Facilitating Facts on the Ground

The ‘politics of uncertainty’ and the governance of housing, land, and tenure in the Palestinian gathering of Qasmiye, South Lebanon

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Abstract

Lebanese and Palestinian authorities unyieldingly proclaim that avoiding naturalization (tawteen) and realizing return ('awda) is their main priority. This places the Palestinian refugee community in Lebanon under a state of exception in which institutional ambiguity characterizes governance, because any form of normalization and formalization is considered a prelude to tawteen and a threat to 'awda. This uncertainty is particularly poignant in Lebanon’s unofficial camps, or “gatherings.” Palestinians living in the gatherings do not fall outside the protection regime of the Lebanese state merely because they lack citizenship. They are also partly excluded from UNRWA’s service mandate because they do not reside in official camps. The consequences of this institutional ambiguity are especially pertinent in the governance of housing, land, and tenure. Institutional ambiguity complicates construction and exposes residents of the gatherings to eviction from their properties. At the same time, it determines the coping mechanisms available to residents to deal with these predicaments. In the absence of formal entitlements related to citizenship or camp-residence, inhabitants of the gatherings rely on informal and politicized strategies geared toward maintaining “facts on the ground.” My case study of the governance of property rights in Qasmiye gathering documents how the state of exception in Lebanon’s Palestinian gatherings is upheld by what can be called a “politics of uncertainty”: both Lebanese and Palestinian authorities deliberately maintain the institutional ambiguity of the gatherings. As such, the paper contributes to understanding the endurance and reproduction of marginalizing governance practices—in the specific context of Lebanon’s Palestinian gatherings, but also with reference to other protracted refugee populations and inhabitants of informal settlements across the Arab world.
About the author

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Cover photo

Picture was taken by author Nora Stel.
The situation here is totally clouded and unclear. And it is meant to be cloudy; we are not supposed to understand.

Introduction

Palestinians in Lebanon are caught between the anvil of tawteen (naturalization) and the hammer of ‘awda (return). Since 1948, when Palestinian refugees first arrived in Lebanon, consecutive Lebanese governments have feared that the naturalization of the largely Sunni Palestinians would upset Lebanon’s precarious sectarian balance. Lebanese political leaders have habitually cast any form of lessening the Palestinians’ plight as a first step toward naturalization (and hence potentially exacerbating intra-Lebanese conflicts). This has been defended with the claim that maintaining the Palestinians’ destitution serves to keep pressure on Israel to fulfill the Palestinians’ right to return to historical Palestine. As a result, governance of and within the Palestinian communities in Lebanon is dictated by a “state of exception” that remains without regularization, recognition, or formalization. Lebanon’s Palestinian refugees “hover in an ill-defined space, out of place and between states, as Lebanon denies their naturalization and Israel rejects their return.”

This politically motivated state of exception takes shape through what Are Knudsen calls a “legal limbo.” Internationally, the Palestinians are mollified by the right to return as stipulated by the 1948 United Nations (UN) General Assembly Resolution 194. In anticipation of this ever-more-implausible return, however, Palestinian refugees receive assistance (i.e., basic services) from the UN’s Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), but no protection (i.e., safeguard from abuse), because they were excluded from the 1951 UN High Commissioner for Refugees mandate and the associated Convention Relating to the Status of Refugees. This exclusion from international legal norms regarding refugee rights makes Palestinian refugees even more subject to restrictions imposed by their host country. In Lebanon, civic rights are related not to residency, but to citizenship. In addition, Lebanon does not have a refugee or asylum law. This means that Palestinians in Lebanon are treated as foreigners. To avoid tawteen, they are, moreover, categorized as a special category of foreigners and, as a result, are not entitled to jobs, health care, higher education, or the right to vote.

The Palestinians’ political and legal state of exception is particularly poignant in Lebanon’s unofficial camps, called “gatherings.” There are 43 gatherings throughout Lebanon, most of
them located in the south of the country. These host at least 10 percent of Lebanon’s 400,000 registered Palestinian refugees. Stemming from their legal exclusion, all Palestinians in Lebanon face a notorious policy of political and socioeconomic strangulation: they are severely discriminated against in the labor market and, since 2001, have been prohibited from registering land and real estate. In addition, Palestinians in Lebanon who live outside the country’s twelve officially designated refugee camps administered by UNRWA fall largely outside UNRWA’s service mandate. Lebanese municipalities do not consider the gatherings their responsibility either, as residents are neither citizens nor taxpayers. The gatherings thus “exist at the intersections of multiple layers of governance and legality” and can be conceived of as “spaces of exception.”

The gatherings’ “protection gap” has resulted in a hybrid governance system implemented by an array of governance actors, including the Palestinian Liberation Organization’s (PLO) Popular Committees, various nongovernmental organizations (NGOs), UNRWA, Lebanese and Palestinian political factions, and Lebanese state officials such as mukhtars, mayors, and utility companies. As I describe in detail elsewhere, in this arrangement governance is, by and large, informal. Rules of the game are “created, communicated, and enforced outside of officially sanctioned channels.” Governance in the gatherings is also heavily politicized. Palestinian leaders depend on political brokers to access state institutions and, in the absence of formal rights, petition Lebanese politicians for favors.

The consequences of the institutional ambiguity that shapes governance in the gatherings are especially pertinent with regard to housing, land, and tenure. This is the case because physical housing structures are a contentious issue in maintaining the (illusion of the) temporariness of the Palestinian presence within Lebanon. Palestinians residing in Lebanon’s official camps live on land rented by UNRWA from the Lebanese state and hence face a notoriously cramped and deprived but also relatively stable tenure condition. The gatherings, however, are built on Lebanese land without permission, which renders the residents’ tenure situation there extremely insecure. In essence, the gatherings’ residents are squatters living in “gray” spaces and perpetually barred from legal tenure. It is no surprise, then, that residents (as well as NGOs working in the gatherings) identify housing, land, and tenure issues as the gatherings’ main problem.

A respondent spoke for many when he said that, “The biggest issue here is the problem with the landowners; this is people’s biggest fear.”

Based on a case study of Qasmiye, Lebanon’s largest gathering, this paper documents how institutional ambiguity complicates construction and rehabilitation and exposes residents to
At the same time, this ambiguity is also instrumentalized by residents of Lebanon’s Palestinian gatherings themselves. Barred from formal entitlements related to citizenship or camp-residence, residents actively utilize the liminality of their protracted refugee status and their exceptionality within the Lebanese polity to prevent eviction. This paper aims to analyze this reproduction of institutional ambiguity, and the ensuing marginalization, with reference to the concept of the “politics of uncertainty.”

I proceed as follows. First, I introduce the notion of the politics of uncertainty and outline my main argument. I then describe the dynamics of property rights and tenure in Qasmiye. Subsequently, I analyze these dynamics as both stemming from and reinforcing a partly deliberate and partly unconscious institutional ambiguity. The paper wraps up with a conclusion and policy implications.

The Politics of Uncertainty

The notion of the politics of uncertainty draws attention to the fact that “there is considerable profit and power in manufacturing doubt and ignorance.” Ignorance or uncertainty is often seen as “a kind of natural absence or void,” but in many cases it is “deliberately engineered.” Salwa Ismail sees such deliberate “nonroutine and unpredictable” rule as a form of “despotic power,” which helps reveal the two insights that are at the core of the argument I make below. The first is that exceptionalism, ambiguity, and uncertainty are maintained deliberately by the Lebanese (though Palestinian elites also benefit from them). The second is that, because ambiguity and uncertainty constitute features of a hegemonic political economy, they are—often unconsciously and counterintuitively—reproduced by Palestinian residents of the gatherings as well.

The Palestinians’ state of exception is legitimized by a tawteen discourse that emphasizes the refugees’ “supposedly transitional status.” This has served to guarantee a status quo that is miserable for the refugees but, as I discuss in more detail in the paper’s concluding section, sustains the power positions of Lebanese and Palestinian leaders. Sophie Richter-Devroe explains how the interests of the current Palestinian authorities, who seek to maintain their power without a popular mandate, are linked with those of Lebanese elites, who are obsessed with keeping the Palestinian population in check. Ultimately, both Lebanese and Palestinian authorities rely on the informal status and the political sensitivity that characterize Palestinian
gatherings to sustain their positions of authority. Consequently, they eventually undermine any form of improvement and formalization. Tenure in the gatherings, then, is a manifestation “of the ways in which the Palestinian and Lebanese leadership capitalizes on keeping the refugees’ situation in Lebanon in limbo by claiming that camp improvement and/or the attainment of civil rights would constitute tawteen, and thus undermine the right of return.”

