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No refuge: Palestinians in Lebanon

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Contents

Introduction by Dr Dawn Chatty	3
Context	3
Background	3
The papers	5
Trapped refugees: the case of Palestinians in Lebanon by Jaber Suleiman	7
Introduction	7
The rights framework:	
Lebanese legislation relating to Palestinian refugees' basic rights	8
International and regional protection of Palestinian refugees	11
Lebanese perceptions and attitudes towards the Palestinian refugees	15
The view from Nahr el-Bared	16
Conclusion	17
Protecting refugees and governing spaces: the case of the reconstruction of the Nahr el-Bared Palestinian refugee camp in Lebanon by Nisrine Mansour and Nasser Yassin	19
Introduction	19
Security, governance and protection of refugees during the conflict	22
Protection as establishing sovereignty over refugees –	
co-opting the reconstruction plan	26
Protection as discipline – managing the internal political governance of the camp	28
Protection of/from refugees - bio-power and the control of refugees' mobility	29
Conclusion	31
Bibliography (Protecting refugees and governing spaces)	33

Introduction

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Context

The plight of Palestinian refugees in Lebanon has recently re-surfaced and become a headline issue in the aftermath of the 2007 conflict in the Nahr al-Bared refugee camp, home to more than 30,000 refugees. Camp security is normally provided by Palestinian factions under the terms of the 1969 Cairo Agreement. On the night of May 19 2007, however, Lebanese internal security forces entered the camp and surrounded a building in which a group of Islamic militants from Fatah-al-Islam accused of taking part in a bank robbery earlier that day were hiding. The next morning the Lebanese security forces opened fire and Fatah al-Islam militants responded.

The shelling of the camp and return fire continued for several months during which time terrified Palestinian refugees in the camp desperately sought to flee. The camp sustained heavy shelling, badly damaging or destroying many of its structures. Most of the inhabitants fled to the nearby Beddawi Palestinian refugee camp. The last civilians (25 women and 38 children) were evacuated from the camp on August 24 2007 and on September 2 the Lebanese Army took full control of the camp. The UN agency charged with the care of Palestinians refugees, the United Nations Relief and Works Agency (UNRWA) struggled to contain the humanitarian disaster and to improvise shelters and provide food. An emergency international humanitarian appeal was followed by pledges to reconstruct the camp. After a long period of national debate, it was agreed that the Lebanese government would permit the camp to be rebuilt and that such reconstruction would not constitute 'tawteen', or 'naturalisation'. The first phase of rebuilding the camp started in November 2009. However funding pledges have not been fulfilled and the rebuilding project is faltering as much due to international intransigence as national institutional bureaucracy and political insecurity

Background

In 1948 when the State of Israel was established, about 100,000 Palestinians, out of a total of about 750,000 who fled or were expelled from their homes in the former British-mandated Palestine, arrived in Lebanon. In December of that year the UN established the Conciliation Commission for Palestine (UNCCP) as part of Resolution 194 to continue the protection efforts and political mediation for the Palestine/Israel crisis. In 1949 the

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United Nations set up a special agency the United Nations Relief and Works Agency (UNRWA) to provide for the welfare of Palestinian refugees in Arab host countries. The Lebanese state was relieved of any social or economic responsibility towards Palestinian refugees on its territory and UNRWA was made responsible for providing shelters, food rations, education and health care. UNRWA contracted the Lebanese authorities to settle Palestinian refugees in designated areas, which became 15 camps that were officially recognised, administered and serviced by UNRWA. The Lebanese government was responsible only for the security of the camps. At first Palestinian refugees were well received by the Lebanese authorities and they had great sympathy from the public. However, as it gradually became evident that there was no early return in sight, the Lebanese authorities imposed severe measures on Palestinian refugees, especially those resident in refugee camps. Palestinians came to be considered a threat to security and they were placed in the care of the security agencies.

Legally, Palestinians were considered temporary guests until the international community was able to settle their case. A special department within the Ministry of the Interior was established to handle various aspects of their presence in Lebanon. Palestinian refugees were considered as a special category of people who had the right of residence in Lebanon, but no other social, legal or economic rights. Lebanese economic development, however, benefited from cheap skilled Palestinian labour in agriculture and unskilled labour in construction and in manufacturing, occupations which did not need work permits.

During the early years of the Palestinian displacement, the Lebanese government absorbed most of the Christian Palestinian refugees through naturalisation, but gradually developed a mistrust of the remaining majority who were Sunni Muslims. Lebanese authorities during this period envisaged two sources of potential unrest driven by Palestinian presence in the country: fighting with Israel across Lebanese borders; and being potential allies to outside powers such as Syria and Egypt who had plans for Arab unity that included Lebanon. Hence, the refugee camps were put under strict security measures during the 1950s and 1960s.

In 1969, as an outcome of the Cairo Accord between the Palestine Liberation Organization (PLO) leader Yassir Arafat and the Lebanese Army Commander Emile Bustani, the PLO moved its official headquarters to Beirut and took over jurisdiction of all the refugee camps in the country. After the Black September ‘massacres’ in Jordan in 1970² many Palestinian resistance fighters based in Jordan moved to Lebanon and Palestinian factions operated openly in the camps. Large numbers of nationalist and pan-Arab Lebanese youth joined the various PLO factions between 1970 and 1974. During the same period, the population of the camps witnessed a period of freedom, independence and relative prosperity. The PLO and its factions established a variety of social institutions and economic corporations that employed large numbers of Palestinian youth and adults, in addition to those recruited into the military sector or the militia.

² When King Hussein moved to control the militancy of Palestinian militias in Jordan and restore his monarchy's rule over the country. The violence resulted in the deaths of thousands of people, the great majority Palestinian.

The PLO established a vast network of allies and supporters among Lebanese political parties and prominent politicians. However Lebanese groups who rejected the presence of the PLO in Lebanon and who believed that a 'weak' Lebanon could not be a major base from which Arabs could fight Israel, were preparing themselves for a showdown with the PLO and its Lebanese allies. They believed that they had to defend the existing Lebanese political system by expelling the PLO forces from Lebanon.

By the time the Lebanese civil war broke out in 1975, the relationship between Palestinian refugees and Lebanese authorities was fragile and tense. In April of that year Lebanese forces opposed to a Palestinian presence in the country started their battle against the Palestinians. It was a battle which soon became absorbed as part of the Lebanese civil war (1975-1990) into which regional players like Syria, Israel, Iraq and Egypt were quickly drawn. Thousands of Palestinian families were displaced in all directions within Lebanon; many died. In 1976 the Syrian army entered Lebanon in order to support the anti-Palestinian factions and put an end to the civil war. At this point, the Lebanese state was the weakest of all contending parties.

In 1978, Israel occupied southern Lebanon for a few months and then retreated to a buffer zone along the Lebanese-Israeli border. The Lebanese civil war dragged on, oscillating between negotiations and fighting. The off-and-on war with Israel continued with the Palestinian refugee camps, especially in the south, the prime targets.

When the Lebanese civil war came to an end in 1990, a Lebanese central government was reinstated. A process of rebuilding the Lebanese state, its political system, its bureaucracy and the divided cities, towns and villages resumed. Palestinians in the camps were left out of the effort and were socially and politically isolated. The camps were placed under Lebanese or Syrian control. Unemployment among Palestinians rocketed, especially as Arab labour markets became closed to them after the Gulf war. All Lebanese political parties and politicians agreed that Palestinians could not settle in Lebanon. Some Lebanese called for the redistribution of Palestinian refugees to other Arab and foreign countries.

In 2009, according to UNRWA's figures, the registered Palestinian refugee population in Lebanon stands at 425,640.³ The Lebanese government severely limits camp expansion and reconstruction. Most camps in Lebanon suffered massive destruction during the nearly two decades of conflict. Some were totally destroyed, and the government prohibited their reconstruction or replacement. The recent decision to rebuild the Nahr el-Bared camp is thus contrary to all previous policy.

The papers

Jaber Suleiman's paper, 'Trapped refugees: the case of Palestinians in Lebanon', clearly sets out the restricted legal, political, economic and social conditions within which Palestinian refugees in Lebanon are forced to live. More than any of the other four populations under the UNRWA mandate, Palestinian refugees in Lebanon are deprived of basic civil and human rights. Their rights to residency, travel and freedom of movement are subject to arbitrary and often contradictory national legislation; their right to work

³ UNRWA Statistics, 2009. www.unrwa.org/etemplate.php?id=253 [Accessed on 13 May 2010].

and own property; is severely restricted. The temporary protection measures outlined in the Casablanca Protocol of 1965 are barely respected. In the aftermath of the Nahr el-Bared debates regarding its rebuilding and the possible association with tawteen, Suleiman maintains that Palestinians in Lebanon do not wish to be naturalised or integrated; they do not wish to give up their claims to Palestine but simply seek to “mitigate their destitution and alleviate their day-to-day suffering.”

