach the level of “consistent pattern of gross and reliable attested violations of human rights”. This means that the alleged human rights violations have to be massive and adequately serious. It is hard to say if the violation of the right to work in Lebanon fills this prerequisite, but since the effect of the violations are so devastating for the Palestinian community, this is quite possible. Almost no communications have been submitted where allegations of gross human rights violations of economic, social and cultural rights have been made.²¹⁴

The UN Commission on Human Rights may also send out special rapporteurs and working groups if they suspect gross human rights violations in a state. For instance, this has been done to examine the situation in the Israeli-occupied territories.²¹⁵

The weakness of the implementation mechanism of the CESCR has been subject to attention. A “Plan of Action to Strengthen the Implementation of the International Covenant on Economic, Social and Cultural Rights” has been adopted by the High Commissioner for Human Rights and the Committee on Economic, Social and Cultural Rights. The plan aims to strengthen the abilities of the Committee to enforce implementation of the rights guaranteed by CESCR.²¹⁶ This is a big challenge for the Committee and the world community, but necessary to strengthen the vital rights enshrined in the Covenant.

²¹³ The Procedure is based on ECOSOC resolution 1503 (XLVIII) of 27 May 1970

²¹⁴ Rosas and Scheinin, (note 161) p. 369f

²¹⁵ Rosas and Scheinin, (note 161) p. 375f

²¹⁶ United Nations High Commissioner for Human Rights and the Committee on Economic, Social and Cultural Rights: “Plan of Action to Strengthen the Implementation of the International Covenant on Economic, Social and Cultural Rights”. Available at

www.unhchr.ch on 19/10 2000

9 Conclusions

“If the Palestinians are not given the right to return, we will attack Israel from Syria, Jordan, and from the sea!” - DFLP official Mohammad Arab²¹⁷

Most of the Palestinians in Lebanon live in poverty and despair. Being refugees in a country where they are not welcome has taken its toll on their economic and social situation. About half of the refugees live in camps that are poor, crowded and dirty, with little hope of a better future. However, the Palestinians’ presence in the country has also been a heavy burden to bear for the Lebanese people, and 25 years of civil war and foreign military occupation have left the Lebanese weary of outside interference.

As was said in the introduction, Israel is primarily responsible for the situation in Lebanon, not the Palestinians or the Lebanese. The Palestinians in *diaspora* have continuously been denied the right to return, enshrined in resolution 194, while Israel celebrated the arrival of the one millionth Russian Jew during the spring year 2000. The Palestinian Authority needs to reaffirm the right of the Palestinians in Lebanon for a better future by fighting for their right to return to their homeland or at least to the future Palestinian State and Israel needs to accept the legitimacy of this claim.

Otherwise, there seems to be little hope of *real* peace in the Middle East in the near future. If a Palestinian State is created in the West Bank and Gaza Strip, without a just and fair solution for the Palestinians outside this state, there will be only peace between Yassir Arafat’s State and Israel, not between the Palestinian people and Israel. Even if the quote above is only rhetoric, it is clear that stability in the region requires a comprehensive and just peace, including a solution also acceptable to the refugees.

The scope of this thesis is however, limited to examining the Lebanese treatment of the refugees. The Palestinians are in practice being denied one of the most important of the economic, social and cultural rights: the right to work. The strategy of making life as hard as possible for the refugees is intended to make the Palestinians leave Lebanon and go elsewhere. One can sympathise with the wish of the Lebanese people to get rid of Syrian, Israeli and Palestinian interference in the internal affairs of the country, but the means to meet the end can not be accepted. By denying all Palestinians access to the labour market, Lebanese policy effectively has the hardest impact on the people that can be blamed the least for the situation: the civilians living in the camps. By depriving the adults of the means to support their families, the children are condemned to poverty and by denying the youth access to work they are deprived of the hope of a better future. The effect of Lebanese policies on the Palestinians, becomes even more evident when a comparison is made with the situation of the refugees in Syria and Jordan. Although those two countries’ economies are even worse than

²¹⁷ Interview with Mohammad Arab (note 99)

Lebanon's, the Palestinians living there have a fair chance of living a decent life, without the kind of economic oppression they face in Lebanon.

Is then the practice of denying non-citizens the right to work a violation of international human rights law? The general answer to this question would be no, since it is accepted that "ordinary aliens" can be denied access to the labour market. However, the Palestinians in Lebanon can not be considered ordinary aliens since they have been living in the country for more than three generations. The accepted restrictions are associated with the notion that non-citizens are temporary visitors, not born and grown up in the country of concern. Therefore, the fact that the Palestinians are non-temporary visitors gives them the right to work under article 6 in the Covenant on Economic, Social and Cultural rights. Article 26 in the Covenant on Civil and Political Rights prohibits discriminatory practises that are not based on "reasonable and objective criteria". It is the author's opinion that the arguments used to justify the denial of the Palestinians' access to work, which were presented to him in Lebanon, can not be considered reasonable and objective. There are however, no judicial remedies available to the Palestinians since Lebanon has not accepted the Human Rights Committees jurisdiction to receive either individual or inter-state complaint, and the Covenant on Economic, Social and Cultural Rights completely lacks such procedures. However, a complaint could be sent to the United Nations using the 1503 procedure, it is then up to the Sub-Commission on Prevention of Discrimination and Protection of Minorities to decide if the human rights violations are massive enough, in order for the complaint to be forwarded to the Commission of Human Rights.

Even though it can be concluded that Lebanon is violating international human rights law, it is clear that adequate protection of the right to work is lacking. It should be self-evident that it is not acceptable to deny people the right to make a living, without having to resort to legal interpretation of cases and vague statements. The right to work should be as protected and cared for, as other obvious fundamental human rights such as the right to a fair trial. The difference between this right and the right to work, is that the right to a fair trial is a civil and political "first generation" right, and the right to work is a economic and social "second generation" right, making its implementation mechanisms weaker.

It seems clear that the right to work and other economic, social and cultural rights, such as the right to food, need to be upgraded and lifted from being vague, lofty declarations. The situation of the Palestinians in Lebanon shows that those economic rights are as important as civil and political rights for the wellbeing and survival of vulnerable groups of people. The Committee on Economic, Social and Cultural Rights efforts to accomplish this should therefore be supported and be given utmost attention. For the time being, the world community needs to put increased pressure on the Lebanese government to grant the refugees access to the labour market, while waiting for a comprehensive peace agreement in the Middle East.

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