The institutional ambiguity of Lebanon’s Palestinian gatherings is thus the result of a deliberate no-policy policy or policy vacuum on the side of the Lebanese government. This “lack of any wider state policy other than restriction” is maintained under the pretense that any form of regulation or organization would be a prelude to settlement and a betrayal of return. In this context, Palestinians’ access to secure tenure is particularly jeopardized, because land and property rights are so intuitively associated with naturalization. This is especially poignant for Palestinians living in the gatherings. In theory, one could respond to institutional ambiguity through regularization, the “hardening” of institutions, which increases predictability (and lessens ambiguity). In the gatherings, however, people have no official representative, few socio-economic assets and little political clout. Producing regularization, consequently, is not within their ability. Thus, situational adjustment, the exploitation of the “soft” status of institutions, becomes the default response to threats of eviction, and facts on the ground replace contracts and rights.

The Lebanese no-policy policy and Palestinian situational adjustment are one manifestation of a politics of uncertainty. The second manifestation is the uncertainty produced by Qasmiye’s residents as a defense mechanism against eviction, a strategy generated by the very uncertainty they are subjected to themselves by authorities. Indeed, institutional ambiguity does not only create tenure insecurity in Qasmiye. It also determines the coping mechanisms available to residents of the gathering to deal with this tenure insecurity. In the absence of formal entitlements related to citizenship or camp-residence, inhabitants’ strategies are necessarily informal and politicized and are overwhelmingly geared toward maintaining facts on the ground. Residents actively utilize the liminality of their situation and their exceptionality within the Lebanese polity to prevent eviction. However, as my case study shows, for the residents, hiding behind the ambiguity and exceptionalism that created many of their problems in the first place is a last resort, the desperate recourse of a community without any alternatives.

The institutional ambiguity exemplifying governance in the gatherings, then, is intentional as much as it is contingent. Therefore, if we are to understand how a state of exception can be reproduced even by those suffering most from it, the interests underlying ambiguity need to be
explicated. Ambiguity is more than the inevitable consequence of governance in complex and fragile settings; recognizing this would be relevant for the specific context of Lebanon’s Palestinian gatherings, but also with reference to other protracted refugee populations and inhabitants of informal settlements across the Arab world.\(^{42}\) The ways in which institutional ambiguity functions to maintain the marginalization of disenfranchised groups are not unique to Palestinian gatherings. Palestinians who do not live in informal settlements face this marginalization, as do non-Palestinians and non-refugees who live in informal settlements.\(^{43}\) Yet, in Lebanon’s Palestinian gatherings, a state of exception (refugeeness) and a space of exception (gatherings) coincide to make communities particularly vulnerable to institutional ambiguity.\(^{44}\)

Lebanon’s under-studied Palestinian gatherings thus connect the problematics of refugeeness with the challenges of informal settlements.\(^{45}\) They thereby offer a unique opportunity to study hybrid governance arrangements that could enhance our understanding of governance practices among both refugee communities and the residents of informal settlements. In such communities, housing, land, and property issues often constitute the quintessential governance predicament, since “denial of security of tenure indefinitely perpetuates vulnerability.”\(^{46}\) My contribution to the emerging concept of the politics of uncertainty lies in the exploration of the governance of property rights as one of those “seemingly mundane struggles over access” that can nevertheless reveal crucial “politics of practice, in which the abstractions of law, disenfranchisement, and factional politics find purchase, become visible, and are contested.”\(^{47}\)

**Background and context: the governance of tenure in a Palestinian gathering**

Qasmiye is located in South Lebanon near the Litani River (known locally as the Qasmiye River), on the coastal road between Sidon and Tyre. The gathering was established in 1952, when Palestinian refugees expelled during the creation of the state of Israel in 1948 relocated to the area. The predominantly Bedouin community settled in Qasmiye, where many worked for the landowners in the region.\(^{48}\) Qasmiye has grown and currently hosts approximately 5,000 people.\(^{49}\) The gathering is located within the boundaries of Bourj Rahaal municipality. Some 20 percent of the land on which the gathering is built is public land; the rest is owned privately by various Lebanese citizens.\(^{50}\) This means that, in contrast to its role in official camps, UNRWA is not
involved in renting land or regulating, rehabilitating, or providing shelter in the gathering in any form.

Construction and rehabilitation

Qasmiye’s Palestinians do not, and are not allowed to, own the land they build on. Legally speaking, their residence on the land in Qasmiye is illicit. This also means that Qasmiye’s residents cannot fulfill the criteria to obtain the necessary permissions to build, extend, or rehabilitate houses. This did not constitute a problem at first. Most families in Qasmiye built their houses in the 1950s. At that time, respondents indicated, construction was not an issue if the landowner consented. In the 1960s, people engaged in a “quiet encroachment” and expanded their houses to accommodate growing families and to make the constructions more durable. Throughout the chaos of the Lebanese Civil War (1975–1990) and under the tutelage of the PLO’s “state-within-the-state” (1970–1982), encroachment was considerably less quiet and took place virtually unchecked. Only with the postwar reinstallation of the municipalities from the mid-1990s onward did Bourj Rahaal start to exercise control over construction in Qasmiye.

Shelter in Qasmiye is currently of poor quality, even in comparison with that in other gatherings. This is partly due to the destruction caused by Israeli bombing during the 2006 war between Israel and Hezbollah. Jad Chabaan notes that Qasmiye comprises 430 houses, none of them with more than two floors and most made of zinc and concrete. He estimates that half of Qasmiye’s houses need rehabilitation and 10 percent need to be rebuilt entirely. This dire situation notwithstanding, building new houses and even repairing existing ones is prohibited in Qasmiye. With the help of an informant network, the police closely monitor Qasmiye for building activity and, in principle, destroy any nascent construction. Nevertheless, throughout the five months that I spent in Qasmiye, I witnessed several new houses being built and saw a host of recently delivered new homes. People also habitually referred to reparations or extensions that they made to their houses. Several NGOs were furthermore active in shelter-repair activities. In all, people testified to the immense improvements in housing in Qasmiye over the last decade.

This gap between official regulations and the reality I found followed from the residents’ creative strategies to enhance their living situations. In many cases, people built in secret, often under cover of night, and hoped the police would not discover their building activity until it constituted
a “fact on the ground.” Then they would try to prevent the police from destroying their house either through bribes or wasta (connections or social capital) with sociopolitical authorities able to pressure the police to look the other way.\textsuperscript{54} More often, though, residents would ask the municipality for permission to build, which in many cases would, indeed, be given. This permission, however, was widely described as “humanitarian” or “illegal.”\textsuperscript{55}

The illegality of such permission has two grounds. First, municipalities cannot give permission to build on privately owned land. Second, even on public land, permission is a two-step procedure that entails not merely municipal consent but also approval from the Association of Engineers (which would be given only to the landowner).\textsuperscript{56} Municipal permission here entails the exchange of money for a verbal promise that the police will not show up.\textsuperscript{57} In the words of one resident,

We get an illegal permission; it’s a permission just to keep the police away. For a legal permission you have to be the owner and bring papers from the police and from different departments. The kind of permission we get is just to cover the eyes of the police.\textsuperscript{58}

Thus, despite legal obstacles, financial costs, and social anxiety, the residents of Qasmiye have found a way to build. The municipality plays a crucial gatekeeper role in this: without it, residents are at the mercy of the police and the landowners.\textsuperscript{59} Describing the installation of a playground in Upper Qasmiye, a resident explained,

The mayor agreed with us. He said he couldn’t give us a paper as it wasn’t his land, but he said “go ahead” even if he couldn’t do so officially. And neither the state nor the police came. When we were finished, the police came and we told them to go see the mayor; that we had permission from the mayor.\textsuperscript{60}

In line with this, the facilitation of Bourj Rahaal municipality is often described in favorable terms. Chabaan, for instance, concludes that the municipality of Bourj Rahaal supports the Popular Committee by mediating between it and the police.\textsuperscript{61} The Danish Refugee Council similarly finds that Qasmiye has a good relationship with the host community.\textsuperscript{62} The mayor of Bourj Rahaal himself told me his “policy” follows from the fact that he is “on their side.”\textsuperscript{63} The conduct of the municipality is thus to some extent informed by compassion.

