



المنظمة الفلسطينية لحقوق الإنسان (حقوق)

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Position Paper

The demand of the Palestinian youth to emigrate is a desperate cry resulting from the continuous oppression, the Palestine Liberation Organization (PLO) concessions and the erosion of the stereotypical image of the “resistance”

In recent months, a trend has come into view starting with a number of the Palestinians besieged at Yarmouk camp who have demanded that any foreign country should accept them as humanitarian refugees. There has been a spontaneous movement of youth groups – belonging and not belonging to political factions – in Lebanon's Palestinian refugee camps demanding through demonstrations, in which they had raised flags of foreign countries, for what they call “the right of emigration”.

The forced displacement and murder of Palestinian refugees in Syria – particularly in the last year and a half – is no different from what had happened to the Palestinians in Lebanon during the civil war, which was waged between 1975 and 1982, then again in the mid-eighties (which was known as *The War of the Camps*) and the atrocity of Nahr al-Bared camp in 2007. These problems are compounded by the fact that the mechanisms of human rights protection for Palestinian refugees are not enforced by the international community, and Palestinian political leadership is unable to influence the P5¹ to enforce international resolutions relevant to the refugee's rights. **This is because of the imbalance of power in favor of Israel, the fragility of the internal situation divisions, misrepresentation, factional domination over PLO institutions) and the involvement of the Palestinian factions in regional and internal Arab conflicts rather than focusing on improving the situation of human rights of Palestinians, in particular those who are refugees within MENA.** PLO capitulated to imposed alternatives to resolve the problem of Palestinian refugees instead of returning them and compensating for them in accordance with United Nations resolution no.194 of 1948. The key imposed alternative is resettlement, whether in or outside the region of Middle East, disregarding the refugee's will and right of self-determination. The human rights of the marginalized communities are violated (their human security is threatened, their human dignity is undermined, their shelters are destroyed, etc.), they become frustrated and they are pushed to forsake all of their rights as Palestinian refugees. This is against the International human rights law and the humanitarian law. Due to all

¹ The 5 permanent members of the United Nation Security Council



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this, the refugees believe that their suffering is an intentional and systematic attempt to end their cause².

This eventually pushes some of this vulnerable group to either fall prey to immigration traffickers who practice human trafficking hoping to escape war hotbeds to safe locations – despite the risk of drowning, getting lost in the wilderness; or to join the violent extremist groups in the Middle East, in the belief that this will “bring them justice or revenge”.

In Syria, the Palestinians were thrown into the current crisis and are suffering greatly as refugees. It started with the regime forces targeting Al-Raml Palestinian refugee camp near Latakia city then targeting Homs camp, before the regime forces artillery and rockets targeted Daraa camp, destroying it totally.

At the beginning of the crisis, the Palestinian refugees in Damascus were not involved in the military conflict and Yarmouk camp was considered both a neutral zone and a refuge for those fleeing from the fighting. The situation was changed radically after the camp was subjected to air raids in December 2012. The bombardment intensified and increased, which led to mass displacements until July 2013 in coincidence with the systematic reduction of food supplies allowed to enter the camp. In the end the number of Palestinian refugees who fled the camp was around 140,000, before the regime and its militia imposed a tight blockade and prevented movement both in and out of the camp.³

18,000 refugees still remain in Yarmouk camp. They are living among the destruction of thousands of housing units, completely destroyed infrastructure, medical centers and ration centers, in addition to the imposition of a tight siege which prevents food from getting in or any sick, injured or disabled people from leaving. This blockade and the absence of the necessary medical care led to a tragedy where around 120 children, women and men have died⁴, amid the indifference by the Palestinian pro-regime factions and the armed opposition groups in the camp. This is considered a war crime and a crime against humanity.

