

The Adversarial Impacts of Protracted Refugee Situations  
on Refugee Protection and Camp Security:  
a Case for Local Integration in Lebanon

by

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## ABSTRACT

Protracted Refugee Situations (PRS) are of serious concern due to their adverse impacts on human rights and stability in host countries. This thesis profiles three, so-called, durable solutions for refugees: local integration, third country resettlement, and voluntary repatriation. However, refugees living in PRS are not given any durable solutions, and they remain confined to refugee camps while the conflicts that forced them from their homelands continue. Refugees usually find themselves in PRS as a result of the restrictive policies of the country in which they have sought refuge. These conditions not only deprive refugees of basic human rights, but act as catalysts for political violence, insurgency, and radicalization. This thesis examines, in detail, one such case: Nahr al-Bared, a Palestinian refugee camp in Lebanon where refugees have been living in PRS for decades due to stringent refugee policies that contributed to violent clashes that took place in May 2007. The denial of human rights for Palestinians in Lebanon has effectively marginalized already disempowered refugee populations, thereby increasing the likelihood of instability and radicalization. The denial of rights, a lack of opportunities, and confinement to the poor conditions of the refugee camp, are driving forces of political violence and militant rhetoric. This situation can endanger the refugee host country as well as the refugees, who are civilians in need of international protection. Therefore, there is a strong connection between the inclusion of rights for refugee populations in a host country, and peace and security. The case of Palestinians in Lebanon is examined as a microcosm of the notion that human rights and state security are interdependent. Recognition of

this interdependence necessitates a paradigm shift in perspectives and policies of international refugee protection and state security, from regarding PRS as an indefinite state of emergency to be contained, to acknowledgment that the indefinite duty to protect refugees in protracted situations simultaneously serves the host country's security concerns.

To refugees who are living in a state of hopelessness around the world; you are  
not forgotten.

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## Note by the Author

At the outset of my research for this thesis, I sought to address the humanitarian concerns associated with refugees' prolonged confinement to camps. The hopelessness of camp life, its imposed idleness and barren surroundings, is what compelled me to write on this topic. Refugees living in these conditions are denied basic human rights, including medical treatment, the right to a livelihood, and education, the right to move freely, and to pursue their lives. These oppressive conditions do not even ensure the safety and protection of refugees, which is the fundamental purpose of creating the legal status of "refugee." In particular, I found the extended marginalization of Palestinian refugees throughout the Middle East, legally, socially, economically and spatially, to be the starkest example of the denial of human rights and protection to refugees in the world. I found this refugee situation to be a troubling microcosm of a widespread global problem, prior to knowing that there was a term for this area of growing concern, namely, Protracted Refugee Situations (PRS). Having worked with the refugee population in Arizona for several years, I found that my perspective, and often that of the refugee protection regime, is one of emergency and direct humanitarian assistance, rather than theoretical or academic approaches to solving problems. This thesis attempts to address the human rights concerns of PRS through a legal framework, as this is the framework upon which the international refugee protection regime is built. However, there are various lenses and theoretical frameworks through which this topic can be approached.



Practitioners in the field relay that it is commonplace for refugees to spend extended periods of time in the camp before they can be resettled in a safe third country or offered another durable solution. The field of refugee protection and humanitarian assistance tends to focus on immediate emergencies and influxes of refugees into neighboring countries of a crisis, and yet, there is an understanding that refugees must await resettlement, meaning that there is a disjuncture between protection from emergencies to long-term situations. However, extended waiting periods in which camp life shifts from a state of emergency to an indefinite reality, are not given due attention as humanitarian and protection concerns. Therefore, with this thesis, I attempt to address why PRS are problematic for host countries and for the wellbeing of refugees, in an effort to broaden the focus of international refugee protection to include those populations that live in an indefinite state of emergency, ironically administered by the host country, and a lack of durable solutions to their plight. These circumstances elicit an upheaval of state responsibility in hosting refugee influxes, not as temporary occupants to be controlled, but as human beings in need of protection, however long that may be for. Furthermore, it is in the national interest of security for host countries to locally integrate refugees, rather than to isolate them, as I later illustrate in the case of Palestinian refugees in Lebanon. These are the concerns that compelled me to write on this topic, in the hopes that increased attention to this issue will one day affect change and bring about protection for refugees living in prolonged

hopelessness, that they may one day find refuge in a place that they can call home and rebuild their lives.

## Introduction

Refugee crises frequently emerge as a result of conflict, giving rise to large influxes of people who are forced to flee across international borders, in search of protection. Neighboring states then become hosts to refugee populations, whether voluntarily or involuntarily, which begs the question of state responsibility according to international law. If states are to exercise sovereignty, by maintaining their borders and security, how does that conflict with the obligation to give refuge to those fleeing a well-founded fear of persecution or harm? There is also the issue of state burden, and how much a state is expected to assist in the protection of refugees, particularly when the country that has agreed to grant protection to refugees, does not have the capacity to protect and provide for a refugee population in addition to its own nationals. All of these issues bring into question the responsibilities of the state to host refugee populations, and how those responsibilities vary, depending on whether or not the state is a signatory of the 1951 Convention relating to the Status of Refugees, hereafter referred to as, “the Refugee Convention.”

While some states feel compelled to extend the rights afforded to nationals to the refugee population as signatories to the Refugee Convention, other states, which are not parties to the Convention, may not be as compliant. Therefore, the benchmark for international refugee protection varies from state to state when dealing with non-signatories, being that states can make their own determinations as to the level of protection given to refugees, by nature of being a sovereign

state. Through the principle of *non-refoulement*, however, a state cannot return a refugee to a country where he has a well-founded fear of persecution. In order for states to realize the importance of providing protection to refugee populations in its territories, there must be a clear realization of its responsibilities and obligations to refugees, because this protection is central to the safety and security of the state, as well as to the protection of refugees. The most visible and apparent applicability of these obligations is in the refugee camps in host countries, where conflict and sanctuary are simultaneously embodied.

Of particular importance is the necessity of adhering to those obligations within the refugee camp in providing camp security and protection, and assuring that basic human needs are met for refugees. However simple the concept of providing a safe-haven may seem, as a principle of humanitarianism, achieving this goal is much more complicated, especially in cases when a country is forced to host refugees by a mass exodus that it cannot contain, or when cross-border conflict permeates the refugee camp and puts the host country in the midst of an armed conflict. As the nature of war and conflict has changed, there is a dwindling concept of war between two nations in which there is a buffer zone where civilians can take refuge. War has become increasingly idiosyncratic, in which conflict can be between non-state actors, or may emerge from within the refugee camp itself.

Conflict emanating from refugee camps threatens the rights to protection of refugees. This leads to what is known as “warehousing” refugees. This term is

often used to describe what is formally known as Protracted Refugee Situations (PRS), in which camp life becomes much like a ghetto. As will be described further in subsequent sections of this paper, there are three durable solutions for refugees; however, “Refugee warehousing...has emerged as a de facto fourth and all-too-durable solution,” as it violates human rights and creates instability, says the U.S. Committee for Refugees and Immigrants (USCRI) in its 2004 report, *World Refugee Survey* (USCRI 2004, 38). Examples abound, although the protracted Palestinian refugee crisis in the Middle East epitomizes the most poignant detrimental impact of warehousing refugees, which has the potential to create political instability, a breakdown in security, and the debasement of human rights wherever it is present.

While countries aiming to preserve state sovereignty may engage in refugee warehousing to ensure stability and security, it is ironic that the conditions surrounding PRS are likely to be the root cause of instability and a lack of security. Aside from these concerns by host governments, failing to address such crises are violations of human rights. For the purposes of this discussion, the Palestinian refugee crisis in Lebanon will be analyzed as a microcosm of the global issue of camp violence and lack of rights for refugees as a result of Protracted Refugee Situations. After examining the legal framework in place to protect refugees, the Palestinian refugee crisis in Lebanon will be examined, followed by recommendations regarding the duty of the state to protect refugees as a norm of international law. Whether they are signatories to the Refugee

Convention, or not, states have duties to protect refugee populations across the world from the exemption of rights and protection, that are a direct result of instability and violence exacerbated by prolonged refugee crises in camps. These conditions not only endanger refugee populations, but compromise state security, making it essential for a paradigm shift in international refugee protection that recognizes the necessity of addressing PRS as areas of concern for human rights and security. Furthermore, it is essential to shift perspectives on the purpose of the refugee camp from an emergency holding block for an indeterminate amount of time, to a transitory space used to facilitate durable solutions for refugee populations.

## Challenges to Refugee Protection

### *Definitions*

When refugee crises occur, as a result of war or political tumult, human beings become the collateral damage and many are forced to flee. People may become displaced within their own countries, making them internally displaced persons (IDPs), or they may flee the country entirely, making them refugees, according to the United Nations High Commissioner for Refugees (UNHCR), Regional Office for Australia, New Zealand, Papua New Guinea and the South Pacific (2010). The legal definition, which is the definition that will be used by the term “refugee,” throughout this thesis, was clearly defined in the Refugee Convention. Given the history and importance of the Refugee Convention in the realm of refugee protection, it is necessary to have a clear definition of what it means to be a refugee and the protections that status offers. Article 1 (A) 2 defines a refugee as a person who: “[O]wing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (UNHCR 2007a, 16). By the Refugee Convention’s definition, there are five criteria by which a refugee may make a claim of a well-founded fear of persecution: race, religion, nationality,

membership of a particular social group, and political opinion. A refugee need only make a valid claim of one form of persecution to be considered for refugee status, not all five.

Various political, economic, or cultural factors may cause individuals to flee. Refugees typically find themselves in a country of refuge, via temporary protection in a second country, or host country. It is also referred to as the “country of first asylum,” which the International Catholic Migration Commission (ICMC) defines as: “A country in which an asylum-seeker has been granted international protection as an asylum-seeker or a refugee” (ICMC 2001). Refugees may also seek a more durable solution of permanent resettlement in a third country of asylum, but must wait in the host country for months or years before they can be permanently resettled, says the Human Rights Education Associates (HREA 2002). Unfortunately, as a result of these extended waiting periods, there are many issues that can exacerbate tensions of the conflict in ways that jeopardize a refugee’s protected status or safety.

### *Key Challenges*

One of the key concerns that can put refugees’ protection at risk are Protracted Refugee Situations, which will be a major barrier to refugee protection discussed throughout this thesis. As described in the *World Refugee Survey*, in an article entitled, “Warehousing Refugees: A Denial of Rights, a Waste of Humanity,” “Warehousing is the practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency – their lives



on indefinite hold – in violation of their basic rights under the [Refugee Convention]” (USCRI 2004, 38). The UNHCR Global Consultations on International Protection assert that: “A protracted refugee situation is one where, over time, there has been considerable changes in refugees’ needs, which neither UNHCR nor the host country have been able to address in a meaningful manner, thus leaving refugees in a state of material dependency and often without adequate access to basic rights (e.g. employment, freedom of movement and education) even after many years spent in the host country” (USCRI 2004, 38). PRS are barriers to refugee protection because they detract from the human rights owed to refugees living in them. Refugees are not only deprived of rights in these situations, but they are put at risk as a result of the instability these situations create.

What happens when the refugee camp in the host country is no longer safe? What can host countries do to protect civilians, and what causes these circumstances? It is critical to explore the reasons behind the potentially destabilizing influence of influxes of refugees in a host country, as well as the host country’s duty to protect refugee populations under international law. Another major factor to consider is whether or not a country is a willful host to refugee influxes and a signatory to the Refugee Convention, or a non-voluntary actor in a humanitarian crisis that cannot sustain the increased population. Although a variety of factors may lead to refugee populations, causing political tensions in a host country, it is the duty of the host country to protect those who

have a well-founded fear of return to their original homes, and to address the political, economic, or other factors that lead to instability in refugee camps, so that those camps are made safe for civilians and protected, as required by international law.

### *Internal and External Factors*

There are many contributing factors to political instability in host countries as a result of an influx of refugees – some emanating from within the camp, and some penetrating the camp. Being that host countries and the international community have a duty to protect refugees and to ensure the neutrality of the refugee camp, (UNHCR 1999) it is essentially a failure by the state, or an external factor that can lead to violence when the state fails to keep exiled combatants, war criminals, or militants, who do not qualify as refugees, out of the camp. Another external factor is when the state does not want the refugee population to integrate with the society of the host country, as is the case with Palestinian refugees in Lebanon, which leads to increased marginalization of the refugee population and a denial of their rights. When the political tensions come from the host country itself, as a result of political opinions on the conflict itself, or as a result of societal attitudes, then it is a detrimental failure on the part of the state.

Then there are the internal factors in which the political instability comes from within the camp itself. It is not uncommonly the case that while in exile, refugees will develop particular political attitudes or opinions as a result of their

forced migration and subsequent captivity, as is frequently the case in PRS. PRS entails extended periods of restricted movement and a complete dependency on the government or aid agencies, meaning that for refugees, their lives have not only been changed by conflict, persecution, and death, but then their entire livelihoods and ways of life are uprooted by camp life. Some refugees may attempt to influence the political situation in their home country from within the camp by mobilizing armed groups or by spreading political rhetoric intended to motivate others to action. As a result, the refugee camp becomes a hotbed for political, often violent, action sparked by those who were involved in the conflict that caused them to flee, or who were constituents of one of the factions or opposition groups. Such an uprising from the camp can spill over and influence the politics of the host country, particularly when the host country is involved in the conflict or has political or diplomatic relations with the country of origin of the refugee population (Ek and Karadawi 1991). In a situation such as this, the host country, and more specifically the refugee camp, can become a platform for political activities for exiled groups or opposition groups to launch attacks on the country of origin. Whether or not the host country steps in is only a matter of whether the host country supports these political movements or wants to stifle them. In the case of the former, refugees are at risk of being used as tools by the host country to make political or strategic gains on the country of origin of the refugee population. Regardless, as a humanitarian space of sanctuary and

protection, refugees should never be used for political ends, and violence of any kind must be kept out of the camps as an obligation of protection.