The municipality’s incentive to go against official state laws, however, also lies in the political ties between Palestinian parties, particularly Fatah, and the dominant political party in Bourj Rahaal municipality, Harakat Amal. A senior Fatah cadre in Qasmiye commented that it was Amal’s regional Members of Parliament who encourage the municipality to condone the Palestinians’
construction. More importantly, the municipality is clearly also driven by economic incentives. As Robert Beer construes,

The willingness of the municipality and the police to intervene to prevent construction, rehabilitation, and extension of property should be viewed as an effort, primarily, to protect an income source rather than an attempt to fully uphold Lebanese HLP [housing, land, and property] law.

**Eviction**

In Qasmiye, as in most other Palestinian gatherings, the Popular Committee has a rudimentary sense of who lives where and sometimes oversees the renting or sale of houses. Most Palestinian refugees living in the gatherings have no paperwork indicating the purchase or ownership of land and property. Thus, the gatherings’ “system of adjudication and pseudo-formalization” has no legal status. For a long time, it has nevertheless sufficed. When I asked my research partner, who lives in Qasmiye, how she would be able to prove that her house was in fact her house, she answered,

Everyone knows it’s my family’s house since forever. No one has official papers; we don’t have any official paper to demonstrate that this is our house. But we built it. It’s from when [my grandparents] came from Palestine in ’48.

In the last decade, however, this situation has come under increasing pressure. The generation of landowners that granted the Palestinians permission to live on their land in the 1950s and 1960s is gradually passing away. Most of their heirs, facing ever-expanding construction on their lands and encouraged by rising property prices, no longer feel bound by the promises their (grand)fathers made. Many of them have started lawsuits against the Palestinians occupying their land illegally. In Lebanon, in the absence of legal title to land, Palestinian refugees can face criminal prosecution for use and occupation of land. This issue affects almost all gatherings. In Qasmiye alone, at least four different lawsuits are currently pending. Here, I will focus on the largest and, according to my respondents, most pertinent case.

In 1997, the residents of approximately fifty houses in the area of Upper Qasmiye known as the “playground neighborhood” (hayy al mal’ab) were accused of illegally residing and building on private land and were summoned to court. The prosecutors demanded that the residents leave
their property, pay for the immediate removal of the illegal structures, and compensate them for the use of the land since the 1970s. After almost a decade of recurrent court sessions, in 2006 the judge in Tyre ruled in favor of the landowner. In 2010, the residents’ appeal was rejected by the court in Sidon as well. One year later, the residents received a warrant from the police informing them that they had five days to vacate the land referred to in the court proceedings as “plot no. 287 Ain Abu Abdallah.”

Most residents lacked any alternative residence and thus refused to leave. The police did not physically evict them. An impasse commenced. The landowner finally had her eviction warrant, but it somehow would not be executed. According to one of the residents, even the judge had warned the landowner that the court decision would most likely never be implemented.74 A legal specialist from UNRWA explained:

The judge doesn’t order the execution, he just gives the right [for the order to be issued]. The issue then goes to the execution court that gives the order to the police. But the police will never execute this because for sure the people will fight them and for sure the politicians will interfere.75

For now, the situation is, as residents without fail dubbed it, “frozen” (mutajamida).76

But how can such a legally indisputable case be put “in the fridge”?77 For Qasmiye’s inhabitants, the answer was straightforward: politics! They broadly explained the halting of court cases with reference to the interests of Lebanese politicians (and, to a lesser extent, Palestinian ones). Majida Rasul confirms that “the role of political interventions” is instrumental here.78 Indeed, the failure to implement the court decision in Qasmiye is the effect of high-profile political interference. Throughout the proceedings, the residents were represented by Qasmiye’s sheikh, whose house and mosque were also on the land in question.79 Together with several other communal leaders affected by the court case, including the then head of the Popular Committee, he formed a committee to deal with the eviction threat. This committee raised the issue with what they called the “political leadership,” mostly meaning the PLO. The PLO leadership in Lebanon, in turn, together with the Palestinian embassy,80 discussed the matter with those Lebanese politicians and officials with the power to prevent implementation of the court order.

In this case, such power was vested in Nabih Berri, speaker of parliament and leader of the Amal party, a dominant party in South Lebanon.81 Berri agreed with the Palestinian political leadership that it would not be acceptable to have the decision implemented and “have people say that in the South they destroy Palestinian houses.”82 As Qasmiye’s sheikh reasoned, Berri “cannot
afford to provoke the political situation” and wants to avoid problems between Lebanese and Palestinians, Shia and Sunni, at all costs. Thus, with an eye to Lebanon’s volatile political situation (in which local issues habitually take on a national dimension), Berri instructed the police charged with implementing the eviction order to refrain from doing so for the sake of preserving the calm in the region.

This solution is widely felt to be temporary. Indeed, the current situation illustrates the instability and uncertainty of the residents’ daily life, which is described by Diana Allan as an “existential impasse” or “permanent temporariness.” A resident explained that the court case might be halted, but it was not concluded and might be reopened at any time. A communal leader added: “They stopped it; it was postponed. But we didn’t solve anything; it’s just suspended…. People are very much aware that they are at the mercy of what they call “the political situation” (wad’a siyaasiye). Reflecting on the volatile relationship between the PLO and Amal, the head of Qasmiye’s Popular Committee worried: “Politics controls everything here. Now [Berri] helps us and our relationship with him is very good. But if there is a change in the situation or his opinion, this stops. Before, they were killing us!”

What I encountered was a paradoxical mixture of defiance and fear. On the one hand, people were confident that the political situation would not allow them to be evicted. On the other hand, the knowledge that the political situation might change and eviction was therefore still perpetually looming over them was omnipresent. The mayor of Bourj Rahaal surmised, “Everything is very complicated in Lebanon. Due to the political situation, everything’s a question mark. We’re always afraid.”

Discussion and analysis: the reproduction of Qasmiye’s institutional ambiguity

Due to the institutional ambiguity that stems from Qasmiye’s status as a gathering, residents do not get tenure protection from either UNRWA or the Lebanese state. This, in turn, makes them dependent on Lebanese officials, who take bribes to condone construction, and Lebanese politicians, who “freeze” court cases. Such insecurity and dependency characterize the protracted exceptionalism that causes much of the residents’ tenure problems. At the same time, however, recourse to this exceptionalism (manifested in informality and politicization) is the main instrument for Qasmiye’s population to enable construction and prevent eviction. To avoid
eviction, Qasmiye’s residents hide behind the very exceptionalism that victimizes them. They thereby to some extent reinforce the institutional ambiguity that they are subjected to.

My interviews regarding the eviction case were rife with ignorance, doubts, and inconsistencies. I was struck, at first, by how little people seemed to know about their case. There were, for example, no maps indicating landownership available to the residents. Certainly, landownership is a complicated matter, and a lack of knowledge of legal ownership is commonplace. Land that for a long time was owned by one landlord may now be in the hands of tens of different heirs, who all have the same family name but are different legal persons. Considering the pertinence of their case, however, I was surprised to find that people often did not even know who owned the land they lived on. Stories about the number of houses involved in the case were also widely divergent, with numbers of affected households ranging from 38 to 120. Accounts of when the court case had started and when the final decision was reached differed remarkably as well. People made it clear that they had no understanding of the legal workings of the court case, which made the proceedings seem entirely random and unpredictable to them. Residents would recount how the issue “comes up time and again”; “like a volcano it is calm for a while and then it awakens.” Rasul also observes that residents of the gatherings “exhibited an overwhelming feeling of helplessness and apathy” in the face of tenure problems.

I could not get past the impression that many people were so apprehensive and afraid for their future that they also did not want to comprehend the situation they were facing. Others seemed more informed about their predicaments but were reluctant to acknowledge comprehension and appeared to try to maintain the outward illusion (vis-à-vis a researcher like myself) that they were ignorant of the complexities of their case. Most residents were notified personally by the court. Even if they did not understand the legalistic jargon of the court’s communication, they could have made an effort to have it explained to them. Yet, the legal-awareness-raising sessions organized by an NGO working in Qasmiye were not broadly frequented. This has a clear psychological component of risk denial that is often referred to as “the ostrich syndrome.” Yet, it also has a more strategic aspect. There is a “productive pragmatism” that often lies behind “ritualized forms of apparent idleness.” Ismail reminds us that “inaction, passivity, evasion, and fear are all features of encounters with the everyday state.”

