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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by BADIL Resource Center for Palestinian Residency and Refugee Rights, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Upholding the Rights of Palestinian Refugees in Lebanon: Responsibility of Lebanon, Israel, and the International Community

Lebanon's current severe and unprecedented economic and financial crisis has had a detrimental impact on Palestinian refugees, whose civil, social, and economic rights have been denied by the host country since the beginning of their forcible displacement. As noted by the Special Rapporteur on extreme poverty and human rights, "most [Palestinian refugees] have lived in the country for generations, since 1948, yet they still have an ambivalent legal status and live at the margins of society."¹ To address this protracted displacement that has left Palestinian refugees in Lebanon without access to their civil, social, and economic rights, it is necessary for each of the relevant parties - that is, the international community, particularly the United Nations, Lebanon, and Israel - to fulfill their obligations and responsibilities enshrined in both international and regional treaties towards Palestinian refugees.

Living Conditions for Palestinian Refugees in Lebanon

Palestinian refugees in Lebanon are facing rapidly increasing levels of food insecurity, unemployment, poor housing conditions, poverty, as well as a lack of access to health services, gas, electricity, and heating. The legal status given to the more than 479,000 Palestinian refugees,² where they are still categorized and treated as foreigners rather than refugees, prevents them from obtaining a work permit, limiting them to jobs in the informal sector that are low-paid and do not offer any social protection. It further prohibits Palestinian refugees from owning real estate, generating over-crowdedness in the 12 refugee camps while forcing others to live in 'informal housing.'

These conditions are exacerbated by an underfunded United Nations Relief and Works Agency (UNRWA) that is constantly facing Israeli-led attacks and defamation campaigns aimed at delegitimizing and invalidating the Agency.³ As such, UNRWA is gradually becoming less able to provide adequate services to all Palestinian refugees. This is particularly so considering that most Palestinian refugees in Lebanon depend on UNRWA schools for education due to high schooling expenses elsewhere, as well as health care due to their inability to access the public health system in the country.

Lebanon's Responsibilities and Obligations towards Palestinian Refugees

Although Lebanon is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, it has signed the Casablanca Protocol in 1966 - albeit with reservations - which entitles Palestinian refugees with legal status equivalent to that of a State national, including in regards to the right to employment. Crucially, Lebanon's reservations contradict the content and purpose of this protocol, which contravenes fundamental international legal principles. Lebanon's lack of adherence to the protections enshrined therein violate its international obligations, deeming that it has a responsibility to cease its violations and to instead take practical measures to fulfill its obligations.

Additionally, Lebanon has international obligations to adjust its laws in conformity to a number of international conventions to ensure civil, social, and economic rights to Palestinian refugees as a signatory to the International Covenant on Civil and Political Rights, the Convention on the Elimination of Racial Discrimination of 1965, as well as the International Covenant on Economic, Social and Cultural Rights of 1966.⁴

Israel's Responsibility to Uphold Palestinian Refugees' Right to Reparations, including Return

While it is essential for Lebanon and the international community generally to meet their international obligations towards Palestinian refugees - namely to assist, protect, and uphold their basic rights during their displacement in Lebanon - this is merely a temporary solution until Palestinians are enabled to avail themselves to durable solutions, the preferred of which is repatriation. As such, the primary responsibility for the predicament of Palestinian refugees in Lebanon falls on Israel, by virtue of its systemic policies of colonization and Apartheid aimed at fostering the ongoing forcible displacement and transfer of the Palestinian people on both sides of the Green Line while depriving those who were displaced their inalienable right of return.⁵

Under the Law of State Responsibility, Israel is under an obligation to cease its wrongful acts, offer assurances of non-repetition, and make full reparations for the injuries caused, including the realization of the right of return. Israel's refusal to uphold this obligation and to recognize Palestinian refugees' right of return amounts to a violation of the right to self-determination, which is considered a serious breach of a peremptory norm.⁶

The Responsibility of the UN and the International Community

When States are unwilling or unable to fulfill their responsibility to protect their citizens and others within their jurisdiction, the responsibility of the international community and international protection therefore must come into play to ensure that the basic rights of refugees are respected. So long as Israel continues to violate its obligations and the human rights of the Palestinian people, Palestinian refugees remain entitled to comprehensive international protection, including intervention by the UNHCR.