Political violence, upheaval, and rebellion are all potentially negative consequences that may arise out of a refugee camp, as a result of either internal (from the refugees in the camp itself) or external (the host country and its politics) factors that may lead to further or continued instability. These issues will be looked at critically, and will be examined to determine the causes for these dynamics, as well as the duties of the state under international law, particularly when the host state is actively involved in the conflict, politically or militarily. The key illustration of this scenario that will be used as a focus for the discussion will be the Nahr al-Bared Palestinian refugee camp in northern Lebanon. Nahr al-Bared depicts a climate of contradictory images of tumult and refuge; safety and danger; violence and peace, when the refugee camp becomes a source of conflict.

A Legal Framework for the Problem: the Status of Refugees in International Law  
*The Refugee Convention*

In order to accurately contextualize the problems and implications of Protracted Refugee Situations, and how the law relates to Lebanon's obligations to Palestinian refugees in its territory, it is necessary to have an understanding of refugee law. Outlining a legal framework is essential to understanding the rights of refugees and the obligations of the state in receiving refugees in humanitarian crises. The most important source of humanitarian and international law, particularly refugee law, emanates from the international community, namely, the United Nations (UN). A crucial body of law pertaining to refugees is the Refugee Convention. The Refugee Convention was adopted and opened for signature on July 28<sup>th</sup>, 1951, but was not entered into force until April 22, 1954 (UNHCR 2007b, 4). Work on the legislation to protect refugees began in the early 20<sup>th</sup> century through the efforts of the League of Nations, prior to the establishment of the UN. At a UN conference, the Refugee Convention was signed in which the definition of a refugee was decided upon, as well as the type of legal protection that would be granted to refugees. In addition, state parties decided which social rights and assistance would be guaranteed by states that became signatories to the Refugee Convention. Interestingly, the Refugee Convention also outlines the obligations of the refugee to the host country (UNHCR 2007b, 4). About six months earlier, on January 1, 1951, the United Nations High Commissioner for Refugees (UNHCR) was established. The Refugee Convention was originally

authored to protect refugees throughout Europe after the devastation of World War II (UNHCR 2007b, 5). However, with the 1967 Protocol, hereafter referred to as “the Protocol,” the protection of the Refugee Convention was extended to remove geographical and temporal restrictions (UNHCR 2010a). As a result, 147 states have acceded to the Refugee Convention and/or the Protocol, as of January 1, 2008. Yet, as the UN itself has pointed out, the relevance of the Refugee Convention has been called into question at times, due to the increased number of people who have migrated globally (UNHCR 2007b, 5). Even so, the Refugee Convention has remained the primary source of refugee law that has served to protect refugees for decades.

There are several critical aspects of the Refugee Convention deserving of attention and international adherence. One such aspect is Article 2 of the Refugee Convention, which outlines “General Obligations.” Namely, every refugee must conform to the laws and regulations of the country where he has found refuge, and respect measures put in place to maintain public order (UNHCR 2007a, 18). This is an important article of the Refugee Convention, as it associates refugee protection with particular duties of those receiving protection, namely, the refugees themselves. That is to say that while the state has an obligation to give safe-haven to refugees in its territory as a country of first asylum, refugees must also respect the state in recognizing that their status there is temporary until a durable solution is found, and that they must adhere to the laws of the host governments. This also means that refugees are not at liberty to incite violence or

mobilize politically, if that will disrupt public order, to try to influence their home country's situation while in the territory of the host government.

Another important principle of refugee protection is addressed in Article 33 of the Refugee Convention on the "Prohibition of Expulsion or Return (*Refoulement*)," which is a foundational concept of refugee protection. Article 33 states: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (UNHCR 2007a, 32). The principle of *non-refoulement* is a crucial concept in refugee law because it applies to signatories of the Refugee Convention as well as non-contracting states. In other words, a party to the Refugee Convention is legally bound to its provisions, as it is an international treaty. This also means that countries that are not parties to the Refugee Convention are also bound by the principle of *non-refoulement*, so if a refugee enters a country that has not signed the Refugee Convention, by international law, that country cannot deport or forcibly return the refugee to his country of nationality or habitual residence because of the principle of *non-refoulement*. *Non-refoulement* is generally considered to be a part of a customary body of law regarding refugee protection.

It is also important to note that a refugee cannot be reprimanded in a country of refuge if the refugee took flight and entered the country without proper documentation. Article 31 states: "The Contracting States shall not impose

penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article I, enter or are present in their territory without authorization...” (UNHCR 2007a, 31). On that same line of protection, the UNHCR recognizes *prima facie* refugees. While asylum-seekers must have their claims of well-founded fear evaluated, because they are based on individual persecution, refugees typically flee in mass movements as a result of armed conflict or violence. Given the lack of capacity of most countries to individually assess asylum claims during this mass exodus, and taking into consideration that circumstances of armed conflict and violence are usually evident, large groups would be considered *prima facie* refugees without having been evaluated on the grounds of any asylum claims. It is important to keep in mind that asylees are refugees, but they must have their claims evaluated, as opposed to refugees who flee a conflict or humanitarian crisis that is apparent, and therefore, does not need to be substantiated through individual interviews until they are processed for recommendation for resettlement or another durable solution by the UNHCR (UNHCR 2010b). According to the ICMC, this is also known as “group determination of refugee status,” which they have defined as: “A practice by which all persons forming part of a large-scale influx are regarded as refugees on a *prima facie* basis. Group determination ensures that protection and assistance needs are met without prior individual status determination” (ICMC 2001). The safeguards put in place by Article 31 of the Refugee Convention, as well as the *prima facie* determination of



refugee status, protect refugees from *refoulement*, which is a central concern in terms of preserving the lives and liberties of refugees in harm's way.

While non-contracting states are still bound by international law to protect refugees, through the principle of *non-refoulement*, parties to the Refugee Convention have additional obligations to fulfill. In host countries that are signatories to the Refugee Convention, refugees have many rights that a refugee would not likely find in a country that was not a signatory to the treaty. Specifically, refugees in contracting states have rights such as freedom of religion, freedom of movement, the right to employment, education, and travel documents. In return, refugees are expected to uphold their end of the treaty obligations by respecting the laws and regulations of the host country and by cooperating with keeping the peace and public order (UNHCR 2007b, 7).

The obligations placed on state signatories are all-encompassing of “protection,” in the international legal sense. The UNHCR states that protection includes the following:

“A properly functioning government provides its citizens with a range of civil, political, economic, cultural and social rights and services including, for example, protection by the police, legislation and courts from crime and persecution. If that system of ‘national protection’ breaks down – either because the country is at war or is suffering from serious unrest, or because the government itself is persecuting certain categories of citizens – then people may flee to another country. Those among them who

qualify as refugees are then entitled to receive ‘international protection’”

(UNHCR 2007b, 8).

According to the UNHCR, it is the host government *and* the 147 signatories to the Refugee Convention that protect refugees, (UNHCR 2007b, 8) implying that non-contracting states are also responsible for protecting refugees if they become hosts, voluntarily or involuntarily, to refugee populations. If, however, a population is not being protected within the country of origin, then there is justification to flee, which further qualifies the population as refugees worthy of international protection. Per the ICMC, the international protection of refugees is carried out through “[i]nterventions by States or UNHCR on behalf of asylum-seekers and refugees to ensure that their rights, security and welfare are recognised [*sic*] and safeguarded in accordance with international standards. Such interventions include: ensuring respect for the principle of *non-refoulement*; admission to safety; access to fair procedures for the determination of refugee status; humane *standards of treatment*; and the implementation of *durable solutions*. UNHCR is the only United Nations agency with a mandate for the protection of refugees” (ICMC 2001). The elements that comprise international protection are obligatory to the international community, as dictated by customary international humanitarian law.

#### *Customary International Humanitarian Law*

The ICMC defines customary international laws as “International laws that derive their authority from the constant and consistent practice of States,

rather than from formal expression in a *treaty* or legal text. In order for State practice to contribute to the formation of *customary international law*, that practice should be conducted with a sense of legal obligation” (ICMC 2001). According to Rule 131 of the International Committee of the Red Cross’s (ICRC), *Customary International Humanitarian Law, Volume I: Rules*, “In case of displacement, all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated” (Henckaerts and Doswald-Beck 2005, 463). What this means is that non-contracting states also have a duty under customary humanitarian law to provide a certain standard of treatment of refugees, even if they have not subscribed to the Refugee Convention, which has provisions for respect for refugees’ civil, political, economic, cultural and social rights.

#### *Durable Solutions*

Finally, protection must involve one of three durable solutions for refugees, advocated for by the UNHCR: voluntary repatriation, local integration and resettlement. Voluntary repatriation is when a refugee voluntarily returns to her country of origin either through the concerned governments or the UNHCR, or through her own means because she feels safe enough to return (ICMC 2001). Local integration occurs when a refugee finds permanent settlement in a country of first asylum, (where he has been granted international protection as an asylum-seeker or refugee) (ICMC 2001). Lastly, resettlement in a third country is a

durable solution which is “The transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them. The refugees will usually be granted *asylum* or some other form of long-term resident rights and, in many cases, will have the opportunity to become naturalised [*sic*] citizens. For this reason, *resettlement* is a durable solution as well as a tool for the protection of refugees” (ICMC 2001). These durable solutions are essential to refugee protection, particularly when refugees find only temporary protection in a state, which is “An arrangement or device developed by States to offer protection of a temporary nature to persons arriving en masse from situations of conflict or generalised [*sic*] violence, without prior individual status determination.

*Temporary protection* was applied in some Western European States for the protection of persons fleeing the conflict in the former Yugoslavia in the early 1990s” (ICMC 2001). Notable, however, is that nowhere is it permitted to maintain Protracted Refugee Situations as a solution to refugee crises. PRS are indefinite, and result in conditions that deny rights to refugees, making those situations unacceptable for meeting international customary and legal standards of refugee protection. Granted, countries of first asylum may only agree to temporarily protect refugees until they are resettled or voluntarily return home, and yet, the indefinite nature of refugee crises that are the result of conflict, makes it legally and morally contestable for states to deny refugees of their rights, including durable solutions. At a minimum, host countries must make efforts to

offer local integration as a solution, at least until third country resettlement or voluntary repatriation become viable options.

In looking at the legal frameworks in place to ensure refugee protection, through customary international humanitarian law and international treaties via the United Nations, it is clear that there are many remedies in place for refugees and asylees. Some states that are not signatories to the Refugee Convention do not comply with customary humanitarian law in instances where refugees are turned away or are not provided for adequately. In these instances, states are not always adherent to their obligations due to various internal and external factors. One such case is Lebanon, with regard to Palestinian refugees in its territory; however, as can be demonstrated by scholars in the area of refugee protection, there are many idiosyncrasies and far-reaching issues that can affect the application of refugee protection.

## Perspectives on Protracted Refugee Crises and Security: A Review of Current Literature

### *Protracted Refugee Situations*

Two prolific scholars in the field of strategic studies, which deals with the issue of PRS, and their implications on security and stability, are Gil Loescher and James H. S. Milner. Together, Loescher and Milner have written *Protracted Refugee Situations: domestic and international security implications* (2005), and led workshops on the issue at a conference at St. Antony's College at the University of Oxford, entitled, "The Politics, Human Rights and Security Implications of Protracted Refugee Situations." The workshops, which were hosted by the Alchemy Foundation and the United Nations University, were intended to bring together experts and scholars in the field by producing thematic papers and case studies to become an edited volume and policy briefing paper to impact state policy and intergovernmental organizations on the issue of PRS (Betts 2006). Both Loescher and Milner suggest that the UNHCR's definition of PRS is flawed. The UNCHR regards a refugee situation as protracted if it involves 25,000 or more refugees who have been exiled for an upwards of five years. Loescher and Milner argue that a standard definition, such as the one set out by the UNHCR is detrimental in that it leaves out factors such as "the small residual populations that often remain after repatriation, those outside UNHCR's mandate, or changes that arise due to repeat migration" (Betts 2006, 510). For these reasons, it is far better to open up the definition of PRS to evaluative

analysis of each crisis after humanitarian responses have been ongoing, so as to not misidentify certain situations as PRS, or to leave out situations which truly are PRS, but are not considered as such due to a narrow definition by the UNHCR. It is also important to look at whether a situation is truly a PRS, on criteria focused on other factors besides the number of years that the crisis has been going on, and the number of refugees it involves, as these can be misleading. For example, if a host country is granting protection to refugees as a result of an ongoing conflict which has kept the refugee population in the camp for years on end, then this could arguably be considered a PRS. However, if it is the case, as with Palestinian refugees, that the active conflict that brought on the refugee crisis has ceased, and in the process the refugees have become stateless, then this could also be referred to as a protracted refugee population, as Betts explains (Betts 2006, 510). These differences are important, because they impact the international community's categorization of the problem, and therefore, the response. On the issue of PRS and security, Loescher and Milner relay that more empirical research is needed in order to establish causal relationships between PRS and security in order to identify "opportunities and constraints to use issue-linkage to mobilize states to contribute to solutions" (Betts 2006, 510). This point is certainly true, as it will be essential to provide research and evidence of the link between the absence of human rights and instability in host states, where PRS are occurring, if states are to ever change their policies in favor of refugee protection and human rights.

If more research is needed to make a strong case for the importance of PRS and security for host countries, it is necessary to delve into the problem.