In addition to Yarmouk camp, Husseiniyah camp, in the southern area of Sayeda Zeinab of Damascus, was completely destroyed; the refugees who lived there were forced to move to

² The struggle for recognition of historical and cultural rights, the end of their legal status as refugees, enforcement of UN resolutions and their compensation

³ Please review PHRO position Paper: PHRO condemns the systematic starvation of Palestinian refugees in Yarmouk camp and reserves its right to exhort and support the victims to prosecute perpetrators of crimes according to international law http://www.palhumanrights.org/rep/ENG/PHRO%20Condemns%20Systematic%20Starvation%20of%20Pal_%20Refugee%20in%20Yarmouk%20Camp.pdf

⁴ These numbers were reported by Arabic media news and also you can refer to the website <http://ajras.org/?lang=eng>



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Yarmouk camp and to other areas in and around Damascus. Afterwards, the Al-Sbeina camp was targeted in the context of the battle waged by the regime on the Al-Sbeina City. The camp was severely damaged, and most of its inhabitants were displaced. Since the two camps of Aleppo – Handarat and Al Nairab – were caught in the crossfire between the opposition and the regime, some residents of Handarat camp were oppressed and terrorized by armed opposition groups.

Targeting Palestinian camps in general, and in particular Yarmouk camp, has led to a massive displacement of Palestinian refugees. They fled primarily towards Lebanon, since they were prevented from entering Jordan. This denial of entry to Jordan is a violation of their human rights and of international humanitarian law. Many of those who fled to Lebanon have suffered from mistreatment and humiliation, affecting their human dignity at the Lebanese-Syria border, and from the treatment which discriminates against Palestinian refugees in contrast with other refugees crossing the border to Lebanon.⁵

As for the civil, social and economic rights of the Palestinian refugees in Syria in recent years – specifically after the outbreak of the crisis – the Syrian government has resorted to an undeclared degradation of the rights granted to the Palestinian refugees. This erosion of human rights has impacted on the right to own property and right to work, and it extended to areas such as formal education and employment in the public sector. Law 60 of 1956 (issued prior to the arrival of the Baath Party to power) had established legal equality between Palestinians and Syrians in all functional, professional and scientific areas, with the exception of matters concerning the elections and the nomination for membership of the parliament while retaining their status as Palestinians.

In Lebanon – which is directly affected by the Syrian crisis as a result of the geopolitical intertwinement between the two countries – Palestinians were considered foreigners when foreigners' rights were restricted and refugees when refugees' rights were restricted. Thus, the Lebanese state truncated their economic, social and civil rights: they have been deprived of their right to work and of their right to own property⁶ in general and were treated as a political-security issue. There was incitement against them. They have been variously labeled as an economic and social burden on Lebanon and as a security and demographic threat to the country's sectarian balance.

⁵ Please review PHRO Position Paper: "Border control at the Bekaa border crossing point Hinders Palestinian Syrian Refugees fleeing to Lebanon "

<http://www.palhumanrights.org/press/Pal.Syr.Ref%20at%20the%20Lebanese%20Boarder%20Al%20Masnaa.pdf>

⁶ It's a joint report on social, civil and economic rights for Palestinian refugees in Lebanon

<http://www.palhumanrights.org/rep/ENG/UPR%20Booklet%20-%20ENG.pdf>



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Since the beginning of the Syrian crisis this incitement has appeared in its ugliest manifestation through media outlets supportive of stereotypical resistance groups against Palestinian refugee camps in Lebanon. In their reports, they would often blame Palestinians (implying the community as a whole) for suicide bombings, despite there being no evidence of Palestinian involvement. This provocation has put the Palestinians at risk through engendering feelings of hatred against them. This has become a serious issue in the southern suburbs of Beirut where the feelings of hatred were expressed publicly by some individuals, demanding to target Palestinian refugees and their camps.

Taking into account the refugees situation, from a human rights perspective, it is unsurprising that the youth of Nahr al-Bared have taken the initiative in order to demand emigration. Despite having no involvement in the 2007 conflict, these young people had suffered greatly and unjustly along with the rest of the camp. This conflict occurred after the leaders of Fatah al-Islam organization arrived from Syria. They were first settled in Fatah al-Intifada center offices in Beirut camps and northern camps in Lebanon. They then were regrouped at the Nahr al-Bared camp at the sites of Fatah al-Intifada to declare their split from Fatah al-Intifada and call themselves Fatah al-Islam. Shortly after, they clashed with the Lebanese army to achieve objectives within their own agenda for the organization.

