INVISIBLE CITIZENS

Humiliation and a Life in the Shadows

A Legal and Policy Study On Statelessness in Lebanon

English version 2011

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FOREWORD

For a society to advance and survive, its laws must be at the service of the members of the society. A society cannot achieve stability and prosperity if it carries within it the seeds of social explosion resulting from injustices. One such injustice occurs when a person who, although legally belonging to a society, is de facto denied the right of belonging to that society, is deprived of any kind of official identity and is thus made stateless.

It is unthinkable that there are still stateless persons living in Lebanon in the 21st century who have no nationality and no legal framework to protect them or to recognize them as nationals, such as Bedouins; the Maktoumi al-Qaid ("unregistered"); and those whose nationality has been Qaid ad-Dars ("under study") for decades without a negative or positive result.

The provisions of the Lebanese Nationality Law, that goes back to 1925, have become outdated and inadequate to address the situation of stateless persons in Lebanon. As such, the law, instead of solving the problem, has itself become the problem. In addition, the implementation directives pertaining to the Law are so rigid that it is impossible to see the difference between these and the Law itself.

Objectively speaking, a number of these outdated provisions are ambiguous, vague, and incomplete. If we look at the reasons for

this situation, we will find many considerations and justifications, from political to societal. These considerations, however, overlook the rights of the person, and are far from respecting the principle of equality. Furthermore, by using the pretext of protecting half of society, they offend the other half.

What makes the situation more opaque and bleaker, is the general mood of world-weariness and indifference among civil society, which is supposed to be actively demanding a change. The anger which should be the primary impulse for mobilization for change and improvement is subdued.

Such a state of affairs raises many questions. Is it acceptable to treat male and female citizens differently in the same country? Is it conceivable that the legislature prefers foreigners over citizens? Or requires an illegal context in order to legalize a mother's right to give her illegitimate child her nationality? How can we give Lebanese mothers hope that their dignity will be preserved, when they are deprived of the right to bestow their nationality on their children, while Lebanese fathers, their partners in citizenship, are able to do? Should they precondition their heartbeats to the existing legal provisions? Have we become unable to achieve a balance between giving a Lebanese woman her natural right to give birth to a child that can acquire her nationality, and the need to elaborate rules that prohibit fraud and deception? Is it acceptable to build a society that promotes discrimination, injustice, and inequality? Clearly, the current legal provisions suffer from serious gaps and shortcomings.

There is a need to overcome these obsolete obstacles and stagnant mentalities. This can only be done through radical and fundamental amendment of the nationality laws.

When the legislator is silent and amendments fail to fill the gaps, the role of the judge becomes a protective and pioneering one. When judges give greater consideration to the aspects and elements of justice in their rulings, they are in fact participating in building a solid society. The judge ought to interpret the legal

texts broadly, taking into consideration the needs of the society and the reasoning of the citizens in whose name he issues his rulings. This is particularly so today, when there are a number of stagnant cases that demand appropriate decisions that would help the citizens concerned avoid despair and total resignation.

The legal and scientific research methodology, arguments and conclusions presented in this study - published by Frontiers Ruwad Association, and entitled “Invisible Citizens – Humiliation and a Life in the Shadows” – arise from that spirit of the need to focus on the legal root causes of the phenomenon of statelessness in Lebanon and make appropriate suggestions for the needed amendments and policy changes.

Judge John Qazzi
11 November, 2009

EXECUTIVE SUMMARY

The phenomenon of statelessness in Lebanon continues to pass from one generation to another while nationality laws, lacking essential elements and containing many ambiguous provisions, undergo little change. Estimates place the number of stateless persons in Lebanon, excluding stateless Palestinian refugees, at between 80,000 and 200,000.

The lack of official registration of all undocumented persons and of a population census since early last century; the absence of comprehensive references and surveys of this population, and the continued lack of political will to tackle this phenomenon at the official level and by the society at large, make it difficult to identify this population, its profile, and the magnitude of the phenomenon, and to formulate solutions. All these reasons prompted Frontiers Ruwad (FR) to carry out a preliminary study of the legal framework and the trends of the related jurisprudence covering stateless persons, in order to better understand the legal and policy gaps, and suggest adequate and realistic solutions.

