

# *Danish Immigration Service*

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## **Report on fact-finding mission to Lebanon**

**1 May – 18 May 1998**

**Copenhagen, October 1998**

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## **Introduction**

The Danish Immigration Service and the Danish Refugee Council together carried out a mission to Lebanon from 2 to 18 May 1998 with the main aim of inquiring into conditions for stateless Palestinians in the country. The delegation also looked into some matters concerning Hezbollah and the South Lebanon Army (SLA). The delegation's joint report is set out below.

The delegation carried out its inquiries in Lebanon based in Beirut, where it held a series of meetings with government sources, international organisations, NGOs (non-governmental organisations), Palestinian organisations and individuals. Information was also gathered on three trips to visit refugee camps as follows:

- Rashidieh and Burj el-Shemali, near Tyre in southern Lebanon (12 May 1998);
- Wavell, near Baalbek in eastern Lebanon (13 May 1998);
- Nahr el-Bared and Beddawi, near Tripoli in northern Lebanon (14 May 1998).

The visits to the camps were arranged in conjunction with the Norwegian Aid Committee (NORWAC), the Palestinian Red Crescent Society (PRCS) and a Palestinian NGO, the National Institution for Social Care and Vocational Training. The places visited in Lebanon are shown on the map attached as Annex 1.

In addition to the places visited, the delegation also intended to visit the Ein el-Hilweh camp, near Sidon. In the light of information from the UNRWA, however, it was decided for security reasons not to try and carry out that visit. Some interviews could be held in English, while the services of an Arabic interpreter were used for others. The interpreter, a Lebanese, was selected in liaison with the embassy office in Beirut.

A list of meetings held, showing the positions of those met, is attached as Annex 2. It should be pointed out here that some of the sources wished to remain anonymous, either altogether or for particular topics, which was agreed to. The delegation was repeatedly told that the position of stateless Palestinians in particular is a highly sensitive subject in Lebanon at present. All places visited and sources were selected by the delegation itself in the desire to compile as broad and comprehensive a range of information as possible on the matters set out in its terms of reference. The delegation managed to hold all but one of the meetings it wanted to and to visit all the places it wanted to apart from the Ein el-Hilweh camp.

It should lastly be noted that the delegation was well received everywhere. It was able to move about freely, without any official escort, and did not feel under surveillance or in danger. The delegation travelled around Lebanon in a hired car with a local driver, completely unescorted.

### ***Historical background***

The establishment of the state of Israel in 1948 and the ensuing war prompted large numbers of the Palestinian population to seek refuge in surrounding Arab countries.

In 1949 the United Nations Relief and Works Agency for Palestinians in the Near East (UNRWA) was set up as a special UN agency, with a remit to assist Palestinian refugees in their host countries

in the Middle East. Such assistance was to cover health care, education and training, and social and emergency aid. The agency's work in Lebanon came to be carried out primarily in the Palestinian refugee camps established in the years following 1948.

It is estimated that some 120 000 Palestinian refugees entered Lebanon in 1948 in this way and that they and their descendants now number around 350 000. There are also another 60 000 or so Palestinians who have since settled in Lebanon. This later group came chiefly as a result the Six-Day War in 1967, when Israel's occupation of the West Bank of the River Jordan and the Gaza Strip unleashed fresh waves of Palestinian refugees, and then to a lesser extent as a result of the Palestine Liberation Organisation (PLO) basing itself in Lebanon when it lost out in a power struggle with the Jordanian authorities in 1970.

In 1969 Lebanon and the PLO concluded the "Cairo agreement", establishing the PLO's right to engage in armed struggle against Israel from Lebanon within certain limits and conditions for the Palestinian presence generally.

The establishment by the PLO of its headquarters in Lebanon in 1970 ushered in the organisation's golden age, lasting until 1982. Palestinian groups were already at that time engaging in armed operations against Israel from bases in Palestinian refugee camps in southern Lebanon, but as from 1970 the PLO's position of power steadily increased.

Armed struggle against Israel by Palestinian groups operating from Lebanese soil in the first half of the 1970s and ensuing Israeli attacks on Lebanon in retaliation left large parts of Lebanese territory in practice outside the authorities' control and therefore led the Lebanese authorities at times to clash with the Palestinians. The latter also became increasingly involved on the Muslim side in the fighting which had sprung up in 1975 between Lebanon's Christian and Muslim communities, fighting which was to become the first round in the Lebanese civil war.

The Syrian invasion of Lebanon in July 1976, with Lebanese approval, was officially designed to bring an end to the civil war, but the Syrians' undeclared purpose was probably to gain control over the Palestinians, whose activities in Lebanon could plunge Syria into open warfare with Israel. With an Arab peace-keeping force deployed at the same time in Lebanon finding itself in open conflict with Christian militias, the civil war was set to continue.

Israel's first occupation of southern Lebanon, in 1978, lasted for only three months, but brought a number of key changes in the situation there: the establishment of a UN force (UNIFIL) in the area, the strengthening of the South Lebanon Army, a pro-Israeli militia founded by Israel in 1976, and lastly the creation of an Israeli security zone in the southern part of Lebanon. Israel still maintains its self-proclaimed security zone there.

Israel's invasion of Lebanon in 1982 was designed to eliminate the PLO as a military threat once and for all and resulted in most armed PLO members being evacuated from Lebanon in 1983, after having agreed in 1982 to leave Beirut under the protection of an international force (composed of French, British, US and Italian troops), mainly to Tunis, where the PLO established its new headquarters.

However, the PLO's role in the Lebanese civil war was not yet at an end. Following the Israeli withdrawal from Lebanon in 1985, several thousand PLO members returned to Lebanon and resumed their raids on Israel. At the same time, the reintroduction of PLO forces met with

considerable opposition from Syria. The use by Syria of the pro-Syrian Amal militia to besiege and wage war on refugee camps near Beirut and in southern Lebanon led to the "war of the camps", lasting until 1988, when at Syria's prompting Amal abandoned its combat against PLO forces.

The Palestinian organisations had not survived those two decades unscathed. In 1973 internal disputes between the PLO leader, Yasser Arafat, and other leading Palestinians brought a split in the PLO's largest organisation, Fatah, with the formation of a splinter group, the Fatah Revolutionary Council, led by Abu Nidal. In 1983 an internal power struggle within Fatah between Arafat and Abu Moussa caused the latter to form a further splinter group, Fatah al-Intifada. The defeat of Fatah forces loyal to Arafat in an armed showdown at the hands of the pro-Syrian splinter group in refugee camps in Beirut resulted in Palestinian groups loyal to Arafat having to leave for southern Lebanon in 1988.

The peace settlement following the Lebanese civil war in 1989, known as the Taif agreement, included the disarming of militias in Lebanon. PLO forces loyal to Arafat had not managed to regain their position of strength in Lebanon after being expelled to Tunis in 1983. However, Palestinians loyal to Arafat tried to resist the disarming of their forces, estimated to have numbered around 6 000 in 1990, in a last attempt to retain some leverage. They also called for a new agreement with the Lebanese government, regulating the deployment and stationing of PLO forces in Lebanon. This brought sporadic fighting between Palestinian groups and Lebanese forces until the PLO accepted the authorities' control of the southern part of the country in July 1991.

The Palestinians' role in the armed struggle against Israel from Lebanon has, since the civil war, increasingly been taken over by others.

One reason for the Palestinians' greatly reduced role, apart from having less scope to operate in Lebanon, is that the Oslo accords between the PLO and Israel in 1993 brought a further fierce split within the PLO between those in favour of and those opposed to them. Besides the split within the PLO, the accords have meant that the spotlight on the Palestinian problem, which had already shifted to some extent with the establishment of PLO headquarters in Tunis in 1983, has, since the PLO based itself in Gaza in 1994, been turned on that area.

## **Terms of reference**

After discussions with the Refugee Board, the Ministry of Foreign Affairs and the police, the following terms of reference were established by the Danish Immigration Service and the Danish Refugee Council:

### **1. Political situation**

- A. General political situation in Lebanon at present**
- B. Presence of Syrians**
- C. Main Palestinian organisations in Lebanon and their significance**
- D. Lebanese view of Palestinians at present and in future**

### **2. Security conditions**

- A. General security situation in Lebanon at present, including southern Lebanon**
- B. Palestinians' relationship with Lebanese**
- C. Palestinians' relationship with Syrians**
- D. Inter-Palestinian conflicts**

### **3. Palestinians' legal status**

- A. Residence status**
- B. Obtaining of identity papers and travel documents, including renewability etc.**
- C. Naturalisation legislation**
- D. Lebanese legal system**
  - 1. General description
  - 2. Palestinians' chance of a fair trial
- E. Law enforcement**
  - 1. Policing
  - 2. Palestinians' ability to seek the Lebanese authorities' protection

### **4. Social and economic conditions**

- A. General living conditions**
- B. Palestinians' access to and entitlement to take up employment and self-employment**

**C. Palestinians' entitlement and access to education and training**

**D. Palestinians' access to housing and right to own property**

**E. Other civil rights and duties for Palestinians**

**F. Freedom of movement for Palestinians**

**5. UNRWA**

**A. UNRWA's role and activities**

**B. UNRWA registration: scale and significance**

**C. UNRWA in relation to the exclusion clause in Article 1.D of the Geneva Convention**

**6. Palestinian camps (including control)**

**A. Beirut**

- 1. Mar Elias
- 2. Burj el-Barajneh
- 3. Dbayeh
- 4. Shatila

**B. Bekaa**

- 1. Wavell

**C. Tripoli**

- 1. Nahr el-Bared
- 2. Beddawi

**D. Sidon**

- 1. Ein el-Hilweh
- 2. Mieh Mieh

**E. Tyre**

- 1. El-Buss
- 2. Rashidieh
- 3. Burj el-Shemali

.



**7. Entry and exit procedures**

**A. Beirut airport**

**B. Sea ports**

**C. Land border**

**8. Other matters**

**A. Hezbollah**

- 1. Position in Lebanon, geographically, militarily and politically
- 2. Recruitment
- 3. Attitude towards deserters
- 4. Position as regards SLA members

**B. Esbat al-Ansar organisation**

**C. SLA (South Lebanon Army)**

- 1. Do SLA deserters risk being punished by the SLA and, if so, how?
- 2. Do SLA members (deserters/returnees/prisoners) risk being punished or sought out by the Lebanese or Syrian authorities?
- 3. Can ex-SLA members settle in the security zone or elsewhere in Lebanon without risk of persecution?

## 1. Political situation

### *A. General political situation in Lebanon at present*

The vast majority of sources questioned ("most sources") agreed that there are three key factors with a bearing on the general political situation in the country at present. In a nutshell, those three factors are the continued Israeli presence in the southern part of the country, the conclusion and implementation of the 1989 Taif agreement (see Annex 4) and the influence exerted by Syria, both through continued physical presence of Syrian troops and through de facto influence over decisions taken by the Lebanese government.

#### Continued Israeli presence

Most sources pointed out that the Israeli presence in southern Lebanon, going back to 1982 or 1978, depending how the Israeli-backed South Lebanon Army (SLA) is viewed, divides the country into two distinctly different parts. The situation in the north and centre of the country is thus mainly peaceful, whereas conditions in the south and south-east remain almost war-like.

According to a western embassy wishing to remain anonymous, Lebanese political circles are now generally agreed that the armed struggle against the occupying power in southern Lebanon is justified. Much of Hezbollah's political legitimacy and image is thus bound up with its position as the prime force behind the resistance struggle.

The Deputy Secretary-General of Hezbollah, Sheik Naïm Kasseem, explained that resistance to the Israeli occupation of southern Lebanon is in fact the party's most important single political objective, taking up the bulk of available resources at present. In that struggle, moreover, Hezbollah enjoys the backing, morally at any rate, of all sections of Lebanese society (see also the description of Hezbollah's current role in Lebanese society, in section 8).

#### Taif agreement and Syrian influence

Most sources explained that the Taif agreement, concluded in October 1989, marked the end of almost 15 years of civil war and brought the following important changes in the balance of power in the country:

- the allocation of seats in parliament was altered so that half of the seats now go to the Christian side of the house and half to the Muslim side;
- presidential powers were curtailed in favour of the government (Prime Minister).

This brought a shift in the balance of power between the dominant religious groups, with the Muslim section of the population gaining greater political influence. The Maronite Christian hold on the machinery of government, exerted since Lebanon's independence in 1943, was thus broken. Even though the last real population census was held in 1932, the present power-sharing arrangement can be said to give a better reflection of demographic trends in the country since independence, as a result of which Christians today form a clear minority.

The distribution of the top three political posts obtaining since before the Taif agreement still stands, with the president a Maronite (Elias Hraoui), the Prime Minister a Sunni Muslim (Rafiq Hariri) and the speaker of parliament a Shia Muslim (Nabih Berri).

The present government, headed by Rafiq Hariri, was formed in November 1996 following the first proper parliamentary election since the conclusion of the Taif agreement in 1989, the 1992 election having been widely boycotted by Christians.

Hariri, who is neither the leader nor a member of any political party, stood on a Beirut - based list, winning such wide support that he was not only elected himself but also brought a group of supporters (numbering 15 to 20) into the 128-member parliament with him.

According to a report of 7 April 1997 produced by the Foundation for Human and Humanitarian Rights (Lebanon) (FHHRL), the election was marred by irregularities, mainly affecting Lebanon's Christians.

A western embassy wishing to remain anonymous made the point that, regardless of the events of the last 20 years or so, politics in Lebanon is for ordinary people primarily a matter of confessional allegiance. As a result, the Lebanese political system may seem anachronistic to European eyes. That basic fact can be seen throughout society and at all political levels. Political parties are thus, irrespective of where they stand as liberal, conservative, socialist or whatever, primarily mouthpieces for the creed which they represent. Another point to note here is that the once quite common mixed-religion neighbourhoods and districts have not been re-established following the civil war. People prefer to live amongst their own ilk. The conclusion to emerge is thus that a full-fledged national identity cannot really be said to have been forged following the civil war.

In general political terms, the embassy took the view that the most significant political groupings in the country are agreed that they must perforce learn to live together and a further war could not bring any other solution. However, that general agreement does not prevent the country's leading political trio (Hariri, Berri and Hraoui) from frequently disagreeing strongly about various political issues. When such disagreements occasionally cannot be resolved domestically, conciliation and mediation meetings are held in Damascus, with Syria acting as a go-between, which as a rule brings a solution.

The reason for the inadequacy of local dispute settlement is largely to be found in the composition of parliament and the government. Parliament is elected to a considerable extent from personal lists of candidates rather than party lists, which means that the house elected inevitably ends up reflecting a large number of individual views, power bases (such as ex-militiamen), alliances and lobbies, not easy for a government to control and not necessarily feeling a loyalty towards any particular political party. Hariri has in fact for the same reason been forced to include in his government some ministers who never turn up for cabinet meetings and regularly vote against the government in parliament.

On the internal situation within individual faiths, the embassy said that Amal and Hezbollah are at present disputing the leadership of Shia Muslims. The trend is, as it has been for some while, for Hezbollah to advance at Amal's expense. The feuding, the most serious form taken by which for quite a long time is described in more detail below, has been especially apparent in campaigning for local elections. The view taken, however, was that such feuding would not be allowed to get

completely out of hand. Both official Lebanese and Syrian interests in maintaining the relatively peaceful state of the country outside the Israeli-occupied zone are too great for that.

Among Sunni Muslims, power is spread more widely than for Shias across a number of smaller groups, which do disagree, but not really with the same fierce tension aroused

between them as between Amal and Hezbollah. Hariri is no doubt the strongest Sunni leader at present, but he faces considerable scepticism from his own people, partly because he does not come from one of the country's traditionally influential political families and partly because he is seen by many as a Syrian puppet.

According to the embassy, since the former army commander, Michel Aoun, went into exile and Samir Geagea, the head of the Lebanese Forces (LF), was sentenced to life imprisonment in June 1995, the Christians still do not have any real strong leader figure, nor do they therefore enjoy the influence they might otherwise be expected to. Government ministers do, it is true, include some Christians, but these are to be regarded as individuals and not as representatives of Christians more generally. There is on the whole a considerable weariness to be perceived among the Christian section of the population as regards engaging in national politics and a tendency to attach greater weight to entirely local matters.

An independent Lebanese source wishing to remain anonymous said that there is in reality a kind of token government and token parliament, with the real decisions being taken in Syria. The Lebanese government enjoys some latitude, especially in domestic politics, but the Syrians may step in at any time and veto decisions or proposals of whatever kind. The source gave the following two examples of such Syrian interference.

The first example concerned the re-election of President Hraoui in 1995. As his elected term was drawing to a close, a lively debate was conducted both in the press and in the political world as to who should succeed him as the country's president. Suddenly an Egyptian newspaper printed an interview with President Hafez al-Assad of Syria, who stated that it looked as though Hraoui was willing to have his term of office extended. Debate in Lebanon thereupon subsided overnight and Hraoui turned out to remain in office, even though this required a constitutional amendment.

The second example concerned a bill to amend matrimonial legislation so as to make it possible to contract a civil marriage. The bill found broad support in parliament, including that of most government ministers. The bill also came in for lively debate in the press. In the midst of this debate the government paid a visit to Damascus. Following that visit, the bill was apparently dropped; at any rate it has never been raised in parliament since.

In foreign policy, the source regarded the Lebanese government as a mere Syrian puppet.

#### Main political issues and events

According to most sources, in domestic politics, reconstruction after the havoc wrought by the civil war and restoring the economy to health remain at the top of the political agenda. Foreign policy is marked by the Arab-Israeli conflict, especially here the Israeli occupation of parts of southern Lebanon. In both domestic and foreign policy, relations with Syria of course play an important role.

Important forthcoming political events include local elections and a presidential election.

The delegation was able to see for itself that campaigning for the forthcoming local elections, the first round of which was held in Beirut and Mount Lebanon on 24 May 1998, was in full swing, with election hoardings and political canvassing clearly visible on the streets in Beirut. According to a Beirut newspaper, the Daily Star, on 9 May 1998, the previous evening had seen armed fighting in the Zoqaq al-Blat district of the city between Amal and Hezbollah supporters. The fighting left four people injured, but was quickly stopped by the authorities.

According to the Lebanese press on 26 May 1998, the first round of the local elections passed off smoothly, with the opposition winning by a large margin. Among other results, Hezbollah beat the alliance between Amal and Hariri in southern Beirut.

A western embassy stated that the date for the presidential election has not yet been set. The present term of office ends on 26 November 1998 and so the election is expected to be held in October or November.

Hraoui's term of office was not expected to be extended again, as in 1995. The 1995 extension required a constitutional amendment and the embassy thought it unlikely that those in government would dare to resort to such devices once again, with the Lebanese people becoming fed up with them. On the other hand, the embassy believed anything to be possible in Lebanon and so the possibility could not be ruled out altogether. It added that there may be a rule change in the offing so as to make it possible for public servants to stand for the presidency, which is not allowed at present. Such a change would, for instance, enable the army commander, Emile Lahoud, to stand. There have been rumours to that effect, although no-one has openly announced his candidacy.

According to an independent Lebanese source wishing to remain anonymous, it is possible that Hraoui may stand again, but other candidates have also been mentioned. The other potential candidates are all known to be pro-Syrian.