The paper by Nisrine Mansour and Nasser Yassin, ‘Protecting refugees and governing spaces: the case of the reconstruction of the Nahr el-Bared Palestinian refugee camp in Lebanon’, places the discussion of the rebuilding of the Nahr el-Bared camp in the current concerns with the ‘global war on terror’ and the securitisation debates which link refugees to threats to national security. The paper asks the question whether post-conflict reconstruction is designed to restore refugee protection - as the state claims - or rather to implement greater control, confinement and exclusion. Using Foucault’s framework of governmentality they analyse the Lebanese state’s protection and reconstruction policy and practice over Nahr el-Bared camp. They conclude that, while the reconstruction plan for the camp in strictly technical and applied terms is a model of innovation and creative use of space, it has serious implications for the rights and protection of refugees.

Trapped refugees: the case of Palestinians in Lebanon

Jaber Suleiman

Jaber Suleiman⁴ is a Palestinian refugee who lives and works in Lebanon as an independent researcher/consultant. During 1997–8 he was a Visiting Study Fellow at the Refugee Studies Program, University of Oxford. He is an activist in the right of return movement and Palestinian civil Society, as well as the Coordinator of the Centre for Refugee Rights / Aidoun, Lebanon. He has written several studies dealing with Palestinian refugees and the right of return and has contributed to many research projects on Palestinian refugees sponsored by some UN Agencies like UNRWA, UNDP. Currently he is working as a consultant for the Palestinian Program of UNICEF in Lebanon. His most recent publication is Refugees or Foreigners? The Case of Palestinians in Lebanon, in K.Grabska and L.Mehta (eds) /Forced Displacement: Why Rights Matter/? London: Palgrave Macmillan (2008).

Introduction

"We the Palestinians

Have no rights. But why?

Is it because we are refugees?"

(Mahmoud, a young Palestinian refugee displaced from Nahr el-Bared camp)

Mahmoud belongs to the third generation of Palestinian refugees who have been displaced in Lebanon for more than six decades as a result of the creation of the state of Israel in 1948.⁵

At the end of 2009, according to UNRWA statistics the number of Palestinian refugees in Lebanon was 425,640, that is, about 10% of Lebanon's population and 9% of the total number of registered refugees in UNRWA's five fields of operation. More than half of the Palestinian refugees registered with UNRWA in Lebanon (53.2%) live in 12 refugee camps, while the rest reside in major towns and settlements outside the camps.⁶

Generally speaking the Palestinian refugee community in Lebanon is the most unfortunate and destitute refugee community in any of the Arab host countries. Lebanon's Palestinian refugees are deprived of almost all basic human rights and are subject to various forms of marginalisation – spatial, economic and institutional – and this is often linked to exclusion, violence, and displacement, most recently in the case of Nahr el-Bared in 2007.

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⁵ According to some estimates the number of Palestinian refugees who fled to Lebanon from Mandatory Palestine in 1948 was approximately 100,000. They mainly originate from Galilee and the coastal area.

⁶ UNRWA Registration Statistical Bulletin (4/2009), Department of Relief and Social Services, HQ Amman, January 2010

This paper will analyse the ambiguous status of Palestinian refugees who, under Lebanese law, are designated as foreigners. The analysis will focus on:

1. investigating existing Lebanese legislation (laws, decrees, orders and administrative decisions) and related state practices which administer and control the life of Palestinian refugees residing in Lebanon, and examining state policies that affect the refugees' basic human rights and livelihoods;
2. highlighting types of regional and international protection provided for Palestinian refugees;
3. highlighting the attitudes and perceptions of Lebanese people with regards to the Palestinian presence in Lebanon;
4. looking at these matters in the light of the Nahr el-Bared refugee camp crisis.⁷

The rights framework: Lebanese legislation relating to Palestinian refugees' basic rights

Lebanese law treats Palestinian refugees as foreigners, or rather as a 'special category of foreigners'. In effect the legislation denies Palestinian refugees basic rights granted to Lebanese nationals, while at the same time not granting them the rights recognised and enshrined in refugee law and other relevant international instruments.

Despite their prolonged residence in Lebanon, Palestinian refugees lack provisions granting them any sort of preferred status. Unlike those countries where citizenship rights are linked to permanent residency, in Arab countries including Lebanon nationality is the key to these rights; the right to citizenship serves as a primary right from which other rights and entitlements are derived.

Below I discuss in brief the profound effects of Lebanese legislation and related state practices on the livelihoods and rights of Palestinian refugees.

A. Rights to residency, travel, and freedom of movement

As in other Arab host countries Palestinian refugees in Lebanon are eligible for an identity card and a renewable special travel document. However the Palestinian refugees' right to residency and travel is subject to arbitrary implementation and changes in the political atmosphere. For example, in September 1995 the Lebanese Minister of the Interior issued Decree No. 478 Regulating Entry and Exit of Palestinians into and out of Lebanon stating that "Palestinians outside Lebanese territory will have to obtain an entry visa to Lebanon".

This decree was issued in reaction to the Libyan leader Colonel Gaddafi's decision to expel all Palestinians from Libya, including the 15,000 Palestinians with Lebanese residency who were based in Libya, in a move designed as a protest against the Oslo Accords and the Palestinian-Israeli peace process.

⁷ In late May 2007, fighting between the Lebanese army and the fundamentalist group Fatah al-Islam broke out in Nahr el-Bared camp near Tripoli. As a result the camp was completely demolished and its 30,000 residents displaced.

As a result, the Lebanese government prevented Palestinians living in Libya from returning to Lebanon without a special re-entry visa, a requirement that also applied to other Palestinians from Lebanon who happened to be outside Lebanon at the time.⁸

This decree constituted a clear violation of Article 9 of the Universal Declaration of Human Rights to which Lebanon had acceded.⁹ It was also inconsistent with Lebanon's obligations as a member state of the Arab League, with special reference to the Casablanca Protocol of 1965.¹⁰

B. The right to work and to social security

Lebanese legislation and state practices with respect to the employment of Palestinians violate Lebanon's obligations under the 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD), acceded to in 1971. As foreigners under Lebanese law, Palestinian refugees' right to work and to social security has been regulated by Decree No.17561 of September 1962, which regulates foreign labour in Lebanon and incorporates three restrictive principles with regard to the right of Palestinian refugees to work and employment in Lebanon: obtaining of a work permit, national preference and reciprocity of rights and obligations.

The Ministry of Labour is entitled to enumerate and list the jobs and trades that are reserved for Lebanese nationals and to update the list annually. For example, in 1995 the Minister of Labour issued Ministerial Decision No. 621/1 in which he enumerated a list of 50 jobs, trades and independent or private sector professions for which Lebanese nationals should be preferred. The list includes both manual and clerical jobs and changes yearly in line with the changing needs of the Lebanese labour market.

It is usually not easy for Palestinian refugees to obtain work permits.¹¹ Furthermore, the granting of work permits does not entitle Palestinians to benefit from the Lebanese social security system although they have to make their social security contributions like other workers. The right to social security for Palestinians is also dependent on the principle of reciprocity of treatment between states. Because of the lack of a Palestinian state so far, this principle is not applicable to Palestinian refugees who are not considered foreign nationals of a state bound to Lebanon by reciprocity.

In June 2005 the Minister of Labour issued Ministry memorandum No.67/11, permitting Palestinian refugees who were born in Lebanon to work legally in manual and clerical jobs previously unavailable to them; but the ban on Palestinians seeking professional employment has remained in place. Thus this memorandum should be interpreted narrowly as it does not constitute a change to the Lebanese legislation regulating the

⁸ The decree was revoked on 12 January 1999.

⁹ Article 9 states: "No one shall be subjected to arbitrary arrest, detention or exile".

¹⁰ See section 2 of this paper dealing with 'International and regional protection'.

¹¹ The following statistics, personally obtained from the Ministry of Labour, are for the number of work permits issued to Palestinian workers during the period 2001-2005: 315 work permits in 2001; 291 in 2002; 245 in 2003 and 2004; and 278 in 2005.

labour of foreigners in Lebanon including Palestinians. More concretely, this government initiative has not changed the situation on the ground, although it was of symbolic significance. It was perceived by Palestinian refugees in the camps as a positive gesture and a first step towards further recognition by Lebanon of the basic human rights of the Palestinian refugees.

