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Lebanon

Melkar el-Khoury and Thibaut Jaulin[1]
(introduction and conclusions by Gianluca Parolin)

1 Introduction

Anyone wishing to understand the complexities of Lebanese citizenship must engage with the conundrum of the country's existence and the numerous challenges that Lebanon has encountered in the past and still continues to face. Lebanon's citizenship regime reflects the lack of consensus on the country's identity that has plagued it ever since it acquired its present-day territorial configuration after the dismemberment of the Ottoman Empire.

The inability to reach agreement on what Lebanon is, and who the Lebanese are, can be easily appreciated when considering that the basic piece of legislation regulating Lebanese citizenship is still a Decision of the French High Commissioner dating back to 1925. All the neighbouring countries passed new legislation regulating citizenship after attaining independence, but Lebanon has yet to do so (Parolin 2009). The few amendments that were introduced over the years— and sometimes also repealed —are included in this report, but the list of draft citizenship laws never presented, never discussed or never voted on is abysmal— the draft laws discussed in part four of this report are but the current ones.

Lebanon's *immobilisme* and its sensitive demographic balance deeply affect its naturalisation process (naturalisation decrees tend to stall, carry large numbers, stir political unrest, and end up contested in administrative courts, as is the case with the infamous decree issued in 1994), as well as the long-awaited amendment to recognise maternal *ius sanguinis* on a par with paternal *ius sanguinis* for the acquisition of Lebanese citizenship.

The pre-eminence of paternal *ius sanguinis* until now solidly anchors Lebanon in the region, whereas its fairly liberal naturalisation requirements suggest an openness that in practice has been reduced by state authorities being pulled by different political interests. The lack of a solid definition of Lebanese identity and citizenship, together with the ongoing political stalemate, has created a series of unique legal categories of non-citizenship used to label groups of cases on which a decision could not be reached, e.g. the *maktum al-qayd*, *jinsiyya qayd al-dars*, or the "foreigners of a special category".

[1] Melkar el-Khoury is the author of chapter 3 (Current citizenship regime), and all the appendices; Thibaut Jaulin is the author of chapter 2 (Historical background), and sections 2 and 3 of chapter 4 (External voting, and Maternal *ius sanguinis*). Section 1 of chapter 4 (Draft legislation) was co-authored by Melkar el-Khoury and Guita Hourani.

2 Historical background

2.1 The creation of Lebanese citizenship

2.1.1 The creation of Greater Lebanon (1920)

Greater Lebanon was created against the background of the great political changes that resulted from the collapse of the Ottoman Empire. Both its creation, and the drawing of the Lebanese borders, was the result of French colonial interests and foreign policy in the Middle East, and of Christian Maronite yearning for an independent state. This section will first focus on the rise of Lebanese nationalism in the early 20th century, and then on the specific conditions of the creation of Greater Lebanon by the French mandatory power in 1920.

In the second half of the 19th century, the Syrian provinces of the Ottoman Empire witnessed tremendous social changes as a consequence of the political and economic expansion of the European powers. The city of Beirut grew rapidly to become one of the main ports of the eastern Mediterranean. In Mount Lebanon, largely populated by Christians, the traditional sociopolitical order of the Druze emirate collapsed after sectarian strife between Muslims and Christians, which culminated in the massacre of thousands of Christians in 1860. As a consequence, the Sublime Porte accepted the creation of a semi-autonomous governorate in Mount Lebanon, the *mutasarrifiya*, under the protection of the European powers, a political entity often seen as the predecessor of the State of Greater Lebanon (Chevalier, 1973; Kassir, 2003).

The second half of the 19th century was also a crucial period for the Arab intellectual Renaissance, the *Nahda*. This led to the diffusion of new political ideas inspired by European modernity (secularism, democracy, socialism, etc) and the creation of new political movements demanding comprehensive political reforms within the Ottoman Empire and political autonomy (or independence) for the Arab provinces. This intellectual movement played a crucial role in shaping the various ideological and political groups willing to reform the Ottoman political regime or to obtain the creation of new independent States (Hourani, 1962).

At the end of the 19th century there were three main "proto-nationalist" ideologies in the Syrian provinces of the Ottoman Empire: Pan-Arabism, Pan-Syrianism and Maronism. Those who subscribed to these ideologies viewed themselves as distinct people (Arab, Syrian, Maronite) with a common history and culture, and entitled to an independent State. However, the borders between these ideologies were blurred and changing. A distinct Lebanese national ideology also developed at the start of the 20th century that borrowed ideas and concepts from both Pan-Syrianism and Maronism (e.g. the Phoenician heritage and the Mountain-Refuge for persecuted minorities) (Firro, 2003; Dakhli, 2009).

Lebanism matched French colonial interests and policy in the Middle East, and *vice-versa*. At the end of WWI, France and Great Britain took control of the Middle Eastern provinces of the Ottoman Empire. France administrated Syria and Lebanon, while Great Britain was in charge of Palestine, Transjordan, and Iraq, according to the Sikes-Picot agreement (1916) and following an official mandate given by the League of Nations (1920). However, while Great Britain supported Pan-Arabism, the French foreign policy was based on the principle of the 'minorities protection', in particular the Maronite community with whom France had historically strong ties. The creation of Greater Lebanon on September 1st,

1920 (and the division of Syria into various political entities, eventually reunified in 1936) was a direct consequence of this policy.

In addition to the *mutasarrifiya* of Mount Lebanon, the territory of Greater Lebanon included the coastal cities of Beirut, Tripoli and Sidon; the Bekaa's cereal lowland; the southern mountains of Jabal Amel, and the northern mountains of Akkar. Such territorial expansion guaranteed economic sustainability, while leading to the inclusion of a new Muslim population, both Sunni and Shi'a, many of whom aspired to Syrian or Arab unification, contrary to many Christians who supported Greater Lebanon.

The political debates and academic discussions that followed, and continue nowadays, about Lebanese identity (*hawiyya*) are beyond the scope of this report, but it should be mentioned that an understanding of this debate is partly over issues that stem from the creation of Greater Lebanon (and thus of Lebanese citizenship).

2.1.2 The Treaty of Lausanne (1923) and the Lebanese nationality law (1925)

At the end of WWI, the conditions of the Treaty of Sèvre (1920) were severe for the Ottoman Empire, placing its government under the guardianship of the Allies and completely dismembering its territory. Atatürk's war ended with the signature of the Treaty of Lausanne (1923) that marked both the creation and international recognition of the Republic of Turkey. In regard with international law, the Treaty marked the end of Ottoman sovereignty over the Middle Eastern provinces of its Empire.

Until the execution of the Treaty, all residents of Lebanon were considered as primarily Ottoman citizens. In Lebanon, the French High Commissioner implemented the provisions of the Treaty dealing with citizenship (section II) by the *arrêté* n°2825 of August 30th 1924. Lebanese citizenship was first established by positive law on this date. However, it should be noted that the French High Commissioner had already distributed identity cards following the 1921 census and prior to the 1922 election for the new representative council (Mektabi, 1999; Firro, 2003; Jaulin, 2009).

According to article 1 of the *arrêté* n°2825, which reproduced the provision of article 30 of the Treaty of Lausanne[2], Turkish nationals (read: Ottoman subjects according to the 1869 Ottoman citizenship law) who were habitually resident in the territory of Greater Lebanon on August 30th 1924 acquired Lebanese citizenship and lost the Turkish one. Therefore, residence was the main principle for the acquisition of Lebanese citizenship.

However, articles 31 to 36 of section II of the Treaty of Lausanne defined the conditions for invoking the so-called *right of option*,[3] which also applied to those living abroad.[4] Indeed, according to article 34, emigrants who originated from Lebanon could

[2] According to article 30 of the Treaty of Lausanne*: "Turkish subjects habitually resident in territory which in accordance with the provisions of the present Treaty is detached from Turkey will become ipso-facto, in the conditions laid down by the local law, nationals of the State to which such territory is transferred"*.

[3] The right of option is a legacy of the Treaty of Versailles (1919) and the Treaty of Saint-Germain (1919). It represents an alternative to the principle of residence that usually ruled citizenship modifications at a time of great transformations of the European political map. For example, residents of the territories ceased by Germany to Belgium, Czechoslovakia, Poland and Denmark were entitled to *opt* for German citizenship and, inversely, Czechoslovaks and Polish residing in Germany could *opt* for Czechoslovak or Polish citizenships.

[4] Articles 31, 32 and 33 are not of great importance in the Lebanese case, because they aimed at solving the issue of exchanging population between Greece and Turkey: according to article 31, residents in the territories

acquire Lebanese citizenship, if they demanded it within two years of their departure.[5] Such a provision was crucial, because the *mutasarrifiya* of Mount Lebanon counted 400,000 residents and 100,000 migrants on the eve of WWI[6], and Greater Lebanon counted 555,000 residents and 130,00 migrants in 1921.[7] Among the emigrants, 80% were Christian, in particular Maronite and Greek Orthodox. The acquisition of Lebanese citizenship by the emigrants soon became a controversial political issue because of its consequences for the demographic balance between sects, as I shall explain later.

2.1.3 The Lebanese nationality law (1925) and the lack of substantive law developments

On January 19th, 1925, the French High Commissioner issued *arrêté* n° 15/S, which until today represented the main legal text regulating transmission of citizenship, naturalisation and denaturalisation. *Arrêté* 15/S was based on the Ottoman nationality law of January 19th 1869, which created the Ottoman citizenship and was based on the French civil code of 1803.[8]

The main provisions of *arrêté* 15/S have not changed since 1925. *Jus sanguinis* through patrilineal affiliation remains the sole principle for the attribution of citizenship: in other words, only men can transmit citizenship to their children, or to their foreign spouse. *Jus solis* only applies to exceptional cases, such as an individual born in Lebanon from unknown parents. The naturalisation of foreigners residing in Lebanon, or married to Lebanese women, depends on a discretionary decision of the executive. In addition, there is no co-ethnic preference to ease the naturalisation of Arab citizens, as is the case in many other Arab countries.