### ***B. Presence of Syrians***

The subject was discussed with a number of both government and independent sources. One of them, the Attorney-General, Adnan Addoum, said that any observer of relations between Syria and Lebanon must take a realistic approach based on actual circumstances and not on some theoretical best-case scenario. He gave a reminder that the Syrians originally moved into Lebanon at its request in 1976 and they played an important part in the civil war. There could be no escaping the fact that Lebanon's continued existence as a single state was attributable in large part to that presence. The Attorney-General added that the continued Syrian military presence after the end of the civil war is based firstly on the Taif agreement referred to above and secondly on the subsequent Treaty of Brotherhood, Cooperation and Coordination concluded in 1991 (see Annex 5) and that, for security reasons, including the situation in southern Lebanon, it remains a worthwhile and desirable state of affairs.

The Attorney-General was fully aware that not all sections of Lebanese society and not all political circles are happy with the Syrians' continued presence in the country. He referred here to the Christians among the population and their political leaders and to those opposed to the incumbent government generally.

The Syrian troops, estimated by the Attorney-General to number around 25 000, only perform national security duties and hence have very little impact on the everyday lives of ordinary Lebanese. The Attorney-General himself had no difficulty in working with the Syrian military leadership, which was at pains to observe the agreements reached regarding the tasks and areas of responsibility that could be dealt with by the Syrians. He pointed out that the Syrians are only empowered to take action against Syrian military personnel; they cannot, on the other hand, say, arrest Lebanese nationals or anyone else living within Lebanon. The 700 000 or so Syrian civilians present in Lebanon are thus fully subject to Lebanese jurisdiction and there have, for instance, been cases in which Syrians have been sentenced to death in Lebanese courts, with the sentences being carried out.

Another Lebanese source, who wished to remain anonymous, stated that there are nowa-days only two or three Syrian checkpoints in Beirut, their sole purpose being the monitoring of Syrian military forces, including the apprehension of deserters. In the Bekaa Valley, where Syrian troops are most numerous, there are of course a few more check-points, but still for the purpose just described. The source confirmed that the Syrian military presence is based on agreements, which are scrupulously observed on both sides, and there are no security problems with the Syrian troops.

An independent source wishing to remain anonymous put the number of Syrian troops at from 40 000 to 60 000, adding that the Syrians are a very important force in Lebanese society, both directly and indirectly.

The head of the FHHRL, Wa'il Kheir, said that there are at present some 30 000 to 40 000 Syrian regular troops in Lebanon, plus an unknown number of intelligence officers. The troops are currently stationed mainly in the north and east of Lebanon (especially in the Bekaa Valley), their presence in Beirut and the Mount Lebanon area being more limited. He agreed here that there are now only two or three Syrian checkpoints in Beirut itself. However, this constitutes a deliberate playing down of the Syrian presence, which is in reality somewhat greater. Moreover, he did not agree with the Attorney-General that the Syrians can only take action against their own soldiers. In his view, the Syrians could step in and arrest etc. anyone they wanted.

Kheir commented lastly that the Syrians could seize power in Lebanon whenever they liked. This was due firstly to the direct Syrian military presence and secondly to the large group of Syrian workers, numbering around 500 000, who could be regarded as a reserve, convertible into a kind of auxiliary military force within a very short space of time.

Shoufiq Al Hout, an ex-member of the PLO Executive Committee and former PLO representative in Lebanon, stated that the Syrians are the really key force in Lebanon at present, being so with the Lebanese government's approval, albeit hardly with the support of the Lebanese people.

### ***C. Main Palestinian organisations in Lebanon and their significance***

According to a Lebanese source wishing to remain anonymous, the main Palestinian organisations at present are the Popular Front for the Liberation of Palestine, General Command (PFLP-GC), led by Ahmad Jibril, the Democratic Front for the Liberation of Palestine (DFLP), led by Naif Hawatmeh, the Popular Front for the Liberation of Palestine (PFLP), led by George Habash, and the Fatah Revolutionary Council (FRC), led by Abu Nidal. Those organisations, forming part of the opposition to Arafat, are all pro-Syrian.

Fatah, led by Yasser Arafat, has lost much of its support among the Palestinians in Lebanon. This weakening began in earnest following the Israeli invasion of Lebanon in 1982 and has continued since then. The conclusion of the Oslo accords, in particular, done without consulting other organisations, has reinforced the trend so that Fatah can now be said only to hold any position of strength in some of the camps in southern Lebanon.

Souheil Al-Natour explained that Fatah is now only organised on the ground in the five camps in southern Lebanon. It also has supporters in the northern camps and in the Bekaa Valley, but there only sporadically.

The main opposition to Arafat, collectively known as the "ten factions", consists of the following:

- DFLP;
- PFLP;
- PFLP-GC;
- Fatah al-Intifada;
- Hamas;
- Islamic Jihad;
- Al-Saiqa;
- a faction of the Palestinian Popular Struggle Front;
- a faction of the Palestinian Liberation Front (PLF);
- a faction of the Palestinian Communist Party, commonly known as the People's Party (PP).

When asked directly, Al-Natour replied that the Fatah Revolutionary Council (Abu Nidal) does not form part of the ten factions.

Within the ten factions there are three main strands. The secular strand is represented by the DFLP and PFLP and the fundamentalist strand by Hamas and Islamic Jihad, while the rest make up the pro-Syrian strand. According to Al-Natour, they generally concur only in opposing the Oslo accords. In all other matters they form shifting alliances on a case-by-case basis.

Al-Natour considered the DFLP and PFLP to be roughly equal in strength, with Fatah al-Intifada and the PFLP-GC being the strongest of the pro-Syrian organisations. Hamas and Islamic Jihad were, in his view, not gaining ground in Lebanon at the moment, as they have very little to offer ordinary people.

Overall, Al-Natour thought the Palestinian organisations' influence in Lebanon to be in steady decline.

The head of the FHHRL confirmed the geographical breakdown of the Palestinian organisations' influence. He explained that forces loyal to Arafat are strongest to the south of the River Awali, where Syrian troops cannot operate. North of the Awali, those sections of the Palestinian organisations opposed to Arafat are strongest. He added here that, in his view, they are more properly described as anti-Arafat than pro-Syrian, since their alliance and links with the Damascus regime stem more from necessity than from any real conviction. That necessity is due partly to the Syrian military presence in Lebanon and partly to the loss of the organisations' main financial backing when they broke with Arafat.

Youssef Sayegh, a Palestinian intellectual, said that all of the Palestinian political organisations are still present in Lebanon, but they have all lost their former importance and influence.

The Syrian-backed organisations have no grass-roots support among the Palestinian population in Lebanon, because they have no money, no longer have any real military power, cannot take independent, authoritative decisions and, lastly, have been unable to put forward any real alternative to the Oslo accords.

Forces loyal to Arafat, on the other hand, are unpopular on account of the conclusion of the Oslo accords without prior consultation of Lebanon's Palestinians and without the latter's position directly being covered by them.

Palestinians in Lebanon thus feel that they lack any real leader(ship) able to put their case both to the Lebanese authorities and to the international community. Youssef Sayegh pointed out here that various representatives of the Palestinians approach the Lebanese authorities from time to time with demands for better conditions for Palestinians in Lebanon. The authorities' usual response is to state that they will consider the demands, after which no further action is taken.

Shoufiq Al Hout said that since the conclusion of the Oslo accords he now supports the anti-Arafat camp, commonly known as the ten factions. He agreed with the list of the main Palestinian organisations in Lebanon at present as given by an anonymous Lebanese source at the beginning of this section, while considering that Al-Saiqa and Fatah al- Intifada should also be included. All are in fact part of the ten factions. He pointed out here that extreme, fundamentalist organisations such as Hamas and Islamic Jihad seem to be gaining increasing ground among Palestinians in Lebanon. He did not consider the ten factions to have any great political thrust, which he put down firstly to their inability to agree on a common successor to Arafat as the Palestinians' spokesman and secondly to their lack of financial resources with which to provide welfare benefits on the same scale as in the past.

He agreed that the pro-Arafat wing is strongest south of the Awali, while the ten factions are strongly placed to the north of it. Militarily, the Palestinian organisations are not at present of any significance in Lebanon, even though the PFLP-GC occasionally claims responsibility for military operations in southern Lebanon. Insofar as Palestinians remain active in the armed struggle, it is as private individuals and usually as Hezbollah recruits. When asked directly whether the Palestinian organisations in Lebanon take part in operations inside Israel, Al Hout said that to the best of his knowledge they do not. He pointed out that such operations are in fact mainly carried out by Hamas, which for the time being probably has only a political and not a military presence in Lebanon.



According to the Lebanese press, in the night from 12 to 13 May 1998 the Israelis carried out an air raid on a Palestinian base in the Bekaa Valley near the Masnaa border crossing into Syria. In the raid on the base, belonging to Fatah al-Intifada, 10 partisans were reported to have been killed and 37 wounded.

The head of Fatah (Arafat faction) in Lebanon, Colonel Sultan Abu Al Aynen, explained that Fatah is the only significant military force among Palestinians south of the River Awali, because the Syrians are unable to target them there directly and because about seven years ago they rooted out armed opposition to the organisation. According to Fatah, southern Lebanon is currently the place in Lebanon where Palestinians enjoy greatest political latitude. Fatah also has active supporters north of the River Awali, but they are relatively few in number and have to keep a low profile for security reasons. Overall, though, in Al Aynen's view, about 80% of ordinary Palestinians support Fatah and hence Arafat.

The Popular Front for the Liberation of Palestine (PFLP) in Lebanon confirmed the above accounts of the organisations currently present in Lebanon. Fatah was regarded as still being the main organisation in the south of the country, whereas it is only poorly represented in the north. In the north, forces opposed to Arafat predominate.

In appraising the significance of individual organisations, it has to be borne in mind that the military side to their activities in times gone by is no longer present. Their political and social roles are now far more prominent. It was considered highly regrettable here that, owing to internal disagreements, there is no common political spokesman for Lebanon's Palestinians. In financial terms alone, Fatah was still regarded as the strongest of the organisations, while the others, including the PFLP itself, have few financial resources. The PFLP thus itself considered their present support among Palestinians to derive chiefly from moral values.

#### ***D. Lebanese view of Palestinians at present and in future***

##### Official position

The delegation sought the views on this point of several Lebanese government sources and of independent sources. The Attorney-General, the Directorate-General for Palestinian Affairs (DGPA) and a Lebanese source wishing to remain anonymous all agreed that the basic position of the Lebanese state on the Palestinian issue was as it had been since 1948. That position is that there can be no question of permanent settlement, or "tawteen" as it is called in Arabic, on Lebanese soil. According to a Beirut newspaper, the Daily Star, on 9 May 1998, that position was repeated by the Prime Minister, Hariri, in a speech given on Martyrs Square in Beirut on 6 May 1998.

The Attorney-General pointed out that there is a difference in principle between the refugees that came to Lebanon immediately after 1948, whom the Lebanese authorities officially agreed to take in, and those who have subsequently come without official agreement. However, the official position of the Lebanese authorities is that both groups are to be properly treated while living in the country, regardless of their residence status.

The DGPA was aware of a number of outline solutions having been adumbrated by the Lebanese authorities, although the key feature of all of them was that the eventual solution must not be at Lebanon's expense.

Under one of the schemes, outlined by the Foreign Minister, Boueiz, in 1994, some 20% of Lebanon's Palestinians would be able to return to the Palestinian self-rule areas, some 25% could resettle by way of family reunification in western or Arab countries, while the remaining 55% or so should be allowed in as immigrants into rich western or Arab countries with considerable immigration potential.

Another scheme mentioned, according to the DGPA, is for Lebanon's Palestinians to be granted the nationality of a future Palestinian state and issued Palestinian passports, thus ceasing to be refugees. In that event the Palestinians would in principle be able to remain in Lebanon as long as they could support themselves and did not get into trouble with the authorities.

The DGPA went on to explain the reasons for the official Lebanese position: firstly, the country is too small and densely populated to be able to absorb such a large number of immigrants; secondly, the existing balance between the main population groups (Christians and Muslims) is so sensitive that a one-off intake of over 300 000 pre-dominantly Sunni Muslims would have unforeseeable consequences.

A Lebanese source wishing to remain anonymous would not, however, rule out the possibility of a solution in point of fact emerging at Lebanon's expense, i.e. of the Palestinians being allowed to remain in Lebanon.

#### Views of independent sources

A western embassy wishing to remain anonymous considered that the solution for Lebanon's Palestinians is probably still to be seen in the context of implementation of the Oslo accords and continued efforts for peace. In view of this, the issue of the Palestinians' presence in Lebanon should not be raised with the Lebanese authorities at present.

An independent source wishing to remain anonymous said that Palestinians in Lebanon are now treated as scapegoats for all misfortunes befalling or having befallen Lebanese society. Even the Israelis are not blamed to the same extent for the country's present situation. The source also partly backed the official line that Lebanon would not be able to absorb all of the Palestinians currently in the country. He saw both economic and demographic reasons for this. However, he took the view that a solution combining a measure of integration with a measure of emigration would be the right course. The Middle East Council of Churches (MECC) agreed that, after at first being well received following their expulsion from Palestine in 1948, the Palestinians are now virtually taking on the role of scapegoats in Lebanese society. That change is due mainly to events leading up to and during the civil war and the Palestinian organisations' position as an active participant in them.

The head of the FHHRL explained that one of the few points on which all sections of the Lebanese establishment can now completely agree is that the Palestinians in the country must not remain permanently settled there. This is even expressly written into the preamble to the new constitution (see Annex 6). The matter is thus not an issue in ordinary political debate and no-one would dare to reintroduce it for fear of the repercussions both politically and in popularity ratings. Even Sunni Muslim groups, which on demographic grounds might benefit from taking up the Palestinians' cause, shrink from doing so. In addition to the arguments already put forward (population density, the poor state of the economy and the country's delicate demographic balance), Kheir also pointed out that, on account of their political and military role before and during the civil war, involving

both alliances and clashes with all Lebanese political parties, the Palestinians are now generally unpopular in Lebanese society.

#### Palestinian comments

Al Aynen said that, in Fatah's view, the situation of the Palestinians in Lebanon should be resolved in the current negotiations on implementation of the Oslo accords. There should thus be no question of integration into Lebanese society.

Al Hout took the view that, given the present balance of power in the Middle East and the prevailing Israeli-US alliance, the only realistic solution to the Palestinian question in Lebanon is "tawteen", i.e. integration into Lebanese society.

Youssef Sayegh agreed with the view expressed above by the head of the FHHRL that Palestinians are now generally unpopular in Lebanese society and with the reasons given for this. He added that Palestinians' popularity is dwindling generally, both among the population and with the government. Rosemary Sayegh, an anthropologist, cited as an example of dwindling popularity with the authorities the exit and re-entry permit requirement introduced in 1995. That requirement was to be seen as an attempt to hamper Palestinians' ability to support their families in Lebanon by finding temporary employment abroad. Permits are issued for not more than six months at a time, thereby acting as an indirect incentive for the entire family to emigrate permanently.

Al-Natour believed that the Lebanese want the Palestinians out of Beirut, which they want to keep for themselves. They would also like, if possible, to limit the Palestinians' presence in southern Lebanon, where in the Lebanese view they merely represent a further risk factor in relation to Israel. This is the reason for the very different degree of Lebanese control over camps in the south and in Beirut as compared with camps in the Bekaa Valley and in the Tripoli area. Looking some years ahead, he believed that the Lebanese would try to do away with the camps in Beirut altogether.

#### Conditions for Palestinians in Syria and Jordan

Several of the delegation's sources thought conditions for Palestinians in Syria and in Jordan to be different from those in Lebanon.

The Attorney-General pointed out that Palestinians in Syria are treated like Syrian nationals in a number of ways, but the situation in Lebanon is more complex on account of the country's confessional make-up.

Wa'il Kheir said that Palestinians in Syria are allowed to work in all sectors, including public administration. Palestinians in Syria also have to perform military service in the Syrian army. He added, however, that in his view their safety is less secure in Syria, where executions of Palestinians are common and disappearances a frequent occurrence. He went on to say that he did not see Syria's greater willingness to assimilate Palestinians as an expression of humanism, but rather as part of Syria's continuing dreams of a "Greater Syria".

Michel Naufal regarded conditions for Palestinians in Lebanon as an exception compared with all other countries in the Middle East. In Syria, Palestinians enjoy full civil rights and duties and are treated like nationals. They are not granted Syrian nationality, however, in the desire to uphold Palestinians' claim to be entitled to return to their country of origin.

Deploring the poor employment opportunities for Palestinians in Lebanon, the Wavell camp committee noted that conditions are better in both Syria and Jordan.

## 2. Security conditions

### *A. General security situation in Lebanon at present, including southern Lebanon*

The Attorney-General explained that any account of the overall security situation in the country at present falls into three parts. The first part covers those areas of the country under full Lebanese control, while the second and third parts concern the Israeli-controlled area of southern Lebanon and the Palestinian refugee camps.

#### Territory under the authorities' control

In that part of the country under the authorities' full control there are no serious security problems, according to the Attorney-General. The militias have been disarmed, except for militias engaged in resistance fighting in southern Lebanon, and respect for the authorities restored. Discipline has also been tightened up within the police, thus eliminating past arbitrariness in the exercise of authority. However, the Attorney-General still saw a problem in that, partly as a result of the population having been brutalised by the troubled conditions prevailing for many years now, the crime rate is generally far higher than before the civil war. A Lebanese source wishing to remain anonymous stated that, in the part of the country under the authorities' control, the security situation is stable and good, with the crime rate no higher than in many developed western countries.

UNIFIL said that, generally speaking, the security situation has distinctly improved in recent years, especially in the central and northern parts of Lebanon. However, the Syrian military presence is still to be regarded as very important in maintaining law and order, with the reorganisation of the Lebanese armed forces and police not yet fully completed.

The delegation itself was based in western Beirut and found the mood there relaxed and friendly. At the same time, however, there were also quite a number of soldiers to be seen on the streets, including a sizeable Lebanese detachment, accompanied by eight armoured personnel carriers, stationed in the immediate vicinity of the hotel at which the delegation was staying.

#### Situation in southern Lebanon

In those parts of southern Lebanon under Israeli control the upholding of normal Lebanese jurisdiction is an illusion, according to the Attorney-General, even though Lebanese courts and Lebanese law are still in operation to some extent. A Lebanese source wishing to remain anonymous explained that the situation in the south could best be described as explosive. There is considerable partisan action there against the Israeli occupying forces and their allies, the SLA, with the Israelis and the SLA also often carrying out retaliatory attacks. Hezbollah reported here that in April 1998 its military wing carried out 140 raids on Israeli army or SLA positions and/or units. The number of raids by other organisations was put at about 25. The delegation could also see for itself in the Lebanese press that Israeli casualties this year were put at 4 dead and 53 wounded, with SLA casualties put at another 4 dead and 17 wounded. According to written figures supplied to the delegation by Hezbollah, the number of civilians killed and injured in 1997 amounted to 38 and 132 respectively. The figures also showed 259 civilians arrested and 149 houses damaged.

The situation in southern Lebanon outside the security zone was described by UNIFIL as relatively calm and stable. In that area the key factor in maintaining this state of affairs is the Lebanese army, which enjoys marked confidence and support among the population.

In the security zone, the security situation takes on a distinctly different complexion from elsewhere in the country. There is frequent fighting throughout the zone and action has clearly been on the increase since the beginning of the year. Both sides are endeavouring to observe the "April agreements", whereby the resistance movement refrains from using inhabited areas as a base for raids on the Israelis and their allies. In return, the latter are not to attack civilian areas in counter-attacks and retaliatory operations. Owing to the scale and nature of armed combat, which often takes the form of long-range shelling by both sides with a variety of missiles and artillery, civilian casualties, both killed and injured, are quite a frequent occurrence.

