Abstract: This paper will attempt to analyze why Lebanon accepts so many refugees instead of initially denying them asylum since Lebanon’s refugee law reflects the country’s unwillingness to integrate refugees into its citizenry. It focuses on the case of Palestinian refugees in Lebanon and argues that Lebanon’s historical relations with Palestine and the Arab states, and its economic benefit from the refugees play a more powerful role than the country’s feeling of legal responsibility for granting these refugees asylum. The paper is divided into two sections; the first examines Lebanon’s refugee law and its consequences on the living conditions of refugees in Lebanon. The second section assesses the role of Arab nationalism and the economic benefit from refugees on influencing Lebanon to grant refugees asylum.

If Lebanon’s refugee law reflects the country’s unwillingness to integrate refugees into its citizenry, why does Lebanon accept so many refugees instead of denying them asylum in the first place?

The Syrian refugee crisis continues to uncover the ongoing challenges and obstacles that the refugees face. It is influencing millions of people around the world to further understand the human stories of these refugees. As such, it is of utmost importance to shed light on any laws that explicitly discriminate against refugees and to work towards improving them. Throughout the past century, the Middle East faced several major conflicts that generated refugee crises where citizens are forced to seek refuge mainly in neighboring countries such as Jordan, Turkey, Syria (pre-crisis) and Lebanon. Lebanon hosts a large population of mainly Palestinian refugees, yet over the past few years, it offered refuge to Syrians as well. There are nearly 455,000 Palestinian refugees in Lebanon who fled their homes as a result of the Arab-Israeli wars of 1948 and 1967.1 In addition, over 50,000 Palestinian refugees from Syria have fled to Lebanon due to the current conflict in Syria. Nonetheless, the country tends to have overly restrictive laws for its refugees. After more than 60 years of exile, Palestinians living in Lebanon continue to be explicitly discriminated against in terms of their civil, political, economic, social and cultural rights and liberties. It is of utmost importance to address these issues because many of those restrictions are considered to be in violation of human rights conventions such as the International Covenant on the Elimination of Racial Discrimination and the Convention on the Rights of the Child.

Since Lebanon’s refugee law reflects the country’s unwillingness to integrate refugees into its citizenry, this paper will attempt to analyze why Lebanon accepts so many refugees instead of initially denying them asylum. By focusing on the Palestinian refugees in Lebanon, the paper argues that Lebanon’s historical relations with the countries of its region, and its economic benefit from the refugees play a more powerful role than the country’s feeling of legal responsibility for granting these refugees asylum. The paper is divided into three sections; the first section assesses the role of Arab nationalism on Lebanon and how it contributed to having the country open its doors to refugees; the second section examines Lebanon’s refugee law and its consequences on the living conditions of refugees in Lebanon; the third section evaluates that several economic factors influenced Lebanon’s acceptance of refugees.

Section One

This section argues that the factors that influence Lebanon’s acceptance of refugees – despite the country’s discriminatory laws – are caused more by Lebanon’s historical relationship with the countries of its region than Lebanon’s feeling of legal responsibility towards the refugees. Arab Nationalism and/or other regional pressures:

Lebanon could have been pressured to accept refugees due to its Arab identity and the notion of pan-Arabism. Lebanese Arab policy remains a source of tension between the Arab nationalists and the Lebanese.\(^2\) Yet, these tensions were overshadowed in the mid-1940s, when “the political doctrine of Arab nationalism is thought to have emerged in reaction to imperial dictatorship during the late Ottoman Empire.”\(^3\) A measure of unity among the Arab states – including Lebanon – emerged, where they aimed to push towards the full independence of the Levant states.\(^4\) As such, one of the main goals of Arab nationalism was the end of Western influence in the Arab world. It called for political union in the Arab world and recognized the linguistic, cultural and economic ties between them.\(^5\) The creation of the Arab League in 1945, in addition to Lebanon being one of the first joiners, highlighted the collaboration and coordination between Lebanon and the other Arab member states in order to draw closer the relations between them.\(^6\) In the 1950s, Gamal Abd Al-Nasser, the president of Egypt, played an important role in the revival of Arab nationalism. He emphasized that the fight against Zionism and the liberation of Palestine should become a rallying point for Arab nationalism.\(^7\) In the years 1948 and 1967, the Arab states moved against Israel with

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the aim of liberating Palestine. Lebanon’s provision of support for the liberation of Palestine and its involvement in those wars emphasized the impact of Pan-Arabism on Lebanon. Lebanon’s forces equaled that of other Arab states; it actively joined all aspects of the war, which included sending its army to the war front and providing arms to the irregular Arab forces in Palestine.  