Regarding dual citizenship, *arrêté* 15/S mentions that citizenship can be withdrawn when acquiring another citizenship *only if* the government has previously given its agreement to acquire a second citizenship, which was seen as a way to avoid escaping Lebanese jurisdiction. Note that Lebanese migrants with American citizenship returning to Lebanon

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detached from the Ottoman Empire are entitled to 'opt' for Turkish citizenship or, according to article 32, for the citizenship of '*one of the States in which the majority of the population is of the same race*'. Note that the meaning of the word *race* should be interpreted according to the goals of the Peace treaties: i.e. regrouping in the same territory and under the same government people sharing a language and willing to leave together (Nicolas, 1928: 50-51). Moreover, article 33 specified that those exerting their *right to opt* according to articles 31 and 32 should transfer their place of residence within a delay of 12 months. In Syria and Lebanon, the French Higher Commissioner issued an administrative note (n°213) specifying that Syrians residing in Lebanon and Lebanese residing in Syria were not obliged to transfer their residence when demanding Syrian or Lebanese citizenships.

[5] According to article 34 of the Treaty of Lausanne: "*Subject to any agreements which it may be necessary to conclude between the Governments exercising authority in the countries detached from Turkey and the Governments of the countries where the persons concerned are resident, Turkish nationals of over eighteen years of age who are natives of a territory detached from Turkey under the present Treaty, and who on its coming into force are habitually resident abroad, may opt for the nationality of the territory of which they are natives, if they belong by race to the majority of the population of that territory, and subject to the consent of the Government exercising authority therein. This right of option must be exercised within two years from the coming into force of the present Treaty."*

[6] On Lebanese migration before World War I, see Albert Hourani and Nadim Shehadi (1992) and Akram F. Khater, (2003).

[7] According to the census organized by the French authorities in 1921, but such figures are merely indicative because the census was largely boycotted by the Muslim population as a sign of protest against the creation of Greater Lebanon.

[8] There are few differences between *arrêté* 15/S and the Ottoman nationality law. For example, the latter partially retained the principle of *jus soli* by offering to those born on the Ottoman territory from foreign parents the possibility to obtain Ottoman citizenship, under condition of residing permanently in the Ottoman Empire, which is not the case of *arrêté* 15/S.

benefit from consular protection for a period of two years after their return according to the 1924 Gouraud-Knabenshue agreement between the French High Commissioner and the representative of the United States, which renewed the American-Ottoman treaty of August 11th 1874.

Since 1925, there have been very few substantive developments in Lebanese citizenship law. Parliamentary representatives, lawyers, and academics usually admit the need for an extensive reform of the nationality law, but internal disputes, usually related to the demographic balance between sects, have prevented any large political consensus, which is necessary to reform the nationality law (Baz, 1969; Dib, 1978 and 1979; Davis, 1997; Moubarak et al 1999).

Although a few laws have been adopted, their impact has been quite limited. The law of May 29th 1939 extended the minimum length of residence for the naturalisation of a foreigner (from five to ten years, and from one to five years if married to a Lebanese woman), but the decree n°48 of May 30th 1940 abrogated this modification. Moreover, the law of January 11th 1960 marked a very limited progress toward gender equality by allowing a Lebanese woman married to a foreigner to retain her Lebanese citizenship, which was not initially the case.

Only the law of January 15th 1946 can be considered as a significant development. First, it strengthened the condition of denaturalisation for Lebanese working for a foreign government. This provision represented a political symbol, of full sovereignty, three years after Lebanon became independent.[9] Moreover, the 1946 law also modified the condition of the *restitution* of the citizenship for the *persons of Lebanese origin*, an issue that I fully analyse in the next section.

Finally, it is worth mentioning that the courts have played an important role in interpreting citizenship laws due to the lack of substantive legal reform. During the French mandate, the French High Commissioner had final authority over citizenship issues. Between 1940 and 1944, Mixed Chambers of the Civil Courts dealt such issues. At that time, Lebanese national courts were in charge of looking into nationality matters. Ultimately, the law of December 4th 1967 defined the legal procedures of nationality cases and introduced the possibility of direct legal action against the State.

2.2 The *confessional* regime and the politics of numbers

The French mandate is a crucial period in regard to the implementation of *confessionalism*, which can be roughly defined as a political system of power sharing among religious sects. After the creation of Greater Lebanon, the French High Commissioner supervised the creation of new political and administrative institutions, which favoured the Maronite community. In contrast, those who supported the unification of Lebanon and Syria (or Arab countries) were predominantly Muslims. Following the 1925 revolt in Lebanon and Syria, the French High Commissioner proposed to detach the Bekaa Valley and the city of Tripoli from Greater Lebanon, both overwhelmingly populated by Muslims, in order to secure a strong Christian demographic majority within the Lebanese entity. However, supporters of Greater Lebanon opposed the project and, instead, a new Constitution was adopted in 1926, with the aim of securing the indivisibility and independence of Greater Lebanon.

[9] A similar provision extended denaturalisation to cases of crimes against the State in 1962, one year after the failed *coup* of the Syrian Social Nationalist Party

The new constitution included a provision for the distribution of all public positions among sects, according to their demographic weight. Such a provision was a resumption of a prior political arrangement within the *mutasarrifiya* under Ottoman rule. It was first considered as a *temporary measure*, but it eventually became a key feature of the political system, and thus greatly influenced Lebanese politics, policies, and social organizations. Confessionalism was further reinforced in 1943, on the eve of Independence, when two prominent leaders, Bechara al-Khoury (Maronite) and Riad al-Solh (Sunni), (verbally) agreed on a formula of power sharing. Such formula included the allocation of the main public positions to the three main sects (i.e. the Presidency of the Republic to the Maronite, the Presidency of the Council to the Sunni, the Presidency of the Parliament to the Shia), and the distribution of the parliamentary seats among Christians and Muslims (see below). This agreement, the so-called National Pact[10], remained one of the main pillars of the Lebanese Republic until the Civil War broke out in 1975. The Civil War ended in 1990 following the adoption of the 1989 Taëf agreement, which included a new formula of power sharing.[11] It limited the role of the President of the Republic, and established parity among Christian and Muslim representatives within the Parliament (Khoury, 1993; Méouchy, 2002; Beydoun, 2004; el-Khazen, 1993).

Within the confessional regime, granting Lebanese citizenship, or denying naturalisation rights, have represented key features of the "politics of numbers", that is to say legal and administrative misuses aiming to modify the demographic balance between sects and, accordingly, obtaining a larger share of power. Such tricks characterise the inability of the confessional regime to adapt peacefully to social changes, including demographic ones, which can be considered as one of the main cause of the Civil War, in addition to the impact of the Arab-Israeli conflict.

The following section focuses on the 1932 census that was the last census conducted in Lebanon. The reason the Lebanese state has never conducted any census since then is because any official acknowledgment of the country's demographic shift, in particular the Christians' decrease, would question the political agreement on power sharing.

2.2.1 Inclusion and exclusion in the 1932 census

The 1932 census has been the main instrument for the distribution of public positions since the adoption of the Lebanese constitution in 1926. When the census was designed and implemented in 1931/1932, Christian and Muslim representatives disagreed on the conditions for an individual to be registered as Lebanese. The Christians views eventually prevailed. Decree n°8837 of January 15th 1932[12] indicated that refugees from Ottoman territories settled in Lebanon shall be counted as Lebanese, provided that they were found on the Lebanese territory on August 30th 1924 (see above, Treaty of Lausanne). Such provisions enabled the registration of Ottoman citizens, mostly Christians, who sought refuge in Lebanon after WWI. For example, Armenians who fled to Lebanon and Syria in the early 1920s[13] were registered

[10] The National Pact also stipulated that Muslims would abandon their calls for Syrian/Arab unity, while Christians would not resort to foreign protection to defend Greater Lebanon.
[11] The Taëf agreement included provisions aiming to progressively abolish confessionalism in Lebanon, but almost none has been implemented so far.
[12] Besides this decree, two laws of November 24th and December 29th, 1931 defined the rules of the census.
[13] 30,500 Armenians arrived in Syria and Lebanon in 1921, after France abandoned Cilicia; 58,000 in 1922, after the Turkish victory over Greece; and 12,000 in 1923, after the signature of the treaty of Lausanne. In 1927, the number of Armenians in Lebanon was estimated to be 32,000.

by specific commissions created in 1925, to guarantee their naturalisation, and then counted as Lebanese in the 1932 census (Sfeir, 2008).[14]

In contrast, decree n°8837 specified that those who could not prove their presence in Lebanon on August 30th 1924, or who could not present an ID card (distributed after the 1921 census), would be registered as foreigners[15], even when they did not carry the citizenship of another country. Such provision led to the exclusion of Muslims from Lebanon (and Muslim refugees in Lebanon) (Maktabi, 1999). For example, many inhabitants of the northern and southern regions of Lebanon, predominantly Muslims, were registered as foreigners because they had boycotted the 1921 census, and could not prove that they resided in Lebanon on August 30th 1924. In addition, Bedouins who traditionally crossed the border between Lebanon and Syria were also considered as foreigners because they had to prove at least six months of residence per year in Lebanon in order to be registered as Lebanese, according to decree n°8837. Furthermore, Kurdish refugees who fled violence and poverty in Turkish Kurdistan in the mid-1920s were not considered as Lebanese because few had applied for Lebanese citizenship (Meho, 2005).

2.2.2 The case of Lebanese migrants and the blurred limits of citizenship

As mentioned previously, the case of Lebanese migrants is of particular importance when considering the "politics of numbers" because they represented at least one-fourth of the Lebanese population, and because most of them were Christians (Jaulin, 2009). According to the results of the 1932 census published in the official gazette, the number of Lebanese residents was 793,000; the number of foreigners in Lebanon 62,000; and the number of migrants 255,000. The Christians represented 59% of the Lebanese population including the migrants, but 51% of the Lebanese residents. In other words, the registration of the migrants in the census was crucial to secure a Christian demographic majority. Not surprisingly, the figure of the number of migrants in the census was highly disputed, and this discussion actually marks the beginning of a long lasting debate on the *restitution* of the citizenship to *persons of Lebanese origin* (i.e. Lebanese migrants without Lebanese citizenship, and their descendants).

The reason why the number of migrants in the census is disputed is because it includes those migrants who left as Ottoman citizens, before the creation of Lebanese citizenship, and who are supposed to have exerted their *right of option* for Lebanese citizenship. Decree n°8837 specified that those who migrated before August 30th 1924 would be registered as Lebanese in the census providing they had applied for citizenship. In contrast, those who migrated after August 30th 1924 (and who were established in Lebanon on this date) were automatically registered as Lebanese in the census.