The delegation itself noticed that there were a considerable number of checkpoints, both Syrian and Lebanese, to the south and east of Beirut, whereas there were few on the way northwards to Tripoli.

#### Security in the camps

In the Palestinian refugee camps, the basic premise, according to the Attorney-General, is that Lebanese jurisdiction operates. However, it has not been possible to carry out the disarming of militias, as required under the Taif agreement, inside the camps, with the result that the Lebanese authorities are reluctant to enter them. On the other hand, in the interests of those living in the vicinity, Lebanese troops have been stationed around several of the camps. A Lebanese source wishing to remain anonymous confirmed that it has not been possible to disarm the camps, while adding that this has not caused any serious problems, at any rate not outside the camps. When questioned directly about conditions around the Ein el-Hilweh camp, the source replied that the trouble here, too, is confined to the area of the camp itself, with Lebanese troops stationed around the entire camp. That military presence serves firstly to contain the trouble and secondly to protect the local community.

On the security situation in refugee camps, UNIFIL regarded the camps in the south, in particular, as a source of problems. Ein el-Hilweh is inhabited by a number of Palestinian political and religious groups. The groups each control their own part of the camp, usually around an office or headquarters, with fighting between groups a regular occurrence. The Mieh Mieh camp can be seen as a mirror image of Ein el-Hilweh on a smaller scale. The Rashidieh camp, currently controlled by Arafat supporters, is calm, but affords considerable potential for conflict, should the balance of power change or the economy deteriorate.

A western embassy wishing to remain anonymous explained that the security situation in the Palestinian refugee camps varies from camp to camp. There remains real scope for armed conflict in the camps, apart perhaps from those at Nahr el-Bared and Beddawi near Tripoli. In January and February 1997, for instance, ten people were killed in the camps. The situation is clearly at its tensest, however, in the camps near Sidon in southern Lebanon.

An independent source wishing to remain anonymous confirmed that the security situation in and around the Palestinian refugee camps differs from one camp to another. Lebanese troops are not in fact stationed around all camps, nor is the degree of control over comings and goings at the camps uniform either. The source added that it is increasingly an exception for there to be military supervision outside camps, Ein el-Hilweh being one such exception.

Al-Natour stated with specific regard to the situation in the Ein el-Hilweh camp that it is an entirely special case. The reasons for this are that it forms by far the largest of the camps in Lebanon, it is regarded by the Palestinians as their "capital" in Lebanon, all factions are present in the camp and everything that happens in Ein el-Hilweh is immediately reflected in Sidon, 25% of whose inhabitants are Palestinians. Sidon is also the homeplace of the Prime Minister, Hariri, and events there thus have immediate political reverberations nationwide.

Al Hout, too, agreed that the security situation varies from camp to camp. The Lebanese authorities have access to many of the camps and are even welcomed in by their inhabitants. With specific regard to the situation in the Ein el-Hilweh camp, he explained that the situation there stems from a number of factors. Firstly it is the largest of all the camps, secondly it has taken in inhabitants from a number of now defunct camps, such as Tel Al Zataar in Beirut, and thirdly it has great symbolic significance for all of the factions, which are thus all present in the camp. As the situation stands, moreover, the Lebanese authorities could take the camp at any time. The reason they have not done so must spring from political considerations, as to which he was unable to hazard a guess.

The head of the FHHRL stated that the arming of camps north of the Awali depends entirely on Syrian approval, with the Syrians, via their allies in the camps, having full control over them. On the other hand, the Lebanese authorities do not as a rule have access. He also confirmed that the troops stationed around the Ein el-Hilweh camp are Lebanese.

### ***B. Palestinians' relationship with Lebanese***

Al Aynen explained that, in Fatah's view, owing to the ongoing negotiations on implementation of the Oslo accords, the Palestinians are obliged to follow a non-violent course in Lebanon as well. However, he seriously feared the likely consequences, not just in Lebanon but also in the rest of the region, if those negotiations do not result in a genuine Palestinian state.

Al Hout said that he himself feels quite easy about the Lebanese authorities, including the police and legal system, adding that it is already now the rule in the camps for ordinary criminals to be handed over to the authorities. He also took the view that, even in the Ein el-Hilweh camp, many ordinary Palestinians would prefer to see the armed factions disarmed and the camp brought under proper Lebanese jurisdiction.

On the other hand, Al Hout was also aware of considerable desperation among Palestinians in Lebanon, on account of the lack of civil rights in Lebanese society, and thought full acceptance of Lebanese authority likely to require an improvement in such basic living conditions.

The PFLP fully shared Al Hout's confidence in the Lebanese authorities and also supported the view that all of Lebanese territory should be under Lebanese jurisdiction, including the camps. On the other hand, there was a strong desire as well for such full restoration of Lebanese territorial sovereignty to be accompanied by the granting to Palestinians of basic civil rights, especially the right to work and the right to enter and leave the country freely.

The PFLP described developments for Palestinians in Lebanese society as a three-stage process comprising:

- the period from 1948 to 1969;
- the period from 1969 to 1982;
- the post-1982 period.

The period from 1948 to 1969 was regarded by the PFLP as clearly the most restrictive, with very poor conditions in the camps and very strict limits on individual freedom of movement.

The period from 1969 to 1982 was the Palestinians' "golden age", with their influence in the ascendant and sympathy with and understanding for the Palestinian cause at a peak.

The period since 1982, especially after the "war of the camps" from 1985 to 1988, has been marked by a gradual decline in conditions and in understanding for their presence both on the part of the Lebanese authorities and among the population. Examples given were the reduced opportunities for employment, as a result of the ending of the Cairo agreement, and the need for Palestinians now wishing to settle outside the camps to exercise great caution, for security reasons, in choosing the neighbourhood in which to settle.

In general terms, the PFLP saw the explanation for the generally unsympathetic attitude towards the Palestinians in Lebanese society in their presence having been perceived from the outset as a threat to the country's confessional make-up. That basic perception has since been reinforced by subsequent events and the Palestinians' role in them. Palestinians now find themselves in a state of, on the one hand, living in constant fear of what the future will bring while, on the other, not fearing that conditions will become quite as bad as before 1969.

### *C. Palestinians' relationship with Syrians*

Al Aynen explained that disagreement between Palestinians and Syrians, which surfaced only in the 1980s, still festers on. Fatah now sees the Syrians' mark on everything affecting the Palestinians' situation in Lebanon. Politically, since Arafat concluded the Oslo accords, disagreement has been greater than ever, although in practice taking a less violent form. There are still Palestinians held in Syrian prisons, but the number of arrests over the last two years or so has been very small and those arrests made were mainly on security grounds and not politically motivated. There is thus not generally any security problem for Arafat supporters in travelling north of the River Awali, even if those such as him, for instance, as a rule carry out such visits with caution and without prior notice. The fact that Al Aynen, as the delegation could see for itself, surrounds himself with armed guards is due to his prominent position and to the making of at least four attempts on his life, the last of them about three years ago.

The reason for the great Syrian interest in the Palestinians, according to Al Aynen, lay in the Syrians' fear that Arafat would otherwise be able to control all of the Palestinians in Lebanon. The source was well aware that some Palestinian organisations regard the Syrians as protecting the Palestinians, but he did not share that view.

An independent Lebanese source wishing to remain anonymous stated that ordinary Palestinians in Lebanon have no sympathy with the Syrians, by whom they feel betrayed. On the other hand, a number of Palestinian organisations are allied with the Syrians.

The head of the FHHRL thought that, as a result of the Syrian alliance with organisations in the camps north of the River Awali, Palestinians there do not as a rule have any problem with the Syrians. At the same time, however, he also pointed out that the Syrian military presence in the north and the practically unimpeded access to the camps for the Syrian intelligence service, among others, entails a considerable risk to anti-Syrian elements.

On the situation south of the Awali, Kheir commented that the Syrians do not there have any direct opportunity to assist their allies and combat their enemies.

The PFLP did not regard the Syrians as posing any threat to Palestinians' personal and physical safety. When questioned, it confirmed its awareness of Palestinians being held in Syrian prisons. It was also aware that Palestinians are even now occasionally arrested by the Syrians and sent to prison in Syria, as also happens to Lebanese. The PFLP pointed out that the roots of this state of affairs can be traced right back to 1982 and Arafat's rift with the Syrians. Nowadays, however, the Syrians make arrests primarily for actual anti-Syrian acts and not so much on political grounds. The PFLP in fact found Syrian practice understandable and acceptable.

#### ***D. Inter-Palestinian conflicts***

A Lebanese source wishing to remain anonymous stated that those conflicts found between Palestinians at present are to be regarded as minor matters. They are mostly family, clan-based or religious quarrels. Disputes between various political factions may, however, also arise.

A western embassy wishing to remain anonymous considered inter-Palestinian conflicts to be most serious in camps housing both pro-Arafat and anti-Arafat factions, such as Ein el-Hilweh. The source explained that there is a potential risk of actual armed fighting in all camps, apart from the camps in the north (Nahr el-Bared and Beddawi), but the risk on the whole increases as camps are located further south in the country, culminating in the Sidon area (Ein el-Hilweh and Mieh Mieh). Right down south, where forces loyal to Arafat are strongest, the risk declines again. The embassy also took the view that disputes are not primarily concerned with political disagreement or a wish to control the inmates of any particular camp, but rather with a desire to gain hold of supplies and other benefits received, for instance, from the UNRWA.

An independent Lebanese source wishing to remain anonymous said that the situation in the Ein el-Hilweh camp may be seen as a special case, with internal armed fighting common there, which is not the case in other camps, where disputes take a more verbal form. It should be noted that, according to the Lebanese press while the delegation was in Lebanon, on 10 May 1998 two people were killed in a shooting incident at Ein el-Hilweh.

The PFLP believed conflicts between Palestinians nowadays to be merely political and not military in nature. There has been no actual armed conflict since the period immediately after the split within Fatah in 1982. People now agree to be Palestinians and to champion Palestinian rights and have put the civil war behind them. When questioned about the situation at Ein el-Hilweh, the PFLP acknowledged that it is a special case on account of a sizeable presence of both opponents and supporters of Arafat. However, the PFLP had received no reports of armed fighting between



factions, but took the view that those armed clashes known to have taken place occurred internally between elements loyal to Arafat.

Al Aynen agreed with the PFLP that there is not at present any armed conflict between the various Palestinian organisations, nor has there been since the end of the war of the camps. When questioned directly, he did not consider the situation at Ein el-Hilweh significantly different from that in other camps. The only aspects somewhat out of the ordinary are that all organisations are present in the camp in some strength, the camp is extremely heavily overpopulated and it has great symbolic significance. As stated in section 2.C, Al Aynen also did not generally see any security problem for Arafat supporters in leaving southern Lebanon and travelling north of the River Awali.

Al-Natour agreed that Arafat supporters can travel north of the River Awali without risk, pointing out here that Fatah had taken part in processions in Beirut to mark the 50th anniversary of the "Nakba" (or catastrophe, the Palestinian name for the events of 1948 leading to the Palestinians' expulsion from their homeland).

On conflicts between the Palestinians themselves, Al-Natour said that all factions are now agreed that it would jeopardise the camps and their own existence in Lebanon if they take up arms against one another. He therefore saw the risk of armed conflict as very slight, whereas political disagreement remains considerable.

### **3. Palestinians' legal status**

#### ***A. Residence status***

Various sources concurred in the view that the status of Palestinians in Lebanon at present is in general that of aliens but, as explained below, aliens who in many ways occupy a special position in Lebanese society.

#### **Legal basis**

The prime point to be made concerning the Palestinians' position generally after 1948 is that the UN General Assembly in paragraph 11 of Resolution 194 proclaimed the Palestinians entitled to return whence they came. That Resolution was highlighted by various sources, with both the Lebanese authorities and especially Palestinians sources being anxious to emphasise that the ultimate objective is its fulfilment.

According to several of the delegation's informants, the main source of information on Palestinians' legal status in Lebanon is to be found in a paper written by Souheil Al-Natour, "The Legal Status of Palestinians in Lebanon", as last updated in 1996, published in summary form in the *Journal of Refugee Studies*, Volume 10, Number 3, September 1997, a paper referred to below as "Al-Natour 96". During its mission the delegation discussed the paper with Al-Natour himself, who confirmed that the information given in it is still applicable.

A first point to emerge from Al-Natour 96 is that the lack of a legally defined identity has contributed to the Palestinians' isolation within Lebanese society. When the Palestinians came to Lebanon in 1948, the Lebanese authorities were prepared to treat them as a special group, different from other aliens, given the general belief that they would be in only temporary need of asylum. In 1950 it became clear that there was no longer any sign of an imminent solution and the Palestinians'

situation in Lebanon needed to be regulated. That year therefore saw the setting up of a special Central Committee for Refugee Affairs, which in 1959 became the Directorate-General for Palestinian Affairs (DGPA), described in more detail below. Not until the DGPA was established did the Lebanese authorities determine the extent to which they assumed responsibility for the Palestinians and specify what the latter's rights were to be. In 1960 a Higher Authority for Palestinian Affairs was formed, consisting of a number of officials, with UNRWA participation. That authority's job was to compile information on the Palestinians' situation, analyse such data and monitor developments. The Lebanese authorities had not, however, at any time defined the status of Palestinians as differing from that of other aliens.

The aliens legislation enacted on 10 July 1962 defined an alien as anyone who is not Lebanese. It having subsequently been realised that the legislation did not make allowance for the Palestinians' presence, the Minister of the Interior issued Decision No 319 of 2 August 1962. Article 1 of that Decision required non-Lebanese nationals then present in Lebanon to regularise their residence status, classing themselves in one of three categories. Palestinians were classed in category 3 as aliens without documents from their country of origin, resident in Lebanon on the basis of residence papers issued by the Sûreté Générale (Lebanese security service) or identity cards issued by the DGPA.

Up to that time Palestinians had not on the whole enjoyed any influence over their situation in Lebanon but, after the founding of the PLO in 1964 and following a string of military incidents between Palestinian factions and the Lebanese armed forces, the "Cairo agreement" was concluded between Lebanon and the PLO in 1969. The Cairo agreement laid down principles governing the Palestinians' residence in Lebanon. These concerned the right to live and work in Lebanon, establishment of a number of local people's committees, their membership comprising Palestinians from individual camps, as a forum for cooperation with the authorities, a stipulation allowing Palestinians in Lebanon to participate in the Palestinian revolution through armed struggle and a declaration of intent on the reaching of an understanding between the Lebanese army and the Palestinian factions.

The Cairo agreement gave Palestinians a formal status in Lebanon for the first time, but did not alter the fact that they were still classed as aliens in Lebanon under the 1962 legislation. In 1987 the Lebanese parliament unilaterally terminated the Cairo agreement, leaving Palestinians with the limited rights enjoyed by aliens in Lebanon at present. On rights and conditions, see section 4 below.

The Directorate-General for Palestinian Affairs (DGPA) is the basic Lebanese authority responsible for public affairs as regards Palestinian refugees. The DGPA was formed in 1959 as a directorate coming under the Ministry of the Interior. With a staff of about 40, its job is to produce reports on conditions for and the position of Palestinians in Lebanon and on the work of the UNRWA, as well as being responsible for the registration of Palestinians and issue of their personal papers. The DGPA thus does not directly assist or act for the Palestinians.

## Types of residence status

According to a number of the delegation's sources, both official and independent, there are four categories of Palestinians in Lebanon:

- 1948 refugees registered with the UNRWA, the DGPA and the Sûreté Générale;
- 1948 refugees not registered with the UNRWA, but registered with the DGPA and the Sûreté Générale;
- 1967 refugees also not registered with the UNRWA, but only with the authorities;
- refugees not registered with the UNRWA or with the authorities.

A Lebanese source wishing to remain anonymous stated that there are 310 000 Palestinians registered with both the UNRWA and the Sûreté Générale and DGPA at present in Lebanon, meaning that 1948 refugees in Lebanon number 310 000. The UNRWA said that there are 362 098 Palestinians registered with it.

The above Lebanese source added that there are also a fairly small number of 1948 refugees who did not register with the UNRWA but only with the Sûreté Générale and the DGPA, as they were comfortably off and thus had no need of UNRWA assistance. The DGPA did not know the precise number coming into this category.

According to the same Lebanese source, there are some 40 000 Palestinians registered only with the Sûreté Générale and the DGPA, i.e. 1967 refugees. The DGPA put the number of these at 30 000. The UNRWA gave the figure as 15 000 to 20 000.

The DGPA considered the number of Palestinians not registered at all with either the UNRWA or the authorities to be very small, not least because before the war it was possible for all Palestinians to register.

On its own admission, the UNRWA only registers Palestinians made refugees by events in 1948 and their descendants, i.e. it does not register refugees from events in 1967 or thereafter. Those Palestinians not registered are not entitled to UNRWA assistance, but have been given it under a special emergency aid programme.

Youssef Sayegh stated that at the start of its operations the UNRWA refused to register Palestinians who in its view could support themselves. He added that the UNRWA also removed Palestinians from the register if they proved no longer in need of assistance.

Hala Naufal, of the CSSRD, said that it is very hard to come up with accurate figures for the number of Palestinians in Lebanon as no real statistics are kept by the authorities and the UNRWA counts all those registered, regardless of whether they are in point of fact in Lebanon. In her assessment, however, they may number 360 000 or perhaps more. Youssef Sayegh put the number at around 250 000. Al-Natour estimated there to be at most 225 000 to 230 000 Palestinian refugees in Lebanon at present, adding that the UNRWA is of course aware how many Palestinians there are in the country, but will not say precisely how many for political reasons.

***B. Obtaining of identity papers and travel documents, including renewability etc.***

Identity papers etc.

The DGPA reported that it issues blue identity cards to all Palestinian refugees, whether such as a result of events in 1948 or in 1967. It explained that those identity cards do not show what kind of Palestinians they are. According to the DGPA, identity cards can be replaced without difficulty upon request, if lost, without any need to report the circumstances of their loss to the police etc. The DGPA added that it also issues birth, family and civil status certificates (fiches d'état civil).

Those 1948 refugees registered only with the Sûreté Générale and the DGPA, the latter explained, are issued white identity cards and therefore often referred to as "white card holders".

Travel documents and laissez-passers

According to a Lebanese source wishing to remain anonymous, the Sûreté Générale issues 1948 Palestinians five-year travel documents, renewable without difficulty for further five-year periods. The DGPA explained that the Sûreté Générale issues such travel documents on the basis of the DGPA's register. According to that same source, the Sûreté Générale thus issues travel documents only to Palestinians registered with the UNRWA. The 1967 Palestinians, registered with the Lebanese authorities but not with the UNRWA, are issued one-year laissez-passers, as are also white card holders.

According to the UNRWA, refugees remain registered with it throughout their lives, without exception. Regarding the registers kept by the Lebanese authorities, the DGPA explained that refugees obtaining Lebanese or any other country's nationality will have that fact noted in the register and therefore not in future be issued identity cards or travel documents.

The entry and exit visa requirement introduced by the Lebanese authorities in 1995 was pointed to by a large number of sources as a considerable restriction of Palestinians' scope for travel. See also section 4.F on freedom of movement for Palestinians.