C. The right to own and inherit property

Lebanese law imposes many restrictions on foreigners' freedom to buy property. Until 2001 Palestinians were bound by the stipulations of Legislative Decree No.11614 of 1969 relating to the acquisition of immovable property by foreigners in Lebanon. Article 3 of this decree made a distinction between foreigners based on their citizenship, granting Arab citizens including Palestinians the right to acquire property without prior license up to 3000 m² in Beirut and up to 5000 m² in the rest of Lebanon.

On 3 April 2001, the Lebanese parliament passed law No.296 which amended the first article of the decree in such a way as to prevent Palestinians from owning and inheriting property. The amended clause states that “[i]t is prohibited for any person who is not a national of a recognised state or any one whose ownership of property is contrary to the provisions of the Constitution relating to ‘tawteen / re-settlement’ to acquire real-estate property of any kind” (unofficial translation). It is evident that the amended legislation targets Palestinian refugees in Lebanon, where the double condition which is implicit in the new law mainly refers to them, firstly because they are not citizens of a recognised state or are stateless, and secondly because the fear of re-settlement of Palestinians in Lebanon is institutionalised within the Lebanese legal system.¹²

The amended law not only prevented Palestinians from acquiring property from then on but it also prevents them from inheriting real estate which had been bought previously. This leaves Palestinian refugees trapped in the over-populated refugee camps, a situation that has been seriously worsened by the restrictions imposed by the Lebanese army on building in some of the camps, as well as the prohibition on reconstruction of the refugee camps totally destroyed during the Lebanese civil war. Such restrictive measures deprive Palestinian refugees of adequate housing and contribute to the deterioration of their living conditions.

The amended law also clearly violates Lebanon's obligations under the CERD.

D. Rights to education and to health

Palestinian refugees have no access to Lebanese government hospitals or other related health services. Therefore UNRWA, the Palestinian Red Cross Society (PRCS) and NGOs are the main providers of health services for the Palestinian refugees, despite the shortcomings in the health services provided by UNRWA and the inadequate level of medical care provided by the PRCS and the NGOs.

¹² The preamble to the Ta'if agreement of 1989 states: “There shall be no segregation of the people on any basis, and no fragmentation, partition or settlement of non-Lebanese [Palestinian refugees].”

However Palestinians in Lebanon are not denied access to government schools and the Lebanese University, albeit with some restrictions. As foreigners, Palestinians are entitled to benefit from the 10 per cent of places reserved for foreigners at government secondary schools. But in practice access to this quota could be restricted under the national preference principle which gives priority to Lebanese nationals over foreigners. Access to government vocational training schools is restricted exclusively to Lebanese nationals. Beyond that, some faculties in the State University such as the Faculty of Arts are reserved for Lebanese students.

International and regional protection of Palestinian refugees

A. International protection

The term international protection “covers the gamut of activities through which refugees’ rights are secured, including the implementation of durable solutions”.¹³ There is no single international agency mandated to provide protection for all Palestinian refugees. Palestinian refugees are distinct from the world’s other refugees, who fall under the mandate of UNHCR, in the sense that a special protection regime was established for them. It comprises three UN organisations: the United Nations Conciliation Commission for Palestine (UNCCP), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the United Nations High Commissioner for Refugees (UNHCR).

The UNCCP was created by UN General Assembly Resolution 194 (III) of 11 December 1948 to protect Palestinian refugees displaced during the 1948 war. It was established with a dual mandate: (a) to reconcile the parties to find, in accordance with Resolution 194, a permanent solution to the Palestinian refugee problem; (b) to provide protection to the refugees by safeguarding their right to return and other related rights, including their right to property. In practice the UNCCP failed to carry out its mandate due to the unwillingness of the parties to implement Resolution 194 under which it was operating. By the early 1950s it had restricted its operations to property identification and documentation.¹⁴

UNRWA was created on the recommendation of the Economic Survey Mission as a subsidiary organ of the General Assembly, by Resolution 302 (IV) of 8 December 1949, “to carry out in collaboration with local governments the direct relief and works program as recommended by the Economic Survey Mission”. In this context the General Assembly recognised that, without prejudice to the provisions of paragraph 11 of Resolution 194, “continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability”. (Article 5)

¹³ Elna Sondergaard (2005), *Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States signatories to the 1951 Refugee Convention*. Bethlehem/Palestine: Badil Resource Centre.

¹⁴ Elna Sondergaard, *Ibid*, pp. 43-45.

UNRWA does not have an explicit mandate to provide Palestinian refugees with legal protection. The refugees falling within UNRWA's definition of 'a Palestine refugee'¹⁵ are entitled to receive education, health and social services. The provision of such services may be considered as a type of 'relief protection', which in part affords Palestinian refugees fundamental economic and social rights. This type of protection, however, is not commensurate with general standards for refugee protection worldwide.

UNHCR has a mandate to provide protection to refugees worldwide and to search for durable solutions. In the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, Palestinian refugees displaced in 1948 were excluded from its mandate according to Paragraph 7C of the Statute of the Office of UNHCR and Article 1D of the 1951 Refugee Convention. Paragraph 7C stipulates that the competence of UNHCR shall not extend to a person "[w]ho continues to receive from other organs or agencies of the United Nations protection or assistance" and the first paragraph of Article 1D states that "[t]his Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nation other than the UNHCR protection or assistance". However the next paragraph suspended exclusion of Palestinian refugees under Article 1D, as it states: "When such protection or assistance has ceased for any reason without the position of the refugees being definitively settled in accordance with relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention."

It is argued that UNHCR was mandated to serve as an alternative – i.e. as a safety-net – if protection or assistance provided by UNCCP and UNRWA were to "cease for any reason", in order to ensure continuity of protection for the Palestinian refugees.¹⁶ According to UNHCR, a more recent interpretation of Article 1D (see above) is that the "1948 and 1967 Palestinian refugees who are residing outside UNRWA's areas of operation may enjoy 'Convention Status' under Article 1D, and may benefit from the protection afforded by UNHCR". Also Palestinian refugees who are neither 1948 nor 1967 refugees and are outside the Palestinian territories occupied by Israel since 1967 and unable or unwilling to return there owing to a well-founded fear of persecution fall within the scope of 1951 Convention under Article 1A(2).¹⁷

In addition many of the provisions of these universal human rights instruments are relevant to the case of Palestinian refugees, including those residing in Lebanon, since Lebanon has ratified the two 1966 international covenants, in addition to the CERD.

¹⁵ "[Palestine refugee] shall mean any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict." For interpretation of this definition see: Lex Takkenberg (1998), *The Status of Palestinian Refugees in International Law*. Oxford: Clarendon Press.

¹⁶ Elna Sondergaard, *Op.cit*, p.42

¹⁷ 'UNHCR Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestine Refugees' (October 2002). For a critical analysis of the revised UNHCR interpretation of the status of Palestinian refugees under International Law; see: Badil Resource Centre, 'More International Protection for Palestinian Refugees', a memorandum published on 24/11/2002.

To sum up, the collapse of UNCCP protection, the limited protection provided by UNRWA, and the inadequate and limited protection afforded by UNHCR result in serious protection gaps for Palestinian refugees with respect to systematic protection of their day-to-day rights and the search for durable solutions. This means that approximately one third of the world's refugees are left without systematic and adequate international protection.

B. Regional protection

In theory there are two regional instruments dealing with the status of refugees in the Arab World: the 1992 Declaration on the Protection of Refugees and Displaced Persons in the Arab World, which outlines a wide scope of protection rights, and the 1994 Arab Convention Regulating the Status of Refugees in the Arab Countries.

This latter convention, which was adopted by the League of Arab States two years after the Declaration, adopts an expanded refugee definition similar to that of the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa and addresses the specificity of Palestinian displacement through incorporating this clause : “Any person who unwillingly takes refuge in a country other than his country of origin or his habitual place of residence because of sustained aggression against, occupation and foreign domination of such country.” (Art.1, Para. 2)

The Convention also includes a non-discrimination clause which states that: “The Contracting States of this Convention shall undertake to refrain from discriminating against refugees as to race, religion, gender and country of origin, political or social affiliation.” (Art.7)

Unfortunately neither of the two instruments has binding force yet and not a single state has ratified the draft Convention.

Thus, the Protocol on the Treatment of Palestinians adopted by the Council of Ministers in 1965 – the 'Casablanca Protocol' that addresses the issue of temporary protection for Palestinian refugees in Arab host states – remains the only regional instrument that deals with the protection of Palestinian refugees.¹⁸

On the other hand Arab states have been reluctant to accede to the 1951 Refugee Convention because it does not address the specificity of Palestinian displacement. For Palestinian refugees refoulement is not the issue, because they want to return home, but they are denied the right of return to their homes in accordance with General Assembly Resolution 149.