The residents’ adherence to (feigned) ignorance stems from their assumption that maintaining and inciting uncertainty can help them prevent eviction. And indeed, false compliance and foot-dragging tactics have served Qasmiye well so far. By avoiding registration, for instance,
residents have successfully delayed the court process. The court proceedings of February 14, 2002, state that:

The prosecutors do not show in their accusation the complete identity of some of the accused people. … And the investigation by the police in Abasiye did not result in complete knowledge about the identity of all accused. … The court will have to withdraw charges against those persons vis-à-vis whom the prosecutors could not fulfill the legal stipulation to provide the necessary personal information to press charges. 99

This success seems to have set a precedent for residents’ responses to subsequent identification and mapping exercises by the landowner and the court. Under Lebanese law, every individual accused in court has to be notified of the accusation. 100 If the person has no designated address—or in this case if the designated address cannot be tied to a registered person—the court has to resort to other notification mechanisms that can severely delay the process. 101 Ever since the initiation of the case, as the above-quoted court proceedings show, Qasmiye’s residents aptly utilized such stalling tactics to put “sand in the gears” of the judicial process. 102 The landowner admitted that the court case was effectively frustrated by the residents “absenting” themselves when “someone from the court comes knocking on their doors.” 103

If we consider this deliberate resistance to identification and registration a consequence or feature of the gatherings’ institutional ambiguity, to some extent the very uncertainty that generates the residents’ “permanent state of anger and anxiety” is used by them to avoid, or at least delay, the certainty of eviction. 104 Others have also recognized that generating ambiguity can be a coping mechanism. 105 Integrated Regional Information Networks (IRIN) concludes that residents of the gatherings threatened with eviction “have gone underground rather than trying to fight it, hoping that by ignoring the changes they will be left alone.” 106 Legal experts of an NGO following the eviction case in Qasmiye said they were careful not to harm the residents’ “coping mechanisms that are based on discretion and not making noise.” 107 They added, “We could have all the information that you’re asking for, but we don’t want to have it—for their sake.” A Palestinian lawyer found that “Palestinians always speak with intentional ambiguity, because they know they’re ultimately not the ones who decide.” 108

Residents do not foster ambiguity for the sake of ambiguity. They create ambiguity to generate delays that may buy them time to mobilize the political interference that is needed to maintain their informal presence on the ground. 109 This political interference relies heavily on the exceptionalism, and sensitivity, of the “Palestinian issue” in Lebanon. The Palestinian cause has considerable political currency in the Arab street. 110 In addition, the cultural significance of home
(beit) in Middle Eastern society should not be underestimated.\textsuperscript{111} This makes displacing Palestinian refugees, already burdened by a history of forced expulsion, a sensitive issue for Lebanese politicians. Rhodri Williams sees this “risk of unrest and public embarrassment” as the “largely unspoken guarantee of de facto tenure security to Palestinian refugees.”\textsuperscript{112} Indeed, a member of Parliament for Amal told me, “This is a problem no one wants to evoke or awake. Even if it is [the landowners’] right, no one would try to get it.”\textsuperscript{113} Palestinian residents are aware of this sensitivity and count on it to stall eviction. What is more, they actively incited such sensitivities through the media.\textsuperscript{114} The landowner told me the residents of Qasmiye had publicly accused her of “repeating the Palestinian Nakba.”\textsuperscript{115}

Residents and their representatives deliberately tie the fate of Qasmiye to the broader Palestinian refugee “file” in Lebanon and frame their case as a national Lebanese problem that will not be solved on the level of individual cases.\textsuperscript{116} In this way, Qasmiye’s residents appeal to the very exceptionalism that caused their tenure insecurity in their attempt to alleviate this same insecurity. People likened their nascent eviction from Qasmiye to their 1948 expulsion from Israel or would compare it to Zionist policy in the occupied Palestinian territories.\textsuperscript{117} Appealing to their right to return to Palestine, residents would emphasize that their stay is temporary.\textsuperscript{118} One affected inhabitant commented: “They can’t make the people go away easily, as they have no place to go. There is no solution for this problem, until the entire Palestinian problem is solved.”\textsuperscript{119} Residents were well aware that had they been Lebanese they would have been evicted long ago and habitually stressed the uniqueness of the Palestinian case.\textsuperscript{120}

Coping mechanisms thus revolved around the sabotaging of legal procedures through intentional disinformation, in order to buy time to generate political interventions premised on exceptionalism. This strategy follows from the informality and politicization, i.e., institutional ambiguity, that characterizes the Palestinians’ state of exception in Lebanon and that precludes other responses. Even Lebanese are suspicious about their judicial system and routinely bypass or overrule it through political interventions. Palestinians have no grounds to trust the law even if it would be applied. For the residents in Qasmiye it was clear that “the law was against them.”\textsuperscript{121} Rasul documents that, among residents of the gatherings,

There is a perception that, at best, Lebanese law offers no protection and, at worst, legal action can attract adverse attention and exacerbate insecurity. Thus, legal awareness can be seen as “negative”—awareness is along the lines of what Palestinian refugees cannot do. In this way, Lebanese law was often perceived by participants as prohibitive, with no facilitative capacity.\textsuperscript{122}
Instead of the rule of law, Qasmiye’s residents put their faith in the rule of precedents: the primacy of facts on the ground. Mona Fawaz and Isabelle Peillen observe that slum dwellers tend to associate long-term residence with legality. Clearly, perceptions of legality and actual legality can differ hugely. This is the case for residents of Qasmiye. People know that by steadfastly sticking to “quiet noncompliance” and, if need be, threatening “on-the-spot resistance” their presence on the ground is hard to reverse. As Romola Sanyal recognizes, the residents of Qasmiye can rely on “a perverse rendition of ‘security of tenure’ that exists only because it would be difficult to evict Palestinians.” Fawaz and Peillen also find that, with regard to squatters, in Lebanon, “laissez-faire has been the rule” and residents’ resistance backed by political parties has halted several infrastructural projects that would entail eviction.

Considering that their tenure situation has no de jure legitimation, the protection of this situation has to be based in the de facto reality. Residents cling to their presence on the land as a fact on the ground because, as one respondent explained, “The one with a house on the land owns the land.” A local NGO worker told me that her experience was that, “In a way, the people in the gatherings don’t want to accept that they are living on illegal grounds; they feel that if they stay long enough, the land becomes theirs.” Residents’ experiences so far have confirmed this conviction. No official information on the number of court suits filed against Palestinian settlements in Lebanon is available, but reports indicate there must have been dozens of cases since the end of the Lebanese Civil War. Interviews with experts suggest that most of these did not yet reach a final verdict. When judgments were reached, these ruled mostly in favor of landowners. I have not been able, however, to identify cases in which residents of the gatherings have been displaced without at least some form of compensation. In combination with the sensitivity of the Palestinian cause, this has strengthened Qasmiye’s residents in portraying their presence as a physical reality that cannot be undone without risking violent clashes and political escalation.

**Winners and losers**

The above account of the politics of uncertainty characterizing the gatherings’ housing, land, and tenure situation ultimately posits the interrelated questions of who benefits from the intentional ambiguity produced by Lebanese and Palestinian elites and entrenched by residents’ situational adjustment and how this system is kept in place. As I elaborate below, my case study shows that Lebanese and Palestinian elites depend on informality and ambiguity to maintain their authority. The carrot of return and the stick of naturalization subsequently provide them with convenient legitimation to keep this governance system in place. It guarantees that residents have little
choice but to embrace the ambiguity that marginalizes them and try to make it work for them, even if this further aggravates their situation in the long run.

For Qasmiye’s residents, embracing and furthering uncertainty has so far served as a last resort to delay eviction. But the temporary gains of ambiguity should not be overstated: in the long run, it may emphasize people’s institutional marginalization and political exceptionalism.\textsuperscript{136} While residents have depicted the landowners as the main villains in the eviction story, they cannot be said to have benefited from the situation either. In fact, while the Palestinian refugees have at least had decades of free tenure, the landowners are left with an unenforceable court order and land they cannot use or sell but do pay taxes on.\textsuperscript{137}

In the end, it is neither the landowners nor the residents who benefit from the status quo of institutional ambiguity. Rather, it is the mediators who have claimed gatekeeper functions in the situational adjustment strategies of the residents who have profited from the situation. These representatives fall into three main categories: Palestinian politicians, Lebanese politicians, and Lebanese officials. Lebanese politicians and officials have stoked sectarianism and fueled public resistance to a more rights-based approach toward dealing with the Palestinian refugees. And after decades of being implicated in this context, Palestinian politicians in Lebanon have accrued a vested interest in the current clientelist governance practices.