The study's perspective and approach are based on the international human rights standards related to stateless persons; the methodology of the study is primarily based on a review and analysis of the relevant nationality laws and regulations that were issued since the post-World War I creation of Greater Lebanon, and a number of selected court decisions. The aim is to highlight the factors that may have caused statelessness: the conditions for acquiring nationality, the causes for loss or deprivation of nationality and the means of recovering nationality. Finally, the

study makes recommendations to the Lebanese authorities regarding the necessary measures and steps that ought to be taken with a view to granting the right to nationality and all other inherent rights to those persons who are entitled or should be entitled to it, with the aim of reducing the number of stateless persons in the country; and for those who are not eligible for nationality to enjoy basic and fundamental human rights.

The International Legal Framework for Statelessness

The international legal framework for the protection of stateless persons and the reduction of statelessness, and international human rights standards guarantee the right to nationality to every person, and consider it a fundamental right. The international community deems it the responsibility of every State to find solutions to reduce the phenomenon of statelessness, elaborating specific treaties on the subject of statelessness and on its reduction (the Convention Relating to the Status of Stateless Persons, 1954; and the Convention on the Reduction of Statelessness, 1961).

In its first article, the 1954 Convention Relating to the Status of Stateless Persons defined a stateless person as someone "who is not considered as a national by any State under the operation of its law." A stateless person is therefore defined negatively as one who is a national of no State according to its laws (de jure stateless).

However, other statelessness situations might emerge where this definition cannot be applied, such as in the case of those who are nationals of a State but their nationality is ineffective (de facto stateless). In addition to the legal framework relating to statelessness, several human rights instruments include the right to a nationality and to other inherent rights, particularly the International Covenant on Civil and Political rights (ICCPR) and the conventions pertaining to the rights of children and women (CRC and CEDAW). These instruments emphasize the enjoyment of the rights they guarantee without discrimination.

Lebanon's Commitment to International Conventions on the Right to Nationality and the Reduction of Statelessness

Lebanon has yet to accede to the international conventions on statelessness. However, Lebanon has already ratified and acceded to a number of human rights instruments, such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which secure the right to nationality and to the enjoyment of rights without discrimination, not to mention the Convention on the Elimination of Discrimination against Women that expressly stipulates women's right to nationality and non-discrimination in passing nationality on to children, as discrimination could impair their children's right to nationality. Although Lebanon signed the Covenant on the Rights of the Child in Islam in June 2005, the country has not yet ratified the covenant, which ensures children's right to nationality. International human rights principles are enshrined in the preamble of the Lebanese Constitution of 1990.

Causes of Statelessness

International law refers to the following factors that cause statelessness:

Conflicting laws: This is especially likely to happen when a person's state of birth grants nationality by descent (jus sanguinis), while his or her parents were born in a state that attributes nationality by birth on its territory (jus soli).

Transfer of territory: This includes the independence or dissolution of a state, the creation of a new state replacing a dissolved state, or the recovery of a state following a period of dissolution.

Marriage laws: Marriage to an alien may cause a woman to lose her nationality although she may not acquire the nationality of her husband or may not acquire it automatically, or could become stateless in the period between her marriage and acquiring the nationality of her husband.

Laws and practices related to children: This refers in particular to the registration of births of orphans or foundlings, and to laws preventing women from passing their nationality on to their children, who may become stateless if the father does not hold any nationality.

Administrative Procedures: Here certain persons eligible for nationality may not acquire it due to unaffordable fees and charges, or inability to meet specific deadlines for registration, or the difficulty of submitting the required documents.

Discrimination: Certain categories of individuals, despite their eligibility to acquire nationality, may be deprived of it based on race, color, ethnicity, religion, gender, political opinion or any other ground.

Deprivation of nationality: Some laws stipulate the deprivation of nationality in specified cases as a form of penalty regardless of whether the person has acquired another nationality or not.

Renunciation of nationality: This may result in statelessness if the renunciation occurs prior to acquisition of another nationality.

The automatic loss of nationality by operation of law: This occurs when there is loss of actual and effective relationship with the State without an individual's express statement of his wish to retain his nationality.