*Protracted refugee situations: Political, human rights and security implications*, edited by Gil Loescher, James Milner, Edward Newman and Gary Troeller, offers extensive insight into the problem of PRS itself. Loeschcer, et al. write that since the early 1990s, “the international community’s engagement with refugees has focused largely on mass influx situations and refugee emergencies, delivering humanitarian assistance to refugees and war-affected populations, and encouraging large-scale repatriation programmes [*sic*] in high-profile regions” (Loescher, et al. 2008, 3). However, the current global refugee situation is that two-thirds of refugees are not in emergency situations, but PRS. Despite the fact that there are fewer refugees in the world right now, overall, as compared to years prior, there are comparatively higher numbers of PRS (more than thirty, at present). Not surprisingly, these situations are occurring in some of the poorest and most unstable countries in the world (Loescher, et al. 2008). Central to the issue, as Loescher et al. point out, is that: “Refugees trapped in these situations often face significant restrictions on a wide range of rights, while the continuation of these chronic refugee problems frequently gives rise to a number of political and security concerns for host states and states in the region. In this way, protracted refugee situations represent a significant challenge to both human rights and security and, in turn, pose a challenge to refugee and security studies” (Loescher, et al. 2008,3-4). This point is critical because it highlights the need for



a closer look at PRS because of their implications for host countries, regional stability, and human rights. Even given their potential for exacerbating political problems and cross-border tensions in conflict, the issue of PRS has not reached the international political agenda, and yet, it should. The UNHCR has been the primary entity dealing with the issue of PRS in camps, by providing services to exiled populations and addressing the negative implications of indefinite camp life, but that does not constitute a durable solution, argue Loescher, et al. They continue, “Such a response also fails to address the security implications associated with prolonged exile, with the potential consequence of undermining stability in the regions where PRS are found and peace-building efforts in the countries of origin” (Loescher, et al. 2008,4).

Loescher, et al. attribute root causes to PRS, citing them as symptoms of conflict and persecution. The push factors of armed conflict, violence, and state failure force large groups of the population to flee the country and cross the border into the territory of another country to seek refuge. Such situations are inherently difficult to stabilize, and often, ceasefires and peace agreements are unsuccessful or break down, making progress slow and casualties frequent. Unfortunately, as a consequence of war, the country of origin may fail or topple completely, making peace-building even more challenging and the implementation of agreements or responses, humanitarian or otherwise, difficult, if existent at all. “Progress is often incremental,” write Loescher, et al., “in some cases spanning decades. Many peace processes become [...] protracted: lengthy

and circular negotiations in which concessions are rare, and even if fragile agreements have been reached, they have stumbled at the implementation phase” (Loescher, et al. 2008,4). They continue, “Protracted refugee situations are therefore indicative of broader challenges regarding civil war and peacebuilding” (Loescher, et al. 2008,4). This is the climate in which refugees who face PRS live. Time spent in camps can be indeterminate, and warring countries – the country of origin and a second actor, a legitimate government or non-state actor – settle their differences, or at least try to go back to the status quo, prior to the outbreak of armed conflict. In the midst of this months-long, years-long, or in some cases, decades-long process, refugees who can only seek refuge in camps because their second country of asylum will not allow them to locally integrate (which eliminates that option for a durable solution), must wait in the camps for one of two durable solutions left – this is, to wait for the conflict in their homelands to subside, making it safe for them to return voluntarily, or to be resettled in a third country at the recommendation of the UNHCR. If neither of these are viable solutions for a particular refugee population, then the international community has a Protracted Refugee Situation to contend with.

Aside from the inherent volatility of Protracted Refugee Situations, as symptoms of war and conflict, PRS are often the result of societal inhibitions that become the policy of governments to prevent local integration, therefore exacerbating the crisis and the risk of increased violence. Specifically, states and societies often view influxes of refugee populations as sources of instability, even

if the majority of the population consists of civilians. Refugees might be perceived as a strain on the economy, especially if the host country's economy is already struggling, and they may be seen as threats to the national identity and social cohesion (Loescher, et al. 2008). Loescher, et al. refer to this as the "pathologies inherent in attitudes towards asylum in policy circles, in both the developed and developing worlds" (Loescher, et al. 2008,4). Unfortunately, Loescher, et al.'s assertion would also imply that economic claims are less to blame for negative attitudes towards asylum policy than xenophobia, as developed and developing countries have both been cited for harsh refugee and asylum policies. Loescher, et al. elaborate on the issue of the inherent pathologies as they write:

"Protracted refugee situations stretch the original assumptions which underpinned the international legal regime on refugee protection. They are also indicative of the marginalization of refugee communities in policy circles and, above all, the reluctance on the part of governments to undertake serious remedial action, especially if that might include local integration. Protracted refugees situations are, therefore, the most acute test of refugee and asylum policy, and one that is indicative of broader challenges in this field" (Loescher, et al. 2008,5).

The assertion made by Loescher, et al. is a crucial one on the issue of PRS, as it demonstrates the multifaceted dimensions of the problem for refugees in those situations. Not only are they essentially living in limbo as political tokens while

negotiations are hashed out by their governments, but they are also shunned by the society and the state in which they have sought refuge. This formula puts the refugees in a difficult position as they are unable to return home out of fear of persecution, and are unable to start their lives through local integration, leaving them without a durable solution or future prospects for life outside of the refugee camp.

### *PRS and Security*

Despite the humanitarian arguments for addressing PRS, the aspect of state sovereignty and security is an enormous issue to contend with in terms of garnering international support. Loescher, et al. write that “Conventional policy analysis and scholarship in the area of national and international security privilege the defence [*sic*] of territory and the state against external military threats. These external military threats are generally embodied in adversarial states. According to this, forced human displacement is a *consequence* of armed conflict, to be approached as an essentially secondary (humanitarian) challenge. However, there is ample evidence that protracted refugee situations are a source – as well as a consequence – of instability and conflict” (Loescher, et al. 2008,5). The authors assert that PRS are often the driving forces of instability and insurgency, citing the conflicts in Rwanda and the Democratic Republic of the Congo as instances in which PRS were the “principal source or catalyst for conflict, rather than a mere consequence” (Loescher, et al. 2008,5). The reasons for this are that combatants and militants are drawn to these displaced communities because they are easy for

them to exploit, especially aimless refugees with grievances, such as the young men. Exiled, disenfranchised, and disempowered, these men are used “to build fighting forces or, on very rare occasions, groups prepared to engage in terrorism” (Loescher, et al. 2008,5). These stated facts should serve to motivate states to engage in policy making on the alleviation of suffering and the existence of PRS. In addition, PRS have a potentially adversarial affect on policy outcomes since sovereign states in the international community value, albeit rightly, their right to protect their nations from armed attacks. For some countries, particularly those involved in ongoing conflicts, refugee populations are seen as threats to national security. So, while this issue makes PRS even more worthy of attention, it has the potential of detracting from the humanitarian calls to action because of their detrimental impacts on national security. “On other occasions,” they write, “conspicuous refugee communities – especially when concentrated in border regions – can upset local balances and generate local antagonism” (Loescher, et al. 2008,5). Loescher, et al. summarize the dichotomy between humanitarian and security claims and their interconnectedness by writing that, human rights should remain the “overriding rationale for generating durable solutions” to PRS. Furthermore, “The security challenges of protracted refugee situations must not form a pretext for even greater cantonment and warehousing of refugees. Nevertheless, the security implications of leaving PRS unresolved suggest that greater efforts are essential” (Loescher, et al. 2008,5).

Another comprehensive source of research on the topic of security and rights in Protracted Refugee Situations comes from a special edition of the *World Refugee Survey*, 2004, entitled, “Warehousing Refugees: A Denial of Rights, a Waste of Humanity.” As the editor of the report, Merrill Smith, noted, one of the biggest problems in addressing PRS through international interventions is that the Refugee Convention does not even reference the term “camp,” and therefore, does not address camp security and stipulations on how far a camp should be from the border of a conflict zone. The rights of refugees in camps can only be determined by implicit articles of the Refugee Convention. For example, even though the UN has made five-years of encampment a benchmark for becoming a PRS, there are various standards. Although the standards are variant, the Refugee Convention, Article 17 (2) (a) mandates states to grant refugees in their territories the same rights of employment as nationals, when refugees have spent an upwards of three years in the country of first asylum. Furthermore, Article 7 (2) dictates a three-year limit on legislative reciprocity restrictions. Aside from these two articles, there are no delays in the exercise of rights for refugees in countries of first asylum, which means that signatories of the Refugee Convention do have positive duties when it comes to refugees living in their territories for protracted periods (USCRI 2004, 38). However, as the *Survey* notes, “the key feature of warehousing is not so much the passage of time as the denial of rights” (USCRI 2004, 38). Certainly, it is true that these situations occur in some of the most volatile places in the world, which is what contributed to the refugee crisis in the

first place. The report says that PRS occur “in the most desolate and dangerous settings in harsh peripheral, insecure border areas, typically for political and military, rather than humanitarian, reasons.” It continues, quoting a UNHCR officer speaking to the issue of PRS in camps near Goma, (then-Zaire), when the officer said: “there is no doubt that refugees are better off living outside camps” (USCRI 2004, 38). There are many reasons why the UNHCR officer’s statement is true. Refugees in camps are deprived of their rights to move freely, to work, and to live satisfying lives with all of the freedoms afforded to nationals in their countries of first asylum. Worst of all, refugees living in PRS are subject to potential violence and violations of their rights, which is ironic given that they have fled from a well-founded fear of persecution, only to find the same detrimental circumstances in what should be their places of refuge.

There are various examples of refugees becoming subject to violence in refugee camps, where their rights and protection should have been guaranteed. The Kakuma camp in Kenya “is notably worse than in southern Sudan where most of the refugees originate,” asserted the *Survey* (USCRI 2004, 39). Camp life there consists of idleness and forced over-dependence of refugees on service providers. These conditions have obscured traditional gender roles in which men’s sense of livelihood and responsibility as providers has been degraded, whereas women have retained their roles, and even gained increased importance from some refugee agencies (USCRI 2004, 39). The UNHCR’s *Agenda for Protection* continued that “serious protection problems, including gender-based

violence...can result from over dependency and idleness” (USCRI 2004, 39). Female Somali refugees in Dadaab, Kenya camps reported that men who had been chewing psychoactive *khat* leaves out of boredom and frustration after long periods of confinement and inactivity, became violent against women. Further, in Uganda, Sudanese women reported being raped by fellow refugees, locals, rebels, and Ugandan soldiers. As a result of PRS, among other things, women and girls in these camps become subject to “sexual *concubinage*, including sexual abuse by aid agency employees that has come to be known as ‘assistance-related sexual exploitation’” (USCRI 2004, 39).

Another crucial issue of PRS is that the conditions for refugees breed disempowerment and a perceived lack of efficacy, which is likely to result in conflict or political violence. According to the *Survey*, “warehousing refugees aggravates their near total disempowerment. Many warehoused refugees become spectators to their own lives rather than active participants in decision-making. Authoritarian military conditions, camp confinement, and almost complete reliance on international assistance can generate pathological dependency, low self-esteem, and lack of initiative” (USCRI 2004, 42). Such conditions are catalysts for violence, particularly political or ideological violence in refugee camps. It is not infrequently the case that refugees who have been disempowered and forced to flee from their homelands, become politically embittered in the camps. Furthermore, conditions in the camps, as difficult as they are, may even lead once apolitical individuals to become active in their political views. Militias



also have a role in camp violence in taking advantage of disempowered individuals by mobilizing them to achieve their political ends. Ragnhild Ek and Ahmed Karadawi make this same linkage between refugees and instability in their article, entitled, “Implications of Refugee Flows on Political Stability in the Sudan,” from the *Refugee Survey Quarterly*. Ek and Karadawi attribute violence in refugee camps to the development of political awareness of refugees in the camps, which moves individuals to engage in political activities, and sometimes violence. The authors point to the Organization of African Unity (OAU), citing the organization’s designation of normative standards for the treatment of refugees to depoliticize their presence in a particular area. For instance, the OAS’s *Convention Governing the Specific Aspects of Refugee Problems in Africa*, Article 3, entitled “Prohibition of Subversive Activities,” recognizes that:

“1. Every refugee has duties to the country in which he finds himself, which require in particular that he conforms with its laws and regulations as well as with measures taken for the maintenance of public order. He shall also abstain from any subversive activities against any Member State of the OAU.

2. Signatory States undertake to prohibit refugees residing in their respective territories from attacking any State Member of the OAU, by any activity likely to cause tension between Member States, and in particular by use of arms, through the press, or by radio” (Organization of African Unity 1969, Art. 3).

The authors argue that normative standards such as these are based on the assumption that refugees in exile “often appear to develop their political awareness and engage in activities which aim to influence the situation in their countries of origin” (Ek and Karadawi 1991, 196). Although, the OAU’s stance seems to imply that refugee politicization is a source of conflict, as it very well could be, it neglects to address the possibility of insurgency in refugee camps with armed groups or political factions making their way into camps to use them as bases for their activities. The sole focus on the radicalization of the refugees themselves, one might argue, is what exacerbates PRS. The reason one might argue this is because it is this fear of the politicization and militarization of the refugee population in the camps that incites states to isolate them to begin with. Unfortunately, this security-focused strategy, which infringes upon human rights, is inflammatory in that the isolation and captivity of refugees in camps could actually mobilize individuals who might otherwise have remained apolitical. Ek and Karadawi continue, “[Refugees] are either actively involved in the conflict that caused their exodus, or act as a broad constituency for political groupings challenging the territorial shape or the power structure of the state of origin. Hence, the conflict spills over to the host country as it is turned into a base for political activities, with or without the support of the host government, and as fighting continues either among the original contending parties or as factionalism among the opposition groups” (Ek and Karadawi 1991, 196). Yet, it is important not to generalize, because, although it is certainly true that refugees,

disempowered by conflict and subsequent warehousing in the camp may become moved to political violence, it is also the case that political groups and ideologues will infiltrate a camp to target the host country and use the refugee population as a base to recruit young, powerless and disgruntled individuals to achieve their political ends. The relationship between refugee camps as sources of conflict and catalysts of conflict is an interesting dynamic that is deserving of more inquiry.