Even though 7 years have passed after the massive destruction resulted from the battles between the Lebanese army and Fatah al-Islam, most of the displaced residents of the “old” camp are still living in unacceptable shelters because they have lost their inadequate housing and shops without receiving compensation. The construction, which was supposed to be complete within a year at most, is still unfinished. In addition, those who are in the vicinity of the “new camp” suffer from restriction on their movement – which is a violation of their human rights – by recording their entering and leaving the camp through checkpoints which are security controlled by the Lebanese army.⁷

During the early- to mid-eighties Lebanon saw several waves of Palestinian refugee emigration. The major wave occurred after the War of the Camps (between 1985 and 1986) waged by the Amal movement, on the Palestinian refugee camps in the areas of Beirut and Tyre. During this period, Shatila camp suffered from serious human rights violations and was subjected to relentless attacks and a siege that lasted for about a year. Prior to that, in 1983, the intra-

⁷ Please review PHROs report on NahrEl-Bared camp under the name of: "Lebanese restriction on freedom of movement "case of NahrEl-Barid Camp" http://www.palhumanrights.org/NBC/ENG/Freedom%20of%20Movement_ENG_web.pdf

and "Camp in Fear Camp in Want – Human Security Assessment for NahrEl-Barid Camp"

http://www.palhumanrights.org/rep/ENG/Camp%20in%20Fear-Camp%20in%20Want_Final-A4.pdf



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Palestinian clashes following the divisions in Fatah movement caused another wave of emigration.

In 1982, Shatila camp was subjected to massacres committed by Lebanese armed militias, following the expulsion of the PLO forces and the Palestinian factions from Beirut through the Israeli invasion. The perpetrators included the Lebanese forces led by Elie Hobeika, who later became an ally of Syria. These massacres – in which thousands of Palestinian refugees and Lebanese residents in and around the camp were killed – were under the observation of the Israeli forces which, as an occupying power, did not fulfill their obligation to protect civilians.

In 1976, Lebanese Christian militias – with the support of the Syrian forces at the time – invaded Tal El-Zaater camp east of Beirut and massacred the inhabitants. All houses in the camp were razed to the ground and the Palestinian refugees who had lived there were not allowed to return. The same occurred at other gatherings in what was known as the “eastern region”, such as the large gatherings in the area of Gesr el Basha and Dikwana.

While the Dbayeh camp was not flattened completely, a large part of it was destroyed in 1976 and some residents who remained faced murder or forced disappearance. Moreover, reconstruction was prohibited, and any repairs or maintenance remain difficult. Security approval, which is not easy to obtain, is required to bring building materials into the camp. This also applies to those houses that were destroyed later during what is known as Al-Elgha' (a battle between sections of the Lebanese army and Lebanese Forces). This occurred alongside continued attempts to “smoothly” displace the remaining Palestinian refugees.

In 1973, a series of Israeli air raids destroyed Nabatiyeh camp for Palestinian refugees. Even the PLO, which had a strong influence in the south, the Bekaa, some areas of Mount Lebanon, the north and Beirut, did not rebuild the destroyed camp. Until this day, residents are not allowed to reconstruct Nabatiyeh camp and the dominant forces in southern Lebanon did not rebuild it, although they consider themselves as the forefront defenders of the Palestinian cause.

Until now, many Palestinian refugee camps in Lebanon are suffering from a tight blockade imposed by the Lebanese army, in particular after the battles of Nahr al-Bared. The camps in Beirut and the south suffered a blockade before and after the War of the Camps, which is still imposed on the camps in the south.

The focus on Palestinian refugees in Syria and Lebanon in this position paper does not imply that the situation of Palestinian refugees in the rest of the Arab countries is any better.