¹⁸ This is one of the earliest regional experiments in refugee protection.

According to Lex Takkenberg, the Arab states were afraid that, if included under the UNHCR statute, the Palestinian refugees “would become submerged [with other categories of refugees] and would be relegated to a position of minor importance”.¹⁹ The main concern in this respect was that the Palestinian refugees' problem would not be adequately addressed if UNHCR's durable solutions, such as resettlement to a third country or settlement in the first country of asylum, were applied to Palestinian refugees.

In its five articles, the Casablanca Protocol stipulates that Palestinian refugees, while keeping their Palestinian nationality, shall be accorded the same treatment as nationals of Arab League states with respect to the right to work and employment; the right to leave the territory of the state in which they reside and to return to it, and issuance and renewal of travel documents; and freedom of residence and movement between the states of the Arab League.

Taken together, the standards set out in the League of Arab States Council and the 1965 Casablanca Protocol “have afforded Palestinian refugees, in theory if not always in practice, a type of temporary protection in Arab League member states with the expectation that refugees will return to their homes of origin”.²⁰ However experts argue that the rights accorded to Palestinian refugees under the Casablanca Protocol are fewer and narrower in scope than those provided under the 1951 Convention.

Some scholars argue that the Arab legal refugee system for managing the Palestinian refugees' situation at a pan-Arab level is composed of three correlated elements.²¹

- Statelessness: maintaining Palestinian refugees as stateless persons has been justified by the Arab States as ‘positive discrimination’ intended to prevent their permanent resettlement in the host countries and thus preserve their right of return to their original homes.
- UNRWA: this element has to do with the ‘politicisation of UNRWA’, imposing on the international community a link between UNRWA's mandate and the implementation of Resolution 194 of 11 December 1948; Resolution 302 of 8 December 1948 that established UNRWA stipulates, for example, that the agency’s activities should be carried out without prejudice to the provisions of Resolution 194.
- Social and economic rights: from the early 1950s the Arab League has adopted several measures and standards aimed at ensuring temporary protection of the Palestinian refugees, the Casablanca Protocol of 1965 being the most important of these. However these measures and standards have never been fully implemented.

¹⁹ Lex Takkenberg, *Op.cit.*, p.66

²⁰ Suzan Akram and Terry Rempel, ‘Temporary Protection for Palestinian Refugees: A proposal’, a paper submitted to International Symposium entitled: ‘Towards A just Solution for Palestinian refugees’, jointly organized by A'idun Group and Damascus University, Damascus, 6-7 September 2004.

²¹ Jalal al-Husseni et al, ‘The Legal Status of the Palestinian Refugees in the Near East: Formal Aspects and Perceptions’, an unpublished paper presented at the workshop: From ‘Exodus to Exile: Palestinian Lives in the Levant’, Bergen/Norway, 7-8 September 2007.

As a matter of fact, Palestinian refugees have generally been subjected to discriminatory practices by the majority of the Arab states, which in turn reflects the fears of de facto permanent resettlement as is strikingly evident in Lebanon.

Lebanon is amongst the Arab states that have ratified the Protocol, subject to reservations in respect of its first three articles pertaining to the rights to work, to leave and return, and to enter and leave the territory of the state in which refugees reside.²²

Lebanese perceptions and attitudes towards the Palestinian refugees

Lebanon is a multi-faith country with 18 different sects. Its political system has been confessional since the National Pact of 1943. Lebanese-Palestinian relations have historically gone through ups and downs and have changed dramatically since the early 1950s. This change was often marked by significant shifts in Lebanese and regional politics and has been linked to displacement and violence. Most recently, these relations have been seriously affected by the crisis in the Nahr el-Bared camp.²³

The official Lebanese-Palestinian dialogue was frozen until the assassination of the former Prime Minister Rafiq al-Hariri in early 2005, since when a new era has started. In respect of Lebanese-Palestinian relations this era is marked by an increase in contacts between the PLO/Palestinian Authority and the Lebanese government which culminated towards the end of that year in the establishment of a new governmental body, the Lebanese-Palestinian Dialogue Committee (LPDC), under the office of the former Prime Minister Fouad Sanior, to conduct dialogue with Palestinians, and in May 2006 by the re-opening of the PLO office, closed since 1982.

Consequently the Lebanese government declared a new strategy towards Palestinians based on four principles:

- recognition of Lebanese sovereignty and security;
- support for the inalienable rights of the Palestinian refugees;
- promotion of a dignified and prosperous life for Palestinian refugees in Lebanon pending a just and comprehensive solution of the Arab-Israeli conflict; and
- shared international responsibility for the refugee issue.²⁴

The newly formed committee and the newly declared strategy were perceived by Palestinian refugees as a positive gesture on the part of the Lebanese government towards recognition of Palestinian refugees' basic rights. However, this strategy failed in its implementation and the LPDC was unable to make any significant change in the lives of

²² For more details regarding Lebanon's position and for the full text of the Protocol, see Lex Takkenberg, *op. cit.*, pp. 374-376.

²³ For further discussion on the troubling history of Palestinians in Lebanon see Jaber Suleiman, 'The current Political, Organizational and Security Situation in the Palestinian Refugee Camps of Lebanon', *Journal of Palestine Studies* No.113 (Autumn 1999), vol.xxix/1; Michael Hudson, 'Palestinian in Lebanon: the common story', *Op. cit.*; Muhammad Ali Khalidi (2001), *Palestinian Refugees in Lebanon*. Beirut: Institute for Palestine studies.

²⁴ See: www.lpdc.gov.lb

Palestinians in Lebanon. In fact the discriminatory and restrictive approach of the Lebanese government continued and the case of Nahr el-Bared is seen by Palestinians as an example of the failure of the Lebanese government's new policy.

On 2 December 2009 the newly established government headed by Saad al-Hariri adopted The Government Policy Statement which has emphasised the necessity of improving the living condition of Palestinian refugees in Lebanon and mitigating their suffering until a comprehensive, just and durable solution is reached, based on implementing their right to return. Furthermore a Minister was to be appointed from the Progressive Socialist Party, headed by Walid Jumblat, with the specific brief for 'the Palestinian File'. However, the Future Movement (FM), headed by Sa'd Al Hariri, objected to this decision and thus it was not implemented; this is because FM regards the Palestinian file to be a Sunni issue of which it should assume control.²⁵ This demonstrates how the Palestinian presence in Lebanon is still dealt with in the Lebanese political and confessional context as a matter of polarisation and trade-off, that can be used in inter-Lebanese disputes.

The view from Nahr el-Bared

The Nahr el-Bared crisis has not only interrupted the official Lebanese-Palestinian dialogue on humanitarian and rights issues regarding the Palestinian refugees, but it has also had tremendous consequences for Lebanese-Palestinian relations.

More than three years after the Nahr el-Bared conflict ended and more than a year after laying the foundation stone in March 2009, the reconstruction, whose first phase started only in November 2009, is faltering and facing obstacles such as from state institutional bureaucracy and lack of funding, as only a proportion of the money allocated for the reconstruction was successfully collected. As a matter of fact, none of the completely destroyed and de-populated refugee camps have been rebuilt or have had their populations return to them (for example Tal el-Zaatar and Nabatiyah camps). Based on this experience, Palestinian refugees do not trust the promises of the Lebanese government and UNRWA to re-build Nahr el-Bared.

What intensifies the fears of the displaced refugees is the intended reconstruction plan of the Lebanese government for Nahr el-Bared as a 'model' for other camps where security is to be introduced inside the camp. Palestinian refugees are rightly questioning what kind of a model is to be designed and implemented. Does it mean containment of refugees in well demarcated camps based on the premise that refugee camps constitute a potential threat to the country's security? Does this entail returning to the security situation that prevailed in the 1950s and 1960s, when refugee camps were subject to tight control imposed by Lebanese army intelligence? Further, what is the concept of a shelter? Is it a mere physical structure? Or does it go beyond that, as a cultural and social space that requires dignified treatment and participation of the residents? Most importantly, how is this model to be replicated in other camps, and will it be voluntarily or by force?

²⁵ The Progressive Socialist Party is mainly Druze while the Future Movement is a Sunni party.