The *World Refugee Survey* attempts to delve deeper into the relationship between refugee camp conditions in PRS and that of security. States, particularly in times of war or conflict, frequently make claims to security as a basis of their refugee or immigration policies. The *Survey* states, “Foreign nationals living at-large in disputed border areas may indeed pose risks, but camps can become hotbeds of political agitation as well” (USCRI 2004, 45). As Barbara Harrell-Bond states, “It is very nearly impossible to maintain the civilian character of a camp” (Harrell-Bond 2002, 19). Yet, this is one of the central principles of international humanitarian law. In the 1969 *Kassem* case, Israel’s Military Court at Ramallah recognized the immunity of civilians from direct attacks as a fundamental principle of international humanitarian law (Henckaerts and Doswald-Beck 2005, 65). Another example is the ICRC’s appeal to the Patriotic Front in 1979 during the Rhodesia-Zimbabwe conflict to “clearly separate civilian establishments, particularly refugee camps, from military installations” (Henckaerts and Doswald-Beck 2005, 134). Again, in October 1973, the ICRC appealed to Egypt, Iraq, Israel and Syria, prior to the adoption of Additional

Protocol I of the Hague Regulations, to recognize the distinction between combatants and civilians, to which the involved states responded accordingly. Under a Statute of the International Criminal Court, it was ruled that “intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities” is a war crime (Henckaerts and Doswald-Beck 2005, 65). Furthermore, asserts the ICRC, “Numerous military manuals, including those of States not, or not at the time, party to Additional Protocol I, stipulate that a distinction must be made between civilians and combatants and that it is prohibited to direct attacks against civilians” (Henckaerts and Doswald-Beck 2005, 65). These are only a few examples of norms that have been practiced with regard to civilian protection, and these make certain rules customary in international law. This *Principle of Distinction*, as it is called, constitutes rule number one in the ICRC’s volume on customary international humanitarian law: “The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians” (Henckaerts and Doswald-Beck 2005, 64). The ICRC continues, “State practice establishes this rule as a norm of customary international law applicable in both international and non-international armed conflict” (Henckaerts and Doswald-Beck 2005, 64). With regard to refugees, who are not combatants, their protection in refugee camps, which is of a civilian and humanitarian character, is a cornerstone of international humanitarian law.

As a key feature of international humanitarian law, the protection of refugees in camps, is an essential obligation of host countries, and cannot be secondary to security concerns. In particular, the *World Refugee Survey*, and others, provide substantial information as to why calls for increased security not only fail, but increase tensions for refugees in camps in PRS. It has been reported that some governments target refugee camps for cross-border incursions and hold the host countries accountable for these attacks. “Ironically,” writes the *Survey*, “if border tensions militate for any restriction on the movement of unarmed refugees, it would make more sense to let them live freely anywhere *but* in the border area” (USCRI 2004, 45). Between 1994 and 1996, Rwandan refugee camps located in Tanzania and then-Zaire, were notorious for being safe-havens for “genocide perpetrators who diverted aid to military and paramilitary personnel and intimidated residents” (USCRI 2004, 45). In the case of Sudanese refugees in Kakuma, Kenya, the Sudan People’s Liberation Army (SPLA) utilized the camps for military ends (USCRI 2004, 45). According to Jeff Crisp in “A state of insecurity: the political economy of violence in refugee-populated areas of Kenya,” “The SPLA plays an important role in the selection of community leaders and hence the administration of the camp. Kakuma provides recruits (and possibly conscripts) for the rebel forces. It acts as a safe refuge for the wives and children of men who are fighting in southern Sudan. It is visited on a regular basis by SPLA commanders” (Crisp 1999, 5; 23). It was reported that SPLA fighters actually used Ugandan refugee reception centers to rest and recreate, and

to forcibly recruit refugee men and boys, because of Uganda's perceived (and likely, factual) support of SPLA and their war against the Sudanese government (USCRI 2004, 45-46). According to *Global Security*, an organization focused on innovative approaches to the emerging security challenges of the new millennium, some have linked the Sudanese government to support of the rebel group, Lord's Resistance Army (LRA), which has been fighting the Ugandan government since 1986 (Global Security 2004). This linkage has been made as a result of Uganda's alleged support of the SPLA. Relations between Sudan and Uganda began to improve, beginning in 1999 when both countries signed an agreement to stop covertly supporting the LRA and the SPLA, respectively. Then, in February 2003, Sudan allowed Ugandan troops to enter its territory to wage attacks on the LRA (Global Security 2010). In effect, what these examples illustrate is that, Uganda, and others like it, permit the politicization of refugee camps to achieve its own political ends, while simultaneously undermining the fulfillment of its obligation to provide international protection. These are precisely the circumstances that lead to violence in camps and the debasement of rights to which refugees are entitled.

As has been illustrated, restrictive policies towards refugees living in camps are not only destructive in terms of a state's national security, but are also detrimental to human rights and can even aggravate problems that are already present, prior to state involvement or covert political or military strategic involvement. "Not only do camps often not solve security problems," reports the

*World Refugee Survey*, “they can aggravate existing problems and create new ones” (USCRI 2004, 46). Karen Jacobsen writes in “The forgotten solution: local integration for refugees in developing countries,” a UNHCR Working Paper that “In addition to the military problem like raids or direct attacks experienced by camps, their culture and organization make for a climate of violence and intimidation. ... The presence of weapons increases the combustibility of the situation in and around the camps, as does the problem of bored and frustrated young men. These are ingredients for crime and violence, the rise of political and ethnic factions, and the increased likelihood of recruitment into militias or organized crime” (Jacobsen 2001, 13). Jacobsen’s analysis is comprehensive of the multitudinous issues that make refugee camps volatile. The very nature of camps, or the culture, as Jacobsen calls it, is centered upon and created around conflict. Refugee camps are tangible products of war and conflict in the same way that killed and injured civilians are, in that they are all the collateral damage caused by war. Whereas an injured or killed civilian has a diagnosis and a prognosis, there is no definite end or solution for refugees living in PRS. As a result, refugees find ways to mobilize themselves, or if they do not, outside state or non-state actors find ways to use the camp as a platform for political and military gain.

For these reasons, many scholars and practitioners agree that dismantling camps can enhance the rights and security of refugees (USCRI 2004, 46). Refugee camps that are host to PRS breed immobility, dependency and

disempowerment. These factors, combined with a lack of legitimacy of camp administration, either by international organizations or a foreign government to the refugees living in them, leads to upheaval and ultimately danger for those that need protection the most. Richard Black, in “Putting refugees in camps,” asserts that “the difference is striking between frequent noncompliance with agency generated rules, which are seen by refugees as lacking legitimacy, and general noncompliance with rules established by local custom, tradition, or edict” (Black 1998, 7). “Thus,” offers the *World Refugee Survey* report, “it may be more effective to strengthen local law enforcement capacity than to impose a foreign, military-style camp regime, but instead of using such aid as an incentive to *nonwarehousing* alternatives, donors have directed assistance to increased police enforcement of the camps themselves” (USCRI 2004, 46). This is a viable argument in which to move forward with the issue of PRS because it emphasizes security and protection within the camp to ensure that host countries meet their obligations to protect within the camp. Although it seems that it only addresses a symptom of a much larger problem, which is the issue of warehousing refugees to begin with, as opposed to locally integrating them into the host country, or the issue of the politicization of refugee situations by host countries. Aside from the utter elimination of war and conflict that cause refugee crises (which is ideal, although highly unlikely), the best option for refugees as determined through international law, is that of a durable solution. Tom Kuhlman, author of “Responding to protracted refugee situations: A case study of Liberian refugees in



Cote d'Ivoire,” and “Burden or boon: A Study of Eritrean Refugees in Sudan,” says it best when he asserts that a paradigm shift is crucial to alleviating PRS and the warehousing of refugees which is that host countries should prepare for PRS rather than short-lived crises. Kuhlman writes, “[I]t is better to plan for a protracted refugee situation than for a short-lived crisis. Only if during the first year it already appears abundantly evident that the refugees will soon be able to return home can programmes [*sic*] aimed at local integration be abandoned. In most cases they will not yet have begun implementation during that time” (USCRI 2004, 47). That is to say, that to adequately provide protection to refugees, it is advised to act in ways that would assume that the refugee crisis will be long-term so as to work towards durable solutions of local integration or resettlement in a third country. A host state cannot cease to work towards durable solutions until it is quite obvious that the conflict in the refugees’ country of origin is safe enough for them to voluntarily repatriate, which is also a durable solution.

In the case of Palestinian refugees around the Middle East, which is “the largest and longest-warehoused refugee population in the world,” it is a perfect example of why Kuhlman’s proposed paradigm shift is essential (USCRI 2004, 47). Most thought that the Palestinian refugee crisis would not last long, yet, more than sixty years and \$16.5 billion spent by UNRWA later, (USCRI 2004, 47) the crisis continues, and arguably grows worse each year, as the population expands and the economic and health conditions in the Palestinian refugee camps

continue to be subpar in terms of the quality of life. It is for these reasons that, as Kuhlman would suggest, it is necessary to address the Palestinian refugee crisis as a long-term crisis in need of durable solutions to put an end to the crisis, rather than a temporary crisis that will solve itself with the passage of time.

### *Human Security*

An emerging field that argues for the protection of individuals, known as “human security” is an important paradigm that can be utilized to make an argument for the protection of refugees, regardless of which country one finds himself after fleeing armed conflict. Human security has been broadly defined as providing security for people, rather than just states, which includes basic freedoms and basic human needs. Human security also challenges the primacy of state sovereignty as a legitimate entity if it cannot provide security to its citizens. There are many approaches to human security, but the most applicable to refugee issues is a more narrow approach which “considers the ‘human consequences of armed conflict and dangers posed to civilians by repressive governments and situations of state failure.’” The concept of human security is derived from the notion that post-Cold War conflict is no longer between states, but rather, can emanate from political factions, competing ethnic groups, or ideologues. After the Cold War, traditional security concerns were replaced by a new dimension on the academic study of war that focused on “new security challenges associated with the decline of centralized state institutions and the dissolution of federal states. In response, the focus of Strategic Studies broadened to include internal as

well as international armed conflict” (Lambert and Farrell 2010). This marked shift is important to refugee law, as it recognizes the increased occurrences of cross-border conflict, and the resulting refugee crises that are the result.

Consequently, it is not surprising that refugee camps have the potential of becoming safe-havens for violent groups.

### *The “State of Exception”*

Several scholars have written very interesting pieces on the physical space of the refugee camp itself and the juxtaposition between its role as a safe-haven and place of refuge, and its simultaneous power to exercise mastery over the population that inhabits it. Many have called the refugee camps places of lawlessness, lacking in rights, encircling the communities that live there. To illustrate these points, a number of scholars have applied Giorgio Agamben’s conception of the camp as being in a “state of exception” to their work.

Agamben’s “state of exception” refers to a state of lawlessness in which calls for security and states of emergency justify the use of unadulterated control of the masses, in this case, the refugees in the camp, regardless of law and order. In this regard, the refugee camp is a politicized space, argues Romola Sanyal, in a piece from the *Urban Studies Journal* entitled, “Squatting in Camps: Building and Insurgency in Space of Refuge.” Sanyal references Richard Black who asserts that host nations frequently put refugees into camps, not for the purposes of ensuring the delivery of humanitarian aid and services, but to avoid cross-border conflict, and the “use of their territory by militant groups linked to refugees for

attacks on neighboring states” (Sanyal 2010, 3). NGOs have reported the use of refugee camps as training grounds for militias and cross-border attacks on states that are perceived as being the culprits of their displacement. Thus, there is a dichotomy between the refugee camp as a humanitarian space or refuge; protecting the voiceless, the marginalized, the exiled, while simultaneously serving as a voice in and of itself for the exiled to exert their political existence and assert their identity, nationalistically, ethnically, politically or otherwise.

Others have referenced similar notions of the “state of exception,” that highlight the lack of rule of law within the camps as a reflection of poor, or the absence of, governance. Although, Lebanon is regarded as a sovereign nation, scholars such as Sari Hanafi and Taylor Long view the refugee camps in Lebanon as “exceptional,” or existing in a state of exception. Hanafi and Taylor explain: “In spite of Lebanese claims to the contrary, Lebanese law, for all practical purposes, in that it is only rarely and arbitrarily enforced, has been suspended within the confines of the camp. In this sense, the camps have become ‘spaces of exception’” (Hanafi and Long 2010, 147). Turning to Agamben, they insert: refugees in Lebanese camps live in a “‘zone of indistinction between outside and inside, exception and rule, licit and illicit, in which the very concepts of subjective right and juridical protection no longer make any sense’” (Hanafi and Long 2010, 147). As Hanafi and Long rightly point out, Agamben’s state of exception primarily refers to the suspension of law by a sovereign state, typically in the name of national security or defense. In the context of Agamben’s work, refugees

are then a voiceless collective living in a state of “bare life.” Bare life can best be described in terms of “homo sacer,” a man who, in Roman law, has been banned and stripped of all rights, and can be killed by anyone, but not sacrificed to the gods. Homo sacer has no significance to the sovereign powers, politically or otherwise, and thus, he exists only biologically, or lives in “bare life.” Hanafi and Long apply Agamben to Palestinian refugees in Lebanon, stating: “The Palestinian refugee in Lebanon, for example, lives on the margins of the law and therefore has no say in its drafting or application. The Palestinian has no voice in the legal formulation of his or her status and no say in either the Lebanese or Palestinian political processes which affect him or her. The Lebanese state has refused to take responsibility for the refugees and has relegated the management of their lives to UNRWA, which has the mandate only to provide them with bare life” (Hanafi and Long 2010, 148). Given the lack of rights afforded to Palestinian refugees, or any refugees for that matter, in Lebanon, it is easy to see why many scholars have utilized Agamben’s work on the state of exception to draw out commonalities between bare life, as he calls it, and the camp life for refugees in Lebanon, particularly Palestinian refugees.