***C. Naturalisation legislation***

With regard to nationality, the DGPA explained that there is no legislation on naturalisation. Palestinians may therefore have their applications rejected not for being Palestinians, but because there are no legislative provisions or established rules on the matter. Parliament is in the process of preparing legislation, but until this is introduced nationality can only be granted by presidential decree. The DGPA commented that such presidential decrees are extremely rare and applicants would be required to have no criminal record and be able to support themselves. There being no relevant statistics, it is impossible to say how many applications have been made.

The DGPA reported that in 1994 some 300 000 people were granted Lebanese nationality, only half of whom had applied themselves. Those 300 000 included a sizeable number of Palestinians from the "seven villages". The DGPA explained that the seven villages in question are located in Israel close to the border with Lebanon and at one time formed part of Lebanon, as the border was drawn at first. According to the DGPA, that group of Palestinians were not naturalised, but rather had their nationality restored. They comprise some 6 000 families, numbering about 30 000 people. Apart from that group, there were no further Palestinians among the 300 000. The others naturalised

in 1994 were, according to the DGPA, various unregistered people, Arabs from the border area between Syria and Lebanon, plus a number formerly holding a different nationality. Al-Natour, however, put the number of Palestinians from the seven villages at about 35 000. He estimated that over the years another 50 000 or so Palestinians have also been naturalised. According to an independent source wishing to remain anonymous in this respect, the Palestinians from the seven villages were mostly either Christians or Shia Muslims. The PFLP, however, stated them all to be Shia Muslims. According to the MECC, the 300 000 included a number of Syrian Orthodox Christians, Assyrians, Armenians, Kurds and people from areas along the border with Syria.

Rosemary Sayegh explained that up until 1994 there were no Palestinians applying for naturalisation, but in view of its clear benefits this is now commoner. She had heard that it was not only Palestinians from the seven villages who obtained Lebanese nationality in 1994, but also others.

#### *D. Lebanese legal system*

##### – 1. General description

According to the Attorney-General, the Lebanese legal system is based on the French system, thus being a three-tier one. The legal system is further subdivided into ordinary courts, military courts and the Justice Council.

The military justice system, the Attorney-General explained, is a special system designed solely for crime arising from military matters. During the war, he reported, the military justice system enjoyed extended powers, but the legal situation is now back to normal. He added that steps are under way to amend the law so as to bring the military justice system more into line with the present situation.

According to the Attorney-General, the special institution of the Justice Council is a court of extraordinary jurisdiction. The cases referable to it all concern state security and are hence quite exceptional in nature, such as the trial of the former head of the Lebanese Forces, Samir Geagea. It is the Lebanese government which refers cases to the Justice Council and there have been about ten such cases in all. Legal proceedings before the Justice Council afford greater legal safeguards than in ordinary courts, since cases are heard by the country's top judges and proceedings conducted with complete openness, including freedom to speak and call witnesses. Rulings by the Justice Council are not, however, open to appeal. The Justice Council consists of five judges, one of them being the head of the supreme court, and it is the Attorney-General himself who appears as prosecutor in such cases. One great advantage of the Justice Council, according to the Attorney-General, is that proceedings are very expeditious in comparison with the ordinary court system.

Law enforcement in Lebanon was very difficult during the civil war, the Attorney-General explained, except for commercial legislation. Since Lebanon concluded the Taif agreement, it has been perfectly possible to enforce the country's legislation, although not in the occupied area of southern Lebanon or in the Palestinian refugee camps.

Generally speaking, according to the Attorney-General, the courts are thus operating normally and all Lebanese laws are in force. Regarding the interrelationship between the political climate and the country's legislation and courts, the Attorney-General explained that it is very important to bear in mind the doctrine of separation of powers. The judiciary is thus independent, the most important

principle, and judges do not take instructions from anyone. Moreover, legislation does not discriminate on grounds of either race or religion. There are accordingly judges from all religious communities and so, as the Attorney-General put it, politics is a matter for politicians and not for judges. However, he considered that the political world has need of a strong judicial system in order to combat crime.

When questioned directly about the 1991 amnesty legislation and criticism levelled against it in human rights terms by Amnesty International, among others, the Attorney-General explained that the amnesty has to be viewed against the background of the Lebanese cocktail of religious and political militias in existence during the war. It was therefore often impossible to determine what were criminal offences and not least by whom they had been committed. It was simply necessary to let bygones be bygones and enact an amnesty. The Attorney-General thought that the 1991 amnesty legislation answered the purpose very well.

On the legal situation in the Israeli-occupied part of southern Lebanon, the Attorney-General explained that there is a judge in the area, who himself hails from those parts and enjoys popular respect. That judge's views are fairly unobjectionable to the Israelis, who therefore allow him to do his job and accept the way it is done. The court in southern Lebanon basically hears both civil and criminal cases, save where militias are involved, as it may prove very difficult to persuade them to appear in court.

A western embassy wishing to remain anonymous took the view that the legal system is poor generally and the police behave improperly towards everyone, partly on account of corruption. It is also important to be able to draw on support from relatives in dealing with the authorities.

An independent lawyer wishing to remain anonymous disagreed with the Attorney-General and reported that the doctrine of separation of powers does not work. The judiciary is politically influenced, especially since the Taif agreement. The source added that the military courts and the Justice Council are the two major problems. The military courts, the source explained, are courts of special jurisdiction, in which judges' integrity and competence are open to question. Those acting as judges are as a rule officers, not necessarily coming from a legal background. Trials are also very swift, with the hearing often being held in the morning and judgment handed down that same afternoon. The source instanced the fact that the court can normally hear 50 or 60 cases a day, with examples of 350 cases being dealt with in one day. The speed with which cases are judged makes it practically impossible for lawyers to involve themselves in a case and put up the best possible defence for their client. The source pointed out here that it is as a rule lawyers from the military system who are appointed. Lastly, judgments are entirely unreasoned. The special problem with the Justice Council is that there is no opportunity to appeal, which the source considered highly problematic, despite the fact that the court is run by the country's top judges.

Kheir in addition considered the military courts to be political courts, in which most cases involve Christians and pro-Arafat Palestinians. He added that military court rulings are open to appeal to a higher authority, the Court of Cassation, whose presiding judge is always a civilian.

Kheir looked forward to amendment of legislation on military courts becoming a reality, so as to restrict the use of them, as all cases can be heard by them at present.

– 2. Palestinians' chance of a fair trial

A western embassy wishing to remain anonymous commented that the justice and police system is poor generally and so it is not easy to say whether Palestinians are treated any worse than Lebanese, but in its view they probably are not.

An independent Lebanese source wishing to remain anonymous considered there to be some discrimination against Palestinians within the legal system.

According to Kheir, Lebanese are better able to find protection, because as a rule they have a network from which to seek help and support. He added that anyone unable to afford a lawyer of his own and having to make do with one appointed for him would be very poorly represented, given the very low pay for appointed lawyers. For Palestinians, Kheir considered the chance of avoiding discrimination far better in the ordinary courts than in the military ones.

Shoufiq Al Hout did not think the Lebanese authorities would again resort to the same methods as during the war. At that time there was a practice of extrajudicial detention, which could not happen nowadays. He believed that Palestinians would be treated by the courts in the same way as Lebanese, without any discrimination.

Al-Natour took the view that Palestinians would be given a fair hearing by the courts, but the problem was police ill-treatment of all those held in custody. However, he did not think Palestinians would be any differently treated from Lebanese nationals.

With regard to the military courts, Shoufiq Al Hout mentioned that there were irregularities during the war, but in his view no discrimination was or is practised against Palestinians, partly because the Lebanese have their hands full sorting out their own problems. He added that the military courts were established not as an anti-Palestinian move but to resolve military issues and disputes.

*E. Law enforcement*

– 1. Policing

Regarding production of evidence and rules on arrest and holding in custody, the Attorney-General explained that anyone arrested has to be brought before a magistrate within 24 hours, whereupon the period may be extended for up to three days. Investigations are passed in the courts to an examining magistrate, who may apply for and issue arrest warrants. On police methods, the Attorney-General took the view that psychological pressure is brought to bear in all countries, but there is not now any question of using violence on detainees. He explained that, should evidence obtained by violent means be produced, it would be disallowed as unlawful. The Attorney-General reported that Lebanon has a considerable problem in its lack of technical facilities for obtaining evidence, which could help reduce miscarriages of justice.

The Attorney-General pointed out that many police officers have been convicted for the use of violence in the course of their duties. However, the authorities have opted not to make such cases public, as people are already very mistrustful of public institutions and would therefore be prepared to believe anything. In some instances, however, cases have been made public, given that the situation has taken a turn for the better over the last few years. The Attorney-General stated that the police are now undoubtedly aware that they have to observe the law of the land.

Kheir reported that his organisation knows of cases in which police officers have practised torture on detainees, including beatings on the soles of their feet and suspension by their hands tied behind their back, and that psychological torture involving solitary confinement etc. is also even commoner. He took a dubious view of the Attorney-General's comments about greater police observance of the law, adding that his organisation did not know of any police officers being prosecuted. An independent source wishing to remain anonymous also reported that women prisoners have been subjected to sexual violence in detention.

#### Crime trends

According to the Attorney-General, the crime rate has risen since the war. During the war there were a variety of crimes committed, but at that time the law was not enforced. Many children were involved in the various militias, which often forced them to take drugs so as to enable them to take part in military operations, including killings. It is very hard to break those young people of their bad habit and the related crime. The Attorney-General added that the poor economic situation contributes greatly to the high crime rate.

In the case of Palestinians, the Attorney-General reported the crime rate to be on a par with that for Lebanese nationals. Another side of the picture, however, is the many private crimes of honour committed within the Palestinian community. In the Palestinian camps, according to the Attorney-General, the Lebanese authorities do not attempt to enforce the law by force and so they do not enter the camps. There are in his view many reasons for this; firstly the Palestinians do not trust anyone, secondly the Arab world would see patrols as ill-treatment of the Palestinians and thirdly the Palestinians are now living like ordinary people.

A Lebanese source wishing to remain anonymous, however, stated that responsibility for security in the camps lies with the army. The source added that the problems in the camps are mostly due to matters of honour or to pro- or anti-Arafat political allegiances.

An independent source wishing to remain anonymous reported that the Lebanese police are useless and corrupt, giving rise to many problems, but the situation is quite different with the army, even if it still does not operate ideally.

UNIFIL stated that the Lebanese army does not enter the camps, as that might cause a number of serious problems, with many civilians in danger of being killed.

Shoufiq Al Hout explained here that it is true that the Lebanese authorities are not present in the camps, but all organisations have been infiltrated by the Lebanese intelligence service. The Lebanese authorities are thus fully aware of what is going on in the camps and could enter them easily enough if they wanted to.

Reports that the Lebanese army and police only enter the camps in quite exceptional cases were confirmed by a large number of sources. See also section 6 on conditions in individual camps.

#### Syrian authority

With regard to the Syrians' presence, the Attorney-General stated categorically, as mentioned in section 1.B above, that Syrian troops are not entitled to arrest Lebanese nationals on Lebanese soil, let alone transfer them to Syria by force. He added that reports by human rights organisations of



Lebanese being transferred to Syria are inaccurate. During the war, Lebanese fighting against the Syrians might be transferred to Syria, but that is not now possible. In fact, the Lebanese authorities never allow their own nationals to be extradited to Syria, even should Syria request their extradition.

The Attorney-General added that special arrangements for the exercise of authority are laid down in the 1991 Treaty of Brotherhood, Cooperation and Coordination between Syria and Lebanon (see Annex 5). As regards Palestinians, he had not been informed of any cases of Palestinians being taken to Syria, but here too the Syrians would not be entitled to make arrests, in just the same way as for Lebanese nationals.

The Attorney-General explained that there had been a number of investigations carried out, in which evidence emerged that accusations by certain human rights organisations of transfers to Syrian prisons were untrue. He thought this might be a political attempt to damage the Syrians' standing in Lebanon, an attempt most likely to be Israeli-inspired.

A Lebanese source wishing to remain anonymous confirmed that the Syrians have not arrested any Lebanese nationals in Lebanon since the war and that the Palestinians come under Lebanese jurisdiction and are thus not arrested either. The source went on to explain that the Syrians are only entitled to arrest Syrian nationals, such as draft evaders or deserters.

Kheir reported that the Syrians arrest three kinds of people in Lebanon:

- the Khaderiya, members of the Sufi order established by the Gailani family, also common in Syria, where it is considered one of the main forces opposed to the present regime;
- Palestinians loyal to Arafat;
- members and supporters of the Iraqi Baath party.

Kheir explained that the Syrian authorities had set free 121 people in March 1998, a release which bore out those three categories. According to him, they were quite terribly treated in Syrian prisons, but those released often chose to remain silent about their time there, fearing re-arrest.

Youssef Sayegh believed the 121 released to be mostly Lebanese nationals. Rosemary Sayegh added that the number of disappearances generally is very high, the fate of those concerned being uncertain.

The PFLP commented that the cases involving Syrian arrests relate to political allegiances and the Syrians intervene if there are security problems. The PFLP was aware of the Syrians currently arresting people and taking them to Syria, adding that this has, for instance, happened in the case of Muslim Brotherhood members.

The head of Fatah in Lebanon, Sultan Abu Al Aynen, stated that there are still a number of Palestinians from Fatah in Syrian prisons and the Syrians do still arrest Palestinians and take them to Syria. Over the last two years there have been only very few politically motivated arrests by the Syrians as well as a small number of arrests on security grounds.

– 2. Palestinians' ability to seek the Lebanese authorities' protection

According to the Attorney-General, all Palestinians have access to the courts, although they may have to pay a small fee.

In the Palestinian camps, according to the Attorney-General, there is no legal system and each individual organisation has its own leadership. He took the view that the Palestinians live a primitive life with very few resources and therefore have no need of lawcourts. He explained that the Palestinians operate a clan system, which is not a legal system, and protect one another, save in the event of an internal dispute. Regarding protection, the Attorney-General stated that the Palestinians do not live in ghettos, but are free to come and go in the camps. Should a Palestinian approach the Lebanese authorities in search of protection, he would be treated in the same way as would a Lebanese national.

According to Michel Naufal, of the CSSRD, it is not possible at present for Palestinians to approach the authorities in search of protection, as no-one would listen to them. The source reported that, since the Palestinians are classed as aliens in Lebanon, they do not have access to the courts, but this is in fact not a legal but a political problem. He added that the Palestinians are treated by the Lebanese authorities as non-persons, with the clan structure in the Palestinian camps filling the vacuum left by the authorities' failure to provide protection. However, the source explained that this does not apply to the camps around Beirut, which are in the nature of suburbs more than actual camps. Palestinians there are subject to ordinary Lebanese jurisdiction.

The PFLP said that it has full confidence in the Lebanese authorities and Palestinians would be treated on a par with the Lebanese themselves. On access to the courts for a divorce, say, the PFLP reported that it is available with no difficulty whatever and without any kind of discrimination. However, the PFLP explained that this only holds true for 1948 refugees; 1967 refugees do not have access to the courts and also experience many other problems.

## **4. Social and economic conditions**

### ***A. General living conditions***

As stated in section 3.A, under Lebanese legislation, Palestinians are classed as aliens and hence less favourably treated than Lebanese nationals in a number of respects.

According to the UNRWA, a sizeable proportion of the Palestinians in Lebanon live in the twelve refugee camps, described in sections 5 and 6. There are around 360 000 Palestinians in all registered with the UNRWA, just under 200 000 (56%) of whom are living in camps. A Lebanese source wishing to remain anonymous estimated that about 85% live in camps. Michel Naufal pointed out that, although entitled to settle outside the camps, many Palestinians opt of their own free will to return to or remain in the camps, where they are provided with a variety of facilities, including housing, medical care and education, primarily through the UNRWA. He added, however, that Palestinians registered with the UNRWA are in principle assured of UNRWA assistance even living outside the camps, except for housing costs. The above Lebanese source also said that most Palestinians prefer to live in the camps on account of UNRWA facilities.

Michel Naufal, Youssef Sayegh and PFLP representatives all agreed that there is a marked sense of despair and despondency about the future among Palestinians in Lebanon. According to Michel Naufal, that mood has grown since the Oslo accords were concluded in 1993. Palestinians in Lebanon feel let down and left out in negotiations for a peaceful solution to the Palestinian problem. Hala Naufal, of the CSSRD, added here that previously, while the PLO still played a major role in Lebanon, Palestinians enjoyed better job opportunities, including within the PLO's own institutions, which also employed many Lebanese.

MECC representatives took the view that the socio-economic situation of Palestinians in Lebanon today has reached a historic low. The source gave the Palestinians' position as refugees and the resulting poor social and economic conditions as the main reason for Palestinians from Lebanon leaving to seek asylum in, say, western Europe.

The camp committee at Wavell in Baalbek shared the MECC's view, adding that the general situation of Palestinians in Lebanon has deteriorated considerably in recent years. It pointed out that Palestinians in Syria and Jordan are in a far better position.

Rosemary Sayegh explained that the camp committees look after day-to-day problems. They consist of representatives of the various organisations present in a given camp. It used to be the case that Fatah was always in the majority, but in view of political developments and inter-Palestinian conflicts this is no longer so. Apart from such committees, she reported, camps may have councils of elders, although Shatila, for one, does not. She had no knowledge, moreover, of any sizeable number of arbitrary killings in the camps. See also section 6 on conditions in individual camps.

Shoufiq Al Hout also confirmed the information about camp committees being constituted in line with political representation in the camps. He stated that camps do not have their own police force, merely groups of organisations' military personnel who see to it that disputes do not get out of hand. Councils of elders, he explained, are an age-old custom, but they are not very strong. They may sometimes resolve problems, however, especially if members are able to control their own families.

The PFLP made the point that the camp committees' job is maintaining security, while civil matters and other problems are referred to the Lebanese authorities.

### ***B. Palestinians' access to and entitlement to take up employment and self-employment***

#### Legal basis

According to the DGPA, foreign nationals as a general rule require a permit in order to work in Lebanon, with 87 occupations being reserved for Lebanese nationals under Lebanese law. Most of the other sources, including Michel Naufal, Al Hout, the MECC, the PFLP and the Rashidieh and Burj el-Shemali camp committees, confirmed the existence of legislation barring foreigners from certain occupations, although they variously put the number at from 62 to 87.

Al-Natour 96, which summarises Lebanese employment legislation as regards non-Lebanese labour, identifies the following basic principles governing the scope for foreigners to take up employment in Lebanon:

1. reciprocal treatment of labour, i.e. the requirement that the country from which any particular non-Lebanese comes afford a Lebanese worker the same conditions as the non-Lebanese worker enjoys or is to be granted in Lebanon;
2. work permit requirements.

Al-Natour 96 points out here that the requirement of reciprocal treatment basically precludes Palestinians in Lebanon from employment, as they do not hold the nationality of any country which could fulfil that requirement.

On the second principle, Al-Natour 96 refers to the introduction in 1962 of the Law regarding Entry to, Residence in and Exit from Lebanon (the "aliens legislation"), which bars a non-Lebanese from taking up employment in any occupation at all without prior permission from the Ministry of Labour. The paper points out, however, that some groups of foreigners are exempted from the work permit requirement, e.g. those who can show that they have been married to a Lebanese woman for at least one year. The same applies to foreigners trained in a profession or proficient in a trade who have also carried on that occupation in Lebanon since before 1960 and lived in the country since before 1954. However, Al-Natour 96 notes that these exceptions are purely theoretical, not being applied in practice.

Al-Natour 96 highlights Decree No 17561 of 1962 as crucially important for Palestinians' scope to take up employment in Lebanon, with the introduction of special provisions reserving certain occupations for Lebanese nationals. The point is made as well that the Lebanese Ministry of Labour has constantly confirmed the continued validity of those rules, adding further occupations.