Conclusion

There is a consensus among the Lebanese about rejecting the permanent settlement of Palestinian refugees in Lebanon, a consensus that is institutionalised in the Ta'if agreement.²⁶ Permanent settlement of Palestinian refugees in Lebanon or even granting them a wide spectrum of basic human rights is perceived by many in the Lebanese elites as a step toward permanent settlement, which will upset the precarious sectarian balance on which the Lebanese system is based. Thus Palestinians in Lebanon now constitute a 'disfranchised minority'.²⁷

The Palestinian community in Lebanon is not in fact seeking citizenship and its demand for basic human rights does not include the right to citizenship. Having been abandoned and neglected by those engaged in the peace-process, Palestinian refugees are attempting to accommodate their isolation and neglect by seeking greater economic, social and cultural rights in the local Lebanese context. However successive Lebanese governments and the Lebanese elites perceive these rights as 'second generation' rights that can be fully realised once their right to return is dealt with in accordance with international law.

Palestinian refugees, like other refugees worldwide, tend to prioritise different rights at different times, being willing to benefit from immediate access to socio-economic and cultural rights en route to fulfilment of their right of return. In other words, socio-economic and cultural rights are envisaged by them as a sort of a temporary protection tool and a strategy for survival in a desperate situation without compromising the right of return which remains the ultimate, almost sacred, national goal.

The same is true with respect to Palestinian refugees' perceptions of the humanitarian aid provided by UNRWA. Palestinians have consistently insisted on staying on UNRWA's rolls, not only because of their vital need for the agency's programmes and services in education, health and social services but also "because doing so retains their claims to Palestine and registers an injustice. Most importantly, registration invokes international responsibility."²⁸

Thus for Palestinian refugees in Lebanon attaining their basic human rights does not mean complete integration, but rather it serves to mitigate their destitution and alleviate their day-to-day suffering. In the end Palestinians themselves reject the scenarios of resettlement and naturalisation and would not give up the legal status of refugee because it is perceived by them as "an asset in the battle to survive".²⁹

²⁶ An agreement reached in 1989 to provide "the basis for the ending of the civil war and the return to political normalcy in Lebanon."

²⁷ Julie Peteet, 'From Refugees to Minorities: Palestinians in Post-War Lebanon', *Middle East Report*, no. 18 (July-September 1996)

²⁸ Julie Peteet, 'Refugees and Refugee Camps: Lessons Learned', an unpublished paper presented at the workshop 'From Exodus to Exile: Palestinian lives in the Levant', Bergen/Norway, 7-8 September 2007.

²⁹ Julie Peteet, 1996 *ibid*

One of the key issues is that national legislation in Lebanon should be reinterpreted and reconciled with international instruments, so as to establish more solid criteria for Palestinian refugees' rights, based on their prolonged legal residence and the standards that the international community has articulated with respect to the treatment of refugees worldwide. The first step towards this is to establish a separate legal status for Palestinian refugees in Lebanon in order to distinguish them from foreigners.

Protecting refugees and governing spaces: the case of the reconstruction of the Nahr el-Bared Palestinian refugee camp in Lebanon

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Introduction

In the past decade refugees' right to protection during conflict has been widely compromised on the grounds of heightened concerns of national security. The dominant securitisation regime of the 'global war on terror' (GWOT) has increasingly linked refugees to threats to national security (Howell and Lind 2009). Refugee populations occupy a particularly vulnerable position within the broader socio-political context of the host countries. They are often blamed for political instability, linked to paramilitary groups and lumped together as a drain on national resources (Kelley 2007). The securitised approach to the protection of refugees during conflicts persists in the post-conflict reconstruction phase (Hedman 2009) and states have increasingly framed post-conflict reconstruction plans through the lens of national security. The concern with security has taken precedence over earlier political projects related to post-conflict reconstruction such as 'nation-building', 'human security' and 'social and human development'.

While states have compromised protection of refugees in the past through the management of their camps during conflict and post-conflict situations, the new security regime has changed the ways in which they justify and operationalise this. Increasingly governments in Western and non-Western contexts alike are openly stipulating their security priorities. Many states justified their failure to protect refugees on the grounds of lack of capacity or political complexity (Lischer 2007). Through the examples of Afghanistan and Iraq, governments made a shift in the protection of civilians in internal

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and cross-border displacement at two levels. At the political level, many governments contested the moral premise of an unconditional responsibility to protect. At the operational level, host countries tightened their grip over the management and provision of humanitarian assistance, sidelining multilateral agencies and NGOs who were previously at the forefront of refugee assistance (Ayub and Kouvo 2008). During conflict, states have challenged the responsibility to protect by contesting the nature and the value of the civilian status of refugee populations given the elasticity of the discursive boundaries separating civilians and militants (Mansour 2009). The boundaries between military and civilian categories in relation to the right to protection became increasingly blurred as states gradually normalised civilian losses (Owens 2003). These changes hold serious implications for the responsibility to protect refugees in the post-conflict reconstruction process.

The responsibility to protect has been compromised by the construction of concerned populations under varying social categories of 'deservedness for protection' on the basis of their identification with militants. Prior to the new security discourses the enemy was clearly defined as outside the moral boundaries of protection (Slim 2003), a distinction that implies that there is another group – civilians – that governments are morally bound to protect (Wheeler 2002). This right to protection is based on two moral principles: the inability to fight, as in the case of the 'inherently innocent' such as women and children; and the unwillingness to do so, as in 'non-combatant' men (Slim 2003).

The new security regime shook the moral foundations of these distinctions by extending the scope of the involvement of civilians in war-related activities. It includes civilians in gradations of civilian-ness such as 'collateral damage', 'human shields' or 'total enemies'. In these categorisations, populations are gradually stripped of their right to protection by being considered respectively non-combatants, collaborators, or outright militants. States' responsibility to protect is compromised by the logic of 'less deservedness' of these categories of populations. Civilians in the first category are distinguished from militants, but they are considered secondary to the security threat imposed by militants. Thus these civilians are less deserving of protection than nationals of those states targeted by terrorists.³² Here the hierarchy of protection is based on interests of national security. In the second category, civilians are less deserving of protection because militants operate within their spaces either with or without their agreement. In this case states absolve

³² 'Terrorism' has been recently singled out as a special form of hostility that exceeds the usual violence frameworks. Popular definitions like the one used by the UN Security Council describe terrorism as 'criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking hostages, with the purpose to provoke a state of terror in the general public . . . [and] intimidate a population' (cited in Roberts 2005). This definition is underpinned by the two elements of 'threat' and 'fear' and places civilians at its centre. In this sense, the GWOT logic is constructed across both security and humanitarian discourses (Wheeler 2002). This understanding of terrorism, adopted by war theorists and governments alike, is inherently vague. It does not elaborate on what constitutes a threat (or what constitutes 'civilian'), leaving a large margin for interpretation as to what terrorism actually means. With 'threat' and 'fear' adopted as two rationalisations based on emotive perceptions of security, governments constructed dissident militant groups as 'terrorists' on the basis of their ideological considerations of 'evil' (Roberts 2005).

themselves of their responsibility to protect populations by shifting the blame on to the militants and the civilians instead. In the third category, populations are less deserving of protection because they are fused with militants into a single combatant category.

This paper looks into the impact of these changes in states' responsibility to protect during conflict on the post-conflict reconstruction phase. It asks the following question: how is the securitisation of refugee protection reflected on the post-conflict reconstruction process of refugee spaces? The paper argues that states' claims of protecting refugees in post-conflict situations through reconstruction constitute a convoluted regime of security governance aimed at controlling refugees and their spaces. Contrary to the prevailing view that states are weak and enfeebled, states tend to use protection and reconstruction as a trope for security and as an element in the process of reinforcing control and maintaining order (Duffield 2001). Foucault's framework of governmentality (Foucault 2000) is used to analyse states' post-conflict protection and reconstruction practices as a way to 'manage populations' (Rabinow 1997:219), and constitute a form of 'political project [...] which identifies a territory (i.e. social space) and means of intervention' (McKee 2009:468).

The paper's point of departure is a position that views regimes of governance acting through three modalities of power. First, state institutions and actors establish sovereignty over populations by producing 'regimes of truth' that classify them into various social categories. Second, populations are disciplined through specific techniques of rule setting tied to processes of compliance and punishment. Third, bio-political power is exercised over populations through the 'management of flows and norms' aimed at creating spatial control over the bodies of people and the movements of populations (Parsons and Salter 2008).