Qasmiye’s sheikh and his committee were not equipped to contact the Lebanese authorities who could freeze the eviction directly. For this, they needed the Palestinian parties Fatah and Hamas, which nurture excellent ties with Lebanese political parties.\textsuperscript{138} Had residents been able to refer to their civil rights, or had the Popular Committee been recognized as a counterpart by the Lebanese state, these Palestinian factions would have lost much of their relevance as informal middlemen between the Palestinian community and the Lebanese state.\textsuperscript{139} This would have compromised an important pillar under their undemocratic and widely unpopular rule over the Palestinian refugee population in Lebanon.\textsuperscript{140}

For Lebanese parties, much the same logic dictates. A more formal position of the Palestinian residents and their representatives would sideline them as intermediaries to the state. The Lebanese politicians who broker between Palestinian refugees and the Lebanese state need informality and exceptionalism to bind Lebanon’s Palestinians to them. Palestinians in Lebanon still command a significant military capacity that Lebanese leaders covet with an eye to the country’s volatile political situation. In addition, some Palestinians have received Lebanese citizenship, and their votes can be relevant to local electoral dynamics.\textsuperscript{141} In the words of a lawyer from the Palestinian Human Rights Organization (PHRO):
Nabih Berri isn’t helping them because he likes Palestinians. He does it because now when the moment comes that he’ll fight Hezbollah, he has them on his side. He uses and abuses them and we allow ourselves to be used and abused. … Nabih Berri has his keys [contacts] there. Some people have Lebanese nationality and vote for him.\textsuperscript{142}

The interest of the Lebanese state in maintaining the institutional ambiguity of the gatherings is at once more mundane and more elusive than that of Lebanese and Palestinian politicians. On the one hand, the gatherings’ protection gap allows individual officials to enrich themselves by levying hefty bribes for building permissions.\textsuperscript{143} As stated by Qasmiye’s residents: “\textit{We pay them. We don’t benefit from them; they benefit from us!”}\textsuperscript{144} In addition, the current institutional ambiguity is advantageous to the Lebanese state because it provides an excuse to the Lebanese government to disregard most of the host state obligations it has under international law.\textsuperscript{145} The Lebanese state faces an enormous financial deficit and grapples with local capacity problems. In combination with the political sensitivity of the Palestinian issue, this is a major incentive to try to avoid rather than address the needs of Palestinian refugees in the gatherings. Echoing the opening quotation of this paper, a Palestinian analyst explains that the situation in the gatherings is vague, because “it is intended to be vague! … The Lebanese state doesn’t want any formal responsibility; this is the heart of the matter.”\textsuperscript{146} This interpretation resonates with Lisa Wedeen’s thesis that “spaces of disorder” can paradoxically function as “a mode of reproducing rule.”\textsuperscript{147} Deliberately maintaining the gatherings as spaces outside the state’s institutional ambition or mandate offers extractive opportunities and relieves state institutions already stretched for resources and capacities.

Underwriting the above analysis, Lebanese as well as Palestinian observers ultimately concluded that in the Palestinian gatherings, “the reality on the ground, the current situation, is a consequence of mutual interests.”\textsuperscript{148} This speaks to other accounts of “the tacit complicity between institutional stakeholders on the Palestinian political scene and the Lebanese government in maintaining the status quo.”\textsuperscript{149} Informality and illegality, it seems, do not merely form a pretext for the emergence of antagonistic relationships between citizens and authorities, as Ismail suggests.\textsuperscript{150} They simultaneously generate mutually advantageous arrangements between authorities on different sides.\textsuperscript{151}

All this is not to say that the ambiguity described in this paper is solely a Lebanese–Palestinian affair. The contemporary local dynamics central in my case study on Qasmiye have Lebanese and Palestinian officials and politicians as the main protagonists. But these dynamics are evidently the consequence of historical international developments, primarily the ethnic cleansing of Palestine
in the process of the creation of the state of Israel in 1948, which was enabled by the Sykes–Picot Agreement and the Balfour Declaration. The elusive international community, first and foremost represented by UNRWA, is certainly also implicated in the production of uncertainty. While beyond the scope of the current analysis, UNRWA’s practices in Lebanon throughout the last decades have done much to enable the political economy of ambiguity investigated here. Yet, in the setting of the gatherings, it is the above-described convergence of the interests of Lebanese and Palestinian elites that makes the politics of uncertainty so pervasive and leaves Palestinian residents little choice but to embrace it and thereby inevitably entrench it.

Policy implications

In this paper, I have documented the institutional ambiguity that determines tenure governance in Lebanon’s Palestinian gatherings. Through a case study of Qasmiye gathering I have shown how both the limitations placed on tenure by the Lebanese state and the response to these limitations by the residents are characterized by informality and politicization and reproduce the Palestinian state of exception in Lebanon. This state of exception ultimately has Palestinian residents paying exorbitant construction fees without concomitant tenure guarantees. It also traps Lebanese landowners in costly and lengthy court cases whose verdicts are unlikely ever to be implemented. At the same time, it props up the para-statal authority of Lebanese and Palestinian political authorities that is generated through their brokering role between the Lebanese state and the stateless communities it hosts. These dynamics help us understand the tenaciousness of the marginalizing governance structures that protracted refugee populations and inhabitants of informal settlements face. My conclusions have implications with regard to three governance challenges in particular: agency, spatiality, and epistemology.

First, I would urge policy makers not to hail refugees as agents of change when their behavior often eventually reinforces their predicament. The last decade has seen a significant shift in Palestinian studies and in refugee studies in general. Scholars and practitioners alike have moved away from seeing refugees predominantly as victims and recipients toward considering them as active political agents. This has been a much-needed paradigm shift but one, my findings suggest, whose repercussions are not always self-evident. Qasmiye’s defiance of building regulations and appropriation of private lands can be championed as a form of resistance and a claim for redistribution. But the gathering’s recourse to informality, politicization, and exceptionality simultaneously suggests that Qasmiye’s residents are “working
around the foundations of domination rather than shaking them.” In the end, Qasmiye’s tenure practices might challenge the status quo that has rendered them informal and marginalized, but they do not change it. Many of the residents’ genuinely inventive and, at first sight, effective coping mechanisms ultimately entrench the exceptionalism and ambiguity that caused their predicaments in the first place. Policy makers would do well to acknowledge this reality in the theories of change that underlie their programs.

Second, practitioners should take their projects and programs beyond official camps, the sites of familiar and standardized “technologies of power,” into informal settlement types, the more elusive “laboratories of the politics at the margins.” Refugee camps, particularly in the Palestinian case, have been routinely—if not sufficiently—serviced, as they are considered the archetype of refugeeness. This, however, has also reproduced authorities’ focus on the camps, which they consider the ultimate testimony of the temporary status of refugees. Spaces characterized by more hybrid governance, like the gatherings, are consequently only marginalized further and therefore need to be more actively sought out and addressed by policy makers. Considering that governance in the gatherings is intricately related to Lebanese state structures, Lebanon’s Palestinian gatherings also highlight the interdependency of formal and informal governance systems. They thereby question the idea that hybrid governance structures are entirely parallel to or isolated from formal institutions. As such, the gatherings differ markedly from the official camps that have received ample attention as states-within-the-state cut off from Lebanese polity and policy. Engaging with the gatherings can therefore nuance the camp-based stigma of Palestinian settlements in Lebanon as isolated islands or extra-state spaces. This provides practitioners with an entry point for enhancing dialogue and exchange between the Lebanese and Palestinian communities, which can in turn bolster existing conflict prevention and peace-building programs and generate social momentum for formalization of relations between Lebanese and Palestinian governance actors.

Third, practitioners and policy makers would do well to embrace explicitly the political geography of ignorance, uncertainty, and ambiguity and reflect on why it is that certain localities (and not others) continue to fall outside official mandates and regulations. My conclusion that ambiguity and hybridity can be intentional as much as contingent raises questions about the relationship between knowledge and power. On one level, Qasmiye’s residents have turned professed ignorance into a tool to avoid registration and thereby prosecution. On another, however, the uncertainty manufactured by Lebanese and Palestinian authorities keeps residents decisively dependent. It is in the promise of protection from arbitrariness that they themselves
create and maintain that authorities find their scarce legitimation. These insights could more forcefully inform policy makers’ and practitioners’ dealings with political elites.

The above implications all ultimately advocate a development from a clientelist service-provision regime to a rights-based one that recognizes services as a humanitarian end rather than a political means. In Lebanon’s specific context, a crucial policy priority should remain the amendment or abolition of the 2001 law that relegated tenure in the gatherings “from informality into outright illegality.” Many Palestinians in Lebanon long for some form of formalization. Even after being “forced into noncompliance with national legislation” following the 2001 law, Palestinians often go through the trouble of obtaining permission to build, extend, and rehabilitate. In a survey by Beer, over two-thirds of the respondents from Lebanon’s Palestinian gatherings saw “benefits in a formal and legal relationship with the Lebanese State.” This is more than mere intention: Beer also documents that, in gatherings where Palestinians have the opportunity to comply with Lebanese law, for instance because they bought and registered their property before 2001, or where they interact intensively with state authorities, the role of Popular Committees in tenure governance becomes less important. Thus, when given the chance, residents of the gatherings prefer formal Lebanese institutions over informal Palestinian ones.