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In Egypt, the situation of Palestinian refugees is much the same. In the era of Nasser, the Palestinian refugees have enjoyed economic and social rights, equal to the Egyptian citizens. In the era of Sadat, Palestinian refugees were stripped of all the rights that they had enjoyed up to 1978.⁸ This treatment continues till today, despite the variables of the 'Arab Spring'. In addition, the media launched an incitement campaign against the Palestinians in which all of them are considered supporters of the ousted President Mohamed Morsi and the Muslim Brotherhood – this encourages hatred and more attacks against Palestinians in the public sphere. To make matters worse, several hundred Palestinian refugees from Syria had fled to Egypt during the reign of the Muslim Brotherhood, and after Morsi's fall they suffered even more. They were detained or deported, while others chose to escape by sea but a large number of them faced death due to sinking boats that were overloaded by refugees. In addition, those who have arrived and departed to and from Egypt through the air, marine and land ports, especially the Rafah crossing, have experienced oppressive and degrading treatment undermining their human dignity.⁹

In Iraq the Palestinian refugees have suffered persecution and dispossession of property after the overthrow of Saddam Hussein in 2003. Hundreds of them were displaced to desert areas at the border, where they had to live for months in an extreme climate with difficult environmental and humanitarian conditions, before being accepted as humanitarian refugees in Brazil and Sweden.

In Kuwait about 400,000 Palestinians (mostly refugees) were deported in 1991, after the departure of the Iraqi forces that had invaded Kuwait as part of an international coalition (including Arab countries) led by the USA. There have also been restrictions on Palestinian work permits in most countries of the Arabian Gulf since Saddam Hussein's invasion of Kuwait in 1990. While the restrictions are still stringent, they are not as severe as they were in the nineties, due to being recently eased slightly.

In Libya, thousands of Palestinians living there, suffer from instability due to the absence of any laws governing their residence. Thus, the Libyan government can expel them at any time considering them as illegal residents. Notably, in 1996 the former Libyan ruler Muammar Gaddafi decided to transfer thousands of Palestinians to the desert at the Egyptian border,

⁸ PHRO paper about the Human Rights situation of the Palestinian refugee in Egypt done by Hassan Shahin

⁹ Human Rights Watch, "Egypt: Syria Refugees Detained, Coerced to Return Palestinians, Children Among Most Vulnerable", on the link: <http://www.hrw.org/news/2013/11/10/egypt-syria-refugees-detained-coerced-return>

and BBC News, "Migrant boat capsizes leaves 27 dead in Mediterranean" on the link: <http://www.bbc.com/news/world-europe-24499890>



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demanding them to go to Palestine, where they suffered from extremely bad living conditions. This was the Libyan response to the establishment of the Palestinian Authority in Gaza and some parts of the West Bank.

The international community, which embraced the responsibility for Palestinian refugees, was unable to enforce the decisions that they declared themselves (e.g. UN resolutions 194 and 181). Since the foundation of United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) in 1949¹⁰, the organization focused on a wide ranging relief role. This began following the displacement of Palestinians during the 1948 War but had gradually been reduced to the extent that the money and food aid packages have been granted infrequently and only in hardship cases.

If UNRWA should be thanked, it will be for its prominent role in highlighting the tragedy of the Palestinian refugees in Syria in general, and in Yarmouk refugee camp in particular. This work has been done through continuous statements and declarations to the superior officials of UNRWA and bringing the case before the United Nations.¹¹

Even though the United Nations relinquished their role regarding the Palestinian issue in general – especially the Palestinian refugee cause – to the world Powers, we have not seen any attempts to implement solutions to the Palestinian refugee problem in accordance with human rights law and international law.

Conclusion

Palestinians and Palestinian refugees have been driven to desperation; therefore some have demanded emigration – left Syria and Lebanon (despite the countless risks) to the west – disregarding the rights guaranteed to them by the United Nations resolutions. **This may end the refugees' status but it will not provide sustainable solutions.** Others took part in extremist groups, believing that extremism may bring them lost justice or revenge.

Some Palestinians who were coerced to emigrate to western countries – in particular during the eighties, after the Israeli invasion and the War of the Camps – were able to integrate in their new communities, while others did not integrate. The latter live as an unproductive burden on the society believing that the countries that had received them were in fact responsible for the injustice and oppression they faced before. Furthermore, some individuals then became extreme

¹⁰ For further information please refer to UNRWA website <http://www.unrwa.org>

¹¹ To see the official statements of UNRWA refer to <http://www.unrwa.org/newsroom/official-statements>



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in their religious convictions. A few of them went to Syria and joined the *Mujahideen*. Upon their return from fighting, they are a potential threat to the communities of the countries which previously granted them citizenship.