This framework is adapted to the analysis of protection and post-conflict reconstruction of the social and physical spaces of protracted refugees in the case of the reconstruction of Nahr el-Bared Palestinian camp in Lebanon. First, sovereignty over populations and the establishment of regimes of truth are observed as the Lebanese state constructed Palestinian refugees as a category of populations in relation to the militants involved in the conflict and Lebanese citizens. Second, disciplining techniques are traced through the government's practices of altering the political structure of the refugee camp and through negotiating the property rights of resident refugees. Third, bio-power is exerted through the spatial rearrangement of the camp that would crystallise its control over the camp.

The paper looks at the case of Nahr el-Bared Camp that is useful in illustrating how security and control shape the processes of post-conflict protection and reconstruction of refugee populations and their spaces. The camp was mostly destroyed as a result of clashes between the Lebanese Army and Fateh Al Islam (FAI), a little-known militant group. Clashes took place between June and September 2007. The Lebanese government formulated the clashes within an 'anti-terrorist' logic targeting FAI as a militant group with specific religious attitudes and ethnic attributes. The conflict resulted in the displacement of the entire Palestinian population of the camp as allegedly associated with

militants. Alongside the destruction of the camp, the government of Lebanon initiated a plan for its reconstruction. The government plan divided the area for the reconstruction programme into three rings: the first comprised the area known as the 'old camp', which included the core locality where the camp emerged in the 1950s. The second ring constituted the area that had become known as the 'new camp' and that included the space surrounding the old camp where building had spilled over from the 1980s on land belonging to surrounding municipalities. The third ring comprised the surrounding Lebanese villages and towns.

The remainder of this paper is in four sections: the first section elaborates on the context of the conflict leading to the destruction of Nahr el-Bared to discuss the politics of protection and categorisation of refugees during conflicts. The second section discusses protection and the establishment of regimes of truth on the ownership of the post-conflict reconstruction process. The third section explains the the disciplinary techniques of protection through the rearrangement of the internal political and security map of the camp. The fourth section analyses protection as a form of bio-power that controls the mobility of refugees. Finally the paper offers a conclusion and some implications for policy on reconstruction and protection.

Security, governance and protection of refugees during the conflict

In this case, the modalities of the security governance regime emerged during the conflict and the politics of refugee protection and security during the conflict provide a basis for understanding the scope of security governance during post-conflict reconstruction. The Lebanese government used both old and new security discourses to construe the armed group within the category of 'terrorist' and justify the operation against civilian spaces. This categorisation first imposed regimes of truth on the refugee populations that denied them their civilian status; second, it disciplined them through criminalising displaced populations, and third, it controlled their spaces through erasing the camp.

A. Constructing the enemy and compromising refugees' protection

The trigger to the Lebanese government's operation was an attack on 20 May 2007 by gunmen belonging to the then obscure armed group FAI on Lebanese army checkpoints on the outskirts of the Palestinian refugee camp of Nahr el-Bared in northern Lebanon, claiming the lives of 18 soldiers. The attack came as the Lebanese army was tightening its grip on the group after they allegedly robbed a bank in the nearby city of Tripoli. The group emerged in the national news just few months earlier when its Palestinian-born leader, Shaker al-Absi, was broadcast parading his masked military aides in a makeshift base in the Nahr el-Bared Camp. Following the attacks, FAI members withdrew from the city of Tripoli and retreated to the Nahr el-Bared Camp as it was out of reach of the Lebanese army³³. FAI was reported to be attracting a range of militants including Palestinians, Lebanese, Syrians, Saudis and other Arab nationalities. It displayed a salafist-

³³ Security in the Palestinian camps in Lebanon is maintained by various Palestinian armed groups. The Lebanese army does not operate in them; its presence is restricted to checkpoints at the entrance to the camps.

jihadi identity³⁴ similar to that of al-Qaeda and although links were never established, the group was portrayed in official public discourse as an off-shoot of al-Qaeda.

FAI's attack on the Lebanese army prompted a full-scale armed response that lasted for three months and led to the deaths of 40 Palestinian civilians, 80 FAI militants, and 169 Lebanese army soldiers. In addition, the indiscriminate shelling of the camp by the Lebanese army destroyed 85 percent of the houses and most economic outlets (see Figure 1), so that the livelihoods of residents were completely destroyed resulting in a large-scale, conflict-induced displacement crisis (UNRWA 2007). All 33,000 Palestinian inhabitants of Nahr el-Bared were forcibly displaced, mostly to nearby Badawi Camp.

During these clashes the controversy over the presence of the Palestinian refugees in Lebanon since their mass deportation by Israel in 1948 resurfaced. Their number in Lebanon is estimated to be 400,000 of whom 220,000 currently reside in twelve 'camps' (UNRWA 2007). Camps are informal and unregulated quarters built in or on the outskirts of major Lebanese cities. After 1967, several Palestinian political groups began to use Lebanon as a political and military platform for armed resistance. They also participated in the civil war there until they were forcibly disarmed at the time of the Israeli invasion of Lebanon in 1982. This convoluted history triggers as much sympathy as controversy within various Lebanese political discourses. Lebanese political parties are fiercely divided over the legitimacy of their armed status and the long-term solution to their exile.³⁵ Palestinian refugees enjoy popular and political support in some parties due to their continuing exile and the massacres they were subjected to by right-wing Lebanese militias during the civil war.³⁶ Other parties accuse them of using excessive military force in the civil war. They also consider them a threat to Lebanon's precarious sectarian balance should they be granted Lebanese citizenship as a part of a proposed solution for the Israeli-Palestinian peace process. On both sides, the political and military categories of 'refugees' and 'Palestinians' are blurred, with implications for their right to protection.

The blurring of these categories has historically compromised the protection of Palestinian refugees. During the civil war, there were repeated massacres of Palestinian residents of Tal Al Zaatar (1976), and Sabra and Shatila camps (1982). In the post-war period, the Lebanese state imposed stringent institutional and legal restrictions that

³⁴ Salafist refers to the individuals or groups who follow an orthodox explanation of Islam and advocate the return to the pure observance of Islamic rules as practiced by the Prophet Mohammed and his companions referred as *al-salaf al-salih*; i.e. the 'virtuous forefathers' (Denooux, 2002: 59). Some salafist groups support armed struggle or *jihad* as a way to build an Islamic society.

³⁵ Although Palestinian armed groups were mostly disarmed as a result of the Israeli invasion of Lebanon in 1982, Palestinian groups still have armed control over camps and in a few other areas outside the camps..

³⁶ The Lebanese civil war lasted from 1975 to 1990. The main Palestinian armed groups based in Lebanon joined the National Movement, a coalition of left-wing and Arab Nationalist parties, to fight against the right-wing parties who opposed the Palestinian armed presence in Lebanon. The right-wing armed groups led by the militia of the Lebanese Kataeb Party were implicated in the massacres of Palestinian civilians in the Tal El Zaatar refugee camp in 1976, with the backing of Syrian military forces, and later the Sabra and Shatila refugee camps in 1982, with the backing of Israeli military forces (El-Khazen 2000; Haddad 2003; Khalili 2007; Sayigh 1993).

deprive Palestinian residents of unrestricted residence rights, for example by placing periodic bans on travel, prohibiting them from practicing 67 different professions and banning any type of physical construction inside the camps. The state in addition preferentially supports some Palestinian political parties over others.

As this paper argues, the new security discourses have changed the ways the Lebanese state 'managed' its Palestinian residents both during the conflict of Nahr el-Bared and in the reconstruction phase. These changes were notably reflected during the conflict in the way the Lebanese state constructed FAI as a militant group and as a 'terrorist enemy'. From the start of the conflict, the Lebanese government labelled the FAI as an enemy, relying on a hybrid security discourse derived from the local political and historical context and the new GWOT regime. This discourse was composed of two contradictory yet complementary representations.

First, the Lebanese government used the discourse of the GWOT to portray the group as a significant terrorist force. It was considered an irrational and major threat to national security, with intent to inflict harm on the state by harming its national symbol, the Lebanese army. It was also discredited as an exogenous affliction by relying on the central premise of its constitutive relation to the Palestinians as an 'alien' social group present in Lebanon. Historically the camps enjoyed military autonomy following the Cairo agreement in 1969. In this agreement the Lebanese state recognised Palestinian camps to be autonomous foreign territories and allowed Palestinian armed groups control over them (Khalidi and Riskedahl 2007). However, although the Lebanese parliament revoked this agreement in 1987, it still observed it in practice. While the group was reportedly composed of a multinational band of fighters, the Lebanese government attached a Palestinian identity to the group by emphasising its location in Nahr el-Bared Camp. The camp was declared a 'security enclave' and a no-go area.