At his meeting with the delegation, Souheil Al-Natour also referred to Decision No 621/1 of 15 December 1995, issued by the Lebanese Ministry of Labour, listing firstly a string of jobs occupiable by Lebanese nationals only and secondly a string of trades and businesses reserved for Lebanese nationals (see Annex 7).

That Decision also contains the following two general stipulations relating to the first and second lists above respectively: "Priority should be given to Lebanese for all types of jobs and professions." and "In general, any job that impedes the chances for Lebanese."

Al-Natour 96 states that, while Palestinians with a work permit generally enjoy the same rights as Lebanese, including holiday and sick pay entitlement, Palestinians without a work permit are not guaranteed those rights.

The DGPA pointed out that the above employment legislation affects foreigners generally and not specifically Palestinians. It added that it is possible to obtain a dispensation for foreigners who have lived in Lebanon since birth, as have 70% of Lebanon's Palestinians, or for foreigners with a Lebanese mother.

Al-Natour confirmed that the groups mentioned by the DGPA may in theory be issued a work permit, but emphasised that this is not done in practice. He also pointed out that Decision No 621/1, referred to above, thwarts Palestinians' chances of finding employment in Lebanon except as, say, agricultural or other day labourers.

### Actual access to employment

The DGPA made the point that many Palestinians work in farming or the building trade, where a work permit is not required. It added that there is widespread tolerance of any lack of a work permit and the number of work permits issued does not give any true picture of how many Palestinians are in employment. According to the source, some employers may perhaps tend to hire Egyptian labour, for instance, as Egyptian workers require a work permit in order to enter Lebanon at all. The DGPA also pointed out that many trades are carried on by Palestinians in the camps.

Al-Natour noted, however, that the tough conditions for employment in practice oblige many Palestinians to pay a bribe in order to obtain a work permit. Those Palestinians with a work permit have to renew it annually and can expect a wait of from three to nine months. According to him, this means that many Palestinians with a work permit are in practice working without one for lengthy periods. He added that firms are therefore reluctant to employ Palestinians on account of the complications which this may involve.

Various Palestinian and independent sources, including Michel Naufal, pointed out that many Palestinians work in farming, the building trade or other seasonal employment, where a work permit is not required. PFLP representatives, however, made the point that fewer and fewer Palestinians are able to find jobs in farming, because many farmers are leaving the land and moving to towns and cities. Mention was made as well of the heavy competition faced by Palestinians in the building trade.

The camp committee at Wavell in Baalbek also reported very high unemployment among Palestinians, perhaps as much as 60%, with many of the camp's inhabitants being employed for only about three months of the year. The Nahr el-Bared camp committee put the unemployment rate for Palestinians in Lebanon at around 60%. Both sources in addition singled out far keener competition from cheap Syrian labour as a significant reason why many Palestinians were having greater difficulty in finding work in, say, farming and the building trade.

An independent source wishing to remain anonymous thought there clearly to be an undeclared Lebanese policy of making life difficult for Palestinians, including scope for finding work. As regards the 87 occupations reserved for Lebanese, that rule was believed not necessarily to be enforced. Syrian workers in Lebanon, whom he estimated to number around 500 000, bring very tough competition for Palestinians in the labour market, partly because they can work for less pay as the cost of living in Syria is lower than in Lebanon. Syrian workers are also in a more favourable position because job opportunities for them are not restricted to the same extent as for Palestinians. The source pointed out that it may be simpler for an employer to hire a Syrian than a Palestinian, since the latter may find it harder to obtain a work permit. The source added that job opportunities for Palestinians are better in southern Lebanon, where there is less competition from Syrian workers than in the north.

Wa'il Kheir (FHHRL) also considered Palestinian workers to be in a very unfavourable position in the Lebanese labour market, giving fierce competition from the Syrian labour force as a key reason for this.

Youssef Sayegh likewise pointed to the many Syrian workers in Lebanon, most of whom were working without a work permit. He added that it is easier for Syrian workers than for Palestinians to find work in the building trade. Shoufiq Al Hout agreed with this, pointing out that Syrian labour

is cheaper than Palestinian labour. He added that some Palestinians unofficially work in occupations officially reserved for Lebanese. He further commented that Palestinians are generally well educated, education being one of the only areas in which they can invest. Those jobs to which a good education can lead, however, go to Lebanese. Youssef Sayegh queried why Palestinians should strive for a good education when they still cannot occupy skilled jobs.

The MECC also pointed out that Palestinians tend to be well educated, while adding that they have no chance to practise their profession. On the scope for Palestinians to find work, the source also referred to strong competition from Syrians, in particular, as well as Egyptian and Sri Lankan workers, who in the source's view were far cheaper than Palestinians. As an example of such competition, the source mentioned that many Palestinians are being squeezed out of farming in southern Lebanon by other groups. The MECC also emphasised the very high unemployment rate among Palestinians in Lebanon, which it put at over 40%.

Both PFLP representatives and Michel Naufal and Rosemary Sayegh made the point that in Lebanon there is a large "informal" sector in the labour market, where a work permit is not necessarily required. Souheil Al-Natour also made the same point. Naufal added that for an understanding of labour market conditions, for instance, it has to be borne in mind that not everything in Lebanon is legally regulated. It may therefore be difficult to reply with any precision as to whether and in what trades a work permit is required. However, the PFLP stressed here that, even if the law can be circumvented as regards employment, this is not without its implications for workers, whose labour comes cheaper and with fewer rights attached in the "informal" sector.

The UNRWA's 1997 annual report estimates the unemployment rate for Palestinians in Lebanon to be at least 40%. The 1997 country report on Lebanon issued by the Swiss Federal Office for Refugees puts the unemployment rate in Lebanon generally at between 15% and 30%.

### Self-employment

According to Decision No 621/1 (see Annex 7), referred to earlier in this section under "*Legal basis*", a string of trades and businesses are reserved for Lebanese. In addition, according to Al-Natour 96, a foreigner requires a special permit in order to run a business in Lebanon.

As regards self-employment, Rosemary Sayegh took the view that there are hardly any legal obstacles for Palestinians and it is in fact engaged in to some extent. She emphasised, however, that there are extensive financial hurdles to be overcome, with very few Palestinians being able to afford to open a shop, for instance. She added, though, that Palestinians do to some degree engage in self-employment in the camps.

The MECC pointed out that it is very common for Palestinians wishing to set up in business to opt for a home-run business, since this will not attract the authorities' attention.

According to the PFLP, the restrictions on foreigners' access to various trades really limit the scope for Palestinians to start up a business of their own. The point was also made here that, although the rules on employment or self-employment in Lebanon apply to foreigners generally, they are of course presumably aimed at the Palestinians, who, when the restrictions were introduced, made up the only large group of foreigners in Lebanon. As an example of the difficulties experienced by Palestinians in starting up a business of their own, the PFLP mentioned that the fee for a foreigner wanting to register a business in his own name would in practice amount to ten times as much as for

a Lebanese. For that reason, Palestinians sometimes try to go into partnership with Lebanese nationals. According to the PFLP as well, however, it is possible for Palestinians to run their own businesses in the camps.

### *C. Palestinians' entitlement and access to education and training*

The education system in Lebanon is in part state-run and in part privately run. Private schools are traditionally very popular, being considered to provide a better education. The NRWA's 1997 annual report points out that private education is quite expensive.

The UNRWA runs schools of its own, offering Palestinians in Lebanon primary and lower secondary education. The agency also offers upper secondary education to some extent and provides Palestinians with university scholarships on a limited scale. According to the UNRWA's 1997 annual report, Lebanese are given first priority at state schools. Since few Palestinians can afford to attend private schools, the report points out that the UNRWA is virtually alone in providing Palestinians with education. The UNRWA annual report states that 94% to 96% of Palestinians of school age attend UNRWA-run schools.

See also sections 5 and 6.

The DGPA estimated that around 25% of the Palestinians in Lebanon attend Lebanese state schools. As regards education beyond lower secondary level, the source stated that private educational establishments last year taught 2 700 Palestinians, with about 1 000 Palestinians being enrolled at Lebanese universities.

Michel Naufal said that Palestinians do in principle have access to Lebanese schools.

Wa'il Kheir explained, like the UNRWA, that Lebanese children take precedence at state schools.

According to the MECC, too, Palestinians do in theory have access to Lebanese state schools, but in practice there are insufficient places, which largely affects Palestinians. Souheil Al-Natour explained that one of the main reasons for Palestinians' difficulty in finding state school places is that the Lebanese are increasingly transferring their children from private to state schools on financial grounds. This affects Palestinians, even though foreigners are allowed by law to constitute up to 10% of state school classes. The source added here that there are examples of Lebanese parents attempting to get their children into UNRWA schools.

The Nahr el-Bared camp committee pointed out that it is very difficult for Palestinians to continue their education at upper secondary level, since it has to be paid for by the pupils themselves. The source saw this as part of the Lebanese authorities' general efforts to persuade Palestinians to leave Lebanon. Such efforts, according to the source, are also noticeable in the decrease in UNRWA resources. On Palestinians' standard of education, the Burj el-Shemali camp committee pointed out that the customary high standard is at present declining, with many forced to leave school for financial reasons, primarily because UNRWA cuts entail higher costs for Palestinians themselves. This view was shared by Abdallah Mahmoud, head of a centre run by the National Institution for Social Care and Vocational Training at Beddawi camp, who in addition considered that UNRWA benefits had fallen gradually, but more markedly since the Oslo accords.

***D. Palestinians' access to housing and right to own property***

The DGPA stated that ownership of immovable property is basically open to Lebanese only. However, other Arabs, including Palestinians, may also own immovable property on a limited scale, up to 3 000 m<sup>2</sup> in Beirut and up to 5 000 m<sup>2</sup> in the rest of Lebanon. In the case of a plot of land, it is further required to be built on within five years of purchase. Both Youssef Sayegh and Souheil Al-Natour confirmed that Palestinians are allowed by law to acquire housing and property, subject to the above restrictions. Al-Natour 96 also corroborates this information. However, Al-Natour added that, whereas Lebanese acquiring immovable property pay 6% in duty, foreigners have to pay 16%.

The MECC confirmed that Palestinians are allowed to acquire immovable property, but as foreigners they usually have to pay higher taxes and duties. The Rashidieh camp committee made the point that Palestinians can rent a flat or a house on the same terms as Lebanese.

Palestinians who had their housing destroyed as a result of the war, leaving them internally displaced persons, were paid compensation of USD 4 000 per family out of a central fund for internally displaced persons in exactly the same way as Lebanese nationals, the DGPA explained. It added that the general problem of internally displaced persons has been resolved in part, although there remain minor difficulties, and compensation is not the ultimate solution.

Rosemary Sayegh pointed out here that Palestinians received less in compensation than Lebanese nationals. Al-Natour said that Palestinians were paid far less than Lebanese in compensation.

***E. Other civil rights and duties for Palestinians***

No information on any other civil rights and duties for Palestinians in Lebanon was forthcoming during the mission.

***F. Freedom of movement for Palestinians***

According to a Lebanese source wishing to remain anonymous, it is in theory illegal for Palestinians to move from one refugee camp to another without permission from the UNRWA and the DGPA. The source added that such permission is hard to obtain, while intimating that moves between camps do nevertheless take place to some extent.

It appears from Al-Natour 96 that the DGPA's tasks include approving moves from one refugee camp to another and also that removal from a refugee camp to an ordinary residential neighbourhood does not require approval, but merely has to be reported to the DGPA.

An independent source wishing to remain anonymous pointed out that Palestinians are allowed to move from refugee camps to other places in Lebanon. The Rashidieh camp committee also reported that Palestinians are allowed to move from one camp to another. However, this will involve them in paying rent, as Palestinians in Lebanon "belong in one camp", where they are basically assured of accommodation.

Wa'il Kheir noted that Palestinians are supposed to remain in the camp where they are registered, but this rule is not enforced.



According to Rosemary Sayegh, Palestinians generally enjoy relatively extensive freedom of movement within Lebanon. It is their scope for entering and leaving the country that poses the problem.

The PFLP explained that Palestinians' freedom of movement in Lebanon is in theory unlimited. In practice there is nonetheless a problem in that Palestinians are generally regarded as undesirables, making it difficult to find a neighbourhood or district where they can feel safe as Palestinians.

According to the MECC, there is in theory nothing to prevent Palestinians from leaving the camps, but in practice the vast majority continue to live there as their financial circumstances do not allow them to settle outside the camps.

Souheil Al-Natour and a large number of other Palestinian sources pointed to the Lebanese entry and exit visa requirements for Palestinians, introduced in 1995, as a very significant worsening of conditions for them in Lebanon. Al-Natour took the view that this legislative action was primarily aimed at Palestinians from Lebanon who were outside the country when the legislation came into force in September 1995. According to him, that group numbered between 75 000 and 100 000. He added that the visa requirement imposed was in his view also to be seen as part of the Lebanese authorities' overall strategy of "getting rid of as many Palestinians as possible".

Al-Natour explained that, upon initial application for an entry and exit visa, the authorities take the opportunity for a thorough security check on the individual, which always takes a long while. Subsequent renewals can be dealt with in three or four weeks, provided they are applied for before the visa expires. For that reason, some Palestinians choose to keep their visa regularly renewed. A visa can be issued for up to six months at a time.

## **5. UNRWA**

### ***A. UNRWA's role and activities***

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established by United Nations Resolution 302 of 8 December 1949. According to the UNRWA's mandate, the agency's job is to assist the 1948 Palestinian refugees in their host countries in the Middle East, including Lebanon. The UNRWA's mandate is renewed for three years at a time, with aid being provided in the following three main areas:

- health;
- education;
- social and emergency aid.

The delegation held a meeting with the UNRWA's Director in Lebanon, Wolfgang Plasa, and was also supplied with a quantity of written documentation by the UNRWA. The information given below is thus based partly on the interview with Wolfgang Plasa, partly on the written documentation and partly on comments by the delegation's other interviewees on the subject.

The UNRWA's 1998 budget for Lebanon totals US \$45,3 million, of which 19,5 million are earmarked for education, 12 million for health, 7,6 million for social and emergency aid and 6,2 million for other expenditure. Recognising that the resources available for 1998 would be

insufficient to meet expected needs, the UNRWA issued a special appeal to the inter-national community on 24 June 1997 for further contributions to the agency's operations in Lebanon. The appeal puts the additional funds required at about US \$11 million.

The UNRWA explained that it runs a total of 12 refugee camps and is responsible for the vast majority of health, education and social assistance to Palestinian refugees in Lebanon. For further details of individual camps, see section 6.

### Health

In health care, the state health system is reserved for Lebanese nationals. Palestinian refugees do in principle have access to Lebanese private health care facilities, but are in practical terms usually deprived of them for financial reasons.

The UNRWA explained that it operates 18 full-scale health centres, located at refugee camps, as well as six smaller health clinics. The health centres provide Palestinians with the necessary medication and other medical treatment. In addition the UNRWA has reached agreements with 12 private hospitals throughout the country for the treatment of Palestinian refugees. However, it does not have the resources to pay for the most expensive operations and courses of treatment in the areas of neurology, cardiovascular diseases, cancer and intensive care. In such cases, in which the cost of treatment can easily amount to US \$15 000 to 20 000 per patient, the UNRWA can at most offer to meet 50% of the cost, which among patients with an average income of about US \$250 a month inevitably gives rise to fatalities as a result of inadequate treatment or going untreated.

Particularly on the delegation's visits to camps, the issue of the UNRWA's shortage of resources to meet health needs was raised time and again. All camp committees met by the delegation mentioned the problem, including the fact that for hospital treatment the UNRWA cannot afford to pay more than US \$2 500 per patient. For further details, see section 6.

### Education

According to Al-Natour, Palestinians in Lebanon do basically have access to state schools, but subject to the qualification that not more than 10% of school places may be occupied by foreign pupils. In the case of the many private schools in Lebanon, which are open to all, Palestinians will usually be unable to use them for financial reasons, as both enrolment and tuition fees are very high.

According to the UNRWA, about 95% of Palestinian children in Lebanon receive primary and lower secondary education at one of the UNRWA schools.

The UNRWA explained that in Lebanon it runs 73 primary and lower secondary schools, at which 37 969 pupils were enrolled for the 1996/1997 academic year. The agency also has an upper secondary school with room for 300 pupils at Burj el-Barajneh in Beirut as well as a commercial and technical college (the Sibliin Training Centre) in Sidon, at which 574 Palestinians received training in the 1996/1997 academic year. In further education the UNRWA awards a number of university scholarships each year, 111 of them in 1997. In addition the UNRWA provides further training for teachers and runs a number of kindergartens.

The UNRWA regretted the fact that its schools are greatly overcrowded. Over the last three years, the total number of pupils attending the schools has risen very appreciably, but the UNRWA's resources have not increased accordingly. This has meant that the number of pupils in a class is now up to 53, with pupils in some cases having to share one desk between three of them. The shortage of financial capacity to cater for increased pupil numbers has, according to the UNRWA, brought a deterioration in tuition.

The UNRWA also regretted having only the one upper secondary school and would like to be able to provide more tuition at the Sibliin Training Centre in Sidon. In the special appeal of June 1997 referred to above, the UNRWA therefore gave particular prominence to these points.

On the delegation's visits to a series of Palestinian refugee camps it was told by several camp committees that there are problems over class sizes at UNRWA schools, which usually have around 55 pupils to a class, with tuition in a number of places being given in two shifts. It was also told that the UNRWA no longer pays for pupils' writing implements, paper etc., which can impose a burden on poor families. The UNRWA's curriculum and the textbooks used were criticised as being outdated and americanised.

On the latter problem, according to the June 1997 appeal mentioned above, shortly before the appeal was issued the Lebanese Government approved a new teaching system and curriculum for Lebanese schools. The UNRWA would like to meet the Lebanese authorities' requirements and is therefore planning to introduce the new system and curriculum over the next three years.

The problem of a lack of opportunity for education beyond primary and lower secondary level was also pointed out to the delegation, as was the fact that UNRWA schools teach their pupils English as a second language and not French, the language customarily taught in other Lebanese schools. This may place Palestinians admitted to one of the Lebanese universities on a scholarship or with other financial assistance at a disadvantage, since in some subject areas tuition is given primarily in French.

#### Social and emergency aid

The UNRWA has an aid programme for special hardship cases (SHC), assisting those whose income is insufficient for them to support themselves and families whose main breadwinner is temporarily unable to provide for them. Of the refugees registered with the UNRWA in Lebanon, 10,2% are covered by that programme, which is a distinctly larger percentage than in the other geographical areas coming under the UNRWA's mandate (Syria, Jordan, Gaza and the West Bank).

Under the aid programme, the UNRWA primarily supplies such people with food rations, assistance in erecting or rebuilding temporary housing and financial support.

The UNRWA reported here that, despite its efforts to assist, in mid-1997 there were still over 4 000 Palestinians in the camps living in buildings which failed to meet the relevant minimum standards. In addition there are countless families outside the camps living in just as poor if not worse conditions.

According to the UNRWA annual report for the period 1 July 1996 to 30 June 1997, during that time the agency granted 21 families loans averaging USD 3 000 in order for them to set up small businesses and thus manage to support themselves. In mid-1997, 19 of the families were then able

to be taken off the hardship aid programme. The UNRWA also granted smaller loans to 36 families, all on the poverty line.