Yet, the paradox that has formed the heart of this paper has been that lack of formalization does not follow from the absence of will on the part of the Palestinians residing in the gatherings. Rather, it is overwhelmingly produced by the vested interests of the Lebanese regime (and Palestinian elites) in a neoliberal sectarian oligarchy. Conceiving of policy recommendations, in this light, may be naïve at best and delusional at worst. If I am nevertheless to assume that under pressure from civil society and international community the prevailing political logic might be softened, I would direct such pressure to two main points. First, the Lebanese government would need to recognize the civil (rather than merely political) representatives of the Palestinian refugees in the gatherings. The capacity of Popular Committees to oversee and document tenure issues could be strengthened. This requires, second, that these Palestinian civil representatives would need to become both more civil—i.e., free themselves from the political dominance that currently dictates their functioning—and more representative—i.e., based on election rather than appointment. To sustainably enhance tenure security in the gatherings (as well as address many other fundamental problems), then, practitioners and policy makers should strive for the professionalization and depoliticization of the Popular Committees under the condition that this will eventually gain these committees the status of official Palestinian counterparts to the Lebanese state.
Lessening the influence of the Lebanese and Palestinian politicians who operate as middlemen between the Lebanese state and Palestinian residents in enabling construction and avoiding eviction in the gatherings might thus be a first step to diminishing the gatherings’ institutional ambiguity. This, however, risks turning politicians from mediators into spoilers. Formalization, then, inevitably remains a long-term, challenging, and, from the perspectives of the refugees living in the gatherings, perilous endeavor. Policy makers should heed the fact that, as illustrated for Qasmiye above, residents’ coping mechanisms are dependent on the very ambiguity that needs to be toned down. If not carefully managed, formalization can take away residents’ defense against exceptionalism before it dissolves the threats posed by it.179

1 Interview with a leader of a Palestinian youth movement, Tyre, May 7, 2013.

Palestinians have no civil rights in Lebanon and therefore no representative delegate. The Palestinian embassy in Lebanon represents the Palestinian citizens under the Palestinian Authority in Gaza and the West Bank, but not the Palestinian refugees in Lebanon. Fatah’s Palestinian Liberation Organization (PLO) and Hamas’ rivaling Tahaluf alliance are embraced as political counterparts by Lebanese politicians, but they have not been elected by the refugees they purport to represent. The refugees’ primary local representatives, the Popular Committees, are not elected either; nor are they recognized as counterparts by the Lebanese government.

6 Beer, 11.

At the time, the Arab states excluded the Palestinians from the convention in order to maintain their unique status, so as to keep pressure on Israel (as well as protect themselves from shouldering costs for hosting the refugees) (Knudsen, 2007: 3). This means that, as Marie–Louise Weighill observes, “UNRWA was unable to offer refugees protection from Lebanese security services, or the rights (notably work, travel, social security, and freedom of association) possessed by refugees under the 1951 Convention.”


Other international covenants potentially relevant to the Palestinian case (such as the 1948 UN Universal Declaration of Human Rights; the 1954 Convention Regarding Stateless Persons; the 1966 International Covenant for Civil and Political Rights; and the 1996 International Covenant on Economic, Social, and Cultural Rights) are not acknowledged by Lebanon (Knudsen, 2007: 3).

Regionally, the 1965 Casablanca Protocol, which called on Arab countries to grant Palestinian refugees the rights of work, travel, and residency, was signed by Lebanon with such far-reaching reservations that Lebanon could practically disregard the protocol’s main objectives—even more so after the protocol was further watered down in a 1990 revision (Knudsen, 2007: 4).

This has had particularly severe implications in the realm of employment (a 1964 law excludes Palestinians from joining syndicates, which is a prerequisite for professional work, relegating them to do menial labor or work on the black market) and property (a 2001 amendment to the 1969 decree on property excludes Palestinians from owning, bequeathing, or registering property). Knudsen, 2007: 12; see also Saghieh and Saghieh.

As a result, the Palestinian “status is largely defined by their absence of rights” (Saghieh and Saghieh, 11)—and what rights they have “are better viewed as privileges rather than rights and can be withdrawn at any time.” Knudsen, 2007: 12. This was also evidenced by the unilateral abrogation of the Cairo Agreement (signed in 1969 between the PLO and the Lebanese Armed Forces) in 1987, which annulled the privileges, such as the right to work, that Palestinians enjoyed under the agreement.


For a good overview of the legal predicaments of Palestinian refugees in Lebanon with particular attention to housing, land, and property issues, see Rasul (2013) and Williams, R. C. From Shelter to Housing: Security of Tenure and Integration in Protracted Displacement Settings. Oslo: NRC, 2011.


12 Unlike the camps, the gatherings do not fall under the Cairo Agreement that sanctioned Palestinian sovereignty in the camps.


15 Mukhtars are sub-municipal government authorities accountable to the Ministry of Interior. They are tasked with administrative and social responsibilities on a neighborhood or village level.

16 Stel (2014).


19 These concerns are often captured under the header of “property rights.” Considering that Lebanon’s Palestinians are explicitly barred from such rights, the discussion in this paper concerns de facto forms of access to housing and land rather than formal ones. As such, “property” would be a misleading term to use and I instead refer to housing, land, and tenure issues (later abbreviated as tenure issues).


This is also why the authorities sometimes condone new buildings if they have a zinc roof, but hardly ever if they have a cement roof (that would enable eventual vertical expansion and would make destruction harder). In line with this, NGOs working on improving shelter in the gatherings are instructed by the authorities not to make the Palestinians’ stay “either legal or more protracted” (interview with UNDP manager, Beirut, August 27, 2014).

This is not to disregard the destruction and dismantling of several official camps (Tell al-Zaatar and Nabatiye) or the invasion of others (Nahr al-Bared); it is to suggest that, overall, eviction is currently less likely in the camps than in the gatherings.


25 Interview, Qasmiye, July 3, 2014.

Unpublished documentation provided to me by the regional head of the Popular Committees in Tyre region went as far as to identify the risk of eviction as a definitional feature of a gathering. It states: “Definition of a gathering: a geographic area that is not demarcated and not officially recognized by the Lebanese state and UNRWA because the refugees live on the land owned by the Lebanese state or private owners illegally. The people who live there always face the insecurity of being displaced” (translated from Arabic by my research assistant).

26 Chabaan.

27 Data were generated during a five-month fieldwork period by means of 93 semi-structured, in-depth interviews; two focus groups; document analysis; and field observations. They were analyzed through an iterative coding process with the help of NVivo qualitative data management software. My analysis also draws on insights from a round of expert meetings organized in 2012 and a previous case study conducted in Shabriha gathering in 2013 (Stel, 2014, 2015).

28 Uncertainty here overlaps but does not coincide with informality; while informality refers to socially shared “rules of the game,” uncertainty regards the unpredictability of such rules, informal as well as formal (Helmke and Levitsky).


30 Ignorance and uncertainty are not the same, but they are treated here as quantitatively rather than qualitatively different. While ignorance signifies “not knowing,” uncertainty refers to “not knowing for sure.”


32 Proctor, 8.

33 Ismael, xxiv.

34 Klaus, 12–13, 141.

35 Richter-Devroe, 111.

36 Richter-Devroe, 111; see also Sanyal (2013), 568.

The absence of formal interaction between civil representatives (the Palestinian Popular Committees and the Lebanese state) that could govern tenure issues in the Palestinian gatherings is substituted by the furthering of political relations (between Palestinian and Lebanese parties). This indicates a deliberate political choice benefiting not merely Lebanese but also, albeit in a less straightforward way, Palestinian authorities.

37 Weighill, 294.

Interview with analyst related to the Lebanese–Palestinian Dialogue Committee (LPDC), Beirut, May 28, 2013.


Weighill (306) sums up the general Lebanese assumption that if you build, they will stay.

This is also why the gatherings are not made into official camps (Williams, 27). Various Palestinian leaders indicated they had suggested as much to UNRWA, but it was generally understood that this would be out of the question for the Lebanese state, which sees this as a prelude to permanent settlement. As UNRWA’s legal officer rhetorically asked me, “Do you think the government would accept more camps? The camps that were destroyed in the war weren’t even ever rebuilt!” (interview, Beirut, August 28, 2014).