The census registered 186,000 migrants who had left before 1924, and 68, 000 after this date. It seems, however, that few migrants demanded Lebanese citizenship after the Treaty of Lausanne, although an exact figure is lacking. Indeed, Christian leaders repeatedly called for a time extension, arguing that the migrants were not aware of such an opportunity, or that they lived in remote places and could not easily access a French consulate, and the

[14] Note that a new wave of Armenian refugees arrived in Lebanon after the cession of the Sanjak of Alexandretta (Hatay province) to Turkey in 1939. The agreement signed by France and Turkey on June 23rd 1939 offered them to choose the Turkish, Lebanese or Syrian citizenship. This agreement should not be confused with other agreements between Lebanon and Turkey related to Lebanese migrants' citizenship (=

[15] Later on, they were included in a specific category, the so-called *maktum al-qayd* (unregistered).

French authorities continued to accept applications from Lebanese migrants after the end of the delay. Therefore, it is quite unlikely that 186,000 migrants applied for Lebanese citizenship after the Treaty of Lausanne.

In 1934, as a response to critics against the inclusion of the migrants in the census, two important decisions were taken that redefined the status of the migrants. First, the migrants who left before 1924 were required to return permanently to Lebanon in order to obtain citizenship. This decision challenged the provisions of the Treaty of Lausanne, which did not impose the transfer of residence for those residing abroad applying for citizenship. Second, the new electoral law stipulated that only migrants who pay taxes would be registered on electoral lists. Following these decisions, new results of the census were provided by the Lebanese government, which did not include those who had migrated before 1924. Accordingly the distribution of the parliamentary seats among sects was modified, but these decisions were challenged in the following years.

Firstly, on May 27th 1937, an agreement concluded between France and Turkey[16] extended for one year the delay to apply for Lebanese citizenship. In other words, the migrants who had left Lebanon before 1924 could apply for citizenship without being required to resettle permanently. However, after the independence of Lebanon in 1943, the new nationality law of January 15th 1946 (see above) required that the *persons of Lebanese origin* resettle permanently in Lebanon in order to obtain citizenship through *restitution*. Again, this provision was challenged a few months later, when Lebanon signed an agreement with Turkey, on December 7th 1946, which renewed the two year delay to apply for citizenship. This agreement was eventually implemented six years later, after the election of President Camille Chamoun in 1952, who renewed it twice (until the end of his term in 1958). The dispute over the migrants' citizenship resumed after the end of the Civil War (1990) with the Christian leaders repeatedly demanding a new law to ease the "*restitution*" of citizenship (see section 4), and asking the ministry of Foreign Affairs to process thousands of applications for citizenship from Lebanese migrants blocked since the 1960s.

Secondly, the limitations imposed in 1934 to the migrants' inclusion in the electoral list were also challenged in 1943, on the eve of independence, when a new electoral law included all migrants on the electoral lists, thus distributing parliamentary seats in favour of the Christians. This decision led to a severe political crisis that ended when an agreement was found to distribute parliamentary seats on the basis of a ratio of 6 Christians for 5 Muslims. A careful analysis of the statistics available shows that this ratio actually corresponds almost exactly to the result of the census provided by the Lebanese government in 1934, which excluded the migrants who left before 1924 (Jaulin, 2009).

2.2.3 The politics of naturalisations

After the independence of Lebanon, the *politics of numbers* resumed with discretionary naturalisations according to sectarian, electoral, and personal interests. Unfortunately, the naturalisation of foreigners in Lebanon is poorly documented: no figures are available of the total number of persons who acquired Lebanese citizenship, and very little academic research focuses on the naturalisations' political and electoral impact (e.g. political clientele); the processes (administrative, judiciary, etc.) through which citizenship is granted (or denied); the

[16] Annex to the French-Turkish treaty of the 27 May 1937, which also included provision for the extension of the delay initially set in article 33 of the Treaty of Lausanne, regarding the transfer of the main residence of those choosing the Turkish citizenship or the citizenship of another state.

background of those who have been naturalised (religious, geographic, social, etc.). In the following section, I will examine three different cases: the denial of citizenship to Palestinian refugees; the naturalisation of Middle-eastern Christians post-independence; and the 1994 decree of naturalisation.

2.2.3.1 The case of the Palestinian refugees

Between 1948-1949, an estimated 750,000 Palestinians fled Palestine as a consequence of the creation of Israel and the first Arab-Israeli war. Among the 130,000 Palestinian refugees who arrived in Lebanon in 1948, 5% originated from Lebanon, and 25% were Christians, mainly Greek Catholic and Greek Orthodox. The proportion of Christians among the Palestinian refugees was higher than in Syria and Jordan because many Palestinian Christian families had relatives in Lebanon, and because Palestinian Christian could expect preferential treatment in Lebanon. In the years following their arrival, 6,500 Palestinians refugees (mostly Christians) were naturalised on the basis of the nationality law of January 15th 1946 on *persons of Lebanese origin*. This law was initially designed to limit the naturalisation of Lebanese migrants who left before 1924 (and their descendants), but it was eventually used to grant Lebanese citizenship to Palestinians refugees, supposedly of Lebanese origin. Decree, no. 398 of November 26th 1949, was issued to define the administrative process for the *restitution* of citizenship. Applicants were required to present a document attesting to their Lebanese origin; the decision to grant citizenship was taken by the Council of Ministers and the President of the Republic, after inquiry by the Ministry of Interior. The total number of Palestinians who obtained Lebanese citizenship is unknown, with estimates ranging from 3,000 to 50,000, mostly Palestinians of Lebanese or Armenian origin, Christian Palestinians, and Palestinians from the *bourgeoisie*, including Muslims (Sfeir, 2008, Knudsen, 2010; Haddad, 2004).

In contrast, the vast majority of Muslim Palestinians remained stateless, and lived in refugee camps. One particular case is that of the *Palestinians of the Seven villages*. Those villages located along the border between Lebanon and Palestine were first included into Greater Lebanon in 1920, and then attached to Palestine in 1922, according to the Paulet-Newcombe Agreement. In the following years, the status of their inhabitants, who were mainly Shia, remained unclear for complex legal and administrative reasons. After they sought refuge in Lebanon in 1948, they claimed their right to Lebanese citizenship, and the case was debated in Lebanese courts in the 1950s and 1960s. They were eventually granted Lebanese citizenship in 1994 (see below).

In Lebanon, fears that the settlement of the Palestinian refugees (*al-tawtîn*) would deeply change the internal demographic balance between sects always hindered any attempts at economic and social integration. The Palestinian refugees in Lebanon remain totally marginalized, legally and at the socio-economic level, in contrast with Syria, for example, where they have the same rights as Syrian nationals, with the exception of political rights (al-Husseini & Bocco, 2010).[17] Lebanon did not sign the 1951 UN Convention on Refugees, and issued various regulations limiting Palestinian integration. The Directorate of Palestinian Refugees Affairs was established in 1959, within the General Directorate for the Refugee Affairs, under the authority of the Minister of Foreign Affairs. Regulation no. 319 of August 2nd 1962 stipulated that Palestinian refugees were considered as *foreigners of a special category* who do not carry papers issued by their country of origin. Furthermore, Palestinians

[17] Maintaining the Palestinian refugees' statelessness always guided the Arab League's policy, with the aim of preserving their *right to return*, but the legal status and living condition of the Palestinian refugees are extremely diverse from one country to another.

were not entitled to health care, higher education and were not allowed to work in the public sector (as were other foreigners), nor in 70 high-profile professions. When Lebanon signed the Casablanca Protocol for the Treatment of Palestinians in Arab States (1965), clauses were added that made the right to work conditional on the country's economic situation, and restricted entry and exit (Knudsen, 2010).

After the Six Day War (1967), and in a context in which armed Palestinian groups were a growing presence in Lebanon, the Lebanese government and the Palestinian Liberation Organization (PLO) signed the Cairo Agreement in (1969), which provided administrative autonomy for the camp, lifted employment restrictions, and authorised Palestinian attacks on Israel. The PLO virtually became a state-within-a-state, thus contributing to the outbreak of the Civil War, and leading to the Israeli invasion of Lebanon in 1982 to force the Palestinian leadership out. The Cairo agreement was revoked unilaterally in 1987; the Taëf agreement includes specific provisions against the settlement of the Palestinian refugees in Lebanon (Sayigh, 1995, Special issue of the *Journal of Refugees Studies*, 1997). In 1995, the Lebanese authorities issued decree no. 478 which applies to Palestinians entering and exiting the country to obtain a visa. As a result, thousands Palestinians were stranded abroad or forced to remain in Lebanon, until this decree was cancelled in 1998. In 1998, 46 new professions were added to the list of professions banned for Palestinian refugees, and in 2001, decree no. 296 of April 3rd forbade the Palestinian refugees from owning immovable property (previously, decree no.11614 of January 14th 1969 allowed them to own immovable property on a limited scale).

Ultimately, the reshuffle of the Lebanese political landscape after the Syrian withdrawal in 2005 resulted in some progress regarding the status of the Palestinian refugees in Lebanon. The ban on manual and clerical jobs was lifted (but not on high-profile professions), and a Lebanese-Palestinian ministerial committee was set up, paving the way for political rapprochement between the government and the PLO. Such dialogue was, however, thwarted by heavy fighting between the Lebanese Army and the Fatah al-Islam militia group in the Palestinian refugee camp of Nahr al-Bared in May 2007, which ended in the complete destruction of the camp and left 30,000 refugees homeless (Knudsen, 2009).

2.2.3.2 The naturalisation of other migrants

In the 1950s and 60s, Lebanon's highly liberal economic policy favoured rapid economic growth, attracting migrant workers drawn by employment opportunities and higher wages. Moreover, fears among the Arab *bourgeoisie* in the face of socialist policies in Egypt, Syria, and Iraq led to massive transfers of financial assets to Lebanon, and a significant migratory flow. Many of these migrants obtained Lebanese citizenship thanks to discretionary decisions of Lebanese officials and representatives, first of all the President of the Republic. Those in acquaintance with politicians were more likely to obtain citizenship; naturalisations often represented a way to extend political clienteles.