Palestinian refugees in Lebanon are, in effect, limited to “bare life,” as scholars of Agamben have called it. Palestinians are given few economic rights, live in poverty with a large portion being considered hardship cases by UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East), and have limited movement, limited access to education and health care,

and of course, lack many rights and freedoms that Lebanese citizens enjoy from the sovereign power. From this perspective, and others, nationalist movements, as well as political and religious movements coming from within the camp can be seen as attempts by Palestinians to exert political influence, to establish an identity, and to illustrate a level of agency over their own well-being before the sovereign and to exercise some measure of life outside of the states of exception.

## The Palestinian Refugee Crisis in Lebanon: the Absence of Human Rights and Stability

The primary example of the connection between the absence of human rights and instability, which will be used as the focus of this paper, is the Palestinian refugee crisis in Lebanon. The Palestinian refugees are somewhat of a unique case – a group of people who have been in legal and political limbo for decades, with no imminent remedy in place. Taking a simple glance at the literature on Palestinian refugees reveals the frustration; the issue has been referred to as the “Palestinian problem” countless times. Despite the expansive legal protections intended by the effect of the Refugee Convention and the subsequent expansions of the 1967 Convention, neither convention addresses the enigma that has become of the decades-long Palestinian refugee crisis. Given the protracted refugee crisis of the Palestinians and the circumstances surrounding the population’s exile, there are distinctive protections and limitations that apply to the Palestinians that impact a host country’s duties and obligations to the refugee population.

### *Protection of Refugees through UNRWA*

Central to the international community’s and Lebanon’s relationship to Palestinian refugees is, once again, the Refugee Convention. However, the Refugee Convention is not important to the status of Palestinian refugees on the basis of what it protects, but rather, on the basis of what it does not protect. Although reading the Refugee Convention may lead one to believe that it is an

overarching, all-encompassing, cornerstone document of refugee protection, and some may argue that it is, it is astounding that it is essentially a document of exclusion, rather than protection, when it comes to Palestinian refugees. The reason for that exclusion emanates from a UN mandate which created the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA / الأونروا). UNRWA was established after the 1948 Arab-Israeli conflict by United Nations General Assembly resolution 302 (IV) on December 8, 1949 to give direct assistance and deliver programs to Palestinian refugees. The agency began its work on May 1, 1950, but remains in operation today because of the circumstances surrounding the continued Arab-Israeli conflict. “In the absence of a solution to the Palestinian refugee problem,” the Agency writes on its website, “the General Assembly has repeatedly renewed UNRWA’s mandate, most recently extending it until June 30, 2011” (UNRWA 2010). Today, UNRWA “provides assistance, protection and advocacy for some 4.7 million registered Palestinian refugees in the Middle East. The Agency’s services encompass education, health care, relief, camp infrastructure and improvement, community support, microfinance and emergency response, including in times of armed conflict” (UNRWA 2010b) Since May 1950, when the Agency began its work, the UN has renewed UNRWA’s mandate consistently, as a result of the continued refugee crisis among Palestinians. UNRWA’s current mandate remains in effect until June 30<sup>th</sup>, 2011. The Agency has field offices in Jordan, Lebanon, Gaza, the West Bank, and Syria, and works in fifty-eight recognized refugee camps in



which 1.4 million Palestinian refugees, or one-third of the total, live. According to UNRWA, they provide “assistance, protection and advocacy for some 4.7 million registered Palestine refugees in Jordan, Lebanon, Syria and the occupied Palestinian territory, pending a solution to their plight.” The Agency continues, “UNRWA is the main provider of basic services – education, health, relief and social services – to ... registered Palestine refugees in the Middle East” (UNRWA 2010a). While it may seem as though Palestinian refugees were the recipients of a great service by the international community, as UNRWA is funded “almost entirely by voluntary contributions from UN member states,” it actually serves as the basis for exclusionary measures written into the Refugee Convention (UNRWA 2010a).

According to the UNHCR’s “Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian refugees,” the Refugee Convention explicitly bars Palestinian refugees from the same guarantees which the UNHCR admittedly dubbed, the “exclusion clause” (UNHCR 2002). The Note says:

“The 1951 Convention relating to the Status of Refugees (hereinafter ‘the 1951 Convention’) contains certain provisions whereby persons otherwise having the characteristics of refugees, as defined in Article 1A, are excluded from the benefits of this Convention. One such provision, paragraph 1 of Article 1D, applies to a special category of refugees for whom separate arrangements have been made to receive protection or

assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR). In today's context, this excludes from the benefits of the 1951 Convention those Palestinians who are refugees as a result of the 1948 or 1967 Arab-Israeli conflicts, and who are receiving protection or assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)" (UNHCR 2002).

As the Note makes very clear, the creation of UNRWA excluded Palestinian refugees from the protection afforded to non-Palestinian refugees around the world. Amnesty International writes: "When states drafted the statute of the UNHCR and the 1951 Convention Relating to the Status of Refugees (Refugee Convention), they included provisions that excluded Palestinian refugees who were receiving assistance from UNRWA. As UNRWA is primarily a relief agency, Palestinian refugees receiving assistance from UNRWA became the only refugee population in the world excluded from the international protection accorded by the UNHCR Statute and the Refugee Convention" (Amnesty International 2007, 7). When UNRWA was established to provide for Palestinian refugees as special cases, they were not included in the protection of the Refugee Convention, because, as Kuhlman would assert, the UNHCR, possibly under the pressure of involved states, ultimately decided to treat the Palestinian refugee crisis as a short-lived crisis rather than a protracted refugee situation, which has, decades later, proven to be a drastic mistake.

The exclusion of Palestinian refugees from the Refugee Convention has a widespread impact on Lebanon and its relationship with UNRWA. Lebanon, which is the key example that will be used in this paper, is a comprehensive case for looking at PRS and the issues inhibiting refugee protection to international humanitarian standards, which has had tangible consequences on peace and security in Lebanon. Lebanon is a host to refugees in the Middle East, although begrudgingly, and is a non-contracting state to the Refugee Convention – not that it would matter with regard to Palestinians since the Refugee Convention does not apply to them – however, not being a signatory to the Refugee Convention does not relieve countries of their obligations according to customary international humanitarian law. As discussed earlier, countries are not only obligated not to return, or *refouler*, refugees to their habitual place of residence where they face persecution, but are obligated to provide humane standards of treatment to all civilians in a conflict. According to customary international humanitarian law, such standards should include shelter, hygiene, health, safety, nutrition, and the right to keep family units together at all costs (Henckaerts and Doswald-Beck 2005, 463). Unfortunately, these humane standards have not been guaranteed to refugees in Lebanon because the Lebanese government has left the entire burden on UNRWA. The problem with such an approach is that there are rights to which Palestinian refugees are entitled that UNRWA simply cannot provide, such as security or a durable solution.

Lebanon is a fascinating case in looking at the rights, protection and security of refugees, because for a country with such stringent restrictions on the rights of refugees, Lebanon is actually host to twelve “official” Palestinian refugee camps and dozens of informal gatherings or “unofficial camps” throughout Lebanon (Amnesty International 2007, 7). There are an estimated 425,640 *registered* Palestinian refugees in Lebanon, of which, approximately 12 percent are categorized as special hardship cases (SHCs) by UNRWA (UNRWA, In Figures 2010). It is important to note here the emphasis on *registered* refugees. This is because there are three categories of Palestinian refugees in Lebanon – those who are registered with UNRWA and the Lebanese government (registered), those registered only with the Lebanese government (non-registered), and those registered with neither UNRWA or the Lebanese government (referred to as non-ID refugees) who do not have proper identification documents to validate their legal status and protection – all of which impacts the rights and treatment of Palestinian refugees in Lebanon (Amnesty International 2007, 7). The last official census in Lebanon was in 1932, so numbers are a bit varied, however, there is an additional estimated 35,000 non-registered refugees in Lebanon, and between 3,000 and 5,000 non-ID refugees (Amnesty International 2007, 7).

Nearly 10 percent of Lebanon’s population consists of refugees, about 53 percent of which are living in “war-torn, decaying and poverty-stricken camps,” according to a report by Amnesty International (AI), entitled, “Lebanon: Exiled

and suffering: Palestinian refugees in Lebanon” (Amnesty International 2007). Many of the refugees there were displaced as a result, directly or indirectly, of the Arab-Israeli War of 1948 and the establishment of the state of Israel. Between the end of 1947 and mid 1949, hundreds of thousands of Palestinians fled the territory that is now Israel. By the following year, approximately 914,000 Palestinians registered as refugees. It has been estimated that an additional 400,000 Palestinians were displaced during the conflict in 1967. In short, it has been over sixty years, and yet the Palestinian population is stateless with approximately half living as refugees in other countries, with large numbers in Jordan, Syria and Lebanon, and half that are internally displaced in the occupied territories of the West Bank and the Gaza Strip in Israel. For the purpose of this discussion, the focus will remain solely on Palestinian *refugees*, meaning, Palestinians that have fled Israel to seek refuge. In particular, the analysis will be with regard to Palestinian refugees in Lebanon. Even given the sheer number of refugees present in Lebanon and the veracity of the issue, Palestinian refugees in the country are not afforded the same basic human rights given to citizens of Lebanon. Throughout the refugee camps in Lebanon, Palestinians are consistently denied the social and economic rights that customary international humanitarian law promises them (Amnesty International 2007).

Even though UNRWA is mandated to provide basic services to Palestinian refugees, such as education, health, relief and social services, (UNRWA 2010a) that does not free Lebanon of any burden as a second country of asylum for

Palestinian refugees. The International Crisis Group makes a valid point when it asserts that, “In Lebanon, UNRWA is the single most important provider of camp services and largest employer of Palestinian refugees; in effect, it is a substitute for the absent Lebanese state” (International Crisis Group 2009, 23). For instance, in many of the unofficial camps in Lebanon, or gatherings, UNRWA cannot reach those populations, and while those individuals are allowed to receive services from UNRWA, which serves refugees who are registered or non-registered, whether living in official or unofficial camps or gatherings (Amnesty International 2007, 7). While those living outside of the camps are eligible for services, UNRWA is usually logistically unable to provide common services, such as waste disposal, for example, which falls on the local authorities’ responsibility (Amnesty International 2007, 7-8).

UNRWA’s mandate does not cover every aspect of life for Palestinians, and in fact, it has many shortcomings, which is why Lebanon must ensure rights and services to Palestinians where UNRWA is not mandated to do so. According to UNRWA, its mandate is as follows: 1) to “carry out direct relief and works programmes [*sic*] in collaboration with local governments”; 2) to “consult with the Near Eastern governments concerning measures to be taken preparatory to the time when international assistance for relief and works projects is no longer available”; 3) and, to “plan for the time when relief was no longer needed” (UNRWA 2010c). This mandate comes back to the main point of refugee protection, which is protection and durable solutions. Services are to be carried

out in collaboration with the local governments, but when operating in a country such as Lebanon, which does little to ensure the basic rights of Palestinians, it poses a challenge for UNRWA there, not only operationally, but with regard to security.

*Lebanon's Obligations to Palestinian Refugees According to the International Covenant on Economic, Social and Cultural Rights*

While Palestinian refugees are not covered by the Refugee Convention, nor is Lebanon a signatory, Lebanon is still obligated to ensure services and rights to refugees under UNRWA's mandate, because Lebanon is the host country, and it is obligated to collaborate with UNRWA under the UN mandate. The International Covenant on Economic, Social and Cultural Rights (ICESCR), which was ratified in December 1966 and entered into force in January 1976 in such obligation for Lebanon. Lebanon acceded (consented to become legally bound to the terms of the treaty) to the ICESCR on November 3, 1972, which is a United Nations treaty that aims to assure certain economic, social and cultural rights for all individuals, not just refugees, living in the territory of a party to the treaty (United Nations Treaty Collection 1966). It took nearly ten years for the ICESCR to be entered into force, illustrating the challenges associated with garnering state support for the egalitarian application of economic, social and cultural rights for those in their territories due to financial or institutional challenges, or sometimes, outright discriminatory sentiment. It is important to note that, even though Lebanon has argued that Palestinians' access to rights has

been restricted on the basis of preserving the right to return, that does not constitute a legitimate justification for the denial of rights. “Furthermore,” writes Amnesty International, “states should not interpret the distinction between nationals and non-nationals to undermine their obligations under international human rights law” (Amnesty International 2007, 9). Although examples of subpar standards abound, this thesis focuses on areas in which Lebanon has not met its legally binding obligations to provide economic, social and cultural rights to Palestinian refugees in the Nahr al-Bared camp, which is used later as an illustration of how the denial of rights and security can lead to increased instability and deprivation of liberty and life.