The Lebanese Arab nationalist movement and some of Hezbollah’s framing tactics are a greater reflection of the mentality that Arabs are one nation. For instance in 1958, General Fu’ad Shibab was elected as President; Shibab shifted the Lebanese National Pact from being a Lebanese endeavor leading to a Lebanese partnership into an arrangement between the Lebanese nationalists and the Arab regional power, represented by the Lebanese Arab nationalist. Furthermore, Hezbollah in many instances framed their discourse within an Arab nationalistic context of fighting against foreign occupation. Hezbollah’s goal to liberate the 1948 borders of Palestine and its struggle against Israel are considered the core beliefs and the central rationale of Hezbollah’s existence. In 2005, a pro-Hezbollah Labor Minister, Trad Hamadeh, issued a decree that officially reduced the job restrictions imposed on Palestinian employment down to 25 jobs. Furthermore, Hezbollah’s influence towards Palestinians in Lebanese politics was emphasized in 2010. The party voted in favor for the bill that Palestinian refugees in Lebanon civil rights, allows them to buy property and exempt them from the work permit process. The bill passed in 2010, and created changes to the Palestinian refugees. Therefore, the impact of Pan-Arabism in Lebanon significantly contributed to having the country open its doors to the large influx of refugees.

Section 2:

This section finds that while Lebanon is not party to the 1951 Refugee Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, the principle of legal complementarity holds it accountable to refugees through its ratification and/or recognition of several international conventions. These include the International Covenant on Economic, Social and Cultural rights, the International Covenant on the Elimination of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Lebanon’s non-compliance to these laws results in the violations of the rights of refugees.

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9 Ibid, 317.
Legal Status of Refugees in Lebanese Law and its consequences on Refugees:

Lebanese law does not have policies or laws addressing the status of its country’s refugees or asylum claims; it is one of the member states that did not ratify the 1951 Refugee Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. The Refugee Convention and Protocol seek to protect anyone who is “unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.” This protection is provided by granting the refugees some basic rights that include; the right to work, housing, education, public relief and assistance, access to courts, freedom of movement within the territory and the right to be issued identity and travel documents. Even though some parts of the Refugee Convention, notably non-refoulement, are considered customary international law, Lebanon does not respect these laws.

The most prominent actions taken by the Lebanese Government regarding refugees were creating the Central Committee for Refugee Affairs in 1950, and establishing the Department of Affairs of the Palestinian Refugees as an office within the Ministry of Interior, renamed as the ‘Department of Political Affairs and Refugees (DAPR), subsuming the Palestinian refugees with other refugees. The Committee and Department administer the refugee presence in Lebanon by maintaining records of those who live in camps such as their births and marriages. They also manage documents concerning refugees’ movements and security clearances and liaise with international relief agencies in Lebanon, such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and United Nations High Commissioner for Refugees (UNHCR), to ensure basic services. Despite the continued influx of Syrian refugees into Lebanon, the Lebanese government does not build any new refugee camps to accommodate the Syrians; they are instead forced to stay in the same refugee camps as the Palestinians. The many restrictions of Lebanese laws emphasize that the Lebanese government is not responsible for providing any basic services to its refugees; this is, in turn, reflected on the living conditions of refugees.

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15 Non-refoulement is a principle of international law that reflects the commitment of the international community to ensure to refugees the enjoyment of human rights, including the rights to life, to freedom from torture or cruel, inhuman or degrading treatment or punishment, and to liberty and security of person.
Inside the camps, refugees are living in extremely hostile environments. They face challenges including lack of access to adequate housing, food, education, clean water, healthcare, and clothing. For instance, families live in overcrowded camps that were originally designed as ‘temporary housing’ and are forced to cope with open channels of sewage and rotting piles of garbage. Such conditions facilitate the spread of diseases and having few clinics available to treat the sick intensifies this problem. Additionally, they have minimal access to electricity. During an interview by Clancy Chass, a correspondent for the Guardian based in Beirut, Samar a Palestinian refugee living in the Shatila Camp said: “There is never any electricity, last year we went nearly six months without electricity, we had to use candles at night and those who could afford to bought electricity from people with generators.”18 Furthermore, young men in the camps describe how they are harassed and beaten by the Lebanese security services; "Sometimes guys are dragged off and beaten just because they have a certain family name." said Rabieh.19 These conditions, create an environment where refugees cannot enjoy an adequate standard of living.20 In fact, according to UNRWA, the Palestinian refugees in Lebanon have the highest rate of people living in ‘abject poverty’ of all the Palestinian refugee communities in which they serve.21