Lack of data makes it extremely difficult to estimate both the number of those who were naturalised, and their background (religion, origin, social status, etc.). However, it is commonly admitted that Christians and members of the upper classes were more likely to obtain citizenship. The case of the Egyptian *shawam*[18] offers an example of such preferential

[18] The *shawam* community in Egypt was mainly composed of Greek Catholic and Greek Orthodox who originated from Syria, Lebanon and Palestine, who settled in Alexandria and Cairo in the late 18th century and 19th century at the time of the Khedives. Many belonged to the economic and cultural elite. The community

treatment, who originated in Syria and Lebanon, settled in Egypt after the 19th century, then migrated to Lebanon in the late 1950s. They were granted citizenship on the basis of the 1946 nationality law as *persons of Lebanese origin*. A new decree was issued in 1959, which replaced the above mentioned decree n°398 of November 26th 1949, and slightly tightened the conditions to prove one's Lebanese origin.[19]

In contrast, the situation of those whose citizenship was denied became more and more complex. For example, in the 1950s, non-citizens' children successfully claimed their right to Lebanese citizenship arguing that *arrêté* 15/S considers as Lebanese an *individual born on the territory of Greater Lebanon from parents unknown or whose citizenship is unknown* (article 1, paragraph 3). However, the State response was to create a specific status for non-citizens, the so-called *nationality under consideration* (*jinsiyya qayd al-dars*), which allowed travelling from and to Lebanon, and access to public services (education, healthcare, etc.), but denied them the right to claim citizenship rights for children (Meho, 2005; Chatty, 2010).

After the Civil War, the elaboration of a new code of nationality was one of the aims of the new government of Prime Minister Rafic al-Hariri. A Commission of Nationality was created to draft a new nationality law, under the presidency of former minister Michel Edde. However, the government soon implemented a decree of naturalisation, no. 5247 of June 22nd1994, with the aim of solving the long-lasting issue of those foreigners or non-citizens, who resided permanently in Lebanon, but could never obtain citizenship. At the time of the publication of the decree, the Minister of Interior, Bechara Merhej, announced that 38,900 individual and familial applications had been accepted. However, familial applications could include a large number of persons, so various estimations of the number of naturalised persons circulated in the following months and years, some clearly politically motivated.

In 1999, Tony Attallah provided the first reliable estimate. He used two different methodologies to count the number of naturalised persons, and estimated their number between 108,000 and 220,000 (Atallah, 1999). In 2006, in the framework of the National Roundtable Dialogue, which was set up after the Syrian withdrawal, the acting Minister of Interior, Ahmed Fatfat, indicated that 157,216 individuals were naturalised in 1994, and that this number had increased to 202,527 due to marriages and births (*l'Orient le Jour*, 8 September 2008). However, the distribution of the naturalised among the sects remains uncertain. Soon after the decree's publication, rough estimates asserted that two thirds of the naturalised persons were Muslim (mainly Sunnis and Shia, and Alawis to a lesser extent), and one third Christians, mainly Armenians and Syriacs, and to a lesser extent Greek Orthodox, Greek Catholics and Maronites (*l'Orient le Jour*, 27 June 1994). In 2006, Ahmed Fatfat specified that, among those naturalised in 1994, 32,564 belonged to the category of *qayd al-dars* (*nationality under consideration*), of whom 82.6% were Sunni (*l'Orient le Jour*, 8 September 2008).

The decree opened an ongoing debate over its legality. The proponents included the President of the Republic, Elias Hraoui; the Prime Minister, Rafic Hariri; the President of the Parliament, Nabih Berri; the Minister of Interior, Bechara Merhej, and the main loyalist parties (Amal Mouvement, Social National Syrian Party (SNSP), Communist Party, Najjades,

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progressively left the country in the 1950s when Gamal Abdel Nasser launched his economic program of nationalization.

[19] According to decree no. 288 issued on the 5 of May 1959 the applicant had to prove that his name or the one of his father or grandfather was registered in the 1921 or1932 census.

etc.). For them, the decree marked the end of a historic injustice and the beginning of an era of greater equality of all before the law, beyond sectarian allegiances. They argued that the cases of the Palestinians of the Seven Villages and the Bedouins of Wadi Khaled (a region close to the Syrian border) exemplified the discriminatory policies in favour of the Christians prior to the Civil War (*As-Safir*, 24 June 1994).

However the Christian leaders took the opposite view, and argued that the decree was a threat to the existence of Lebanon, as it aggravated the demographic marginalization of their community. The lack of sectarian balance became a central argument in their battle against the decree. They recalled that the Taëf Agreement specifies that political decisions dealing with fundamental issues, including citizenship, require two third of the votes at the Council of Ministers (which was not the case, when the decree was adopted). In addition, they insisted that the decree betrayed the spirit of the Lebanese democracy and the principle of *ta'ayush* (*living together*). Moreover, they argued that the decree represented a first step toward the settlement of the Palestinians refugees, at a time when the fate of the refugees was being debated at the Oslo peace process.[20] Furthermore, they demanded that the decree be balanced through the naturalisation of descendants of Lebanese migrants, supposedly mostly Christians (*l'Orient le Jour*, June 28th and 14th, July 18th, August 26th 1994). Eventually, the Maronite League (an organization close to the Maronite Patriarch) appealed to the State Council to cancel the decree, arguing that it modified the composition of the population and thus challenged the coexistence between sects in Lebanon.

The issue was further complicated by the fact that the 1996 legislative elections revealed large electoral irregularities in relation to the decree of naturalisation. In several constituencies, groups of newly naturalised persons were registered on electoral lists, although they were not residing there. The aim of such irregularities, so-called *parachuting*, was to influence the election's outcome. Parachuting was particularly obvious in the district of the Metn, where the acting Minister of the Interior, Michel al-Murr, was running for parliament. It is no coincidence that the Ministry of the Interior was in charge of the distribution of civil status certificates to the naturalised persons (Verdeil, 2005). In an attempt to divert attention, Michel al-Murr proposed to the main Christian leaders a new decree of naturalisation, which would balance out the first one, and apply to *persons of Lebanese origin*. The proposal was eventually abandoned, but Michel al-Murr submitted a draft law in 1997, with the support of President Elias Hraoui, to ease the naturalisation of *persons of Lebanese origin*.[21] The proposal spurred strong opposition from several ministers close to Rafic al-Hariri, such as Walid Joumblatt. Eventually, in 2003, the State Council demanded from the ministry of Interior to withdraw irregular applications, and a decree was prepared to revoke 445 naturalisations (Jaulin, 2006). On October 28th, 2011, President Michel Suleiman signed two decrees (n° 6690 and 6691) withdrawing Lebanese citizenship from 53 persons and 123 persons respectively and their family members. The first decree includes Palestinians who were registered as refugees with UNRWA, while the second decree concerns Syrians, Turks, Iranians, Egyptians, and Armenians. This decision has generated criticism, particularly from the Syriac Orthodox community in Zahle, who is affected most by the revocations.

[20] Although the government denied that any Palestinian refugees were naturalised (*An-Nahar* and *As-Safir*, 30 August 1994), some Lebanese media reported that 40,000 of them had obtained citizenship in 1994 (*Ad-Diyar*, 17 October 1998 and *Al-Anwar*, 8 November 1998.).

[21] The draft specified: "*person of Lebanese origin, who lives abroad and did not opt for the nationality, has the right to demand it. This demand will be granted by decree on the advice of the Minister of the Interior"* (*l'Orient le Jour*, 30 of August 1997).

3 The current citizenship regime

Paternal *jus sanguinis* is the prevalent mode of acquisition of Lebanese nationality. Maternal *ius* sanguinis is applicable only to children born out of wedlock,[22] and *ius soli* is basically limited to cases of foundlings. Maternal *ius sanguinis* strengthened by *ius soli* does not qualify for citizenship in Lebanon.

3.1 The main modes of acquisition and loss of nationality

3.1.1 Acquisition of nationality at birth

3.1.1.1 *Ius sanguinis*

Article 1 of the 1925 Nationality Law stipulates that everyone born to a Lebanese father is considered Lebanese.[23] This provision applies to legitimate children[24] whether in Lebanon or abroad: children of Lebanese male expatriates maintain Lebanese citizenship by virtue of the paternal *jus sanguinis* only if they register with Lebanese consular authorities.[25] *Jus sanguinis* is also applied to illegitimate[26] children but in limited cases: a Lebanese woman can give her Lebanese nationality to her 'illegitimate child' [27](Abdallah, 2004, p.91-94). As for adoption, it is neither a mode of acquisition (Baz, 1969, p.84) nor does it affect the original nationality of the foreign adoptee (Abu Dib, 2011, p.121). In spite of Lebanon's reservations to articles 9(2) and 16(1) (c) (d) (f) and (g) of the CEDAW convention, Lebanese civil society has adhered to 'Claiming Equal Citizenship: The Campaign for Arab Women's Right to Nationality', lobbying for the recognition of maternal *jus sanguinis*.[28]

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[22] Maternal *jus sanguinis* is applicable only if the mother is the first to recognise the filiations. Gender inequality, as made evident in the earlier sections, is not restricted to *jus sanguinis* but encompasses the "automatic" acquisition by a foreign wife as opposed to the non-naturalisation of foreign husbands, and the need of Lebanese women married to foreigners for an authorization in order to re-acquire their original nationality.

[23] Acquisition will happen as of the date of pregnancy and irrespective of the birthplace. The acquisition of a new nationality by the father after the birth of the newborn does not affect [the newborn's] nationality.

[24] 'Legitimate children' should be read in parallel with different status and family laws which determine the framework of the legitimacy of the relation. For Christian communities, the pregnancy period ranges between one hundred eighty and three hundred days. The same applies to the Druze community. In Islam, the minimal period for pregnancy is determined at six months, while the maximum is two years for the Sunni sect (following the Hanefite rite), and one year for the Shi'a sect (following the Jaafarite rite). Thus, any child born after the conclusion of marriage within these limits is considered legitimate.

[25] The right of Lebanese expatriates to vote in the general elections was approved in 2008 but its implementation was postponed until the 2013 legislative elections.

[26] 'Illegitimate children' are ones born out of wedlock. In the French version of Lebanese Nationality Law, the word 'natural' is used to describe them but translated as *ghayr al-shar'i* [illegal].

[27] Article 2 of Decree no.15 of 19 January 1925 stipulates that 'a child born out of wedlock, and whose parentage is established while he is still a minor, will be considered Lebanese if the parent who first recognised him is Lebanese. If the father and mother's parentage is proven by the same act or ruling, the child takes the nationality of the father, if he is Lebanese.' This section applies only to minor children, who are considered Lebanese if the parentage to a Lebanese father is proven first, if the parentage to a mother and Lebanese father is proven simultaneously or if the parentage to a Lebanese mother is proven first. However, if the parentage is proven to a Lebanese mother and foreign father simultaneously, the child will not acquire Lebanese nationality. Acknowledgement of the illegitimate child is restricted only to non-Muslim fathers, and Muslim mothers, Personal Status Law affecting nationality rules, article 2 of the 1925 Law.