Despite natural population growth since the inception of UNRWA camps, the Lebanese territory allocated to the camps has not grown with the population, which has led to severe overcrowding and substandard housing conditions. Amnesty International reported from the field that “Some households...had families of 10 sharing a single room. Lack of space within the camps’ boundaries restricts horizontal expansion and consequently the only alternative, particularly in the most densely-populated camps of Shatila, Burj el-Barajneh, Ein al-Hilweh and, until it was virtually destroyed in 2007, Nahr al-Bared, is to build upwards” (Amnesty International 2007, 9). In Nahr al-Bared, it was reported that three families, made up of eleven people, were living in a single structure prior to the destruction of the camp in 2007. One of the structure’s inhabitants told Amnesty International in an interview that one of the babies in the family died during the



summer, presumably from heat stroke, as the baby was left in a room with no ventilation that was made entirely out of zinc sheeting (Amnesty International 2007, 11).

Another issue in Palestinian camps in Lebanon is a lack of suitable healthcare. One Palestinian woman who was registered with UNRWA told Amnesty International just how bad the healthcare situation in Lebanon is for Palestinians. She said: “We cannot get proper healthcare because we are Palestinians. If your child is sick, he will just die” (Amnesty International 2007, 17). Medical treatment is costly in Lebanon, and in most of the accounts given by registered Palestinian refugees, UNRWA can only partially cover the costs, and can typically cover nothing for the others. Furthermore, secondary healthcare is usually not subsidized, and there is a shortage of health care professionals, facilities or equipment to meet the needs of the population (Amnesty International 2007, 18). Ahmed Moussa, a refugee from Nahr al-Bared camp told Amnesty International of his troubles with regard to the health system. Moussa reported: “My wife’s father got gangrene in his leg. UNRWA paid for the hospital bed but the family had to find money for medicines -- around LL 1 million. We got some help from NGOs but couldn’t find it all, and his condition worsened.” The Lebanese government has openly called the Palestinian refugees’ living situation “unbearable,” and yet, has not worked to alleviate the suffering caused by the healthcare system’s shortcomings in Palestinian camps, therefore, failing to

ensure “a right enshrined in treaties that the Lebanese authorities have committed to uphold...” (Amnesty International 2007, 18).

Additionally, the labor market in Lebanon is discriminatory towards Palestinian refugees. In Lebanon, many Palestinian refugees relay the same grievance that they have been systematically “barred from jobs, either by law or prejudice, however well qualified they were” (Amnesty International 2007, 14). Certainly, this is not merely a perceived prejudice, as it is a fact that by a 1962 government decree in Lebanon, more than seventy jobs were considered off-limits for refugees until June 2005 when the Minister of Labor lifted the ban on fifty of those jobs. Although this is a slight improvement, one can truly only say that with hesitation, as there are still many barriers to Palestinians’ employability, despite efforts by the Lebanese government to coordinate with UNRWA on this issue. First, Palestinians that illegally held certain positions that became legalized, had no incentive to regularize their positions because they would then be subject to a tax, out of which they would receive no benefits from the Lebanese social security system. Additionally, obtaining work permits for the newly permitted jobs is time-intensive and costly, and they are temporary and can be revoked at any time, which perhaps explains why since 2005, only a few hundred Palestinians have obtained work permits (Amnesty International 2007, 14). Secondly, the Ministry of Labor’s overturn of labor practices in 2005 has yet to be passed into law. Thirdly, Palestinians can still not practice law, medicine or engineering, even if the Ministry of Labor’s decision becomes law. Also very

troubling, as Amnesty International reports, is that “Lebanese, as nationals, enjoy preferential treatment over foreign nationals in terms of access to employment. In Lebanon, this differentiation extends to foreign nationals who were born or have lived most or all of their lives in Lebanon, most notably Palestinian refugees” (Amnesty International 2007, 15). One Palestinian from Burj al-Barajneh told Amnesty International: “Even if you do get a job, Palestinians are paid less. While a Lebanese person would be paid US \$500-600 as a starting salary, a Palestinian would get US \$300-400 for the same job” (Amnesty International 2007, 15). Given this fact, it is clear that there is blatant labor discrimination towards Palestinians in Lebanon which not only marginalizes them even more, but also poses a challenge for a durable solution for Palestinian refugees living in Lebanon. As AI rightly points out, “The right to work and rights at work are protected in a range of binding international laws to which Lebanon is party. According to these standards, Lebanon is required to take steps towards achieving progressively the full realization of the right to work for everyone, without discrimination, including on the basis of national origin” (Amnesty International 2007, 16). In particular, 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 [*sic*] conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

- (i) 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...;
- (b) Safe and healthy working conditions;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays...” (UNHCR, International Covenant on Economic, Social and Cultural Rights 1966, Art. 7).

Not only is Lebanon obligated to provide standards of living conducive to a satisfactory quality of life out of sheer principle, but Lebanon is also party to the ICESCR which requires that Lebanon guarantee economic rights even to non-nationals (Amnesty International 2007, 16-17).

*Marginalization and Societal Attitudes towards the Naturalization of Palestinians in Lebanon*

One of the most concerning aspects of Lebanese policies towards Palestinian refugees is their marginalization, which contributes to disempowerment and alienation, and thus, instability for Lebanon, and potentially, the region. According to the International Crisis Group, the core of Lebanon’s refugee policy “is a powerful, widespread and clear-cut opposition to naturalisation [*sic*] (*tawtin*). Refusal of *tawtin* is enshrined in the constitution’s preamble and has become, in the local jargon, a ‘national constant’ (*al-thawabit*

*al-wataniyya*)” (International Crisis Group 2009, 13). The overall sentiment towards Palestinian naturalization, or in the case of refugees, permanent resettlement, is one of fear and exclusion. In President Michel Suleiman’s May 2008 inaugural address he reaffirmed “Lebanon’s categorical rejection of naturalisation [*sic*]”; a viewpoint embraced by the ministerial declaration that reiterated the “government’s determination to develop concepts and ideas aimed at strengthening Lebanon’s rejection of naturalisation [*sic*]. The government holds all members of the international community responsible for refugees’ inability to return to their country” (International Crisis Group 2009, 13). This stance, however, is primarily rooted in xenophobia and fear of political upheaval, as there has been no general consensus as to what *tawtin* would look like for Palestinians. Some politicians have asserted that naturalization would be permanent settlement, while others have warned that it would be a means for refugees to acquire citizenship. For Lebanese, citizenship is a major point of contention because of associated voting rights. This divisive issue has forced Lebanese politicians and society to pick a side in the political debate. Politicians wasted no time in politicizing the naturalization rights of Palestinians in light of the ambiguity as to what those rights would look like when put into effect by law. Concern over citizenship, and therefore, voting rights, stems from the fear that the majority Sunni Muslim Palestinian population will upset the delicate balance of factional relations in Lebanon.

### *History of Factionalism*

It is this upset of balances that led Lebanon into a devastating civil war from 1975 to 1990 that the Lebanese people are not likely ever to forget, particularly because Palestinian political violence was cited as a major source of escalation of the war. In 1948 the Arab-Israeli conflict broke out and nearly 150,000 Palestinian refugees poured into Lebanon. The majority of refugees were Muslim which impacted the delicate confessional balance and acted as a destabilizing factor politically. Ten years later, in 1958, the Christian President Camille Chamoun attempted to run for a second term in office, despite the prohibition of such in the Lebanese constitution. Predictably, Muslims and Druze were outraged and the country fell into a brief civil war. Then in 1967, as the violence continued between Arabs and Israelis the Six-Day War broke out, and the sectarian divide in Lebanon became exacerbated. The pattern that emerged was one in which Lebanese Muslims tended to ally themselves with leftist Palestinian refugees, while the Christian population was generally pro-West, wealthy, rightist, and highly in favor of maintaining the status quo. However, as the Palestinians became more militant, they eventually formed the Palestinian Liberation Organization, or the PLO, to which the Lebanese Army was sympathetic. Consequently, PLO operations came out of Lebanon basically unchecked, and the result was disastrous for Lebanon. In 1969, the Cairo Agreement was reached, which at the pressure of neighboring countries, required Lebanon to comply with the PLO's territorial and operational demands in order to

launch attacks into Israel. Even though Lebanon was expected to deal with the PLO, countries such as Jordan expelled the PLO in 1970, which created another influx of PLO fighters into Lebanon. At this point in time it became apparent that Lebanon had essentially lost control of its political situation in light of the impact of outside actors. At issue in Lebanon, even today, is the influence of these outside actors on Lebanese government and politics, as well as the result of sectional divide within the country. The scars of the civil war are still visible in Lebanese policies today. “Some Lebanese see the refugees as a potential Sunni demographic and perhaps even military instrument in the domestic arena; indeed, during the civil war, Palestinians were commonly referred to as ‘the Sunnis’ army,” relays the International Crisis Group (2009, 13). Nader Hariri, chief of staff of Saad Hariri, the most powerful Sunni leader in Lebanon said that “historically, Sunnis backed the Palestinians and their desire to wage armed struggle against Israel from Lebanese territory. But that was a mistake, and Lebanon emerged weaker” (International Crisis Group 2009, 13). As a result of the bitter history of factionalism and conflict in Lebanon, even progressive moves forward are met with political challenges. In 1994, when Prime Minister Hariri’s government granted citizenship to thousands of Palestinians, his political opponents argued that he was attempting to bolster the Sunni electorate in Beirut and southern Lebanon (International Crisis Group 2009, 13). In an interview by the International Crisis Group with Abu Jaber, an official in Nahr al-Bared with the Popular Front for the Liberation of Palestine in 2008 conveyed that refugees

have described Lebanon's policies as collective punishment for their role in the civil war (International Crisis Group 2009, 18) "Lack of hope and the absence of a viable economic horizon, together with social marginalisation [*sic*] and exclusion," asserts the International Crisis Group, "fuel frustration and anger toward the state. Predictably, these also promote militancy and radicalism in the camps, increasing the potential for instability and violence" (International Crisis Group 2009, 18). Abu Jaber went on to say that "The state's policy toward Palestinians is very dangerous for Lebanon. Radicalism and violence are rising among refugees. The camps are a time-bomb that, sooner or later, will explode, with serious consequences for both Lebanese and Palestinians" (International Crisis Group 2009, 18). Certainly, it was true of the volatile political climate that the refugee camps were becoming unsafe due to ill treatment and a lack of rights, and as is presented in the next section, the Nahr al-Bared camp illustrated just how dangerous these refugee situations can become.

#### *A Microcosm of the Crisis: Nahr al-Bared Camp*

Perhaps a microcosm of the negative effects of not ensuring basic human rights, protection and security to refugee populations, is the case of Nahr al-Bared (نهر البارد). Nahr al-Bared is a Palestinian refugee camp in northern Lebanon, in the city of Tripoli. The camp, which had approximately 32,726 inhabitants, as of June 2008 data, (UNRWA 2008) is one of the twelve camps that UNRWA operates in Lebanon. Nahr al-Bared is a crucial example of refugee camp instability as a result of the deprivation of rights to an entire population because of



the events that occurred on May 20, 2007 in which the jihadist militant group, Fatah al-Islam took refuge in the camp, where tens of thousands of civilians were residing, after beginning violent clashes with the Lebanese Army (International Crisis Group 2009, 11). The confrontation began in northern Lebanon where members of the group were surrounded by the Lebanese Army on suspicion of bank robbery. The fighting quickly spread to the nearby city of Tripoli, outside of Nahr al-Bared, where Lebanese soldiers were attacked. A few hours later, in Qalamoun, an army patrol was ambushed. On the same day, there were explosions in the capital of Beirut. In Tripoli, fighting escalated rapidly as Fatah al-Islam members began taking up posts in buildings. The army and security forces responded by raiding buildings that the militants had taken as safe-havens. The battle at Nahr al-Bared lasted for over three months and had devastating impacts for refugees living in the camps, as well as for the Lebanese Army (International Crisis Group 2009, 11). Furthermore, Lebanese-Palestinian relations were negatively impacted, putting a strain on the already tension-filled relationship (International Crisis Group 2009, 11-12). By the end of the conflict, fifty civilians, 179 soldiers and 226 Fatah al-Islam militants were killed. Approximately 6,000 families were displaced, and houses, buildings and infrastructure were destroyed, including villages around the camp (International Crisis Group 2009, 11). Apart from the destruction, the social order in the camp also collapsed as troops allegedly “engaged in theft and gratuitous vandalism with

impunity, displaying contempt for the local population, all of which caused profound resentment” (International Crisis Group 2009, 12).