According to the same report, the UNRWA runs 11 women's centres, which at three points during the year carried out projects involving knitting and sewing handiwork for sale, so as to provide women with an income.

Generally speaking, especially when visiting camps, the delegation heard many complaints from Palestinians and their representatives about the cutback in UNRWA assistance for Lebanon in all areas. The cutback has been going on for quite some years, but has become particularly noticeable in recent years since the conclusion of the Oslo accords. Reduced financial assistance, together with the restrictions described elsewhere, including those on employment and on entry and exit, in the first case tightened up and in the second introduced by the Lebanese authorities for Palestinians in recent years, have fuelled conspiracy theories. The cutback in aid was thus seen as reflecting a wish eventually to dismantle the UNRWA altogether and hence shift responsibility for Palestinian refugees to the individual host country. Should that happen, in the Palestinians' view, recognition of them as refugees by the international community would cease, since the UNRWA was after all established precisely in order to assist Palestinian refugees as long as they remained such.

It was also pointed out here that, since the conclusion of the Oslo accords, UNRWA assistance has largely been channelled to the self-rule areas, which is helping to heighten Lebanese-based Palestinians' feeling of having been let down and forgotten by both Arafat and the international community.

Representatives of a western embassy in Lebanon stated that the UNRWA is supported as a reflection of the international community's recognition of the Palestinians' position as refugees.

It was not their impression, moreover, that attitudes towards the UNRWA among ordinary Palestinians were quite as negative as among Palestinian leaders, including camp committees, and other politically active Palestinians. The reason given for this by the embassy was that a few years ago the UNRWA changed its aid distribution practice so that the system is now more open and harder to circumvent. According to the embassy's information, it had previously been very easy for senior Palestinians, in particular, to obtain extra aid by exploiting the fact that the UNRWA system was not very open and not particularly well monitored. The embassy instanced a check carried out by the UNRWA a few years ago on holders of special identity cards for the disabled, entitling them to additional UNRWA aid. It turned out that about half of those supposedly entitled to the special aid were at that time dead, in spite of which their special needs aid was still being distributed. In the embassy's view, those really in need of assistance are still receiving it and the UNRWA is in fact attempting to fulfil its mandate as best it can under the circumstances with a very tight budget and very little cooperativeness shown by the Lebanese authorities.

### ***B. UNRWA registration: scale and significance***

According to the UNRWA's figures, there were 362 098 Palestinian refugees registered with it in Lebanon as at 31 December 1997. Registration covers Palestinians displaced to Lebanon in 1948 and their descendants. The number is steadily increasing year by year, with the birth rate outstripping the death rate.

UNRWA registration forms the basis for those concerned to be registered by the Lebanese authorities and is thus an important platform for their residence status in the country. At the same time, benefits provided by the UNRWA are in principle confined to Palestinian refugees registered with it.

The UNRWA stated that it is well aware of the problem that the number registered does not tally with the number of refugees in point of fact present in Lebanon and is working on the establishment of a database to resolve the problem.

A number of the delegation's interviewees agreed that it is impossible from the number registered to form any impression of the number of refugees actually in Lebanon. Estimates put forward by sources ranged from 250 000 to 300 000.

### ***C. UNRWA in relation to the exclusion clause in Article 1.D of the Geneva Convention***

Article 1.D of the Geneva Convention reads as follows:

"This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention."

The issue of whether Palestinians registered with the UNRWA are covered by the exclusion clause has been discussed in a number of international forums, with western countries' practice differing.

The issue is addressed in the Report of the International Mission to Lebanon (20 to 23 May 1997), drawn up by the Refugee Working Group (RWG). The RWG is an international body set up in 1992 as a supplement to bilateral discussions initiated at the Madrid Conference. The purpose of the Working Group is to investigate conditions for Palestinians in Lebanon and other Middle Eastern countries. In so doing, it has carried out several missions to Lebanon. According to the report in question, Palestinian refugees in Lebanon and elsewhere are excluded from protection under the Geneva Convention, by virtue of Article 1.D thereof, stipulating that the Convention is not to apply to persons already protected or assisted by UN organs or agencies other than the UNHCR. The point is then made, however, that conditions for Palestinians in Lebanon are far from meeting the minimum standards of rights and facilities established by the international community in conjunction with the UNHCR over the years since the 1951 Geneva Convention.

The delegation specifically asked the UNRWA in Lebanon for the UNRWA's own view of the Article 1.D clause and its scope.

The UNRWA explained that it was well aware of the debate over that clause. After consulting head office in Gaza, it announced that the clause's application is a matter of interpretation, but it is the UNRWA's clear understanding that its mandate does not extend to protection from persecution, but merely embodies a number of practical aid measures.

The UNRWA was not in a position to make any further comment on the matter.

## 6. Palestinian camps (including control)

As outlined in section 1.C, control of the camps falls roughly into two geographical zones. Camps north of the River Awali are dominated by the pro-Syrian "ten factions" and the FRC. Those camps are discussed in A, B and C below. Camps south of the River Awali, discussed in D and E, are dominated by Fatah (Yasser Arafat). The Ein el-Hilweh and Mieh Mieh camps may be exceptions, however, with the balance of power there described as unresolved.

### A. *Beirut*

Michel Naufal explained that the camps in the Beirut area are controlled by Fatah Al-Intifada and the FRC. He added that they are not really camps, but more like suburbs, and in his view would soon disappear altogether.

#### – 1. Mar Elias

The camp has a registered 593 UNRWA refugees from 1948, 35 white card holders and 102 refugees from 1967. According to UNRWA, the camp has a total of 1 537 people living in it (<sup>1</sup>). The camp, which is the smallest one, covers an area of 5 400 m<sup>2</sup> and is located in south-west Beirut. It has been in existence since 1952, when it was established by the Mar Elias convent. All dwellings have running water and sewerage. UNRWA is responsible for the collection of rubbish, deposited in public containers, and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. UNRWA runs one primary school and one lower secondary school, at which a total of 661 pupils are taught by 28 teachers. The camp has a health centre, with a staff of ten, attended by an average of 53 patients a day. The percentage of special hardship cases is 14,5%.

The PFLP reported this to be a camp originally inhabited by Palestinian Christians, but with Christians not now making up a majority. The camp is very small in comparison with many of the others, there being around 1 000 to 2 000 inhabitants. Whereas a number of the other camps are subdivided according to Palestinians' former home areas, that was said not to be the case here.

The PFLP added that there are a number of Lebanese living in the camp, but this is not a source of problems, nor does it affect the Palestinians' strong sense of identity.

Al-Natour estimated there to be around 1 200 inhabitants, adding that the Lebanese authorities do not want the Palestinians in the camp, following the Taif agreement, as they want to put the area to another use. He thought the Lebanese authorities would generally like to see the Palestinians out of Beirut.

Al-Natour added that there is no camp police force, nor any need for one, as the camp is located in the middle of Beirut.

#### – 2. Burj el-Barajneh

The camp has a registered 13 972 UNRWA refugees from 1948, 345 white card holders and 301 refugees from 1967. According to UNRWA, the camp has a total of 16 734 people living in it (see footnote 1). The camp covers an area of 104 200 m<sup>2</sup> and is located in Beirut near the airport. It has been in existence since 1948, when it was established by the League of Red Cross Societies. All dwellings have running water and sewerage. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. School-children at this camp can receive tuition at eight schools, situated near the camp, at which a total of 3 334 pupils are taught by 124 teachers. The camp has a health centre, with a staff of ten, attended by an average of 114 patients a day. The percentage of special hardship cases is 6% and UNRWA employs three social workers as well as one person working at the camp's women's centre.

Al-Natour reported that there are a small number of people apparently acting as camp police, but nobody obeys them.

– 3. Dbayeh

The camp has a registered 3 925 UNRWA refugees from 1948, 30 white card holders and 1 160 refugees from 1967, of whom, according to UNRWA, 2 593 are living in it (see footnote 1 on page 54). The camp covers an area of 83 576 m<sup>2</sup> and is located about 12 km east of Beirut. It has been in existence since 1954. All dwellings have running water and their own toilet with a septic tank. UNRWA collects rubbish several times a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. Primary and lower secondary education is given at an UNRWA school outside the camp, at which a total of 339 pupils are taught by 13 teachers. The camp has a health centre, with a staff of five, attended by an average of 75 patients a day. The percentage of special hardship cases is 4,2% and UNRWA employs one social worker.

Hala Naufal believed there no longer to be any Palestinian refugees living in the camp, or at any rate not on the scale stated by UNRWA.

The MECC, which has a project in the camp, reported it to be inhabited by Palestinian Christians, with the area being owned by a nearby convent. The MECC said that the camp does not have any camp committee, but that nuns from the convent play a major role.

The PFLP confirmed that this is a Christian camp. Rosemary Sayegh explained that, being located in eastern Beirut, it is rather isolated, although UNRWA does provide assistance. She did not know the number of Palestinians in the camp, but believed there still to be Palestinians there.

– 4. Shatila

The camp has a registered 7 373 UNRWA refugees from 1948, 217 white card holders and 440 refugees from 1967. According to UNRWA, the camp has a total of 9 676 people living in it (see footnote 1 on page 54). The camp covers an area of 39 569 m<sup>2</sup> and is located on the southern outskirts of Beirut. It has been in existence since 1949. All dwellings have running water, sewerage and their own toilet. UNRWA collects rubbish six days a week and the camp does not have

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<sup>1</sup> The explanation for the difference between the UNRWA total (here 1 537) and the sum of the three categories of Palestinians (here 593, 35 and 102) is that some of the Palestinians registered at the camp do not actually live in it and there may also be a number of Lebanese or others living in the camp.

electricity laid on, but efforts are being made to have it connected to the public electricity distribution system. UNRWA runs one primary school and one lower secondary school, at which a total of 1 130 pupils are taught by 33 teachers. The camp has a health centre, with a staff of nine, attended by an average of 53 patients a day. The percentage of special hardship cases is 11,1% and UNRWA employs two social workers.

The PFLP stated that the camp contains a large number of Palestinians who are Shia Muslims.

According to the MECC, the Sabra camp forms part of Shatila. It has an office in the Sabra camp, an office now shared with UNRWA for financial reasons. The Sabra camp is not registered as a camp by UNRWA, owing to the damage the camp has suffered. The MECC added that there are both Palestinians and Lebanese in Sabra/Shatila.

On the question of Sabra or Shatila, Al-Natour explained that the area is known as Sabra, but the name of the family owning the area is Shatila. It therefore amounts to the same, whether called Sabra or Shatila. He added that Shatila differs greatly from the other camps in containing a mixture of Palestinians and Lebanese. The Lebanese authorities do not refer to Sabra/Shatila as a camp, because non-Palestinians have been given permission to buy houses in the area.

Al-Natour said that Shatila contains a number of Palestinians displaced by the destruction of camps in the Beirut area. The authorities did not want to place them in the Maronite areas from which they came and, after fierce pressure, allowed UNRWA to construct two buildings to house them. The compensation which those internally displaced persons obtained from the Lebanese authorities was thus handed over to UNRWA, which put up the rest, as the compensation was insufficient to cover the full cost. The authorities have in fact turned a blind eye to reconstruction carried out in the camp, as many investors are Lebanese.

## ***B. Bekaa***

### ***– 1. Wavell***

The camp has a registered 6 653 UNRWA refugees from 1948, 55 white card holders and 108 refugees from 1967. According to UNRWA, the camp has a total of 6 745 people living in it (see footnote 1 on page 54). The camp covers an area of 43 435 m<sup>2</sup> and is located about 90 km north-east of Beirut in the Bekaa Valley. It has been in existence since 1948, when it was established by the League of Red Cross Societies. All dwellings have running water and sewerage. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. UNRWA runs one primary school and one lower secondary school, at which a total of 800 pupils are taught by 27 teachers. The camp has a health centre, with a staff of 11, attended by an average of 62 patients a day. The percentage of special hardship cases is 12,7% and UNRWA employs one social worker as well as one person working at the camp women's centre.

The delegation had a chance to visit the camp and meet the camp committee, which put the number of inhabitants at about 3 500. It reported that the camp only houses Palestinians, apart from one Lebanese family and perhaps a few Syrian nationals. Miriam Bergholz of NORWAC, however, believed there to be only about 3 000 inhabitants at present.



The camp committee explained that the camp was originally a French military base, consisting of a series of barrack huts. Those barrack huts still form the camp's basic fabric, with a number of subsequent alterations and extensions. The clearest sign that it used to be a military base is provided by the air-raid shelters beneath the camp, which could hold all of its inhabitants. There were no checkpoints, operated either by the authorities or by the Palestinians, in the immediate vicinity of the camp, so that it was possible to pass freely in and out.

The committee is composed of 13 members, subdivided into four sections, covering social, educational, political and health issues. Members represent the camp's organisations, trade unions and "Armed Struggle" as well as the political factions. The political factions represented on the camp committee are the PFLP-GC, Al-Saiqa, the DFLP, the PLF, the FRC and Fatah al-Intifada. The committee is elected by means of direct, democratic elections within each organisation or faction, in which anyone is free to stand. The camp committee then appoints its own secretary and deputy secretary and elects those in charge of each of its sections.

Michel Naufal confirmed that the camp is dominated by pro-Syrian organisations.

The social situation in the camp was described by its committee as very poor, with unemployment a major problem. The unemployment rate was put at around 60%, with considerable competition for the few jobs to be found.

The camp committee explained that its day-to-day work centres on constantly raising the standard of the camp, in cooperation with agencies including UNRWA and UNICEF.

The committee reported there to be no internal conflicts within the camp and a good relationship with the Lebanese authorities, the Syrians and Hezbollah. There may be security problems for members of certain organisations, who risk being arrested or sparking off internal disputes.

The security situation is generally the responsibility of the Lebanese and the Syrians, who, if interested in any of the camp's inhabitants, have to approach the camp committee; there is thus full coordination with them. It was emphasised that lawlessness will not be tolerated under any circumstances. The committee does not itself hand over inhabitants to the authorities, but there may be cases in which Palestinians are arrested outside the camp. The view was taken that any Palestinian arrested by the police would be subjected to inhuman treatment and possibly torture. The committee thus did not think a Palestinian could expect to be treated in the same way as a Lebanese.

Health matters are UNRWA's responsibility and there are problems with very serious illnesses requiring hospitalisation. There is no camp hospital, merely a number of beds set aside at a Lebanese hospital; in the committee's view, this number is insufficient, with long waiting lists as a result. There is also a very great problem in that UNRWA does not foot the whole bill for hospitalisation and operations, which means that Palestinians have to pay part of the cost themselves, which for many of them is not possible, and there are instances of people dying as a result of a lack of medical treatment. The hospital only admits patients who pay an advance, and there are thus people dying on the hospital doorstep, as it were. There are also instances of the hospital refusing to release dead bodies until all bills have been settled. It was pointed out that medicines are also very expensive and poor health thus reduces many of the camp's inhabitants to begging in order to be able to afford medicines and treatment.

The delegation visited a clinic run by the Association for Prisoners and Detainees and talked to its only doctor. The doctor explained that inhabitants' lack of health education poses a problem, as they therefore leave illnesses to develop for too long, sometimes not consulting a doctor until it is too late.

The delegation was able to form its own visual impression of the camp, which seemed well organised and arranged, but it was clear that the inhabitants live in very crowded conditions. When the delegation visited a family in the camp, it was told that, as the buildings are so close together, there can at times be difficulty in getting proper air circulation and living quarters are very dark inside. The family added that water and electricity supplies are satisfactory.

### ***C. Tripoli***

#### **– 1. Nahr el-Bared**

The delegation visited the camp, where it met the camp committee and went on a tour of inspection.

The camp has a registered 25 465 UNRWA refugees from 1948, 514 white card holders and 168 refugees from 1967. According to UNRWA, the camp has a total of 25 597 people living in it (see footnote 1 on page 54). The camp covers an area of 198 129 m<sup>2</sup> and is located about 16 km north of Tripoli. It has been in existence since 1949, when it was established by the League of Red Cross Societies. All dwellings have running water and about 95% have their own toilet. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. UNRWA runs five primary schools and three lower secondary schools, at which a total of 5 176 pupils are taught by 142 teachers. The camp has a health centre, with a staff of 23, attended by an average of 279 patients a day. The percentage of special hardship cases is 23,6% and UNRWA employs four social workers as well as one person working at the camp's rehabilitation centre.

The delegation noticed that the camp seemed very busy, with a lively commercial life and a great deal of traffic. The volume of traffic was partly due to the former main road to Syria passing through the camp. A walkabout in the residential parts of the camp, made it clear that the population density is high, with very little space between houses, in some places less than a metre. The lowest floors of buildings receive very little light and no sun at all. The delegation was told that up until the 1960s the camp consisted of tents, but the Palestinians have since built their own houses. The camp committee explained that the businesses in the camp are owned either by Lebanese or by Palestinians who have worked in the Gulf states and returned to Lebanon comfortably off.

The camp committee consists of a representative of each of the political factions, a representative of each trade union and a representative of each of the camp's six districts. It meets once a week and has five subcommittees, dealing with social affairs, education, health, water and electricity supplies, and sporting and leisure activities. The committee does not have a budget as such, but collects water rates, used partly to pay sanitary engineers.

This camp's committee is highly active, arranging demonstrations and penning appeals to UN agencies and the Lebanese authorities in order to raise awareness of the problems faced by Palestinians in Lebanon.

The camp committee reported that UNRWA activities and assistance were at first sufficient, but are no longer so. It voiced considerable concern at the fall in UNRWA aid since the mid-1960s and at Palestinians in Lebanon also, as such, being deprived of basic social and economic rights in Lebanese society.

The unemployment rate in the camp was put at over 60%, and it is very hard to find work.

In health matters, problems centre on very serious illnesses requiring radical treatment. UNRWA pays only a fairly small proportion of the cost of an operation, for instance, with people having to try and find money to meet the remainder, which can sometimes prove impossible. For operations, moreover, there are very long waiting lists. UNRWA has arranged for 450 beds a month to be reserved for Palestinians at the public hospital, but this falls short of requirements, prompting patients to leave hospital as quickly as possible so as to make way for the next. The committee stated that UNRWA is trying to obtain additional beds.

According to the camp committee, the education system is very inadequate, with UNRWA providing tuition at primary and lower secondary level only. Upper secondary education, if any, has to be received at private schools, which comes very expensive, and many people therefore cut short their schooling prematurely.

The committee went on to point out that the camp holds about 2 500 Palestinians who were internally displaced during the civil war and the war of the camps. They are very poorly off, particularly as they do not receive any assistance from UNRWA to build proper housing.

On the security front, it made the point that judicial matters are referred to the Lebanese authorities and civil matters are dealt with by the camp committee. It has full confidence in the treatment received at the hands of the Lebanese authorities, including the chance of a fair trial.

The camp has its own police force, known as "Social Security", paid out of water rate revenue. It has twelve members. The committee explained that there are no significant problems and the camp is completely safe to live in.

According to Michel Naufal, Fatah enjoys some influence in the camp, which is otherwise dominated by the radical factions such as Fatah al-Intifada, the FRC and others opposed to Fatah, including the DFLP and the PFLP.

The head of Fatah in Lebanon, Sultan Abu Al Aynen, confirmed that Fatah has members in the camp, whom no-one dares to arrest.

The MECC has a project in the camp, which it regards as very well-run and well-organised. In this it differs from a number of the other camps.