[28] Article 9 of the CEDAW convention stipulates that '1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.'

3.1.1.2 *Ius soli*

Lebanese nationality can be attributed by virtue of birth on Lebanese soil[29] only if it is not possible to attribute any other nationality to the person[30] (Baz, 1969, p.90).
Ius soli applies both to the unrecognised child and the foundling if both parents are unknown or of unknown nationality [Art. 1, sec. 3 of the 1925 Nationality Law]. The first case occurs when parents do not acknowledge the newborn as theirs,[31] and the second when a newborn is found on Lebanese soil (i.e. a foundling); it is then presumed that he or she was born in Lebanon and thus acquires Lebanese nationality.[32] However, the child can renounce their nationality once he/she he reaches majority and if they are not adopted and registered as Lebanese. For the attribution of nationality by *jus soli*, there are other than mere birth on the territory. In addition, the parents need to be habitually resident in the country, and both or either one of them needs to be stateless. As for double *jus soli*[33] it can be invoked in the Lebanese context only with historical significance.

3.2 Acquisition of citizenship after birth

There are four modes of acquisition of Lebanese nationality after birth according to Lebanese nationality laws: 1- naturalisation, 2- exceptional services, 3- marriage, and 4- person of Lebanese origin.

Article 16 stipulates that '1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
(a) The same right to enter into marriage;
(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
(c) The same rights and responsibilities during marriage and at its dissolution;
(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.'

[29] These provisions are applicable to children born on Lebanese ships and planes. According to Articles 16 and 17 of the Lebanese Penal Code, Lebanese ships and planes are also considered as Lebanese soil. Thus, children born on a boat flying the Lebanese flag in high seas are Lebanese. If the birth occurs in the territorial sea of a country, the child acquires its nationality. The birth on a Lebanese military ship automatically gives the newborn Lebanese nationality whether on territorial waters or the high sea. As for planes, Decision no. 216/LR 19 September 1934 amended by laws of 11 January 1949 and 25 May 1955 did not deal with the birth of children on board. However, the same logic implemented on ships can be adopted following the *de lege ferenda* rule as indicated by Jean Baz.

[30] With the exception of Lebanon, Syria and Libya, the attribution of nationality by *jus soli* is quite limited in the Arab world, and even in these three countries *jus soli* is considered as a means to reduce cases of statelessness.

[31] In this case the legal tie between the parents and children does not exist, even if parents are physically identified.

[32] This presumption is not definitive and can be revoked.

[33] Double *jus soli* is the attribution of nationality to the child born in the country to an alien father, or grand-father, born himself within the boundaries of the state.

3.2.1 Naturalisation

Lebanese nationality laws do not contain an explicit prohibition or recognition of the right to dual nationalities.[34] However, the Lebanese Court of Cassation has indirectly confirmed this right,[35] and noted that in the case of dual nationality, Lebanese laws will be applicable in order to preserve the supremacy of national laws.[36] Due to the size of the Lebanese Diaspora, Lebanon has an interest in maintaining contact with its members, and Lebanese nationality laws must be amended in this regard.

3.2.1.1 Requirements of naturalisation

Naturalisation is dependent on the discretion of the State and is given by presidential decree;[37] it is a residence-based mode of acquisition of nationality restricted to foreigners.[38] The applicant should be of legal age (18 years-old)[39] – something not explicitly stated in nationality law – and has to prove five-year continuous residence.[40]

Lebanese nationality laws do not require 'special' conditions for naturalisation.[41] Consequently, some jurists indicate the need to set a socio-cultural framework in addition to the legal one for naturalisation,[42] while others note that naturalisation procedures must take into consideration the social, political and religious structures and their delicate balance in Lebanon.[43]

3.2.1.2 Naturalisation Procedure

Naturalisation applications are submitted to the Directorate of Civil Status at the Ministry of Interior with relevant documents proving the original nationality and status of the person in question and a fee determined by the Law no. 363 of 1 August 1994.[44] If the ministry

[34] For instance, Syrians constituted 60% of the overall number of naturalised Lebanese under the 1994 decree, while they still maintain their original nationality.
[35] Lebanese Court of Cassation: final decision no. 86 of 1957; also First Chamber, Second Instance, final decision no. 52/1971 ; also Third Chamber, final decision no. 92/1974 ; also Third Chamber, final decision no. 75/1975; also, Third Chamber decision no. 4/1984.
[36] Lebanese Court of Cassation, the General Instance, stated in its decision of 18 March 1971.
[37] Decision 484 /2003 of the *Majlis shura al dawla* [Council of State] on 7 May 2003.
[38] Article 3 sec.1 of the 1925 Law, substituted by Law 27 May 1939 but later abrogated by Law 48/LE of 30 May 1940-- which therefore revived the 1925 text.
[39] Article 215 of the Lebanese Code of Contracts and Obligations set the legal age at 18 years-old.
[40] Business travel, vacations or patriotic duties at home, do not rescinded the previous period. Before the acquisition of Lebanese nationality foreigners are still bound toward their original country with duties and obligations, cited in Valery, J. (1914), '*Manuel de droit international privé'* [Handbook on Private International Law], Paris: Fontemoing, no. 179 and 212 in Abu Dib, B. (2001), p. 175. In this case, the count of stay is resumed after the foreigner's return to Lebanon. However, a long absence coupled with the will to isolate oneself from Lebanon rescinds the previous period of stay.
[41] Such as (1) knowledge of Arabic, (2) a good 'economic condition', (3) good behavior or lack of criminal conviction for infamous crimes or crimes against state security, (4) absence of health conditions that hinder any ability to work, (5) loss of the previous nationality, in order to avoid cases of dual nationality.
[42] Naturalisation must not be dependent only on the fulfillment of legal requirements, but also on the adherence to the Lebanese culture i.e. identity, customs, traditions and integration into the Lebanese society; Interview with Law professor, Dr. Saed Boustany, Beirut, on 25 September 2009.
[43] 'Liberalism must however take into account the socio-political structure in Lebanon. Acts of naturalisation should not change the confessional data of the country through massive injections of foreigners that would jeopardise the delicate balance between the spiritual families of Lebanon.'
[44] The demand's fees are 50,000 L.L. for adults and 25,000 L.L. for minors. Once the naturalisation decree is issued, naturalised adults must pay a sum of 100.000 L.L. and 25.000 L.L. is due for minors.

considers the person fit to be naturalised,[45] it refers the application to the President after having conferred with the Foreign Affairs Ministry. Constitutional Law 18/1990 conferred on the cabinet the executive authority that the President had during the First Republic; the President, however, retained the authority to issue decrees granting citizenship.

3.2.1.3 Implications of Naturalisation

With regard to the 'individual' or 'special' effects of naturalisation, Lebanese nationality law requires ten years after naturalisation before bestowing equal rights and duties on the naturalised. While the 1925 Nationality Law was free of limitations on the rights of naturalised persons, the Laws of 1937 and 1960 introduced respectively limitations to passive electoral rights of naturalised persons,[46] civil service,[47] and professions.[48]

Personal effects: Naturalised persons are entitled to all rights deriving from Lebanese nationality with some exceptions relating to official and public posts,[49] and the right to run for legislative elections is suspended for a period of ten years [Law of 27 April 1960] unlike the right to vote (Abdullah, 2004, 9.118)(Karam, 1993, p.104). However, individuals naturalised in the 1994 decree were given the right to run for legislative elections in 1996, and to enroll in the army. So far, no restrictions apply to the right to vote and run for municipal council, chambers of commerce and industry [Art. 14 &15 of the Law of 20 May 1963].

Familial effects: The effects of naturalisation are not automatically extended to the spouse and children –with the exception of minor ones– who can demand naturalisation either in the same demand as the father or in a separate one [Art. 4 of the Law of 1925]. Nevertheless, minor children retain the right to revoke Lebanese nationality within one year of attaining legal age[50] [Art. 4 of the Law of 1925].

3.2.1.4 Exceptional Services

Foreigners, who offer Lebanon exceptional services, (Karam, 1993, p.86) (Abou Dib, 1994, p.178) are exempted from the obligation of five-year continuous stay.[51] Such services are determined by the Council of Ministers and the exemption must be justified.[52]

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[45] The Ministry of Interior decides on the matter after collecting information and conducting proper investigations.
[46] 10 years according to the Law of 10 August 1960.
[47] 10 years according to the Law of 7 June 1937.
[48] 10 years for practicing as lawyer according to Article 4 of Law of 13 December 1945; 5 years for physicians according to Article 2 (2) Law 26 December 1946; Dentists, Article 1(3) of the Law of 29 November 1948; Pharmacists, Article 4 of the Law of 31 October 1950; Engineers, Article 3 of the Law of 22 January 1951.
[49] Wider limitations exist in the 1937 law than in the civil service law of 1959 Article One of the law of 7 June 1937 stipulates that 'A foreigner who has obtained Lebanese citizenship by naturalisation shall not be able to take public office or an appointment the salary of which is paid by the government or by public administration or by a company operating under a government concession before ten years have elapsed after the date of his naturalisation.' As for holding public positions (temporary and permanent civil servants as determined by decree no. 112 of 12 June 1959 on public servants) a naturalised person cannot be appointed to them except after 10 years from acquisition of Lebanese nationality [law of 7 June 1937 and decree no. 14 of 7 January 1955].
[50] If they maintain it they will be considered Lebanese as of the date of their father's naturalisation.
[51] Article 3 sec.3 of the Decree number 15 S of 19 January 1925, completed by Decision 160 LR of 16 July 1934 on special services: 'can be considered as important services, services in the special troops of the Levant when their term is at or above two years,' (Translated from the original French text), substituted by Law 27 May 1939 and again completed by Decision 122 of 19 June 1939).
[52] Special services could include services in the army of two years or more.

3.2.1.5 Marriage

Lebanese nationality laws recognise marriage as a mode of acquisition for foreign women. The acquisition is based on a personal request after one year from the date of registration of the marriage in the Civil Status Office.[53] This mode does not apply if the marriage is annulled by a court ruling[54] (Abu Dib, 2001, p.140); if it is declared putative, the foreign woman is considered as not having lost her original nationality (Abu Dib, 2001, p.95).