Debate following the conclusion of the crisis surrounded the origins of the extremist group, and whether the group emanated from within the camp or from somewhere else. Official Lebanese statements about the conflict make a clear distinction between the jihadist group and the refugees, but many Lebanese still pointed fingers at the Palestinian refugees. One Tripoli resident argued: “Fatah al-Islam was born in the camps. This is where it was able to recruit hundreds of members, arm itself and train, all in the Palestinian residents’ plain view. Without the acquiescence and complicity of camp residents, it never would have been in a position to attack the army. The war would not have occurred” (International Crisis Group 2009, 12). Others have argued that it is quite clear that Fatah al-Islam did not originate in Nahr al-Bared (Ramadan 2009, 154). Members of the March 14 coalition and some of their Palestinian allies have claimed that the group was formed by the Syrian government to destabilize Lebanon, but Syria’s Lebanese and Palestinian allies assert that Saudi Arabia and the Future Movement supported Fatah al-Islam in an attempt to counter the Shiite forces in Lebanon, such as Hezbollah, and to carry out anti-Syrian operations. The March 14 coalition is a parliamentary faction that supports the pro-Western Lebanese Prime Minister Fouad Seniora. March 14 hold a parliamentary majority, it tends to be pro-West and anti-Syrian in influence. Hezbollah, which was founded in 1982 as a response to the Israeli occupation of the predominantly Muslim south of

Lebanon, has been a destabilizing force in Lebanon. Hezbollah, meaning Party of God, is a Shi'ite Islamic resistance group and recognized as an international terrorist organization by the Department of State. The organization is funded by Iran, which essentially funds Syria as well, making Syria complicit in the political entanglement in that Syria allows cash and supplies for Hezbollah to come through its borders. David Aikman asserts that "Hezbollah, therefore, is essentially Syria's proxy in Lebanese internal affairs, threatening to disrupt the normal process of politics any time that the mood among Lebanese politicians seems to be too hostile to Damascus" (Aikman 2008, 32). While the influence of Syria and Iran can certainly be regarded as foreign interference, Hezbollah is not necessarily regarded as such in the south of Lebanon, which is predominately Shi'ite. Hezbollah, which is led by its Secretary General, Hassan Nasrallah, is not only respected in the south of Lebanon, but it also carries one hundred and twenty-eight seats in the Lebanese Parliament. In parts of Lebanon, Hezbollah provides military support, as well as social services, schools and hospitals. Hezbollah's ideological goal is to achieve an Islamic republic like Iran, which stands in dire contradiction to the goal of democracy in Lebanon (International Crisis Group 2009, 11). Still, others assert that Fatah al-Islam was connected to al-Qaeda in Iraq and had been sent to Lebanon to "form a Sunni jihadist front against Israel to rival that of Shi'ite Hizbullah. Initially, they were affiliated [with] the Palestinian Fateh al-Intifada movement, and were seen in various Palestinian camps in the second half of 2006. After arousing suspicions and being

forced out of Burj al-Barjneh and Beddawi camps, they were able to consolidate a base in Nahr el-Bared, which had no organised [*sic*] security committee as did other camps. On 24 November, they announced the formation of a new organisation [*sic*] called Fateh al-Islam, headed officially by Shaker Al-Abssi, a Jordanian Palestinian officer in Fateh al-Intifada” (Ramadan 2009, 154). In light of the conflict at Nahr al-Bared and the ambiguity surrounding its causes, harsher security restrictions were placed on Palestinians, despite their already prison-like conditions.

After the Nahr al-Bared incident, restrictions by the Lebanese Army came down hard on the Palestinians. For the first time since the Lebanese Civil War, the army entered a Palestinian refugee camp and “conducted intensive, at times brutal, military operations and sought to impose order” (International Crisis Group 2009, 12). Instead of addressing the root causes of the conflict, the Lebanese government had done little to aid the Palestinian population. With the rebuilding of a “new camp” through the help of Lebanon and the international community, particularly huge donors such as the Saudi Arabian government, only about 10,000 had moved to the new camp a year later, as they lacked any source of income to make the move. “There, families crowd in small areas, live in makeshift dwellings and are subject to draconian security measures at the four entrances” (International Crisis Group 2009, 12). It is not a matter of whether Fatah al-Islam emerged from within the camp, or whether they found a base there from disgruntled sympathizers in the Palestinian community, or whether the

militant group merely sought haven there due to lax security measures, the main point is that a lack of rights and a lack of security go hand-in-hand, and a country that cannot ensure stability in its camps, cannot ensure stability for the nation.

In *The Lebanese Army*, Oren Barak writes, “on 3 November 1969, Yasser Arafat and AC Emile Boustani signed the Cairo Agreement, which sought to satisfy Lebanon’s demand that its sovereignty and interests be respected while guaranteeing the PLO freedom of action in and from Lebanon’s territory (Frieiha called this “a marriage between water and fire”). However, in practice, the Cairo Agreement legitimized the Palestinian armed presence in Lebanon while undermining its sovereignty. This was particularly evident in the refugee camps, which become ‘extraterritorial’ zones managed exclusively by the Palestinian factions.” In effect, this meant that Lebanon had disengaged from Palestinian camps and their factions. This stance by the Lebanese government put the sole burden of camp security on UNRWA to deal with factional violence, making it sometimes dangerous to provide services. However, it is problematic because UNRWA is not mandated to provide security services in its camps, meaning that areas not secured by the Lebanese government lack appropriate security measures.

Although UNRWA is mandated to provide services and direct programs in Palestinian refugee camps, UNRWA does not run the camp. According to UNRWA, “UNRWA does not administer the camps but is responsible for running education, health, and relief and social services programmes [*sic*], which are

located inside and outside camps. The Agency is not responsible for security or law and order in the camps and has no police force or intelligence service. This responsibility has always remained with the relevant host and other authorities” (UNRWA 2010c). This is an important fact in terms of determining the burden of the host country to provide international protection, as previously discussed. Refugees are entitled to protection and security in the refugee camp as a safe-haven. So, although UNRWA has a strong presence in the camps such as Nahr al-Bared, it is essentially the responsibility of the Lebanese government to provide security and law and order in the camp to ensure that refugees there are being protected in the legal and literal senses. Thus, it is necessary that Lebanon look at the root causes of instability, and ensure “human security,” (an emerging paradigm that makes the argument that the security of the person via rights and protection, means overall protection for the State), instead of placing harsher restrictions on camp inhabitants.

## Contextualizing the Protracted Refugee Situation in Lebanon: Ugandan Efforts of Local Integration

As a way forward, it is essential to draw upon the similarities between Lebanon, and a country which has made successful initial attempts at the local integration of its refugee population, as in the case of Uganda. In the cases of many PRS, voluntary repatriation and third country resettlement are not viable options either because the first country is still not safe for return, or because the waiting time for third country resettlement is several years. In these circumstances, local integration is the only viable option for refugees who are stuck in PRS. United Nations Research Paper No. 158 by Alexandra Fielden refers to local integration in the country of asylum as a possible solution to Protracted Refugee Situations. Local integration, as a durable solution has three steps, asserts Fielden: the legal process that extends additional rights to refugees; an economic process that establishes suitable livelihoods and standards of living to refugees equitable to the host country's nationals; and, a social and cultural process in which adaptation and acceptance enable refugees to contribute to society without fear of discrimination. However, argues Fielden, local integration can really only be considered a durable solution if a refugee becomes a naturalized citizen (Fielden 2008, 1). Although, the "broader, multi-dimensional definition," used by Karen Jacobsen (2001), suggests that refugees can have those three steps fulfilled to enjoy indefinite protection in the host country and live there indefinitely without actually becoming a naturalized citizen (Fielden 2008,

1-2). It is on the basis of this assumption and definition that Fielden makes the argument for local integration.

Local integration has had positive results for countries with refugee issues pertaining to camp protection and security, such as Uganda. There are various reports of camp violence in Uganda perpetrated by the anti-government group LRA, discussed earlier, with the support of the Sudanese government. Like Lebanon, Uganda's camps have been subject to violence by outside actors which has threatened the safety and security of refugees living in the camps, as well as national security. In Uganda, humanitarian relief has been detrimentally impacted by the LRA. According to Human Rights Watch, "Other LRA abuses include disruption of humanitarian relief work in the north. This work addresses three separate populations: the Sudanese refugees in Uganda (an estimated 170,000 who are fleeing government or SPLA abuses, or both); Uganda civilians forced into or willingly in 'protected camps' created by the Ugandan army, the Uganda People's Defense Force (UPDF); and the OLS cross-border relief operation, which uses Ugandan roads to deliver relief into southern Sudan for the internally displaced Sudanese there. All three programs have been jeopardized by LRA ambushes and land mines, another area in which the two countries' conflicts overlap" (HRW 1998). The UPDF reportedly created the camps to protect civilians from the LRA, but others have argued that the camps were established to deny the LRA of civilian support, a counterinsurgency tactic. Many civilians willingly moved to the camps to seek protection, but others had to be forced or



intimidated to move by the UPDF. According to the Geneva Conventions, a government that displaces civilian populations must ensure satisfactory conditions of shelter, hygiene, healthcare, safety and nutrition, per Article 14, Protocol II. Admittedly, the UPDF had not ensured any of these standards, making a lack of clean water and food, disease, overcrowding and inadequate security from LRA attacks commonplace in civilian camps in Uganda (HRW 1998). Furthermore, Uganda is also a party to the Refugee Convention. In 2002, the LRA was responsible for great violence against refugee camps, including in Achol-Pii camp of Sudanese refugees where aid workers from the International Rescue Committee were kidnapped (IRC 2002). Rebels apparently took control of Ugandan tanks and used them on refugees and Ugandan troops, according to reports by the BBC. There are countless reports in the media of extreme and brutal violence perpetrated by militant groups, such as the LRA, against humanitarian workers, refugees, and civilians.

Uganda, like Lebanon, has been dealing with a Protracted Refugee Situation and camp violence. As a solution to this ongoing crisis, Uganda has looked to local integration. In 1999, the UNHCR began work with Uganda on an assistance strategy focused on self-sufficiency for Sudanese refugees who had been in Uganda since 1988 (Fielden 2008, 10-11). “The goal,” writes Fielden, “was to promote refugee self-sufficiency and also to integrate refugee assistance into national systems of development” (Fielden 2008, 11). The program also sought to eliminate parallel and education services, to integrate refugees into the

local economy and to enable them to achieve self-sufficiency (USCRI 2004, 49). As a means of facilitating self-sufficiency, the Ugandan government gave provisions of land to refugees, which they could use to yield crops to sell given that Uganda allowed refugees free access to the employment market, which included the right to sell produce in local markets. Even though refugees were not granted entirely free movement, the economic freedoms they were given was a step in the positive direction. As recently as 2008, Ugandan authorities had drafted a refugee bill that addressed issues such as taxation and freedom of movement and employment. The Jesuit Refugee Service in Uganda runs schools in some of the refugee settlements that serve refugee and local children, which is conducive to integration for the next generation (Fielden 2008, 11). Fielden writes, “An interesting dimension in the case of Uganda is the government’s realistic approach to the refugees. Authorities recognized the diminished donor interest in funding a protracted refugee assistance program, and also that self-reliant refugees would cost less in food and other support services. Ugandan officials also noted that programs targeting both refugees and locals would encourage support from development agencies such as the World Bank and UNDP. The Ugandan example thus provides a good model for local integration, especially in light of progress being made despite national security problems” (Fielden 2008, 11). Although there is much work still to be done to fully address the needs of refugees in Uganda, it is a positive example for countries like Lebanon that face substantial security concerns as a result of Protracted Refugee

Situations. As has been illustrated, only through the full realization of rights and protection of refugees, through local integration or another durable solution, can peace and security be guaranteed to refugees and host countries.

## Areas for Further Research

There are various theoretical lenses through which the issue of PRS can be analyzed, with several different angles in which the topic can be approached. Trauma theory, for example, is an expansive realm that certainly applies to the Palestinian refugee narrative. For Palestinians, their struggles have centered on far more than displacement; their narrative is about complete devastation and loss. The crisis that forced Palestinians into exile in 1948 is known as *al nakba*, meaning the “catastrophe” or “disaster,” and that is the character of the Palestinian refugee experience. In *The Empire of Trauma: an inquiry into the condition of victimhood*, Didier Fassin and Richard Rechtman write that contemporary refugees differ from those of past centuries in that they are in far larger numbers, they are dramatically removed from civil society, the duration of their displacement is extraordinary, and they have become a “crucial element in the make-up of national and international political entities” (Fassin and Rechtman 2009, 253). Fassin and Rechtman relay the growing importance of mental health in the occupied territories and its role in bearing witness to the trauma taking place among Palestinians in the West Bank and Gaza. Given the constant daily struggles faced by Palestinians, signs of trauma as a result of continuous oppression and violence are prevalent among Palestinian adults and children. Thus, demonstrations of trauma among Palestinians can give an account of the violence of war and also the conditions in camp life. Fassin and Rechtman relay that the legitimacy of the term refugee has shifted since World War I, making

refugees now subject to greater scrutiny and suspicion than ever before. Today, refugees' claims are evaluated on the basis of truth and accuracy, rather than humanitarianism, and the dependency upon physical proof or evidence to substantiate one's claims, (for example, scars to prove a well-founded fear after having been tortured) has surpassed refugee testimony. However, there is a need for increased emphasis on psychic scars, such as post-traumatic stress disorder (PTSD) to validate the claims of trauma for refugees. In this way, for Palestinian refugees, "Trauma then offers not a last resort in the absence of physical wounds, but a significant added value in the construction of testimony" (Fassin and Rechtman 2009, 197). Therefore, a highly interesting area deserving of more attention is that of the power of trauma in Palestinian camps to serve as testimony to the world, which could potentially affect change in their circumstances and shed light on the issue of trauma as a result of displacement, forced migration, and violence, particularly among children.

Another interesting perspective on the issue of PRS is that of biopower, and the state's political and legal determinations (such as refugee status) as a form of politics and of control over the lives of individuals living in refugee camps. Both Giorgio Agamben and Michel Foucault, to name a couple, have very interesting work on this topic, which can be applied to camp life for refugees living in PRS. In Foucault's work, *The History of Sexuality* in the first volume, *The Will to Knowledge*, he introduced the term "biopower." Foucault's approach to PRS would be to analyze the ways in which life itself in refugee camps is used

to orientate and drive political policies (Foucault 1978). This is a relevant direction for future research, as the containment of refugees and the attempt to control a population or group's very presence and limit its participation in the political arena is, in effect, a poignant example of biopolitics and the exercising of biopower.

Agamben, on the other hand, takes Foucault's work in another direction in *Homo Sacer*, asserting that the world is characterized by "the separation between humanitarianism and politics" (Agamben 1998, 144). In his work, Agamben argues that biopower is about more than the generative type of power production that Foucault discusses. For Agamben, biopolitics is about the control of "bare life," or simply being alive, by the sovereign power. The sovereign's control of bare life, therefore, brings life itself into the political realm, which excludes some, and not others, from *bios*, or full life. This differs from Foucault's thesis in that it claims that there is a distinct link between biopower and sovereignty, which is to say that the sovereign's integration of biopolitical power and the political sphere are at a historical apex, bringing to light their juxtaposition. Bare life, then, is left out of *bios* for certain groups as a means of politicizing their very existence. In the case of refugees living in the camps, this is a powerful realization. In these circumstances, refugee populations and the conflict that caused their exile become politicized by isolating them to bare life, which then subjects their existence to the sovereign's control and politicization as a result of their exclusion from the state and civil society. Fassin writes, "If refugees occupy a crucial space in the

biopolitics...today, their collective treatment does not rest on the separation of the 'humanitarianism' from the 'political,' but on the increasing confusion between the two, which consequently redefines the contemporary signification of the camp" (Fassin 2005, 367-368). The camp, therefore, is the conflict between politics and life, made tangible, at the expense of the physical and civic lives of refugees.