Outside the refugee camps, refugees are *de jure* and *de facto* discriminated against in relation to other non-citizens; this is mainly emphasized in their right to work and social security services.22 The Law pertaining to the Entry Into, Residence In, and Exit From Lebanon created in 1962 placed the Palestinians as equivalents with all foreigners. Foreigners are only allowed to work in Lebanon when their country allows a Lebanese national to work there; however, this option is unavailable for the dispossessed Palestinians. In other words, this law rendered the foreigner in Lebanon better treatment than the Palestinian.23 Until 2010, obtaining a work permit was considered by refugees a hypothetical principle; before that, one could obtain a permit either by marrying a Lebanese national, one year after which a permit may be granted, or having a certain value in working capital and employing at least three Lebanese.24 This changed in 2010, the labour laws were amended and granted Palestinian refugees work permits free of charge. Nevertheless, in the event that the refugees are able to obtain work permits, there are still many policies that deliberately exclude Palestinian refugees from working in 72 professions including law, medicine and engineering. For instance, in order to practice a legal profession in Lebanon, one needs to be firstly of Lebanese

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19 Ibid.
21 Ibid.
24 Ibid.
nationality for at least ten years; thus excluding the refugees from the profession.25 Iqbal Al-Assaad - a Palestinian refugee born and raised in Bar Elias, a small village in the Bekaa valley in Lebanon - got enrolled at Weil Cornell Medical College in Qatar when she was just 14 years old and was set by The Guinness World Records as the youngest medicine student in the world. However, Iqbal cannot work in Lebanon due to her status as a Palestinian, and is considering working in Qatar instead.26 These laws and policies further emphasize that Lebanon is explicitly discriminating against Palestinian refugees.

**Legal Analysis**

While Lebanon is not a signatory to the UNHCR 1951 Refugee Convention or the 1967 Protocol it is still bound by the customary law principle of *nonrefoulement* and by the obligations of the human rights treaties which it has signed, to at least provide temporary protection measures to ensure the safe admission of refugees, protect them against *refoulement* and respect their basic human rights.27 In this way, the treatment of refugees by Lebanon is in violation of several international covenants that Lebanon is a signatory to. Amnesty International has sent memorandums to the Lebanese government and briefings to UN Committees detailing its concerns about the human rights of Palestinian refugees in Lebanon.

Amnesty International claims that Lebanon has violated duties of the International Covenant on Economic, Social, and Cultural Rights (ICESCR); ICESCR states that the right to housing should not be interpreted as "merely having a roof over one's head… rather it should be seen as the right to live somewhere in security, peace, and dignity."28 Yet in Lebanon, a series of government policies have further worsened the poor housing conditions of the refugee camps. Some of these policies deny the right of refugees to improve or reconstruct their housing, by prohibiting the entry of building materials into refugee camps.29 Moreover, Amnesty's claims of Lebanon's violation of the International Covenant on the Elimination of Racial Discrimination (ICERD), are based on their concerns on issues regarding the legislative provisions and policies that have a discriminatory effect on the Palestinian population compared with other non-citizens, as Palestinians were considered discriminated with regards to rights to own property, rights to work and the right to social security.30 This is considered a breach since the ICERD has clarified that the states that are

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28 General Comment 4 “the right to adequate housing” (article 11(1)), Committee on Economic, Social, and Cultural Rights, sixth session, 1991, Para 7.
signatories to this convention should “take measures to eliminate discrimination against non-citizens in relation to working conditions and work requirements, including employment rules and practices with discriminatory effect or purpose.”

Furthermore, under the ICESCR and ICERD, Lebanon is also obliged to ensure that everyone who works is offered just and favourable conditions of work, irrespective of their status. Article 7 of the ICESCR states: “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work.” Clause A (I) specifies “Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work….” Since both female and male refugees are not offered that, the country is violating its obligations of the Convention on the Elimination of All Forms of Discrimination Against Women. Amnesty International also describes how the discriminatory state policies and practices in Lebanon highlight that Lebanon’s noncompliance with its obligations under the Convention on the Rights of the Child with respect to refugee children. Their concern particularly includes the limitations on the right to an adequate standard of living, the right to education, the right to be registered and the right to a name, and the right to social security. For example, under article 7(1) of the Convention, every child has the right to be registered immediately after birth and the right to have a name and to acquire a nationality. Yet, children born to non-ID Palestinian fathers (who do not themselves possess recognized identity documents) are not registered with UNRWA and neither receive recognized identity documents from the Lebanese state nor have the ability to acquire a nationality even if they have a Lebanese mother as, under the current Lebanese law, nationality can only be passed on by the father.