As for the effects of naturalisation by marriage, the Directorate of Civil Status in Lebanon does not consider such marriages as having retroactive effects, and Lebanese legislations and case laws are silent on this matter (Abu Dib, 2001, p.148). It has been argued that a foreign woman married to a Lebanese becomes Lebanese herself *de jure* as of the date of the approval of the Civil Status General Director on her demand (Abdallah, 2004, p.145). The acquisition of nationality by marriage grants full access to rights without any restriction, (Abu Dib, 2001, p.153) even if the woman retains her original nationality,[55] and irrespective of changes in her marital status.[56] As for minor children, they retain their father's nationality in the case of divorce, but will become Lebanese upon his death.[57]

On the other hand, the Lebanese woman who marries a foreigner does not lose her nationality automatically,[58] but has to demand the striking off of her registration from the census records because of the acquisition of her husband's nationality [Art. 6 of the 1925 Law amended by Art. 2 of the Law of 11 January 160]. The General Security has established, by practice, a new rule for the registration of foreign women married to Lebanese men. According to this rule, foreign women can be registered Lebanese either three years after giving birth to the couple's first child or after five years in the absence of children. However, if the couple, for medical reasons, cannot have children, the registration will be done in conformity with the 1960 Law. This practice illustrates the fear of Lebanese authorities that massive numbers of Palestinian refugees would integrate the Lebanese society through the individual right of naturalisation. However, a recent study (Sharaf Ed-Din, 2009) indicates that out of 17,860 Lebanese women married to non-Lebanese between 1995 and 2008, only 1,000 women (5.35%) were married to Palestinians.[59]

The issue of the effects of the acquisition of the husband's nationality on the wife's earlier children is not dealt with neither by legislation nor by scholarship in the region. The

[53] Article 5 of Decree no15, 19 January 1925 amended by the law of 11 January 1960. Prior to the 1960 amendment, the acquisition was automatic, as of the date of marriage. The 1960 amendment was adopted as a means to avoid fraud in acquiring Lebanese nationality; during the 1960's many foreign woman or foreign artists (mainly dancers and showgirls) working in Beirut sought to secure permanent residency in Lebanon through fictitious marriages with Lebanese men. [Parliamentary debates and discussions of 1959, p.309] cited in (Abu Dib, 2001, p.139) and (Baz, 1969, p.100). However, it has been argued by Jean Baz (Baz, 1969, p.102) that this amendment was not needed because of similar limits imposed by the decision of the French High Commissioner no. 129 L.R 18 October 1938. The decision stipulates that if the acquisition of the nationality of any country under mandate aimed at avoiding the regulations imposed on the entrance and residence of foreigners to these countries, it will not obstruct the implementation of sanctions and legal procedures on these individuals for their contraventions.

[54] Also Court of Appeal in Beirut, ruling of 30 November 1949, published in the Judicial Periodical 1950, p.144.

[55] See note 21.

[56] I.e. divorce or husband's death, see ruling of the General Instance at Lebanese Court of Cassation, number 6, 18 March 1961. (*Al Adel* Magazine, fifth year, no. 3, p 396.)

[57] However, they can still revoke it within one year of attaining legal age.

[58] As opposed to the situation prior to 1960.

[59] Check appendices Doc. no. 4.

lack of interest is grounded more on sociological than legal reasons and only Lebanese scholars debate the possible extension of the provision of the Article 4 of the 1925 Nationality Law to this case (Al-Bustani, 2003).

3.2.1.6 Lebanese Ancestry

A ministerial decree of the Council of Ministers[60] decided that Lebanese citizenship can be acquired after birth by persons of Lebanese origin who resettle in Lebanon and request Lebanese citizenship [Art. 2 of the Law of 31 January 1946]. According to this law, any kind of evidence, including records of civil status, official documents issued by the Administration or by the courts, references to the applicant or his family, contained in the family history records, (Baz, 1969, p.85) is accepted. The acquisition of nationality under this mode is extended to the spouse and children.[61]

3.3 Loss of nationality and its restoration

The loss of Lebanese nationality was introduced progressively in Lebanese nationality laws [Art. 8 of the 1925 Law; Art. 1 of the Law of 1946; decree-law 1926]. Similarly, the perception of loss evolved from deprivation [according to 1925 Law] to the non-recognition of foreign nationality [according to the 1946 Law]. While the loss of nationality could occur voluntarily or involuntarily, a distinction is drawn between deprivation for nationals and withdrawal for naturalised persons.

3.3.1 Loss due to change

Requiring permission to relinquish present nationality and acquire foreign nationality seems to serve the double purpose of ensuring that nationals forsaking their nationality have fully complied with all their duties, and somehow of discouraging them. Authorization or permission[62] in Lebanon is issued by a presidential or ministerial (i.e. by the Council of Ministers) decree according to the different provisions, but all agree that without such decree the acquirer of foreign nationality must be treated as a national.[63] If the nationality law under

[60] This rule couples the right of option established in the Treaty of Lausanne.

[61] Legal view of the Ministry of Justice, no. 288, 5 May 1959.

[62] The authorization can be explicit where the Lebanese State recognises the acquisition of the new nationality (Collection of the Lebanese Jurisprudence, mixed chamber of the Second Instance Court of Beirut, ruling no.43 of 5 May 1943); it can also be granted after the acquisition of nationality but without retroactive effect. A lawful acquisition of the new nationality is a prerequisite for losing the Lebanese one. It must be based also on the consent of the person in question, i.e. voluntary and not imposed (Abu Dib, 2001, p.201). The acquisition of a new nationality has no retroactive effects and affects the status of neither the spouse nor minor children (Civil Court of Appeal in Beirut, ruling no. 1835 of 27 November 1958, published in the Judicial Periodic, p. 933; also, Court of Cassation, First Chamber, Second Instance, no. 80 of 1970, published in Jean Baz Collection of 1970 p. 247; also, Court of Cassation, Third Chamber, no. 102 of 1972, published in Jean Baz Collection of 1972, p.298); Also see Chbat, F. 1970, p.63.

[63] Article 8(1) (1) of the 1925 Law, and Article 18 of the Law of 31 December 1946. The authorization of the Head of State is a prerequisite for the recognition of the new nationality; otherwise, Lebanese authorities would still consider the acquirer of foreign nationality as Lebanese. According to article 8 of the 1925 Law [Arabic text] the naturalisation had to precede the authorization, otherwise the Lebanese would lose his nationality. Yet this has been amended in article one of the law of 31 January 1946 where the loss occurs if a Lebanese acquires a foreign nationality after the authorization. Decree no. 10828 of 9 October 1962 has no bearing on this point; see also: the Decisions of the Nationality Committee: no. 2, 3 of 1 April 1934 - no. 16, 20, of 25 July 1935 - decision of the Court of Cassation of 23 November 1957 published in Jean Baz Collection, p. 196, 139; also Court of Cassation of 19 May 1965 in Jean Baz Collection 1965, p. 81. The only exception to the above mentioned provision is the Gouraud-Knabenshue agreement (15 November 1921) between the French Mandate

which the person intends to naturalise prescribes loss of previous nationality to complete the procedure, the naturalisation inevitably aborts. A Lebanese demanding the acquisition of a foreign nationality must be of full legal age at the time of the demand.[64] As for married women, jurists still require the consent of their husbands when seeking to acquire a new nationality[65] (Abu Dib, 2001, p.198) (Baz, 1969, p.124). Persons under legal custody can do so during periods of full awareness and mental capacity.

3.3.2 Loss due to deprivation

Deprivation of nationality is applicable to Lebanese nationals occupying official positions, whether in Lebanon or abroad, entrusted to them by foreign countries without the consent of the Lebanese state.[66] Deprivation occurs by a governmental decree and becomes effective as of the date of signature but does not have any effect vis-à-vis third parties until after its publication in the official gazette.[67]
Withdrawal[68] of nationality as a mode of involuntary loss is applicable to a naturalised Lebanese when convicted for crimes against State Security.[69] An additional ground for withdrawal is the acquisition of Lebanese nationality by unlawful means,[70] or long absence from the country.[71] However, withdrawal of nationality would render the concerned person – if they had no other nationality – stateless.

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authorities and the United States of America according to which the French authorities recognise the acquisition of US nationality without prior authorization.

[64] 18 years old, even if the laws governing the new nationality require a lesser one.

[65] Baz, J. : 'néanmoins et pour des raisons pratiques il serait peut-être préférable, d'exiger l'assentiment du mari, alors surtout que l'article 4 de la loi 11 janvier 1960 a autorisé la femme libanaise, qui a épousé un étranger, à solliciter la nationalité libanaise à condition que son mari lui donne son consentement'.

[66] Article 1 sec. 2, 3 and 4 of the 31 January 1946 Law as amended by decree no. 10828 of 9 October 1962, deals with the loss of Lebanese nationality by Lebanese nationals. This provision was introduced in 1946 when the French were about to leave Lebanon.
Section 2: 'the Lebanese in Lebanon who accepts a function entrusted to him by a foreign government without the prior permission of the Lebanese government. If the government does not answer a request for permission in the two months following the date of presentation of this request, its silence is considered as a refusal.' In this case, the loss of nationality will be automatic once the government has issued a decree in this regard.
Section 3: 'The Lebanese residing outside Lebanon who accepts a public office entrusted to him by a foreign government in foreign countries, if he retains this role despite the order to resign from this office within a specified period.'
Section 4: 'the Lebanese who currently holds a function that has been entrusted to him by a foreign government, if he retains the function despite the order to resign within a specified period.' This section was designed to deal with situations prior to the adoption of this law.
The application of sections 3 and 4 requires that the government issues, through a governmental decree, an order to the person to resign from the post they are occupying within a reasonable delay. The order could be directed to a group of people, hence the need in such case to publish it in the Official Gazette.

[67] The decree issued by the government establishing the loss of nationality can be challenged before the State Administrative Council.

[68] Withdrawal of Lebanese nationality is a radical measure with retroactive and personal effects aimed at removing unwanted members from society.

[69] Article 1 of decree-law number 10828 of 9 October 1962 is applicable when a naturalised Lebanese is convicted for crimes against State Security; or if he/she is a member of an association which conspired or attempted to conspire against the State Security; or if he/she is a member of a dissolved or unauthorised association, with political goals, or if he is condemned for displaying an activity on behalf of the association. This provision was introduced in the aftermath of the attempted coup by the Syrian Social Nationalist Party (SSNP) on the eve of 31 December 1961, for a great number of its partisans had been naturalised.