The operation of the Lebanese army was argued for by contrasting the imminent threat posed by the FAI with its insignificant weight on the Palestinian political map. The group was recent and obscure, not attached to any of the main Palestinian factions such as the Palestinian Liberation Organisation (PLO), the Islamic Resistance Movement (Hamas), or the Popular Front for the Liberation of Palestine, with a leader whom the government profiled as a minor dissident from two small Palestinian factions. It was portrayed as an insignificant group that could be easily targeted and militarily neutralised by the government (LMOD 2007a).



Figure 1: Destruction of the old camp (Source: UNRWA)

B. Failing to protect refugees during the conflict and installing the governance regime

Construing the FAI as a legitimate terrorist target in relation to the Nahr el-Bared camp has serious implications for the protection of Palestinian inhabitants. The government's sovereignty was reinforced by constructing a regime of truth linking refugees with the militants. In an effort to be absolved of its responsibility to protect residents, the government classified them intermittently in the three categories of less deserving civilians. Periodic statements from the Minister of Defence and the chief of the army interwove inhabitants of the camp within the activities and profiles of the FAI. The pool of militants was noted as 'drawn from many inhabitants of other Palestinian camps in Lebanon' (Njeim 2007). Furthermore, the camp's inhabitants were also construed as sharing similar essential social values with the militants, as reports focused on intimate social relations between them. For instance, militants allegedly 'settled in the Nahr el-Bared Camp and got married to female inhabitants and rented numerous flats there' (Njeim 2007). The inhabitants of Nahr el-Bared were also stripped of their 'innocent civilians' status through an emphasis on their criminality; in order to boost their funds, militants reportedly recruited criminals from the inhabitants of Nahr el-Bared and benefited from the trafficking activities they carried out on the camp's sea-front (Njeim and Bal'aa 2007).

Similarly the government imposed disciplining techniques on Palestinian inhabitants compromising their right to protection and blurring the civilian-military boundaries. The fleeing Palestinian inhabitants were treated by the Lebanese army as terrorist suspects.

The Lebanese army enforced a systematic exodus by telling all residents to leave the camp. They also banned them from returning to the camp to check on their homes and family members left behind (Khalidi and Riskedahl 2007). No humanitarian assistance was allowed inside the camp apart from the evacuation of the wounded, despite civil society's appeals for access. The Lebanese army overtly declared any inhabitants left behind as terrorists and thus with no right to protection. As they left the camp inhabitants were searched, and most men were taken into military custody for investigation of their possible links with the FAI ((HRW 2007). These investigations were accompanied by reports of incidents of harassment, torture and arrests, bringing fear to the displaced population.

The alleged terrorist link between Palestinian civilians and FAI militants provided a justification for the control of space. The Lebanese defence minister and the chief of the army took the lead in an operation specifically aimed at 'eradicating' the group.³⁷ The Lebanese army imposed a blockade and carried out systematic bombing of the camp. The escalation of the terrorist discourse played a major role in achieving total control over the space. Twenty days into the operation, the defence minister declared 'mission accomplished', calling to mind the ill-fated counter-terrorism victory claims of President Bush in Iraq (Njeim and Bal'aa 2007). This announcement was soon declared premature, as the group showed no sign of surrender. The army then vowed to complete the operation, inflicting indiscriminate destruction on the entire physical and social space of the camp in an attempt to discover the hiding-places of the group within residential areas (LMOD 2007a). Three months into the operation, the army declared victory on 2 September, 2007 and the killing or capture of the militants and their leader, although no bodies were ever found.

Protection as establishing sovereignty over refugees – co-opting the reconstruction plan

Post-conflict reconstruction provided a way for the Lebanese government to establish its sovereignty over Palestinian refugees in two ways. First, the government appropriated the ownership of the process, tying it to the escalating destruction of the camp as a starting point. Second, the government emphasised the distinction between categories of 'refugees' and 'citizens' in favour of the latter. The establishment of sovereignty over the process and creating regimes of truth about affected populations served to legitimise two other modalities of governance discussed in the following sections.

The appropriation of ownership over the reconstruction plan ran in parallel to the destruction of the camp. Along with the forced exodus of the inhabitants the then Prime Minister, Fuad Siniora, held daily meetings overseeing reconstruction plans projected to start with the end of fighting. While the fighting was still going on, the Prime Minister revealed his efforts to initiate a reconstruction plan in collaboration with a major Lebanese construction firm (PCM 2007a). This announcement was untimely because it

³⁷ The approach of the Lebanese Government was strikingly similar to the 'counter-terrorist' discursive practices deployed by Israel in the July 2006 war against Hezbollah.

contrasted with the minimal interest shown by the cabinet in the humanitarian needs of the displaced Palestinian refugees. Throughout the conflict the government did not provide any assistance to the displaced Palestinian inhabitants and left it entirely to the United Nations Relief and Works Agency (UNRWA). With the end of the clashes, the government reasserted ownership over the operations by publicly launching a plan that would turn Nahr el-Bared into a 'model camp'. These preparatory steps did not include any Palestinian political or civil society representation. The total destruction of the camp allowed for complete sovereignty of the Lebanese government over the process.

The state's appropriation of control over the camp was resisted by Palestinian civil society. The Nahr el-Bared Reconstruction Commission for Civil Action and Studies (NRC), a community-based committee involving Nahr el-Bared grass-roots actors (such as the Popular Committee, Traders Committee etc), asked 'to rebuild Nahr el-Bared as a "camp" and not under any other title.' (IDMC undated). Here the NRC insisted on the category of 'refugee' in order to reassert the inhabitants' sovereignty over the camp. The NRC explained that although the term 'camp' conveys some negative connotations, it also holds some advantages. The categories of 'refugee' and 'camp' became a symbol and a condition for maintaining the sovereignty of Palestinians refugees over their living areas. The NRC justified it on the basis of maintaining strong social relations, and on the relationship with the homeland of Palestine, the Right of Return and shared memories. It was a space and a place that would maintain the feeling of the *nakba*³⁸ (Hanafi 2008). The politics of categorising resonate with the view considering names 'methodologically speaking, themselves a means of tracking power in this process' (Petee 2005).

Another way of imposing sovereignty was for the government to 'manage populations' by categorising them at two levels. First, the plan created a hierarchy of protection with refugees at the lower end of the scale and Lebanese citizens on the higher end. Second, it served to strengthen the clientelist patronage that government actors had over Lebanese residents. In stark contradiction to the overarching sovereignty claimed by the government over the planning and the overall process, the implementation of the work entrenched the differentiation between refugees and nationals. UNRWA was designated to reconstruct the Palestinian areas while the Lebanese government did the same for the Lebanese inhabitants of the surrounding areas. The contrast between the funds allocated to areas hosting Palestinian and Lebanese inhabitants is indicative of this gap. The initial relief and reconstruction bill amounted to US\$382.5 million, one-third of which would go to the areas inhabited by the Lebanese residents (PCM 2007b). However the latest update from the UNRWA figures shows that the surrounding areas have received more funds and funding pledges than the camp proper. The figures show that US\$135 million have been committed or channelled to the surrounding areas compared to US\$115 million for the camp (UNRWA 2009). Prime Minister Saad Hariri (then an MP and leader of the 14 March pro-Western coalition) himself committed to provide US\$20.8 million for the development of Lebanese villages and towns; most of these funds went to the third ring comprising 20 villages and towns in the district of Akkar that, although not directly

³⁸ The 1948 Palestinian exodus is often known as *nakba*, meaning the disaster, catastrophe, or cataclysm.

affected by the conflict, is one of the poorest in Lebanon with more than 60% of households living in poverty (Laithy, Abu-Ismaïl et al. 2008). The inclusion of the towns and villages of the third ring within the post-conflict reconstruction plan fits within the agenda of the political parties representing this electoral district. In line with clientelistic sectarian politics in Lebanon, the ruling coalition found in the Nahr el-Bared conflict an opportunity to enhance their client networks by channelling funds for construction and development.

Expanding the reconstruction plan to include the Lebanese towns and villages reflects another aspect of 'managing populations' aimed at controlling Lebanese populations. Through the post-conflict reconstruction, the governing elites aimed at forging a transactional relationship with their clientele. Reconstruction becomes a 'service' for current and potential supporters. In return followers or clients give their political loyalty, usually in the form of votes as well as showing their support at various mass political events.

Protection as discipline – managing the internal political governance of the camp

Another modality of security governance lies in its disciplinary power. The government used disciplinary techniques through reconstruction practices aimed at rearranging the political control over populations. Hinting at this new security order the then prime minister stated, when announcing plans for the reconstruction that 'the camp will not return to the previous environmental, social and political status quo that facilitated its takeover by terrorists.' (PCM 2008) The reconstruction process was announced to donors as 'an opportunity to improve both the camp and its environment.' (PCM 2008) The plan aimed to overhaul the previous social and political structures of the camp and to contain the political activities of the refugees in the space of the camp in three ways.