Ismail describes “coming into contact” as regularization when she describes how residents of Cairo’s informal quarters obtain services from state agencies. For me, mere interaction does not say much about the (regular or irregular, formal or informal) character of this interaction.

41 Cleaver, 15.


43 Martin concludes that, “If primary distinctions based on law, rights, and citizenship separate the Palestinians from the Lebanese, secondary distinctions cut through the very Palestinian and Lebanese bodies.”

The work on the governance of urban slums and informal settlements as elaborately described by, among others, Fawaz is illustrative here.


44 An accumulation of legal, spatial, and socioeconomic forms of exception and exclusion that Martin problematizes as a “campscape.”

45 Stel (2014).

46 Williams, 4.

47 Allan, 220.


49 Rasul, 12.

This includes 180 Palestinian families from Syria that have fled to the gathering due to the Syrian war.

50 DRC, 152.

Beer (27) claims that the majority of land in Qasmiye is owned by the municipality of Bourj Rahaal, but this goes against accounts from residents of Qasmiye and representatives of the municipality with whom I spoke. It does illustrate how contested and vague landownership issues are in the Palestinian gatherings.

51 Bayat.


Leading to what Fawaz and Peillen (25) call “chaotic housing” (massaken ‘aswakyyah) and what Ismail (xlii) describes as “haphazard communities” (‘ashwa‘iyat).

53 Chabaan, 106.

54 Interview with Popular Committee member, Qasmiye, June 4, 2014.


55 Interviews with PLO official, Qasmiye, October 9, 2014, and Palestinian analyst, Sidon, June 20, 2014; focus group, Qasmiye, September 30, 2014.

56 Beer, 7; Rasul, 5; Saghiheh and Safdieh, 27.

57 Respondents indicated that they paid an amount ranging from US $500 to US $5,000 depending on the extent of their request and their connections. Rasul (54) found bribes varying between US $1,000 and US $2,000. Beer (35) mentioned amounts between US $100 and US $1,000.

Even these “illegal” permissions were dependent on Lebanon’s volatile and uncertain political context, with periods in which construction was relatively unproblematic (often before elections) being followed by times in which no building activity would be permitted.

58 Interview, Qasmiye, September 13, 2014.

59 Residents assume that the municipality convinces the landowners to condone the situation, something they themselves would not be able to do (focus group, Qasmiye, September 30, 2014). But the main landowner in Qasmiye indicated to me that she had never been contacted by the municipality on the issue (interview, Beirut, October 17, 2014).

60 Interview, Qasmiye, July 11, 2014.

61 Chabaan, 106.
This is more than mere propaganda. The good relations with the mayor are broadly professed by respondents from Qasmiye. One resident (interview, Qasmiye, September 26, 2014) concluded that the mayor “is sympathetic with us; he can’t help us by law, but he’s sympathetic.” Sometimes residents get “permission” without payment. My research assistant told me that her mother had received the mayor’s green light for turning her veranda into an additional room without any bribe (interview, Qasmiye, July 1, 2014). It is also claimed by the mayor and acknowledged by the residents that the mayor “covers” the residents vis-à-vis the landowners. A Popular Committee member (interview, Qasmiye, September 13, 2014) explained, “If the landowner wants, she can accuse the municipality, because the municipality crossed the owner and gave its permission without the owner’s consent.”

Beer (7, 24) also documents that the police usually penalize the inhabitants of the gatherings for noncompliance by demolition or imprisonment and concludes that police behavior is a “contributing factor to urgent humanitarian shelter needs in some gatherings.”

Apart from the political dynamics, institutional vigor affects the gatherings as well. In the gatherings, construction work has been executed mostly during periods of relative weakness on the part of the Lebanese state, but residents are well aware that this pragmatic strategy may easily backfire in periods of relatively more robust stateness in Lebanon (Beer, 6).
Based on my own assessment and the work of DRC (iii), I estimate the affected number of houses at around fifty.

Rasul, 38.

Background information

The court proceedings were provided to me by a legal-aid worker from UNRWA. They were translated from Arabic by my research assistant. The notes were incomplete and partly handwritten, but they constituted a good benchmark with which to compare my interview accounts.

UNRWA’s legal officer (interview, Beirut, August 28, 2014) explained, “If I send you a notice one, two, three times and you don’t show in court, the court will make an investigation to see if you’re even here. If this doesn’t yield anything, I’ll publish the case against you in the newspaper. Because you have to be informed: the judge can’t reach a decision without hearing both sides.”

Scott (229) observes that what is threatening to subaltern populations is “often not so much the colonial officials themselves as the paper documents—land titles, tax lists, population records—through which the officials seem to rule.” In this light, the fact that the court proceedings habitually accuse a string of names followed by the mention of “unidentified others” can be seen as a success for the residents. The court proceedings were rife with references to accused people who turned out not to be living on the land in question or supposedly had left it or had died, as well as to numerous inhabitants who could not be identified in the first place. The residents also used other stalling techniques. A respondent (interview, Qasmiye, September 26, 2014) commented, “We can wait for a long time. Let’s wait until we return to Palestine. We have land there.” A landowner in the region (interview, Bidiyas, September 30, 2014) was well aware of this and told me, “How it will conclude? It will take a lot of years. Or it might never conclude at all.”

In line with Bayat (58), Qasmiye’s residents do not necessarily intend to undermine state authority; they “see their doings and themselves as ‘political’ only when confronted by those who threaten their gains.” This also means that “while advances are made quietly, individually, and gradually, the defense of these gains is always collective and audible.”


Ismail, 161.

Bayat, 56.

Williams, 30.

Martin, 14; Scott.

(2013.)

An online conversation with a Palestinian friend (June 17, 2014) indicated that this strategy was also employed in residents’ dealings with their own Palestinian representatives. He said, “It’s good to be superficial in dealing with them. … Don’t let them know what exactly you’re doing. … Don’t share details with them.”

In the media it would be big if Palestinians would be expelled. Legally, it isn’t their land or their house, but from a humanitarian perspective….”

A regional director of UNRWA (interview, Tyre, August 21, 2014) admitted that “even if there is a court decision, if the police would come this would be a big issue. In the media it would be big if Palestinians would be expelled. Legally, it isn’t their land or their house, but from a humanitarian perspective….”
Nakba means “catastrophe.” The phrase refers to the forced expulsion of the Palestinians from their lands in the process of the creation of the state of Israel in 1948.


IRIN (2013).

Interviews with resident, Qasmiye, September 26, 2014; Hezbollah representative, Beirut, October 1, 2014; Palestinian consul to Lebanon, Beirut, September 22, 2014; PC member, Qasmiye, July 24, 2014.

A resident (interview, Qasmiye, August 25, 2014) told me that on several occasions they had explained to the landowner that she merely had to “wait until we return to Palestine and then take all the land and our houses.” The head of Qasmiye’s Popular Committee (interview, Qasmiye, September 2, 2014) said, “and if there is a general solution, if we return, the land is theirs. I said on TV, on Al-Jazeera, once that when we return to Palestine we will paint on the houses we leave for them, ‘Thank you so much, Lebanon.’ ”

Interview with UNRWA head teacher, Qasmiye, July 3, 2014.

Interview with sheikh, Qasmiye, July 4, 2014.

This shows that, as Sanyal (2011: 887) noted as well, rather than mimicking citizenship rights, squatting here is “cast instead as a claim to non-citizenship.”

Interview with Popular Committee member, Qasmiye, July 24, 2014.

Interviews with Popular Committee member, Qasmiye, August 31, 2014, and sheikh, Qasmiye, July 4, 2014.

Even “the discourse of human rights sometimes seems grotesquely abstract and ceremonial” in the context of their imminent eviction (Malkki, 518).

Rasul, 6.

The ironic parallel with Israeli settler policy vis-à-vis Palestine that has also often been described as establishing facts on the ground was not lost on commentators (Allan, 34).

In line with their deliberate connection of the Qasmiye case to the Palestinian issue at large, residents stressed the danger of Qasmiye becoming a precedent for other gatherings. One resident (interview, Qasmiye, September 13, 2014) commented, “If the landowner succeeds in one case, he will succeed in all. Other landowners will then also kick people out. Our destiny is related.” Another respondent (interview, Qasmiye, August 13, 2014) seconded this, saying, “If one landowner goes to court, they all go—if one wins, they all win.” The Palestinian consul to Lebanon (interview, Beirut, September 22, YEAR?) took a similar line of reasoning, saying that “Next time, it will be another case and this creates a problem for us, for the government, for UNRWA. … If you do it to this one, it will happen to other gatherings.” The logic of the precedent also works against some solutions, as it was explained to me that Palestinian authorities and UNRWA are hesitant to contribute financially to a solution (fund compensation schemes or buy the land to rent it to the residents), as they feel they would be beholden to do the same in other gatherings (interviews with NGO worker, Beirut, October 30, 2014; resident, Qasmiye, July 11, 2014; Popular Committee head, Qasmiye, October 28, 2014).