There are many other obstacles that refugee children face, such as limitations on access to education. Law No. 686 of 1998, which amended Article 49 of Decree No. 134/59 provides that “public education is free and compulsory in the primary phase and is right to every Lebanese in the primary education age.” By only specifying that Lebanese children have a right to free primary education this law does not to comply with Lebanon’s obligation under article 28 of the Convention, to ”make primary education compulsory and available free to all”. This emphasizes how Lebanon fails to respect the rights of refugees through its non-compliance with several international laws.

31 CERD, General Recommendation No. 30, Discrimination against Non-Citizens, UN Doc. HRI/GEN/Rev.7/Add.1, para 33.
33 Ibid.
35 Ibid.
36 Ibid.
Section 3:

This section finds that in addition to Lebanon’s historical relationship with the countries of its origin, the contribution of Palestinian refugees to the Lebanese economy played a more powerful role in Lebanon’s acceptance of refugees, than Lebanon’s feeling of legal responsibility towards them.

Economic factors:

Economic factors played an important role in influencing Lebanon’s decision to grant refugees asylum. Amid the large influx of Palestinian refugees in 1948 before the work restriction policies have been imposed - Lebanon might have been welcoming to the refugees as it considered the middle class, in particular, to be beneficial to the country. Several Palestinians managed to construct (or reconstruct) substantial business networks in Lebanon that extended to the rest of the Arab world and further abroad. For example, Yusuf Baydas, a Palestinian, created Intra Bank, a Lebanese bank that was considered (until its collapse in 1966) the largest financial institution in the Middle East, with branches all over the Middle East, Africa, Europe and the Americas. In addition, Hassib Sabbagh, whose family originally owned an extensive textile and dyeing business in Safad, Palestine, started ‘Consolidated Contractors Company’ with two other Palestinians in Lebanon. The firm became enormously successful, overtaking the giant Lebanese Contracting and Trading Company in the late 1960s. It started with an initial capital of $3 million, and in the 1970s, its turnover was measured in the hundreds of millions. This, in turn, highlights that, historically, the Palestinian human capital has enriched the Lebanese economy, as successful Palestinian businesses have prospered and become an invaluable part of the economic fabric of Lebanon. This contributed to increasing employment (for both Lebanese and Palestinian people), total investment, and growth rates in the country.

Apart from the middle class, the majority of the refugees due to the employment restrictions are forced to work in the informal economy. According to an International Labour Organization study, these jobs often have exploitative working conditions for the Palestinians; very few Palestinian workers are entitled to health coverage, they also overworked; they work 47 hours a week on average yet receive very low wages. “Palestinians are paid 20 per cent less than Lebanese workers for performing the same work. Their average monthly income is below the Lebanese minimum wage of 675,000 LBP (US$ 450).”

The exploitation of the refugees benefits the Lebanese employers and consequently, the Lebanese economy. Additionally, unlike other non-Lebanese

40 “Policy Brief: The work of Palestinian refugees in Lebanon is a right and a common interest” International Labour Organization. 26 June 2014. p. 2-3.
workers, Palestinian refugees consume and save inside Lebanon, thus positively contributing to the country’s balance of payments and its gross domestic product (GDP). This is because their consumption patterns are comprehensive, especially those of food and medical services, which are the two main areas of expenditure. For example, in 2012, surveys estimated that Palestinian refugees in Lebanon contribute more than US$300 million a year to the Lebanese economy, with a particular effect in rural areas, where most Palestinians reside.41 The refugees have been a vital source of demand for locally produced services in Lebanon, particularly because they are funded from their own savings and labor income, from remittances of families abroad and from international aid.42 Moreover, the country receives large amounts of funds from international organizations such as UNRWA that are intended to provide health, education, and social services. Such projects hire different Lebanese experts, specialists, social workers and programme officers, hence mobilizing different sectors in the Lebanese economy.43

Conclusion

In conclusion, Lebanon hosts over a million refugees but continues to have strict and discriminatory policies towards Palestinian asylum seekers. There are several factors that influence the country to open its doors to refugees; but Lebanon’s historical relations with the Arab countries and its economic benefit from the refugees are more powerful than Lebanon’s feeling of legal responsibility towards the refugees. This is portrayed in the country’s treatment of refugees, which is in violation of several International Conventions and human rights. The current influx of Syrian refugees to Lebanon and their desperate need for aid emphasizes the need to pressure Lebanon to resolve its legal challenges for refugees, and to respect the covenants and conventions that it has ratified and recognized. In order to expect the countries of the world to provide just treatment to the refugees, a neighboring country should be able to provide them that as well.

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