Who Are the Stateless Persons in Lebanon?

There are currently de jure and de facto stateless persons in Lebanon. This study focuses on stateless persons who were living in Lebanon when the decisions and mechanisms related to the acquisition of Lebanese nationality were enacted but did not register during the census process; persons whose status is still "under study" today, and persons of Lebanese ancestry who were not registered at birth. In addition, there are today other stateless persons such as orphans; children born out of wedlock and not registered; children from the marriage of a Lebanese

woman to a stateless person, or from the unregistered marriage of two Lebanese nationals; children of stateless persons; and children of Lebanese nationals not registered at birth due to negligence or ignorance. There are two types of stateless: those documented and those undocumented. The former are mostly registered as Qaid a-dars (under study), and unregistered persons are commonly referred to as Maktoumi al-Qaid.

THE LEBANESE LEGAL FRAMEWORK FOR THE PREVENTION AND REDUCTION OF STATELESSNESS

The Birth of Lebanese Nationality

The relationship between the phenomenon of statelessness and nationality is organic. Nationality is defined as a legal bond between an individual and a state.

The birth of Lebanese nationality may be considered one of the causes of statelessness. Until the Treaty of Lausanne (1923), Lebanon was part of the Ottoman Empire. The Treaty set the conditions related to the acquisition of nationality by the people of the newly created countries carved out of the Empire who habitually lived in one of these territories. Later, Decision 2825 of 30 August, 1924 and Decision 15 of 19 January, 1925 were issued to regulate the acquisition of Lebanese nationality. The first defined and set the criteria necessary to be considered Lebanese and/or to opt for Lebanese nationality; the second was the first nationality law per se stipulating the terms for acquiring, and passing on, losing and recovering nationality. These Decisions were complemented by two population censuses, in 1921 and 1932 respectively, that aimed to identify and register the population of Greater Lebanon – Lebanese and non-Lebanese. Despite all these processes and procedures, there are currently a number of individuals who claim that they meet the requirements to be registered and to be considered Lebanese nationals but who were left in limbo. Furthermore, some persons are said

to have found themselves unregistered due to administrative mishandling and loopholes and procedural irregularities. Although these persons may use a wide range of evidence to prove their right to Lebanese nationality, it remains in certain circumstances difficult to provide such proof. This difficulty stems from a number of factors: non-possession of relevant documents; the loss of registration documents by the administration (such as the 1924 statistical registry); time lapse that may erase memory of factual events and/or the death of witnesses. This could be one of the main factors that explains the continuous presence of this category of stateless persons in Lebanon today.

Lebanese Nationality Laws and Regulations

Lebanese nationality provisions are governed by Decision 15 issued on 19 January, 1925 and its amendments.

Nationality at birth

Lebanese law stipulates that acquiring Lebanese nationality at birth is primarily based on the nationality of the Lebanese father (jus sanguinis), and secondarily, in certain circumstances, on birth on Lebanese territory (jus soli). The acquisition of Lebanese nationality occurs by operation of the law upon registration of the birth.

The law here flagrantly discriminates against Lebanese mothers, who cannot pass on their Lebanese nationality to their children. There are only two exceptions where a mother can pass on her Lebanese nationality to her child: to an illegitimate child recognized by his mother while still a minor, and to the child of an alien woman who has acquired Lebanese nationality after the death of the father of the children. The law thereby gives naturalized alien mothers and their minor children an advantage over Lebanese mothers and their children.

The gender discrimination embodied in the nationality law contradicts the principle of “non-discrimination between Lebanese

citizens” as stipulated in Article 7 of the Constitution and the spirit of international human rights standards that prohibit gender discrimination.

In addition to the above, Lebanese law states that a child born in Lebanon acquires Lebanese nationality by operation of the law in the absence of evidence that the child has acquired by birth any other nationality or, in other words, if he were to become stateless unless granted Lebanese nationality. The same goes for a child born in Lebanon to unknown or unidentified parents.