Despite the prevalent narrow interpretation of Article 1D of the 1951 Convention Relating to the Status of its Refugees (Refugee Convention) as an exclusionary clause, Palestinian refugees are "ipso facto [...] entitled to the benefits of [the] Convention"⁷ and to protection by the UNHCR, considering that the defunct UNCCP is unable to provide them with such protection.⁸ Thus, the UNHCR must fulfill its protection mandate in relation to Palestinian refugees and to ensure respect for their basic human rights.. Moreover, the UNHCR is responsible for promoting durable solutions for the refugees' predicament – i.e., voluntary repatriation, local integration, or resettlement – according to the principle of refugee choice.

Most importantly, as per the Draft Articles on Responsibility of States for Internationally Wrongful Acts, serious breaches of peremptory norms prompt the liability of third States in two ways: a positive duty to "cooperate to bring an end through lawful means any breach," and a negative duty not to "recognize as lawful a situation created by a serious breach [...] nor render aid or assistance in maintaining that situation". Thus, third States hold a negative duty not to encourage, aid or assist Israeli policies and practices of apartheid and colonization, as well as a positive duty to prevent and put an end to Israel's ongoing displacement of Palestinians and denial of their right to return. Failure to ensure accountability for Israel's crimes towards Palestinian displaced persons buttresses its impunity and the international community's complicity in Israel's violations of international law.

Should these responsibilities not be met, Palestinian refugees will continue to find themselves faced with a deficient and negligent legal framework that is unable to protect them from human rights abuses, and with an international community that lacks the political will to alleviate their suffering and facilitate durable solutions to their plight.

Accordingly, BADIL calls on the UNHRC and third party States to:

- Ensure that the Palestinian refugees' right to protection, as set out in UN General Assembly Resolution 194 of 1948, is upheld, including through expanding UNRWA's mandate to enable it to provide the required international protection to all Palestinian refugees in all their places of residence;
- Take practical measures, including ceasing any aid and assistance, imposing a military embargo, and exerting economic diplomatic sanctions, to bring Israel into

compliance with its international obligations and its responsibilities towards Palestinian refugees as enshrined in UN General Assembly Resolution 194 of 1948 and UN Security Council Resolution 237 of 1967, namely ensuring the right to reparations for Palestinian refugees;

- Ensure the good-faith application of Article 1D's inclusion clause and extend the UNHCR's protection mandate to Palestinian refugees, even if they are receiving assistance from UNRWA;
- Call on the government of Lebanon to adopt domestic legislation and other measures to ensure Palestinian refugees' protection and guarantee their civil, social, and economic rights.

1 United Nations General Assembly, "Visit to Lebanon," Report by the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter, 11 April 2022, A/HRC/50/38

2 UNRWA, Where we Work, Lebanon, available at: <https://www.unrwa.org/where-we-work/lebanon>

3 See BADIL, "USA-UNRWA Framework Agreement: Assistance or Securitization?", working paper no. 29 (Bethlehem: BADIL, 2022).

4 See BADIL, "Stop the Ongoing Discrimination Against Palestinian Refugees in Lebanon," position paper (Bethlehem: BADIL, 2019).

5 See BADIL, "BADIL Series, Forced Population Transfer: The Case of Palestine", 2014 - ongoing. <https://www.badil.org/publications/working-papers>

6 See BADIL, "Palestinian Self-Determination: Land, People, and Practicality," working paper no. 28 (Bethlehem: BADIL, 2021).

7 UNGA, Convention Relating to the Status of Refugees, 189 UNTS 150, 28 July 1951, Article 1(D).

8 See BADIL, "Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention," (Bethlehem: BADIL, 2015).