Lebanon had missed an opportunity to include the Palestinians in the general amnesty after the initial implementation of the Taif Agreement in 1990, and to ensure their rights through the enactment of laws governing their presence and their economic, social and civil rights on human rights basis. Instead, discrimination against them was increased due to excluding them from the amnesty, in addition to enacting laws and taking measures that exacerbated the pressures imposed on them. This in turn led to the emergence of violent and insecure areas, rendering them a marginalized and vulnerable community where its members can be easily exploited by some extremist groups.

In contrast the international community is unable to enforce international resolutions related to the Palestinian refugees as a sustainable and just solution to their status. This cannot be attained by frustrating them as it is happening now in Syria, previously in Lebanon and in other countries of the Diaspora. The solution should be through proposing a wide range of realistic solutions on the Palestinian refugee issue without more violence and destruction. This can be done by enabling them academically, vocationally and legally in order to be productive wherever they go.

Suggested Actions:

PHRO believes that a sustainable solution is a multifaceted solution in which the International Community, the host countries and the Palestinian political forces can engage. In particular the Palestinian refugee civil society¹² in the Diaspora has been excluded, intentionally or not, from proposing solutions and/or taking part in the process.

1) The PLO must have the courage to be transparent about the negotiations, particularly concerning the Palestinian refugee situation, since the nineties and those which restarted recently. The structure and the preconditions of the negotiations coerce the PLO to use the refugee issue as a bargaining chip for the solution and not an issue that needs to be resolved. This behooves the PLO to share and discuss suggested alternative solutions with the refugees, in attempt to seek the peoples support behind the Palestinian negotiator which strengthens his presence during the negotiations and in facing the corresponding negotiator. PHRO believes that holding a National Palestinian Conference on the issue of the Palestinian refugees will be

¹² The collection of syndicates, unions, leagues - youth collectives, grassroots, think tank - and nongovernmental organizations etc. scattered and intertwining between West Bank, Gaza strip and all other host countries subjected to different legislative laws



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essential to achieve the support of the people. This conference should include participants from all sections of the Palestinian society, in particular the youth who are interested in any solution that can restore their lives which will ensure justice relative to this group. This will improve the Palestinian negotiators stance in terms of demands and achieving gains or benefits.

2) PHRO encourages the international community and specifically the Quartet (Quartet on the Middle East: USA, Russia, EU and UN; established in 2002), countries that offer peace initiatives and host countries to support the above suggested action and to establish a funding policy that deals with the Palestinian refugee as a unit; and also to put protective mechanisms in conflict zones to protect them from the aftermaths of the conflicts and prevent them from being exploited and trafficked. PHRO acknowledges the importance of relief work, but this activity is not sufficient and has in fact failed, because it does not offer a sustainable solution to the Palestinian refugee issue. Therefore, what is required is a sustainable human development that takes into consideration to prepare the refugees professionally, vocationally and legally in order to be productive in their communities. PHRO urges the host countries to make laws governing their presence, protecting their rights – in accordance with suggested alternative solutions.

3) The role of the Palestinian civil society organizations is considered pivotal at this stage, but because most of them had the tendency to opportunistic behavior regarding funding, they became part of the problem instead of being a catalyst for the solution. PHRO proposes the establishment of networking mechanisms, and the development of realistic programs in accordance with the current stage as the organizations being the intermediate link between the masses, the elites and its political leaders. PHRO also suggests the development of programs to empower and motivate the refugees to participate in the policy-making relevant to negotiations and final solutions.

Palestinian Human Rights Organization (PHRO) is an independent, non-governmental, non-partisan and non-profit Human Rights NGO which was formed by a private initiative.

Established in 1997 it is recognized in Lebanon under registration no. 36/AD. PHRO is devoted to the promotion, protection and defense of the Human rights of Palestinian Refugees in Lebanon and the wider MENA region. PHRO is an active member of the following coalitions: the International Federation for Human Rights (FIDH), the Euro-Mediterranean Human Rights Network(EMHRN) and the Arab Organization for Human Rights (AOHR).