– 2. Beddawi

The camp has a registered 13 879 UNRWA refugees from 1948, 440 white card holders and 873 refugees from 1967, of whom, according to UNRWA, 14 233 living in it (see footnote 1 on page 54). The camp covers an area of 200 000 m<sup>2</sup> and is located about 5 km north of Tripoli. It has been in existence since 1955, when it was established by UNRWA. All dwellings have running water and their own toilet. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis.

UNRWA runs two primary schools and three lower secondary schools, at which a total of 2 326 pupils are taught by 80 teachers. The camp has a health centre, with a staff of 13, attended by an average of 78 patients a day. The percentage of special hardship cases is 14,5% and UNRWA employs two social workers as well as one person working at the camp's women's centre.

At the camp, the delegation visited a centre set up by the National Institution for Social Care and Vocational Training and headed by Abdallah Mahmoud. The centre serves partly as a children's home for 118 children, partly as a kindergarten for 75 children and in addition as a summer camp for a sizeable number of children, while also supporting 72 Palestinian families who are all particularly poorly off. Mahmoud explained that the need for assistance has increased since UNRWA cut back its aid to refugees, especially in the health sector. In his view, people are dying because they are not provided with the necessary assistance, being left to pay for things like operations themselves. UNRWA also does not supply medicines, which people have to buy for themselves.

On employment, Mahmoud reported that the inhabitants mostly work as unskilled labourers, usually in the building trade. Educated Palestinians are not allowed to work in were working in farming and pointed out that there is also strong competition from Syrian workers, who work for lower pay.

At the camp, the delegation visited the Safad hospital, run by the Palestinian Red Crescent, and talked to the hospital's superintendent, Dr Abdul Aziz Bekai. He explained that the hospital had been reopened nine months previously, after having been thoroughly renovated with aid from sources including the EU and the Norwegian Red Cross. The hospital provides care for the inhabitants of Beddawi camp, but is also open to anyone else, especially the poor. It has 20 beds, providing medical care for virtually all types of illness, and has a casualty ward, a maternity ward and facilities for a large number of specialist medical services.

Michel Naufal reported the camp to be controlled by factions opposed to Arafat.

#### ***D. Sidon***

##### **– 1. Ein el-Hilweh**

The camp has a registered 39 600 UNRWA refugees from 1948, 740 white card holders and 620 refugees from 1967. According to UNRWA, the camp has a total of 40 145 people living in it (see footnote 1 on page 54). The camp covers an area of 301 039 m<sup>2</sup> and is located about 3 km south-east of Sidon. It has been in existence since 1949, when it was established by the League of Red Cross Societies. All dwellings have running water and sewerage. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. UNRWA runs five primary schools, two lower secondary schools and one upper secondary school, at which a total of 6 675 pupils are taught by 178 teachers. The camp has two health centres, with a staff of 35, attended by an average of 491 patients a day. The percentage of special hardship cases is 11,2% and UNRWA employs five social workers as well as one person working at the camp's women's centre.

With regard to the balance of power, most sources confirmed that virtually all Palestinian organisations are present in the camp and internal disputes make the situation very tense. A Lebanese source wishing to remain anonymous put this down to normal problems between

tradespeople, for instance, as well as a number of clan-based and personal problems, such as acts of vengeance and marital disputes. That source did not think such problems to be of any significance.

UNIFIL described the camp as a jungle, without any leadership, but with numerous small power bases of various factions. It also regarded the situation as fragile, with the potential to become very dangerous. Many Palestinians believed that they would be able to leave for the self-rule areas following the Oslo accords and now that it has become clear that this will not be the case many of them, especially the young men, are very easily influenced by Hamas or Islamic Jihad, for instance.

Michel Naufal explained that there is a fierce power struggle going on and that this camp differs from the rest on account of the extensive political activity. He reported that Fatah is still present and enjoys some influence. He added that many other organisations are represented in the camp, including the Palestinian organisations opposed to Arafat and a number of Islamic organisations such as Hamas and Islamic Jihad. The internal disputes make the situation untenable for ordinary people, especially families. The camp is also the only one in which Palestinians kill one another because of internal disagreements. He said lastly that, even though the Lebanese army is not present inside Ein el-Hilweh, it has the camp surrounded and makes an impact on conditions there.

Shoufiq Al Hout regarded Ein el-Hilweh as the focal point of all activity among Palestinians in Lebanon. One reason for this is that the camp serves as a meeting point for Palestinians forced to leave other parts of Lebanon for various reasons. He also confirmed that all organisations are represented in the camp. Each organisation has its own territory around its office and virtually every other street may be controlled by a different group.

Lastly, Shoufiq Al Hout reported the clan structure to be very strong, with family relationships counting for far more than political allegiances. A family will always take up the cudgels against others to protect its own kinsfolk, even if the family contains members of different organisations who cannot normally agree with one another.

According to the PFLP, the fighting in the camp is not between factions but within factions. According to its information, for instance, a state of utter anarchy prevails within Fatah.

The head of Fatah in Lebanon, Sultan Abu Al Aynen, explained that there is no one force in the camp that has the upper hand. Problems are individual and non-violent in nature. It is true that there are arms in the camp, but the place is really very quiet. There is, however, a problem in that the camp is very overcrowded.

Al-Natour pointed to three key features of Ein el-Hilweh: it is the largest camp, all factions are present there and any political event affects the situation throughout the camp. He thought there could be no risk of actual warfare, only purely individual conflicts, prompted more by economic than by political factors.

Rosemary Sayegh said that there are Lebanese checkpoints at the entrance to the camp, but not inside it. Palestinians openly carrying arms can be seen in the camp.

As one example of what can happen in the camp, on 11 May 1998 the Daily Star reported two killings the previous evening. In the first instance someone was shot by a masked man, while shopping. According to the article, the murder victim was unrelated to any Palestinian organisation.

The victim's family then fired shots into the air, shooting a member of the camp police who had appeared on the scene to restore order.

– 2. Mieh Mieh

The camp has a registered 4 043 UNRWA refugees from 1948, 235 white card holders and 50 refugees from 1967. According to UNRWA, the camp has a total of 3 100 people living in it (see footnote 1 on page 54). The camp covers an area of 54 040 m<sup>2</sup> and is located in Sidon. It has been in existence since 1956, when it was established by an American mission. All dwellings have running water and sewerage. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. UNRWA runs one primary school and one lower secondary school, at which a total of 694 pupils are taught by 26 teachers. The camp has a health centre, with a staff of nine, attended by an average of 113 patients a day. The percentage of special hardship cases is 12,1% and UNRWA employs one social worker.

According to Michel Naufal, the camp has close links with Ein el-Hilweh. UNIFIL stated that the camp forms a kind of annex to Ein el-Hilweh and the Lebanese army also has this camp surrounded.

*E. Tyre*

– 1. El-Buss

The camp has a registered 8 187 UNRWA refugees from 1948, 86 white card holders and 238 refugees from 1967. According to UNRWA, the camp has a total of 8 510 people living in it (see footnote 1 on page 54). The camp covers an area of 80 000 m<sup>2</sup> and is located about 2 km east of Tyre. It has been in existence since 1948, but was originally established by the French government in 1939 to house Armenian refugees. All dwellings have running water and their own toilet. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. UNRWA runs two primary schools and two lower secondary schools, at which a total of 1 876 pupils are taught by 57 teachers. The camp has a health centre, with a staff of 21, attended by an average of 201 patients a day. The percentage of special hardship cases is 16,6% and UNRWA employs two social workers as well as one person working at the camp's women's centre.

According to information supplied by Michel Naufal, El-Buss is a special case, being not really a camp but more like a suburb of Tyre, with Lebanese and Amal present. He added that Fatah holds sole control of El-Buss.

UNIFIL reported the camp to be fully under Lebanese army control.

The PFLP stated that the camp contains a large number of Palestinians who are Shia Muslims.

– 2. Rashidieh

The camp has a registered 22 545 UNRWA refugees from 1948, 128 white card holders and 200 refugees from 1967. According to UNRWA, the camp has a total of 22 975 people living in it (see footnote 1 on page 54). The camp covers an area of 248 426 m<sup>2</sup> and is located 7 km south of Tyre. It has been in existence since 1948, but was originally established by the French government in

1939 to house Armenian refugees. All dwellings have running water, sewerage and their own toilet. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. UNRWA runs two primary schools and one lower secondary school, at which a total of 2 219 pupils are taught by 62 teachers. The camp has a health centre, with a staff of 15, attended by an average of 144 patients a day. The percentage of special hardship cases is 14,5% and UNRWA employs two social workers as well as one person working at the camp's women's centre.

The delegation visited the camp, which has a Lebanese checkpoint about 20 m from the entrance. Right at the entrance itself is a Palestinian checkpoint, displaying political allegiance with posters of Yasser Arafat. The camp is a low-rise construction with open sewers.

The delegation met the camp committee, which has responsibility for resolving a variety of problems. The committee explained that its remit covers four tasks: firstly coordinating communications with UNRWA, secondly infrastructure, i.e. sewerage, water and electricity, thirdly settling problems between inhabitants and fourthly attending Lebanese national ceremonial events to represent the camp vis-à-vis the Lebanese authorities. The committee has about 18 members, comprising representatives of the camp's organisations, five independent members and one representative each of "Armed Struggle", i.e. the camp police, the students' organisation, the workers' organisation and UNRWA, plus one member from each of the trade unions and the Palestinian Red Crescent.

Inhabitants, the committee explained, come mostly from the north of Israel, including Galilee. The rest come from the West Bank and Jordan. In the camp, people live alongside others from their former home areas, with the camp arranged in a way like a mass of small local communities. Life in the camp is very hard, partly because only about 10% are in work, and many people therefore move out. The committee estimated that about 52% are living in the camp and 48% outside it. The camp also houses a small number of poor Lebanese and a few Palestinians who have been granted Lebanese nationality.

On the scope for employment, the committee said that job opportunities are to be found chiefly in farming, but with very strong competition from Syrian workers. For those who eventually find work, the pay is very low.

The camp committee reported that not all Palestinian factions are represented in the camp, but it does include the DFLP, the PFLP, the FRC and the PP as well as Fatah, which is the organisation carrying the greatest weight in the camp.

The camp has very few violent incidents and, if there are any problems, the committee tries to intervene. Such cases involve ordinary problems between inhabitants. The camp has its own police force, "Armed Struggle", which helps to resolve any problems that might arise. If the case is very serious, the suspect will be handed over to the Lebanese authorities; otherwise the camp police will try to resolve the situation themselves.

The committee stated that the Lebanese authorities do enter the camp and it firmly rejected the way in which the camps are sometimes described as no-go areas. In its view, a Palestinian defendant would be treated by the courts in the same way as a Lebanese. It added that Palestinians are discriminated against, both at checkpoints and in public institutions, and that Palestinians observe the law, but thus do not receive equal treatment.

At the camp, the delegation met the head of Fatah in Lebanon, Sultan Abu Al Aynen, who explained that one of the major problems is not being allowed to bring building materials, including paint, into the camp; the only way is to smuggle them in. He estimated that about 60% of the camp's inhabitants are living beneath the breadline. He pointed out that the PLO provides assistance for the families hardest hit, as UNRWA can do only very little to help.

According to Al Aynen, there are no security problems in the camps in southern Lebanon, as a purge was carried out about seven years ago.

A Lebanese source wishing to remain anonymous stated that Fatah has the most supporters and hence holds power in the camp. Rosemary Sayegh also confirmed that the camp is controlled by Arafat supporters.

According to Michel Naufal, Rashidieh is the only camp in which Fatah holds absolute power. However, he considered that the balance of power may very well shift if the Israelis leave Lebanon, with the possibility of the same kind of power struggle as is going on in Ein el-Hilweh.

– 3. Burj el-Shemali

The camp has a registered 16 493 UNRWA refugees from 1948, 220 white card holders and 20 refugees from 1967. According to UNRWA, the camp has a total of 16 752 people living in it (see footnote 1 on page 54). The camp covers an area of 134 600 m<sup>2</sup> and is located 3 km east of Tyre. It has been in existence since 1955. Water supplies come from two water tanks installed by UNRWA, with connections to individual dwellings, and all dwellings have their own toilet. UNRWA collects rubbish six days a week and electricity is supplied by the Lebanese electricity distribution system, which charges inhabitants on a metered basis. UNRWA runs two primary schools and one lower secondary school, at which a total of 2 199 pupils are taught by 65 teachers. The camp has a health centre, with a staff of 11, attended by an average of 174 patients a day. The percentage of special hardship cases is 14,2% and UNRWA employs two social workers as well as one person working at the camp's women's centre.

The delegation paid a brief visit to the camp, when it met the camp committee. Like Rashidieh, this is a closed camp. There is a Lebanese checkpoint shortly before the entrance, and then right at the entrance itself a Palestinian checkpoint, displaying political allegiance with posters of Yasser Arafat.

The camp committee explained that it is composed of civilian PLO members and representatives of the camp's organisations. The committee deals with social affairs, communications with UNRWA and the Lebanese authorities, health, education and financial affairs.

According to its committee, the camp has an "Armed Struggle", i.e. its own police force. Should a problem situation arise, the camp police refer the case to the committee, which then tries to resolve it by means of conciliation etc. It is possible for a suspect to be handed over to the Lebanese authorities, in which the committee has full confidence. It was added that there are never any clashes between Palestinians and Lebanese and that the camp police are there solely to deal with internal security, there is nevertheless a besieged feeling with the camp, surrounded as it is by the Lebanese army. Building materials are not allowed to be brought into this camp either, a ban enforced by Lebanese troops.



The committee explained that there are job opportunities in farming, but very few of them, largely on account of competition from other foreigners such as Syrians and Egyptians. Farm labour is seasonal work, moreover, and so cannot in any event bring in earnings all year round. Living conditions are tough, especially with UNRWA aid having been scaled down. The committee pointed out here that financial assistance is now confined to the disabled and to elderly women. The PLO has also reduced its financial support, needing sizeable funds in the self-rule areas. The committee would like people to continue living in the camp but, if they are hungry, it cannot stop them leaving.

There are three UNRWA schools in the camp, two for boys and one for girls. UNRWA supplies pupils with books etc. but not writing materials. The schools have 55 pupils to a class and need to operate two shifts a day, for lack of room. The only lower secondary school is at Rashidieh and has room for very few pupils, so that only the very able can attend it. The committee reported that it is not possible to send children to state schools. The only possibilities after lower secondary education are the Sibliin Training Centre in Sidon or private schools, which are very expensive. University admission, according to the committee, is possible only as a fee-paying student. It used to be possible to study in the former Soviet Union or eastern Europe, but as a result of changes in those countries that option is no longer open.

On the health situation, the committee explained that the camp has a shortage of medicines, which the sick thus have to buy outside it. In addition there is a long waiting list for operations, for which UNRWA pays only part of the cost, with people then having to meet the rest themselves. The Palestinian Red Crescent clinic stays open 24 hours a day, which is very good, but shortage of medicines remains a problem. The committee added here that lack of clean water is a serious problem, being to blame for the spread of disease.

On the balance of power in the camp, it was explained that the DFLP and the PFLP do in principle have members on the committee, but not just at present, with only Fatah represented.

An independent Lebanese source wishing to remain anonymous reported the balance of power to mirror that in Rashidieh, meaning a Fatah-controlled camp.

UNIFIL explained that the camp forms part of the town of Tyre, with Palestinians being in a better economic position as a result. It confirmed that Fatah holds control of the camp.

According to Rosemary Sayegh, most of the Palestinians in the camp have been granted Lebanese nationality.

The PFLP stated that the camp contains a large number of Palestinians who are Shia Muslims.

## **7. Entry and exit procedures**

For entry and exit visas, see section 4.F on freedom of movement for Palestinians and also section 3.B on travel documents.

### ***A. Beirut airport***

A Lebanese source wishing to remain anonymous stated that the Syrian security personnel at Beirut airport are there only to check on Syrian nationals.

Wa'il Kheir reported that there is most certainly a Syrian presence at the airport in the form of plain-clothes police or security personnel. On the whole they only stop Palestinians, who are checked against a list containing, according to the source, particulars of around 6 000 Palestinians. Checks are carried out both upon entry and upon exit. The source added that Palestinians also undergo thorough checking by the Lebanese authorities, with the result that entry and exit control normally takes a couple of hours.

### ***B. Sea ports***

Apart from a report from the FHHRL that there is no longer any traffic on the ferry routes from Lebanese ports to Cyprus and other foreign countries, no information on the subject was forthcoming during the mission.

### ***C. Land border***

Kheir referred to the following four border crossings between Lebanon and Syria: Al Masnaa (for Damascus), El Aarîda, El Aabboûdiye and Dabbousieh.

According to the FHHRL, crossing the border at those points is quite simple for Syrian nationals, whereas for Lebanese, and especially Palestinians, it is more difficult. When asked whether the border between Lebanon and Syria could be crossed on an identity card only, Kheir replied that this used to be possible for Lebanese nationals but that the Syrians at present require a passport to be shown.

Souheil Al-Natour pointed out that a Palestinian entering Syria from Lebanon or vice versa has to be in possession of a Lebanese travel document containing a valid re-entry visa.

## **8. Other matters**

### ***A. Hezbollah***

- 1. Position in Lebanon, geographically, militarily and politically

#### Policy and organisation

A Lebanese source wishing to remain anonymous regarded Hezbollah as part of Lebanese society, pointing out that the organisation has a political wing with seven seats in the Lebanese parliament. The organisation is accepted in Lebanese society, since it participates in lawful politics and in social life generally. According to the source, Iran's support for Hezbollah is on the wane, with the organisation now more firmly rooted in Lebanon.

The source noted that Hezbollah is mainly concentrated in the Bekaa Valley and in southern Lebanon.

The Deputy Secretary-General of Hezbollah, Sheik Naïm Kassem, whom the delegation had a chance to meet, described the organisation as an Islamic-based political party which, on the one hand, participates in political proceedings in the Lebanese parliament with nine members and, on the other, is fighting a war of resistance against the Israeli occupying power in southern Lebanon. He reported that many sections of Lebanese society were surprised when in 1992 Hezbollah stood

for election to the Lebanese parliament; this he put down partly to Hezbollah previously having been branded a terrorist organisation, particularly by the USA. However, Hezbollah wished to show its openness and willingness to participate in political life and in Lebanese society generally, there having after all been no normal political life in Lebanon prior to 1992. Participation in the election merely represented a natural development for a movement wishing to give voice to its policy and ideology, parliament being just a new outlet for that purpose. Sheik Naïm Kassem added that Hezbollah is nobody's puppet and does not want to use power to impose a change of system in Lebanon. Hezbollah recognises the right of all to fight for their political ideology and wishes to avail itself of that right. With Hezbollah at the helm, society would be based on Islam as an idea, not as a religion.

On the structure of Hezbollah, Sheik Naïm Kassem explained that its highest body is "el-Shoura", a seven-member council headed by the Secretary-General, Hassan Nasrallah. That council is responsible for all high-level decisions, implementation of which falls to the Secretary-General. Under "el-Shoura" come a Political Council, responsible for party policy, an Executive Council, whose responsibilities include internal recruitment, and a Parliamentary Council, responsible for parliamentary business. There is also an Islamic Resistance Branch, responsible for the war of resistance generally, reporting directly to "el-Shoura".

Hezbollah supporters were broken down by Sheik Naïm Kassem into three groups:

- (1) fully-fledged party members, such as participants in the armed struggle in southern Lebanon, working full-time for Hezbollah;
- (2) voluntary recruits organised as participants in the armed struggle, not working full-time for the party; and
- (3) supporters primarily taking part in demonstrations, marches etc.