[70] This includes the submission of fake documents or pieces of evidence, - in compliance with the relevant rules and regulations - with prior will and knowledge of the naturalised person,

[71] According to article 3 of the Law of 31 January 1946, an absence of five consecutive years is reason for the withdrawal of nationality.

3.3.3 Restoration

Restoration of nationality can reverse the effects of loss due to change or deprivation, and is largely affected by the consideration of the voluntary or involuntary causes of the loss. In the case of nullification of the presidential decree authorizing the loss of the Lebanese nationality, the person is re-included in the citizens' records without the need for naturalisation.[72] When loss is due to change, the resumption is usually requested by the former national, whereas in the case of deprivation, the restoration is undertaken by State authorities.

3.3.4 Resumption

Resumption of nationality is limited to Lebanese women who have lost their Lebanese nationality after marrying foreigners [Art. 7 of the 1925 Law; Art. 5 of the 1960 amendment of the 1925 Law].[73] This mode of acquisition does not include persons of Lebanese origin established abroad and who have not opted for Lebanese nationality. The latter have to return permanently to Lebanon [Art. 2 of the Law of 31 January 1946].

The resumption of nationality by a foreign woman puts into question the nationality of her minor children. While some jurists accept their acquisition of Lebanese nationality - only in the case of the father's death,[74] (Karam, 1993, p.132) others extend it to any case by *mens legislatoris,* ruling out only children of legal age by analogy to Article 4 of the 1925 Law.[75] Lebanese courts also have had divergent views on this matter. Some rulings considered that both a Lebanese woman who retrieved her nationality after her foreign husband's death,[76] as well as the Lebanese mother who maintained her nationality during her marriage to a foreigner,[77] can give the Lebanese nationality to her minor children, as long as the dissolution of marriage was due to the husband's death.[78] Other courts restricted the application of Article 4 to the case of the acquisition of Lebanese nationality by a naturalised woman after the death of her foreign husband,[79] and ruled that the three above-mentioned cases be treated equally.[80]

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[72] Court of Appeal of Mount Lebanon, no. 157/04 of 28 October 2004.

[73]. According to official statistics, Lebanese nationality was restored to 55 Lebanese women between October 1952 and September 1958.

[74] One reason being in order to maintain the unity of the family.

[75] Article 4 of the 1925 Law stipulates that 'the spouse of a foreigner who has become a Lebanese citizen as well as the children of full age of such a foreigner, may, if they so request, obtain Lebanese nationality, without satisfying the residence condition, whether by virtue of the regulation giving this nationality to the husband, the father or the mother or in a special regulation. *Likewise, the minor children of a father acquiring Lebanese nationality, or a mother acquiring the said nationality who remained alive after the death of the father, shall become Lebanese unless they reject this nationality within the year following their majority.*' The debate at present revolves around this final section.

[76] Court of Cassation First Chamber Second Instance final decision no. 57 of 1970; Court of Cassation, Third Chamber, preliminary decision no 18 of 1973, and Third Chamber, final decision no. 87 of 1972; Court of Cassation, Third Chamber decision no. 117 of 1972; Court of Cassation, Third Chamber, preliminary decision no 9 of 1972. Court of Cassation, Third Chamber, preliminary decision no.23 of 1975.

[77] Court of Cassation, Third Chamber, no. 23 of 1972 and Third Chamber, preliminary decision no. 31 of 1972; Court of Cassation, Third Chamber, preliminary decision no. 40 of 1972; Court of Cassation, Third Chamber final decisions no 10,11,13, 29, 48 and 128 of 1974; Court of Cassation Third Chamber preliminary decision no.21and final decisions no. 35 and 51 of 1975.

[78] Court of Appeal, First Chamber, in its court-ruling no. 3 of 22 February 1979 Lebanese Court of Cassation, Third Chamber, decision no. 15 of 21 December 1984.

[79] Court of Cassation, Third Chamber, decision no.3 of 1988; Court of Cassation, Third Chamber, decision no.37 of 1983.

[80] Also Lebanese Court of Cassation, decision no. 41 of 28 November 1983.

In a recent decision, The Lebanese Court of Cassation re-confirmed the strict interpretation of Article 4 of 1925.[81]

In the case of Lebanese women who married foreigners and who did not register in the 1932 census the re-acquisition of the Lebanese nationality is achieved by a court ruling, if they manage to prove their residency in Lebanon on 30 August 1924 (Abdul Men'im, 1970, p.144) (Abdullah, 2004, p.171-173). However, if a woman falling under this section fails to prove her residency, she can still re-acquire her Lebanese nationality according to Article 2 of the Law of 31 January 1946.[82]

The effects of the marriage of a Lebanese woman to foreigner on minor children have been largely debated by jurists and court rulings. Can a Lebanese mother who maintained her Lebanese nationality in spite of her marriage to a foreigner or who retrieved it - after losing it because of this marriage - after her husband's death give her Lebanese nationality to her minor children? One legal opinion considers that the confusion over the application of Article 4 of the 1925 nationality could have been avoided if this article was amended in a coherent way with the 1960 amendment. As for the establishment of the 1925 Nationality Law and until 1960, a Lebanese woman married to a foreigner would automatically lose her nationality (and become a foreigner) and was not able to re-acquire it except through a presidential decree. Hence, it is not logical that the 1960 amendment - that gave the Lebanese woman the right to re-acquire her lost nationality during or after the termination of marriage, or after her husband's death - did not recognise the right of her minor children and favored those of foreign women (Abdul Men'im, 1970, p.160-161).

4 Current political debates and reform plans

4.1 Draft legislation

Between 1961 and 2009, five main draft laws were proposed for amending the 1925 nationality law. These draft laws were proposed by member of Parliament Anwar Khatib (1961), former Minister Issam Neeman (1992), lawyer Joseph Karam (1993), former Minister of Interior Michel al-Murr (1999) and the National Committee for the Follow-up on Women's Issues (2009). Former Minister of Justice Bahij Tabbara has also put forward a draft bill to amend article 4 of the 1925 law. Each of the five main drafts suggested different amendments: while the Neeman draft proposed the introduction of a Lebanese Green Card and the double *ius soli* as one of acquisition modes, the Tabbara draft-law aimed at reinforcing maternal *jus sanguinis*. The most recent proposal calls for an end to gender discrimination in citizenship legislation and the termination of Lebanon's reservation to article 9 of the CEDAW Convention and for the accession to the CEDAW Optional Protocol. All the details of the main drafts are laid out in a table in the appendix section.

On December 12, 2011, the Council of Ministers in Lebanon unanimously approved the draft law extending the reacquisition of citizenship by descendants of Lebanese emigrants. Under this draft law, descendants of expatriates of Lebanese origin holding documents that prove patrilineal Lebanese ancestry may apply for Lebanese citizenship if

[81] The court said that the application law required the following conditions: 1) minor children born to a foreign father; 2) the death of the foreign father while they were minor; 3) the mother remaining alive after the father's death; 4) the mother acquiring the Lebanese nationality by naturalisation and remaining alive after the father's death; Court of Cassation, Eighth Chamber, decision of 5 June 2007.
[82] This Law will be examined in an upcoming section.

they choose to through a simplified procedure set forth in the draft law. Although previously the lack of documents proving Lebanese lineage made it difficult for Lebanese descendents to acquire citizenship, the draft law includes a wider and more realistic set of provisions that prove Lebanese lineage. The burden of proof of lineage continues to rest on the applicant, but the new draft law has added criteria that are less complicated to meet. Lebanon does not prohibit dual citizenship but rather tolerates it and as such applicants for Lebanese citizenship can apply without fear of having to renounce their current citizenship. According to a brief interview with MP Ghassan E. Moukheiber, "the draft law will be submitted to Parliament and a simple majority vote would make it into law" (personal communication December 15, 2011). Mr. Moukheiber envisages that, assuming that the draft law is not subject to amendment by Parliament, the law will pass without controversy, as it was approved by the Parliamentary Administrative and Justice Committee in the previous Parliament of 2005-2009.

There are many shortcomings that can be attributed to the draft law on legal, administrative and social levels. There are two critical considerations that we can quickly bring attention to. The first is that the discriminatory provision that the citizenship is based on patrilineal—as opposed to matrilineal—descent. Only Lebanese descendants who can prove that their fathers, grandfathers, or great-grandfathers were Lebanese, in a broadly understood sense, may apply for Lebanese citizenship. Descendants of Lebanese mothers, grandmothers, or great-grandmothers are excluded from the current draft law. This is in compliance with established Lebanese law that does not allow Lebanese women to transfer their citizenship to their children. The second critical consideration is the limitation put forth in the draft law on the descendants of the Lebanese emigrants who left Lebanon between 1880 (or before) and 1921 and denying those who were Ottoman subjects or the descendants of those who received Laissez-Passer from the French Mandate (if they don't meet either of the conditions in Article 1) a way to prove their ancestry and acquire Lebanese citizenship.

4.2 External voting

In 2009, provisions for external voting were included in Lebanese electoral law. However, their implementation was postponed under the pressure of the minister of Foreign Affaires, Fawzi Salloukh (who was close to Hezbollah), who cited practical and administrative difficulties to register the voters abroad, and establish polling station in the Lebanese consulates. In the following, I will analyse prior demands for external voting in the 1990s, and the political context of the adoption of external voting in 2009. I conclude with the prospective implementation of external voting in the next election in 2013.

External voting has been on the Lebanese political agenda since the beginning of the 1990s. At first, demands were mainly supported by the political opposition: on the one hand, Christian parties, including organizations from the Lebanese diaspora, and on the other hand, civil society associations, in particular those promoting democracy and civil rights. The former repeatedly associated demands for external voting with those for a reform of the nationality law to facilitate the *restitution* of citizenship to *persons of Lebanese origin*, with the aim of limiting the political and demographic marginalization of Christians in Lebanon. In contrast, civil society associations supporting demands for external voting, notably the Lebanese Association for Democratic Elections (LADE), differentiated these issues in order to encourage non-Christian political groups to support demands for external voting (Karam, 2006). This strategy garnered some support in favour of external voting from loyalist political parties, including the Shia Amal movement and the Syrian Social Nationalist Party (SSNP).