Fawaz and Peillen, 27.

Beer, 49; Saghieh and Saghieh, 7.

Bayat, 54.

Sanyal (2013), 568.

Fawaz and Peillen, 31–32.

Williams, 33.

Interview with construction worker, Bourj el-Shemali camp, Tyre, October 14, 2014.

I also often heard that “once you have an electricity connection, you cannot be evicted” (interview with director Électricité du Liban, Tyre region, Marake, October 15, 2014; see also Ismail, 2006: 138).

Interview, Qasmiye, July 8, 2014.

Beer; Rasul; Saghieh and Saghieh; Williams.

In addition to Qasmiye, Chabaan (35, 78, 99, 100) mentions Mankoubin, Hamshari, and Mieh Mieh explicitly.

Such as in Jal al-Bahar (Rasul, 48) and al-Marej (Chabaan, 88).

This logic, interestingly, is partly confirmed by the landowner’s behavior. I have long wondered why a landowner would bother with an expensive and time- and energy-consuming court case knowing that the verdict would very likely not be implemented (as there were various cases of landowners who had won court cases but failed to get the court order enforced by the police). The landowner in Qasmiye acknowledged that she would not be able to enforce
an implementation of the eviction order. Other commentators suggested that she saw the “paper facts” of the eviction order as a basis for establishing “facts on the ground” when the political situation would allow it (interview, NGO worker, Beirut, June 6, 2014; landowner, Bidiyas, September 30, 2014). A Palestinian lawyer (interview, Mar Elias camp, Beirut, October 21, 2014) explained that, “Before 1982, the PLO was in power here and no one anticipated that Israel would invade in 1982. It was useless to go to court against the Palestinians in these days, but some people did so anyway and they kept the court decisions. Then, when 1982 came, they took back their lands easily. When Nahr el-Bared happened, there were a lot of lawsuits [waiting to be implemented] as well.” Nevertheless, for now, the landowner seems to acknowledge the Palestinian residents for the fact on the ground that they are. Apparently looking for a more pragmatic solution, she has proposed to sell the land to the Palestinian residents. A legal specialist (interview, Qasmiye, July 8, 2014) assumed that “The landowner might have come to the conclusion that, even though she has the court decision, this isn’t getting her anything, as the political situation is against her, so she might as well sell it.”


137 She (interview, Beirut, October 17, 2014) told me how three men came to her widowed mother in the late 1970s to ask her permission to build a mosque on her lands in Qasmiye. Her mother refused, explaining she needed the land to provide for her family, but offered the men another plot where they might build their mosque. However, according to the landowner, “They didn’t listen; they didn’t care; they had their power and they built.” I have heard other stories of impoverished landowners unable to use their land to provide for their families, due to Palestinian settlements. A UNDP specialist (interview, Beirut, August 27, 2014) concluded, “I think if ever they want to really do something about the situation in the gatherings and institutionalize stuff, they’ll have to start with compensating the landowners. Many of them were displaced during the war themselves.”

138 Knudsen (2011); Richter-Devroe.

139 Stel (2015).

140 Hanafi and Long; Latif, 16; Richter-Devroe.


142 Interview, Mar Elias camp, Beirut, October 21, 2014.

A communal leader (interview, Bourj el-Shemali camp, Tyre, August 15, 2014) commented, “Do you think that the Lebanese government and UNRWA and the Lebanese members of Parliament don’t know our rights? They know them better than we do! They know our situation in detail and understand how to play games with the Palestinian people.”

143 A landowner in the region (interview, Bidiyas, September 30, 2014) confirmed this and commented that the mayor first advises people to destroy their houses, with the guarantee that he will give them permission to rebuild it from scratch afterward, so a more sustainable rehabilitation is possible. He continued: “Then when the person in question has done so, the mayor tips the general security. And then the police come to the demolished house and tell the guy he has no license to rebuild, only to repair.”

There are also many accounts of employees of national utility companies who “have lucrative working relations” with Popular Committees (Allan, 108).

144 Focus group, Qasmiye, October 1, 2014.

145 Clearly, as Knudsen (2007:15) states, “Lebanon’s treatment of refugees is a breach of international conventions, both those few ratified by the country (such as CERD [the Convention on the Elimination of all Forms of Racial Discrimination] in 1971) and the many more that Lebanon has neither ratified nor acceded to.” One youth leader (Tyre, July 6, 2014) commented, “What can you expect from the Lebanese authorities? They deal with us according to their interests. For them it’s useful to keep it as it is: none of it legal, most of it illegal—it’s illegal because this serves their interests.”

146 Interview, Mar Elias camp, Beirut, June 6, 2013.

He explained how the Lebanese government first abrogated the 1969 Cairo Agreement, which stipulated the PCs as the refugee communities’ official local representatives and subsequently hid behind the fact that there were no official representatives to deal with. He concluded, “This ambiguity is needed!”


148 Interview with former LPDC analyst, Beirut, June 9, 2014.

A Palestinian lawyer (interview, Mar Elias camp, Beirut, June 28, 2014) summarized a widely prevalent impression when he concluded, “After 66 years of refuge, I know the problems won’t be solved, because they don’t want them to be solved.”
In Lebanon, it took most organizations decades to even start to notice the gatherings’ existence. Traps.” Ghani, E., ed., ‘become structural’ (MSM weblog: “in that it challenges “the privileges of the dominant group that, to some extent, they are “complicit in their own subordination.” This would mean that they “are merely engaging in survival strategies and are not challenging their dominatio

For Sanyal (2013: 570), squatters’ agency is therefore not located


For Sanyal (2013: 570), squatters’ agency is therefore not located in their trying to be different but, to the contrary, in their attempts to “reclaim ‘normal’ life and create a ‘home’”

Bayat’s (56) notion of “everyday forms of resistance” is informative here. On the one hand, Bayat argues against the labels of “passivity” and “fatalism” that essentialize the “informal people.” Yet, he also denounces the false “revolutionary/passive dichotomy.”

This would mean that they “are merely engaging in survival strategies and are not challenging their domination” and that, to some extent, they are “complicit in their own subordination.”

One could, and indeed Bayat (56) does, argue that maintaining these gains is, in itself, “surreptitiously offensive” in that it challenges “the privileges of the dominant groups.”

As I have noted elsewhere, for Lebanon’s Palestinian gatherings, “exceptionality, temporariness, and crisis have become structural” (MSM weblog: “The ‘political situation’”). This dynamic can perhaps been seen as a political version of the “informality trap” often referred to in development economics. Kanbur, R., “Avoiding Informality Traps.” Ghani, E., ed., Reshaping Tomorrow: Positioning South Asia for the Big Leap. New Delhi: The World Bank, 2011: 260–279.

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Klaus, 40; Rasul, 19; Sanyal (2011), 878.

Even Palestinian authorities were regularly accused by my respondents of not being interested in the gatherings and allocating disproportionately few resources to them. An UNRWA officer told me, “For sure they have their base in the camps, and they don’t care much about their presence in the gatherings” (interview, Beirut, June 30, 2014).

Martin, 16.


Scott, 31; see also Martin.

In fact, exploring the de facto relationships between Palestinian authorities in the gatherings and local Lebanese state institutions, as was done in the case study presented above, might offer a starting point to remedy the de jure sociopolitical and institutional exclusion of Palestinians in Lebanon.


Williams, 30; see also Rasul.

Beer, 14, 32.

Beer, 6.

Beer, 6.

The reverse seems to be true as well. Saghieh and Saghieh (46, 49) found that signing “sale contracts” before a Popular Committee (as opposed to arranging this via a public attorney) has soared among Palestinian communities in camps and gatherings since the implementation of the 2001 property law.

Martin, 15–16.

Beer, 7.

Williams (26) sketches this dilemma for humanitarians as follows: “If they act to support subjective security of tenure without challenging the constraints presented by the formal policy framework, their work may heighten the risk to displaced persons should the formal framework be strictly applied. … However, challenging restrictive rules directly may also jeopardise the tacit understandings that allow the achievement of even a minimum degree of security of tenure for Palestinian refugees.”