Fassin, Rechtman, Foucault and Agamben all convey highly relevant and fascinating theses for future inquiry into the issue of Protracted Refugee Situations and their implications. PRS are not only about the containment of individuals in a state of humanitarian crisis and conflict, but signify the dilemma between human rights and biopolitics, which is embodied by the refugee camp. The camp is not only a container of physical exclusion of individuals from the state, but also their citizenship, and their civic and legal existence. This is an area deserving of further research and analysis, as politics and life become increasingly integrated in the modern global society. As this reality has severe implications for human rights and refugee protection, it is essential to look at these issues from varying theoretical lenses as a means of bringing about change among sovereign states in the international community to ensure that their administration over the lives of its citizens is just.

## Conclusion, with Recommendations

As discussed throughout the paper, there are legal frameworks in place to protect refugees and to ensure their rights. Current literature draws a connection between a lack of rights and protection from violence and upheaval in refugee camps, which is supposed to be a sanctuary for civilians, and yet, it is all too frequently not. In the *Refugee Survey Quarterly*, a UNHCR document entitled, “The Security, Civilian and Humanitarian Character of Refugee Camps and Settlements Operationalizing the ‘Ladder of Options,’” reasons are outlined for the international community to focus on the issue of security in refugee camps. As an area of growing interest, it is crucial to examine these developments. The first development is the changing nature of conflict, in which there are “internal and regional wars generating cross-border movements of mixed groups, including military elements” (UNHCR 2000). The second issue involves “A recognition that the militarization of refugee camps, armed attacks on such settlements and other forms of insecurity in refugee-populated areas are likely to undermine public and political support for the institution of asylum and the principles of refugee protection” (UNHCR 2000). As we have seen, this sentiment has already taken root in Lebanon, which poses a challenge for Palestinian refugees to find any durable solution to their plight there, particularly “local integration,” which is one of the UNHCR’s durable solutions, and yet, seems implausible for Palestinian refugees in Lebanon so long as Lebanon maintains its current exclusionary policies. Thirdly, the UN recognizes that “The proven danger that the



militarization of refugee-populated areas can create or aggravate tensions between States, thereby posing a threat to regional peace and security; and,” lastly, that “The prevalence of lawlessness in some refugee-populated areas, manifested in levels of crime, banditry and violence which pose a serious threat to the security of refugees, local populations and humanitarian personnel” (UNHCR 2000). All of these issues are major areas of concern for any host country or neighboring country to a conflict because of the far-reaching consequences of mass populations of refugees crossing international lines. These issues are crucial because they are relevant to human rights, state sovereignty, and the security of the state. What used to be considered a purely humanitarian issue, is being given due attention by scholars, policymakers and intergovernmental organizations, such as the United Nations, but even more needs to be done.

Although there are no overarching statements that can apply to all conflicts around the world, it can certainly be said that there is a strong connection between a lack of human security – rights, personal safety and a standard for quality of life – and the root causes of conflict leading to refugee crises. When refugee crises occur, it has far too frequently been the case that host countries, who do not intend to become a resettlement country for refugees and who are overburdened by the economic and security concerns associated with an influx of refugees, will marginalize the refugee population by restricting their movement, their rights, and their overall freedoms by limiting them to the confines of the camp. However, instead of ensuring state security and the

economic status quo, keeping refugees in these conditions leads to a debasement of rights, a poor quality of life, and thus, serious security and human rights concerns. If the refugee population is the product of an ongoing or extended crisis, their confinement, which is akin to imprisonment, has the potential for becoming a Protracted Refugee Situation in which refugees can wait in limbo for extended periods, without due protection and rights afforded to them by international norms and treaties. These circumstances breed conflict and can act as a catalyst for the politicization of refugee inhabitants who serve as bases of support for radical, militant groups.

Lebanon was used as an example to illustrate the clear link between a lack of human security and a lack of state security. The Palestinian refugees in Lebanon have not only been confined to camps for over sixty years, but remain in dire conditions, with a lack of rights and a loss of political, electoral or societal efficacy. There are countless reports, many of which have been cited here, that demonstrate the disheartening and intolerable conditions that Palestinians are subject to in Lebanon. In the case of Lebanon, the treatment of Palestinians is rooted in an argument for security. Going back to the devastating Lebanese Civil War from 1975-1990, Palestinian politics were seen as having a substantial role in the chaos and destruction that took place. Now, twenty years later, at the time this paper was written, Palestinians are socially and economically marginalized in Lebanon on the basis of claims to security and discriminatory sentiments by society and some factions of the government. Yet, this marginalization and

seclusion did not serve to protect Lebanese society at large, or the government from harm. In the events that culminated in the clashes at Nahr al-Bared, civilians were killed, soldiers of the Lebanese Army were killed, infrastructure was lost, and Palestinian refugees were displaced, losing everything. As a result of Lebanon's policies towards Palestinian refugees, it did not protect the state, but did just the opposite, putting refugees in harm's way, despite being a population in Lebanon that was in most of need of protection, yet suffered the most.

Furthermore, Lebanon has continually deferred its responsibility to care for Palestinian refugees in its territory because it does not intend to serve as a resettlement country, and because it has evaded responsibility in light of the UN mandate that established UNRWA to provide services in Lebanon's twelve Palestinian camps. However, as has been established by international norms and treaties, Lebanon has an obligation to care for all persons inhabiting its territory. According to international customary humanitarian law, there are standards of life that are to be provided to refugees, being that they are civilians, which includes shelter, hygiene, health, safety, nutrition, and the right to keep family units together at all costs. Moreover, as a party to the International Covenant on Economic, Social and Cultural Rights, Lebanon has further binding obligations to provide for basic standards to Palestinians without prejudice.

These facts beg the question of state responsibility to protect civilians of a state – refugees or nationals – because it is required of international and humanitarian law. What is the call to action for states hosting refugees?

Specifically, many scholars have tried to address the responsibilities of the state to protect. Given the lack of government protection and involvement that has been previously discussed in the case of Lebanon, it is important to clearly define the duties of the sovereign state, which includes far more than just the provision of bare life. Corliss offers some support in this regard when he writes that “The question of asylum State responsibility for the violent subversive acts of foreign exiles is unsettled in significant respects. States have vigorously condemned such attacks and, through United Nations General Assembly resolutions, have repeatedly recognized the existence of an active duty of prevention, except where self-determination is at issue. ... The extent of disregard for the norm in practice, however, makes it difficult to assert that the duty has attained the status of customary international law” (Corliss 1990, 181-182) With regard to Nahr al-Bared, and the events that occurred there which put thousands of lives in danger, it is clear that states need to do more to prevent the hostile acts of non-state actors and to quell such violence wherever it occurs and to recognize the necessity of such action so as to raise it to the level of customary international law. In particular, Lebanon should be more vigilant in maintaining security and order in refugee camps, but not at the expense of refugees, to ensure that non-state actors are not able to take root and garner support in those camps in its territory as a result of inadequate services and a lack of rights. Regardless of UNRWA’s mandate, Lebanon must exercise influence on all of its frontiers and ensure that it

is meeting its legal and international obligations to Palestinians, if not on humanitarian grounds, then at least on the basis of state sovereignty and security.

If rights are the basis of addressing the humanitarian needs of Palestinians in Lebanon and some of the security concerns for the Lebanese government, then rights are where Lebanon must begin. The assurance of rights for refugees begins with the ratification of the Refugee Convention. Therefore, Lebanon ought to ratify the Refugee Convention and implement its provisions into national law to ensure that the basic needs of all refugees living in Lebanon are fulfilled.

Furthermore, more support by the Lebanese government needs to be directed towards UNRWA. UNRWA camp territories have remained virtually the same size, despite population growth over several decades, which means that the Lebanese government should consider expanding camp territory to ensure a better quality of life, particularly with regard to housing and sanitation. UNRWA is also in need of more financial support, as it operates on the voluntary contributions of the international community. Being that refugees are being hosted in Lebanon, and Lebanon has international and treaty obligations to protect them, it would be in Lebanon's best interest to ensure great quality of services by contributing more resources to UNRWA in Lebanon's field offices.

Finally, paramount to maintaining peace and security in Lebanon, as well as respecting the human rights of Palestinian refugees is the gradual dismantling of refugee camps towards the goal of local integration. The local integration initiatives in Uganda are illustrative of the viability of implementing local

integration in a country with severe security concerns, such as Lebanon. Sudanese refugees, who had been in Uganda since 1988, were given sections of land by the Ugandan government to produce crops that could be integrated into the local economy. This level of inclusion, namely, economic, was conducive to alleviating the PRS in Uganda. Such a solution could work for Lebanon where Palestinian refugees are excluded from meaningful participation in the economy, whereas, active participation would make Palestinians stakeholders in the Lebanese state, and therefore, make it in their interest to keep Lebanon safe, meaning that militias and insurgent groups would experience waning support in Lebanon, and therefore, have no base to launch future attacks.

Integrating Palestinians into the national economy in Lebanon will be challenging, given the history of Lebanese-Palestinian relations, and the societal attitudes towards Palestinian integration or naturalization. However, the Palestinians have been in Lebanon for decades, and there is no indication that this will change in the near future. Therefore, it is in the interest of the Lebanese government and its people to locally integrate Palestinians and extend rights to them that are currently only afforded to Lebanese nationals. This will take substantial advocacy efforts and lobbying of the Lebanese factions of the delicate confessional system there. Although, advocacy should not stem from the pro-Palestinian or pro-Sunni factions in Lebanon, as it has already been demonstrated how any efforts to extend rights to Palestinians by those factions can lead to political division and infighting, as it is perceived as favoritism or a political

scheme to disrupt the demographic and electoral balance in Lebanon. Thus, advocacy must stem from civil society. While there is a strong sentiment of fear and apprehension in Lebanon on the issue of Palestinian refugees, there is also international outcry elsewhere, on the unjust situation for the Palestinians. Furthermore, much of that fear is perpetuated by the politicization of the issue, which is really a human rights issue.

Lebanese society, particularly the students and the future generation of the country, have the ability to influence policy calling for an increase in human rights, better living conditions and integration into society and the economy for Palestinians. If politicians understand that future generations are concerned about the issue of Palestinian refugees and the camps in Lebanon, then that will rise to the political agenda and it will further it as an issue of national importance as a *human rights* issue, and not a purely political issue. Additionally, humanitarian organizations in Lebanon that actively work with the refugee population, and often times collaborate with UNRWA, have an important role to play in terms of mobilizing efforts to extend human rights to Palestinians. These organizations see the day-to-day struggles, and can be incredibly influential if they could present their daily challenges to Lebanese officials and make strong arguments for the connection between rights, and peace and security. In particular, due to the history and negative sentiment towards foreign interference in Lebanese affairs, it is crucially important that local NGOs, or non-governmental organizations engage with Lebanese society and the government. Also, as has already been asserted,

the assurance of Palestinian rights can work to stabilize Lebanon, making it a foreign policy goal for the United States to engage with Lebanon and the United Nations on this issue, as Lebanon has been an important player in U.S. foreign policy in the Middle East for decades. Through the U.S. Department of State's contributions to UNRWA, many projects and services have been delivered to assist Palestinians, resulting in favorable outcomes, however, the U.S. has the ability to influence policy in Lebanon, and it would be an enormous milestone for such a shift to take place. Together, the youth, the students, the humanitarian organizations, the NGOs, and the international community can work collaboratively to ensure human rights for Palestinians, as well as peace and security in Lebanon.

In the case of Lebanon, we have seen the detrimental impacts of planning for a short-lived crisis, rather than a Protracted Refugee Situation, as Kuhlman would assert. Countries should not view refugee crises as temporary situations in which it is not necessary to extend the rights granted to nationals to refugees because of the perceived brevity of their stay. Rather, each refugee population should be granted many basic rights, which have previously been discussed, at the outset of their refuge in a host country. When refugee crises are not initially properly addressed, it may lead to instability at a later point. Therefore, host countries, such as Lebanon, must ensure that durable solutions are made possible for refugees. If that durable solution does not include permanent resettlement, and certainly a state is entitled to reserve that right, then it must include the full



provision of rights and services as required by international treaties and conventions. In Lebanon, Palestinian refugees have lived in UNRWA camps for decades, and as stateless persons, do not have the option of voluntary repatriation if they are to maintain their Palestinian nationality, meaning that Lebanon must ensure durable solutions for Palestinians. Many Palestinians work in Lebanon, although they are still held back from certain positions. Even though Palestinians live and work in Lebanon, they are not recognized as full citizens, nor are they given the rights that Lebanese nationals are granted. The reasons for this, as has been discussed, are highly politicized and deeply rooted. However, in order for Lebanon to meet its obligations to Palestinian refugees and to enjoy peace and security where they live, it is necessary for Lebanon to move towards the economic, social and legal integration of Palestinian refugees in Lebanon and the gradual dismantling of camps. It is through these means that Lebanon can ensure the human rights and security of all individuals living in Lebanon, to live without fear based upon race, religion, nationality, membership of a particular social group, or political opinion, which are protections deserved not only by all citizens, but by all *people*.

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