As an illustration of the last group's activities, Sheik Naïm Kassem mentioned a sizeable number of demonstrations held the previous week to mark the Shia Muslims' Ashura festival at places including Nabatieh, Baalbek and Beirut.

On Hezbollah's finances, Sheik Naïm Kassem explained that the party's funds come in part from voluntary contributions based on the Islamic principle of the "fifth". The remainder is raised by means of outside contributions from sources such as Iran (particularly for the military and social sides of the party's work), profit-making projects and fund-raising or donations within Lebanon. Sheik Naïm Kassem's explanation for the presence in the meeting room of pictures of both the late Ayatollah Khomeini and Iran's present spiritual leader, Ayatollah Khamenei, was that they are regarded as Hezbollah's spiritual leaders, rather like the role of the pope in the Catholic Church. It was pure coincidence that those spiritual leaders were at present from Iran, previous leaders having come from Iraq, among other countries. He made the point that the party's links with Iran are religious and not political in nature.

Hezbollah's parliamentary action is opposition-based, with the party forming part of a group of about 25 of parliament's complement of 128 members. Sheik Naïm Kassem pointed out here that the Lebanese parliament is made up primarily of small groupings rather than large parties.

The main plank in Hezbollah's platform is the armed struggle against the Israelis in southern Lebanon. Kassem also regarded the abolition of the confessional carve-up of Lebanon's political system as a key point, going on to mention work on improving infrastructure and conditions for industry as an important part of the platform. In addition Hezbollah opposes Prime Minister Hariri's focus on the Beirut area in the efforts to reconstruct Lebanon after the civil war, since this results in insufficient investment in the poorer farming areas of, for instance, the Bekaa Valley and southern Lebanon.

Representatives of a western embassy wishing to remain anonymous reported that Hezbollah is nowadays accepted in Lebanon as a legal political movement operating within the law. The source also pointed out that the introduction of an Islamic state no longer forms part of Hezbollah's official policy, that the organisation's ties with Iran have loosened somewhat and that Syria now enjoys some influence over it.

On Hezbollah's position in Lebanese society, the embassy noted that the organisation carries out extensive social work and that the movement in general is characterised by very strong solidarity, a solidarity shown primarily by the Shia community and not to the same degree by other confessional groups in Lebanon.

#### Relationship with Amal and the armed struggle

When questioned about Hezbollah's relationship with Amal, Sheik Naïm Kassem reported that Hezbollah does not see eye to eye politically with Amal, which is of course also a Shia Muslim movement, but not based on Islam. This fact itself forms one source of their dis-agreements. Amal also supports the Lebanese confessional system, including the power-sharing arrangement, which Hezbollah wants to abolish. When asked about participation by other groups, including Amal, in the war of resistance against the Israelis in southern Lebanon, Sheik Naïm Kassem replied that other groups put in a token effort, as they do not have sufficient capacity to wage war on the Israelis. He pointed out that in April 1998 Hezbollah had carried out 140 operations, while other groups engaged in 25.

The western embassy referred to above commented that Hezbollah has largely taken over the leadership of Lebanon's Shia Muslim community from the Amal movement. As regards clashes between Hezbollah and Amal supporters, of which there were some while the delegation was in Beirut, the source took the view that the Lebanese and Syrian authorities are in full control of the situation, which will not be allowed to develop beyond isolated incidents.

A Lebanese source wishing to remain anonymous commented that Hezbollah's armed wing involved in military operations against Israeli forces in the security zone in southern Lebanon is engaged in a natural war in defence of its own territory and rights.

The western embassy reported that Hezbollah's armed struggle against the Israelis in Lebanon is viewed as an entirely legitimate war of independence against an occupying force. With reference to the Lebanese press, the source noted that Hezbollah is reckoned to be able to muster around 800 well-armed and trained "soldiers" proper, plus an un-known number of supporters with looser links and less military prowess.

– 2. Recruitment

A Lebanese source wishing to remain anonymous reported that it is possible for anyone, including Christians, to enrol in Hezbollah.

A Hezbollah representative denied that the organisation resorts to conscription, explaining that enrolment in Hezbollah is entirely voluntary. He said that people join up out of conviction and the organisation's Islamic basis means that many are ready to die for the cause, if need be. With regard to the recruitment of non-Shia Muslims to Hezbollah, the source said that the organisation includes a number of Sunni Muslims, but generally relies mostly on Shia Muslims.

Wa'il Kheir reported that Hezbollah consists mainly of Shia Muslims, who make up the majority of the population in southern Lebanon. He emphasised, however, that it is basically possible for anyone who so wishes, including Christians, to join Hezbollah in order to fight the Israelis. He denied that Hezbollah conscripts people.

On the subject of Hezbollah recruitment, another FHHRL representative commented that rumours of non-Shia Muslims enrolling in Hezbollah are not very plausible.

UNIFIL stated that about six months ago Hezbollah set up the Lebanese Resistance Squad, a unit reportedly open to all. On Hezbollah's "mixed" military unit, reportedly also including non-Shia Muslims, a western embassy wishing to remain anonymous thought this primarily a public relations ploy to depict Hezbollah as a nationwide movement.

Shoufiq Al Hout said that any Palestinian participation there might be in fighting against the Israelis would come under the Hezbollah flag. According to an independent Lebanese source wishing to remain anonymous, there is hardly any significant Palestinian support for or participation in Hezbollah's armed struggle against the Israeli occupying forces in the security zone.

A western embassy wishing to remain anonymous stated that Hezbollah does not practise conscription for the simple reason that it has volunteers enough. UNIFIL was of the same opinion.

– 3. Attitude towards deserters

According to a Lebanese source wishing to remain anonymous, desertion from Hezbollah is not a problem, with people being free to leave the organisation. However, the source considered that relatively few do leave Hezbollah, since most have joined up out of conviction and service in Hezbollah is well paid. In connection with desertion, the source knew of examples of false documents, such as indictments, purportedly issued by Hezbollah with regard to deserters.

The source also pointed out that spies or people who have collaborated with Israel risk arrest by

Hezbollah. In such cases, prisoners are handed over to the Lebanese authorities, which prosecute them in military courts.

The Attorney-General, Adnan Addoum, confirmed that Hezbollah hands over prisoners for prosecution by the Lebanese authorities.

A western embassy wishing to remain anonymous took the view that actual Hezbollah guerillas, i.e. those having received military training and taken part in armed combat, are not free to leave Hezbollah, unless they have grown too old or served for many years. Such a deserter risks the death penalty. The source pointed out that it is perfectly possible to be an active member of Hezbollah without ever getting involved in the armed struggle against Israel.

UNIFIL considered that it would be possible to leave Hezbollah, but that members who had taken part in the armed struggle would probably be kept under surveillance by the organisation. It pointed out, however, that there are not really many deserters, since it is regarded as a disgrace to abandon the armed struggle.

A Hezbollah representative emphasised that no action is taken against those leaving the organisation. The source pointed out that Hezbollah is not to blame for people seeking asylum in, say, Denmark. If people from southern Lebanon seek asylum, according to the source, they do so for social and economic reasons or on account of Israel's occupation of the southernmost part of the country. In response to direct questioning, the source replied that Hezbollah does not issue documents of any kind, not even membership cards.

When asked whether Hezbollah members are free to leave the organisation, the source replied that they are, while also pointing out that very few such cases arise, since Hezbollah members are motivated by conviction. The source added that Hezbollah members are of course entitled to a family life alongside their membership.

– 4. Position as regards SLA members

A Lebanese source wishing to remain anonymous stated that Hezbollah hands over captured SLA members to the Lebanese authorities. This was confirmed by the Attorney-General, who pointed out that such exchanges are arranged in liaison between the Lebanese authorities and Hezbollah.

The Lebanese source added that Hezbollah does not want any problems with the Lebanese authorities and for that reason hands over captured SLA members. In the source's view, Hezbollah thus does not itself punish prisoners.

A Hezbollah representative also stated that, after thorough questioning, in which an individual case file is prepared, the organisation hands over captured SLA members to the Lebanese authorities; he pointed out that Hezbollah is not empowered to punish them itself. He confirmed, however, that Hezbollah does hold a number of SLA members for the purposes of exchanging prisoners with the SLA or Israel. The source made the point that this is done with the Lebanese authorities' agreement.

On Hezbollah treatment of SLA prisoners, the source referred to a past release of such prisoners in which 16 of the 17 released subsequently chose to return to Hezbollah of their own free will. The source saw this as a sign that they had been well treated as prisoners.

### ***B. Esbat al-Ansar organisation***

Esbat al-Ansar was described by the Attorney-General as a Sunni Muslim extremist movement with very few members. However, he was unable to give any estimate of its strength. He took the view that the movement is well-armed and shows strong internal solidarity, while adding that it cannot be considered a serious threat to security in Lebanon.

According to the Attorney-General, Esbat al-Ansar is concentrated in the Ein el-Hilweh camp, possibly with a presence of sorts in the Nahr el-Bared camp. He added that the movement's leader, known as Abu Mahjan, is wanted by the Lebanese authorities for instigating the murder of a mufti regarded as a religious opponent. The Attorney-General said that the authorities have opted not to try and bring Abu Mahjan before a Lebanese court by force as long as he stays in the camp. However, the presence of the Lebanese army around the camp will in the end ensure that Abu Mahjan is brought to justice.

Another Lebanese source, who wished to remain anonymous, reported Esbat al-Ansar to be a Muslim extremist Palestinian movement and puts its membership at 60 to 70. That source also described Ein el-Hilweh as the movement's headquarters but pointed out, like the Attorney-General, that there may be a small number of Esbat al-Ansar members in the Nahr el-Bared camp. The source made the point that Esbat al-Ansar does not pose a great enough problem to the Lebanese authorities for the Lebanese army to take action against the movement inside the Ein el-Hilweh camp. The movement's leader was said by the source to be aged about 30.

According to an FHHRL report of 7 April 1997, Abu Mahjan's real name is Ahmad Abd al-Karim al-Sa'di and he is wanted for the murder of Sheik Nizar al-Halaby, committed on 31 August 1995. The report adds that he is in hiding in the Ein el-Hilweh camp.

Besides confirming the above sources' description of Esbat al-Ansar as regards its beliefs and geographical location, Wa'il Kheir commented that Palestinian fundamentalist groups have been "springing up like mushrooms" over the last few years, whereas Palestinians almost only ever used to form secular political organisations or groups.

### ***C. SLA (South Lebanon Army)***

UNIFIL estimated that the SLA currently has in practice only about 300 combat troops. The total number is higher (about 2 500) but many are either very young or very old. UNIFIL also thought rank and file SLA soldiers on the whole to be motivated solely by the financial prospects, putting the pay at USD 300 a month.

A western embassy wishing to remain anonymous estimated the SLA to have 2 000 soldiers. It added that the officers, who are Christians, are predominantly fighting out of conviction, whereas the rank and file, who are often local Shia Muslims, are motivated solely by the pay, reported by the source as USD 600 a month, with officers receiving about USD 1 000 a month. The SLA is not at present of any military significance, with most of the rank and file being "hired mercenaries".

The embassy also estimated around one third of the SLA's strength probably to be Hezbollah infiltrators, either coerced into that role while in Hezbollah captivity or having faced threats to their families.

- 1. Do SLA deserters risk being punished by the SLA and, if so, how?

The western embassy believed that SLA deserters, if caught, were likely to be punished with extreme severity, probably by the Israelis.

- 2. Do SLA members (deserters/returnees/prisoners) risk being punished or pursued by the Lebanese or Syrian authorities?

According to the Attorney-General, a considerable number of SLA members have already been prosecuted by the Lebanese authorities, but there are no statistics on the matter. He reported the normal maximum sentence for prosecuted SLA members to be ten years' imprisonment, but pointed out that the leader of the SLA, General Antoine Lahad, had been sentenced to death in absentia. He also made the point, however, that a distinction is drawn between those who volunteered to serve in the SLA and those conscripted into it. SLA volunteers are regarded as mercenaries, according to the Attorney-General, whereas conscription into the SLA constitutes a mitigating circumstance. A number of "small fry" from the SLA have now been apprehended and convicted and are currently serving prison sentences. The leaders have not been caught, however, but convicted in absentia.

An independent Lebanese source wishing to remain anonymous also put the maximum sentence for serving in the SLA at ten years.

Another Lebanese source wishing to remain anonymous confirmed that conscripted SLA members are less severely punished, being sentenced to up to three years' imprisonment.

A western embassy wishing to remain anonymous only knew of SLA soldiers being convicted in absentia. It added that sentences have been passed on a sizeable number of collaborators with Israel and/or the SLA, including the journalist Pierre Attala, now granted asylum in France. The source pointed out that even for lawyers it can be quite difficult to define the term "collaborator" as used in Lebanese legislation, and the military courts may find this even harder as a number of the judges lack sufficient legal training and experience.

#### Amnesty bill for SLA members

The delegation obtained a copy of a bill tabled by Hezbollah in parliament for an amnesty for SLA members. Under the bill, non-commissioned officers and what are termed "elements", construed in the press as meaning privates, would not be punished for collaborating with the enemy, provided they turn themselves in to the Lebanese authorities within three months of the legislation coming into force. At the time this report went to press, the bill had not yet been passed (see Annex 8).

The Attorney-General confirmed that work is under way on an amnesty bill for SLA members, who may also in individual cases be granted an amnesty by presidential decree.



With regard to the amnesty for SLA members proposed by Hezbollah, UNIFIL pointed out that there is in fact at present a kind of amnesty in practice in that many SLA members surrender to Hezbollah as turncoats. An actual amnesty under Lebanese law would not, in UNIFIL's view, cover SLA intelligence and security personnel. For that reason the SLA has a considerable shortage of staff for such work.

An independent source wishing to remain anonymous reported that Hezbollah uses a tactic of shelling SLA positions without scoring direct hits, which in the end often brings a stream of turncoats. The source added that such turncoats are rarely imprisoned. Captured SLA members proper are interrogated, but then handed over to the Lebanese authorities.

- 3. Can ex-SLA members settle in the security zone or elsewhere in Lebanon without risk of persecution?

As stated above, according to the Attorney-General and another Lebanese source, who wished to remain anonymous, a sizeable number of SLA members have already been tried by Lebanese courts.

An independent source wishing to remain anonymous pointed out that there are examples of SLA deserters being imprisoned by the Israelis.

**List of annexes:** (only Annexs 3 and 9 are available electronically)

**Annex 1: Map showing the places visited by the delegation in Lebanon**

**Annex 2: Map showing the Palestinian refugee camps in Lebanon**

**Annex 3: List of meetings and places visited**

**Annex 4: Taef agreement (October 1989)**

**Annex 5: Treaty of Brotherhood, Cooperation and Coordination between Lebanon and Syria (22 May 1991)**

**Annex 6: Preamble to the Lebanese constitution (21 September 1990)**

**Annex 7: Decision No 621/1, issued by the Lebanese Ministry of Labour, stating jobs and occupations restricted to Lebanese citizens (15 December 1995)**

**Annex 8: Bill tabled by Hezbollah for an amnesty for certain categories of ex-SLA members, together with an English translation**

**Annex 9: List of abbreviations used**

## Annex 3

List of meetings and places visited

### Beirut

**1. The Attorney-General, Adnan Addoum**

**2. A Lebanese source** wishing to remain anonymous

**3. UNRWA, Lebanon** (United Nations Relief and Works Agency for Palestinian Refugees in the Near East)

Attended for UNRWA by:

Wolfgang Plasa, Director

**4. Directorate-General for Palestinian Affairs (DGPA)**

Attended for the DGPA by:

Khalil Shataawi, Director-General

**5. Michel Naufal**, head of the Centre for Strategic Studies Research and Documentation (CSSRD), and **Hala Naufal**, a demographer working at the CSSRD

**6. Foundation for Human and Humanitarian Rights (Lebanon) (FHHRL)**

Attended for the FHHRL by:

Wa'il Kheir, a lawyer and director of the FHHRL

X, an attorney

Professor Farid al-Khazin

Jean Awad

Neemen Abri Antoun

Mouna El Akl

Mouna Saade

Hikmat Dib

Youssef El-Haje

**7. Youssef Sayegh**, a Palestinian intellectual, and **Rosemary Sayegh**, an anthropologist

**8. Shoufiq Al Hout**, a former member of the Palestine Liberation Organisation's (PLO) Executive Committee and former PLO representative in Lebanon

**9. Popular Front for the Liberation of Palestine (PFLP)**

Attended for the PFLP by:

Abri Fadi Ragi, official PFLP representative in Lebanon

Hawad Abd el-Ali, a member of the PFLP's Executive Committee, with responsibility for party administration

Hussein Bassem, secretary of the PFLP's Lebanon section

Samir Lubani, a member of the PFLP in Lebanon

**10. Hezbollah**

Attended for Hezbollah by:

Sheik Naïm Kassem, Deputy Secretary-General

Dr Abdallah Mortada, of its Foreign Affairs Office (European section)

Hassan Houdras, a member of the Political Committee, with responsibility for Palestinian affairs

**11. Middle East Council of Churches (MECC)**

Attended for the MECC by:

Aline Papazian, Director of the Unit on Life and Service

Suad Hajj Nassif, Director for Emergency Relief, Rehabilitation and Reconstruction

Sylvia Haddad

**Tyre**

**12. UNIFIL (United Nations Interim Force in Lebanon)**

Attended for UNIFIL by:

Timor Göksel, Senior Political Adviser

Daljeet Bagga, Press and Information Officer

**13. Visits to the following Palestinian refugee camps:**

*Rashidieh*, where the delegation met Colonel Sultan Abu Al Aynen, head of Fatah in Lebanon, and members of the camp committee, including its chairman, Jamal Suleiman.

*Burj el-Shemali*, where the delegation met members of the camp committee, including its chairman, Mahmud Bazakeh.

## **Baalbek**

### **14. Visit to the *Wavell* refugee camp**

The delegation met members of the camp committee, including its chairman, Abu Mohamed Waked.

## **Tripoli**

### **15. Visits to the following refugee camps:**

*Nahr el-Bared*, where the delegation met members of the camp committee, including its chairman, Abu Hisham.

*Beddawi*, where the delegation visited the local centre run by the National Institution for Social Care and Vocational Training and met the centre's head, Abdallah Mahmoud, as well as visiting Safad hospital, where it met the medical superintendent, Dr Abdul Aziz Bekai.

## **Beirut**

### **16. A western embassy wishing to remain anonymous**

### **17. Souheil Al-Natour, a lawyer and journalist and a member of the Democratic Front for the Liberation of Palestine (DFLP)**

## **Annex 9**

Abbreviations used:

CSSRD: Centre for Strategic Studies Research and Documentation

DFLP: Democratic Front for the Liberation of Palestine

DGPA: Directorate-General for Palestinian Affairs

FHHRL: Foundation for Human and Humanitarian Rights (Lebanon)

FRC: Fatah Revolutionary Council

MECC: Middle East Council of Churches

NGO: Non-governmental organisation

NORWAC: Norwegian Aid Committee

PFLP: Popular Front for the Liberation of Palestine

PFLP-GC: Popular Front for the Liberation of Palestine – General Command

PLO: Palestine Liberation Organisation

PRCS: Palestinian Red Crescent Society

RWG: Refugee Working Group

UN: United Nations

UNIFIL: United Nations Interim Force in Lebanon

UNRWA: United Nations Relief and Works Agency for Palestine Refugees in the Near East