Firstly the Lebanese government used an overt strategy of policing in the reconstruction plan primarily by denouncing the camp's status of 'security enclave'. The Lebanese army officially took over the management of the internal security of the camp, contrary to the earlier understanding between Lebanese and Palestinian authorities from the 1960s where the internal security inside the various sections of the camp was managed by different Palestinian armed groups. By establishing its control over policing the Lebanese government singled out the camp and its inhabitants as security threats. This exception was specially marked when contrasted with the autonomy in policing that other Palestinian camps enjoy in Lebanon.

Secondly the government also directly intervened to rearrange the internal political representation in the camp. The history of the camp's political authority had evolved over recent years, with pro-Syrian factions allied under the Defiance Front establishing their authority until the Syrian troops' withdrawal from Lebanon in April 2005. After that, Fatah and other PLO allies joined various other political groups in contesting the internal political representation in the camp. After the conflict, the government instated the PLO as the official political authority of the camp. The Fatah-dominated PLO was a major

Palestinian ally of the government and was also brought in as the representative Palestinian political patron on the reconstruction board. The appointment of the PLO served to extend the government's control, despite the presence of the other factions and its contested popularity among the inhabitants (Lamb 2007).

Thirdly the reconstruction plan used techniques of disciplining to prevent Palestinian residents from having any right to own property. Over the years the area leased by UNRWA and constituting the old camp (the first ring) had become overcrowded. Palestinian residents expanded beyond the outskirts into the area that became known as the 'new camp' (the second ring) between the 1980s-2000s. During this expansion, the area grew organically as an extension of the old camp and housed a substantial 35% of the camp's Palestinian population (UNRWA 2007).³⁹ In order to expand into the new camp Palestinian inhabitants purchased plots of land from their Lebanese owners. However, having the status of refugees, they were legally forbidden from owning property in Lebanon (Suleiman 2009).⁴⁰ In order to circumvent this, Palestinian residents resorted to registering their land titles under the names of Lebanese relatives or friends.

The Nahr el-Bared conflict presented an opportunity to renegotiate this complex land ownership. When the reconstruction plan for the 'new camp' was announced there was fierce opposition from the surrounding Lebanese inhabitants to granting land ownership to Palestinian residents. The inhabitants of neighbouring towns and municipal councils sought to reclaim the plots they had informally sold to Palestinian residents. The government's response was to propose appropriating the land and leasing it to UNRWA as in the case of the old camp. Palestinian residents have resisted this settlement because they would have lost significant property investments they made over the years. Beyond the plans to repair their damaged houses and businesses, tension over land titles remains and the ensuing settlement appears to be at the expense of the Palestinian residents who are denied rights to their own property.

Protection of/from refugees - bio-power and the control of refugees' mobility

Bio-power was manifested through the physical rearrangement of the social space in a way that controls the movements of refugees. The plan was framed as an endeavour to transform a chaotic locality into an orderly and governable space and place. The government's plan is pinned to an underlying objective: confining the Palestinian population in a space that can be easily controlled and secured, with the idea of refugee camps as a 'space for confinement' for 'undesirable refugees' (Agier 2002a). This objective was further confirmed as the Lebanese army was given a major role in planning the camp's reconstruction (Hanafi and Sheikh-Hassan 2009).

³⁹ The new camp also comprises the towns of Muhammara, Bebnine, Bhanine, Minieh, Beddawi and Deir Ammar.

⁴⁰ These measures are based on the Foreigners Property Legislative Decree No. 11614/1969 which was in 2001 followed by a law No.296 specifically prohibiting Palestinians from owning property.

The overarching logic was for control of the spaces of populations as areas of confinement but the camp's reconstruction was branded as 'gentrification'. The promotion of modernisation through gentrification was in fact used as a trope for security in an example of regeneration as a 'technology of power' (Malkki 2002). 'Gentrification' allowed refugees to be represented as destitute and their spaces as chaotic. The proposed improvements were contrasted with the previous living conditions of inhabitants and made the destruction – and the government's military operation – look almost beneficial. The details of the plan promised a revamping of the urban space with a focus on aesthetics and the living environment (UNRWA 2008). Modern indicators of improved living space were used, such as light and quality of air, size of residential units per inhabitant and so forth. These specifications for the camp were likened to the socially desirable model of gated communities

However gentrification also worked in favour of the government's security agenda. The physical engineering of security measured out the camp as a space of confinement that fell short of being an open city (Agier 2002a). The map of the camp was rearranged in such a way as to physically control residents through intricate control of mobility and access stretching from the centre of the camp to its periphery. In the area of the old camp the gentrified model included widening of the roads and alleys enabling military vehicles to enter all quarters of Nahr el-Bared. Security was also reinforced by installing a police station inside the old camp. By relocating policing within the residents' social and physical spaces, the new security strategy established full control over them.

Reflecting the two modalities of governance discussed above, the categorisation of refugees as less deserving civilians and the techniques of disciplining were translated spatially in the symbolic division of the three rings of the reconstruction plan. The old camp constituted the space 'proper' where the category of refugees was officially recognised. This space was allocated so as to provide registered Palestinian residents with the few entitlements that refugees had such as UNRWA-led social provision such as education, health and income support. In addition this space constituted a microcosm of local informal economic activity where Palestinian residents ran small businesses and trades (UNRWA 2008).⁴¹ In terms of housing, the reconstruction plan recognised the inhabitants' residential spaces as it relied on the The Nahr el-Bared Reconstruction Commission for Civil Action and Studies to allocate residential units based on the inhabitants' recollection of space and place. The Lebanese army established a military base on the western – sea – side of the camp, blocking access of Palestinian residents to the sea and curtailing their fishery livelihoods (Khalidi and Riskedahl 2007).

Beyond this space, protection of refugees was gradually eroded and negated. The second ring constituted a buffer zone between the space of confinement (first ring) and the area of sovereignty (third ring) that does not provide any infrastructure for refugee protection. The space of the second ring contains a mixture of Palestinian and Lebanese inhabitants,

⁴¹ There is a significant number of Palestinian residents who do not have any identification cards and thus are excluded from these basic entitlements.

but denied Palestinians any entitlements to owning their own space. The second ring reinforced an informal status of refugees in the sense that it was outside the formal institutional boundaries of the old camp and thus lacked the basic entitlements for secure housing. With the disputes over land tenure, the buffer zone becomes significant for diluting protection and reinforcing the categories of less deserving refugees. In this way the camp is redrawn from a 'security enclave' to a space of meta-confinement for Palestinian residents who became further 'suspended in transit' (Bauman 2002).



Figure 2: Model of the physical space of the reconstructed Nahr el-Bared Camp
Source: UNRWA

Conclusion

The dominant securitisation approach to conflicts is impinging on the protection of refugees in both conflict and post-conflict reconstruction. Post-conflict reconstruction is increasingly and systematically included as part of the security strategy of governments in containing refugees, an indication of the increased precariousness of the refugees' conditions. More specifically, the protection of refugee populations and reconstruction of their spaces constitute a complex regime of governance underpinned by notions of exclusion, political cooptation, and confinement.

The post-conflict reconstruction process of the Nahr el-Bared camp in Lebanon provides a case-study for analysing the dynamics of installing this order of security governance and the implications this order has on the Palestinian residents in three modalities – sovereignty, discipline and confinement. The case-study traced the foundations of this order of governance to a mix of old and new security discourses generated through the political history of the state-refugee relationship. The continuum between the conflict and post-conflict periods was reflected in the Lebanese state's reinforcement of the category of refugees as 'total enemies' and thus less deserving of protection. The Lebanese government established sovereignty over refugees by appropriating ownership of the

reconstruction plan and reinforcing the lower level of aid funding provided for Palestinian refugees as compared with Lebanese populations. The post-conflict reconstruction plan also relied on disciplinary techniques of governance. It rearranged the political authority and representation in the camp in favour of the government's political allies and denied residents entitlements to land ownership. Finally, control over the camp and over the mobility of refugees was established through an invasive system of policing and town planning wrapped up as gentrification.

While the post-conflict reconstruction plan of Nahr el-Bared in strictly technical and applied terms is a model of innovation and creative use of space, it holds serious implications for the protection of refugees. These findings highlight the importance of considering the political and institutional implications these plans have on the representations of refugee populations, as well as their safety and the viability of their livelihoods within the host country as a whole.

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