In 2003, a draft law presented by Nemet Allah Abi Nasr, a Maronite member of the parliament, suggested adding 12 representatives in the parliament to be elected by the citizens abroad. This proposal represented an attempt to find a compromise between demands for external voting and the objections of loyalist parties fearing the impact of external voting on the electoral outcomes.

External voting provisions were eventually adopted in a context of great political change and a reshuffling of the political scene, following the assassination of former Prime minister Rafic al-Hariri and the withdrawal of the Syrian army from Lebanon in 2005. After the contentious 2005 parliamentary election, the reform of the electoral law was one of the main aims of the government of Fouad Siniora. In 2006, the *ad hoc* Boutros commission presented a draft electoral law that included major reforms (proportional voting system; independent electoral commission), and other propositions, such as external voting. Lebanon then witnessed two years of political blockade and unrests following the July 2006 Israeli-Hezbollah war, until a political agreement was found between conflicting parties in Doha in May 2008. In this context, the new electoral law was adopted in autumn 2008 as a result of series of political compromises and bargains. External voting, which supposedly favours Christian political parties, was included into the electoral law "in exchange" for the lowering of the voting age to 18 years old, considered to be more advantageous for the Muslim political parties. Soon, the acting minister of Justice, Bahige Tabbarah, drafted a decree that specified the conditions to vote from abroad. According to this decree, the Lebanese citizens registered on electoral lists and residing abroad are entitled to cast their ballot in Lebanese embassies and consulate to elect the representatives of their constituency of origin providing that they register in the Lebanese consulates prior to the election.[83]

As mentioned earlier, the implementation of external voting has been postponed until the 2013 legislative election. In 2011, the new minister of Foreign Affairs, Adnan Mansour, ordered a report prepared listing logistical problems to be solved, and then demanded that Lebanese consulates start the registration of the Lebanese citizens residing abroad willing to participate in the next election. It has been decided that the deadline to register is December 31st 2012, but only 6,000 persons have registered so far. Adnan Mansour, who has been criticized for this result, cites the lack of human resources (*l'Orient le Jour*, April 24th 2012). Whether external voting will be fully and efficiently implemented in 2013 remains in question, as well as the impact it will have on the outcome of the election (*Al-Akhbar English*, April 25th, 2012).

4.3 Maternal *ius sanguinis*

The 1925 Lebanese nationality law, which is based on the principle of patrilineal *jus sanguinis*, forbids a Lebanese woman married to a foreign man from passing on her Lebanese citizenship to her children, and her husband (the same does not apply to Lebanese men married to foreign women). Such discrimination is extremely prejudicial for Lebanese women married to foreigners due to numerous legal and administrative restrictions against foreigners, including access to public welfare (schools, hospitals, etc.), employment, real estate propriety, inheritance, etc. In the last decade, reforms of the nationality law in several Arab countries have enabled women to transmit their nationality to their children, such as in Egypt (2004), Algeria (2005), and in Morocco (2007). In Lebanon, however, such reform faces internal political blockades, despite persistent demands from NGOs.

[83] In Lebanon, voters are usually registered in the constituency of origin of their family, even if they live elsewhere. On the design and specificities of the Lebanese electoral system, see Verdeil (2005).

Demands for granting women the right to pass on their citizenship to their children, and a foreign husband, are part of the broader movement for women's empowerment, which progressively (re)developed in Lebanon after the end of the Civil War. Previously, women's movements in Lebanon were pioneers among Arab countries: the Lebanese Arab Women's Union was first funded in 1920, before changing into the Lebanese Women's Council in 1952, after it merged with the Solidarity of Lebanese Women, created a few years earlier. During the preparation for the 1995 Beijing World Conference on Women, experts and activists gathered and eventually established the National Committee for the Follow-Up on Women's Issues (NCFUW) in 1996.

The same year, Lebanon ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), but it expressed reservations about several articles, among them article 9 (2) stipulating that states should grant women equal rights with men with respect to the nationality of their children. In the following years, campaigns aimed at eliminating any form of legal discrimination against women were conducted by the NCFUW in cooperation with bar associations and civil society organizations. Other Lebanese NGOs that have moblised for this cause include the Lebanese Council to Resist Violence against Woman (LECORVAW) or the Collective for Research and Training on Development - Action (CRTD.A) funded in 1999.

In the early 2000s, the United Nation Development Program (UNDP) launched the Gender and Citizenship Initiative (GCI) in the Arab States, with the aim of supporting research-informed policy debate on women's citizenship, raising public and media awareness and building the capacity of Arab women's NGOs in networking and advocacy. The GCI first identified nationality legislation and access to identity cards as strategic entry points to the issue of women's citizenship, both being discriminatory to women and the direct cause of socio-economic problems. Several regional and country studies were conducted by the CRTD.A (2003a and 2003b).

In 2005, the GCI launched the Nationality campaign at the regional level. Reform of the nationality law was implemented in Algeria and Egypt, and Lebanon witnessed increased awareness on the issue in a context of great political changes and troubles after 2005. As a result of the campaign and media coverage, a number of politicians took an interest in the issue, some supporting the reform and others considering it would contribute to the settlement of Palestinian refugees if they marry Lebanese women. In 2007, the network of Lebanese NGOs involved in the GCI submitted a draft law proposal to the Parliamentary Commission on the Rights of Women and Children.

NGOs have continued to campaign continued on these issues. In 2007, the NCFUW conducted two campaigns entitled "My Mother's home is my home" in northern Lebanon and "My nationality is a right for my husband and children" in southern Lebanon. In 2008-2009, it ran a UNDP supported project entitled "Lebanese women's rights and the Nationality Law", particularly aimed at estimating the number of Lebanese women married to non-Lebanese men. The project's study showed that an estimate of 18,000 marriages were contracted between Lebanese women and non-Lebanese men between 1995-2008, and estimated that 77,400 persons (women, spouses, and children) were directly affected by the bias of the nationality law (Charafeddine, 2009). The study also showed that the great majority of these

marriages are contracted by Muslim women (87.5 %) and with Arab citizens (74.7 %), mainly from Syria (22 %) and from Palestine (21.7%).[84]

The 2009 legislative elections were marked by renewed campaigning by NGOs and greater political support, but the issue was again set-aside after the elections. Soon after, in June 2009, the debate entered the courts with the decision of the Court of First Instance of Mount Lebanon who gave a Lebanese woman, whose Egyptian husband was dead, the right to register her minor children as Lebanese, thus challenging the 2007 decision of the Court of Cassation (Decision of the 5 of June 2007). The Mount Lebanon Court specified that the Nationality Law (section 2, article 4) discriminates against Lebanese mothers and their children, whereas the Constitution (article 7) establishes the principle of equality before the law among all Lebanese, women and men. However, the decision was rejected by the Ministry of Justice, subject to appeal by the Attorney General's office, and was finally rejected by the Court of Appeal of Mount Lebanon (*Now Lebanon*, May 20th 2010).

To conclude, it should be noted that the government approved a decree in April 2010 which allows children of a Lebanese mother and foreign father to be granted a renewable three-year residency permit (*Daily Star*, April 14th 2010). The government of Najib Mikati, who came into power in July 2011, has committed itself to "eliminating all kinds of discrimination against women through necessary decrees" (*Daily Star*, 2nd July 2011).

5 Conclusions

Only a few pages spatially separate the introduction to this report from its conclusions, but temporally three years have elapsed since the beginning of the elaboration of this review of acquisition and loss of Lebanese citizenship. Virtually every element was scrutinised, criticised, and fought over. Supervisor, authors, reviewers, and external readers have all engaged with the daunting task of presenting Lebanese citizenship in the most accurate and balanced way. The past three years have also witnessed various other attempts to produce reports on citizenship in Lebanon by a number of domestic, regional and international actors. All incurring the same fate of battles and delays. It should not come as a surprise; citizenship is one of the main grounds of battle and delay in Lebanese politics as well.

Far from the hubris of completeness, this report intends to offer some historical insights in the formation and development of Lebanese citizenship, a concise but thorough review of its current regulations, and a fairly comprehensive account of the areas of the present-day debate over it. The history of Lebanese citizenship is traditionally narrated in terms of confessionalism, the politics of demography, and factional agreements, whereas the regulation of its acquisition and loss is governed by a seemingly neutral approach that is imbued in a patriarchal understanding of Lebanese society. This report argues that the combination of these two elements in Lebanese politics results in the perpetuation of a patriarchal (political) confessionalism that generates a host of citizenship statuses and conflicts that prove hard to deflate. The Courts are often called in to intervene in such cases, but the fragmentary texts of Lebanese citizenship do not allow them much space of maneuver.

[84] Furthermore, distribution according to the women's sect and the spouse's nationality indicates sectarian preferences: Sunni women mostly marry Syrians (38,8%) and Palestinians (19,2 %); Shia women Syrians (22,7%) and Iraqis (21,6%); Christian women - most of whom Orthodox - Syrians (30,5%) and Westerners (10,9 % Americans and 9,9 % French); Druze women Americans (34,8%), Syrians (30,4%), and Australians (17,4%) (Charafeddine, 2009: 20).

Gender equality in the acquisition and loss of Lebanese citizenship is one of the prime victims of patriarchal confessionalism. Beirut has been one of the hubs of regional campaigns to foster gender equality in citizenship legislation; significant victories—at least on the recognition of maternal *ius sanguinis*—have been recorded in different countries (notably Egypt (2004), Algeria (2005), and Morocco (2007)), but Lebanon has lagged behind. The politics of inclusion and exclusion dominate the domestic debate, and considerations of the demographic impact seem to be prevailing. Introducing a further element of uncertainty into the already tense confessional relations and the unclear figures of the impact of gender equality in Lebanese citizenship (with all its possible configurations, from maternal *ius sanguinis* to equality in acquisition by marriage, not to speak of the retroactivity element) are often raised so as to table discussion.

Further research is needed to properly assess the influence and role of regional actors on the current politics of Lebanese citizenship. Though some of these issues are covered in the historical section of the report, the period that follows the Taif Agreement of 1989 appears to be one of the most understudied (and controversial) areas. A second question that commands attention and deserves further research is the politics of Lebanese citizenship for migrants. Mirroring the domestic debate, the report focuses on the politics of Lebanese citizenship for the Palestinians in Lebanon, the Lebanese citizens who migrated or the returning Lebanese migrants. However, the citizenship policies directed towards the other and ever-growing migrant populations in the country require additional examination, since they appear to be confining the section on the current citizenship regime to the realm of the law-in-books, with scarce practical application.

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