Hence, with the exception of gender discrimination, the legal provisions for the acquisition of Lebanese nationality by birth could prevent and reduce significantly the number of stateless persons in Lebanon. Many of these provisions are to a certain extent in line with internationally recognized standards for the reduction of statelessness and the right to nationality, although there is a need to develop them in order to eradicate gender and social discrimination. However, the main problem today lies with the procedures for implementation that are either not clear or not well known to legal professionals as well as to laypersons.

Naturalization

An alien may acquire Lebanese nationality through naturalization in just three instances: residing in Lebanon for a specified period of time, marriage to a Lebanese woman and residing in Lebanon for a period of time following the marriage, and where the person has provided Lebanon with “estimable” services. The State, however, has the absolute discretionary right to make decisions on the granting of Lebanese nationality.

Lebanese law does not exclude persons who have lost their nationality, whatever the original nationality, from being granted Lebanese nationality, when they have the right, as a general rule, to be accorded nationality under the same circumstances and conditions that allow any other alien to acquire it. In practice, however, it seems that each application has to be examined separately based on its own merits. For example,

the naturalization decree issued in 1994 appears to have been applied to persons "unregistered at birth" and to stateless persons whose application for nationality was for decades "under study". The effects of acquiring Lebanese nationality through naturalization also cover the wife of the naturalized person and his minor children, and are not contingent on their residency in Lebanon.

Furthermore, Lebanese nationality may be acquired, albeit through different proceedings, by an alien woman married to a Lebanese. In this case the wife can obtain Lebanese nationality by operation of the law one year after the registration of the marriage. However, the same provision is not valid for Lebanese women, whose alien husbands cannot automatically benefit from Lebanese citizenship but have to apply for naturalization and wait for the government's decision.

Thus, the procedures for naturalization cover mainly foreigners who have another nationality or have some other type of identity documentation, and persons who have lost their nationality, whatever their original nationality. It is not clear if stateless person who do not hold any documentation can benefit from naturalization.

Loss of Nationality

The loss of Lebanese nationality may be voluntary or mandatory. A Lebanese national may choose to renounce his Lebanese nationality in order to acquire a foreign nationality. A decree issued by the Head of the State authorizes such a procedure. A Lebanese woman married to an alien may give up her Lebanese nationality upon her own request so that she can acquire the nationality of her husband; she maintains her status as Lebanese until she asks for her records to be removed from the Personal Status register. In such cases, the Lebanese person does not lose Lebanese nationality until s/he acquires a foreign nationality. This is a positive measure that prevents an individual falling into statelessness.

On the other hand, a Lebanese person may mandatorily lose his nationality by virtue of a Lebanese State decision in cases strictly defined by the law, particularly in the event that the person accepts a position offered by a foreign government and refuses to forego the position despite a request from the Lebanese government. In these cases, there is the possibility that the person concerned may end up being stateless. The Lebanese procedures do not include this category of persons in the recovery of the Lebanese nationality. In addition, there are other conditions that may lead a naturalized person to lose Lebanese nationality, such as when proven to be involved in acts against the security and integrity of the State.

Recovery of Lebanese Nationality

Lebanese law defines the situations where only a person who has given up his nationality voluntarily can recover it. The government may at any time revoke the authorization that entails the loss of Lebanese nationality through a Cabinet decision, restoring Lebanese nationality to the Lebanese person. The right to recover nationality is a measure that may prevent and reduce statelessness.

Conclusions and Recommendations

The study concludes that stateless persons in Lebanon are generally denied basic and fundamental human rights, as a result of the lack of documentation, and are an extremely vulnerable and marginalized population. There is no legal protection framework for the rights of stateless persons which puts them in an exceedingly disadvantageous situation and makes them subject to serious abuse and vulnerability. Although those who hold Qaid ad-Dars residence cards in principle enjoy basic rights, some of them sometimes end up undocumented, due to the financial burden of renewing their residence permits on a yearly basis, and are thereby denied these rights.

The study concludes that although the Lebanese State has tried to address the issues of registration and of nationality, loopholes

and shortcomings in the regulations related to registration and the granting of nationality and the implementation thereof continue to lead to situations of statelessness. The laws regulating nationality were drafted and amended mostly in the first half of last century, but amendments did not always bring these laws in conformity with the internationally recognized standards governing statelessness and nationality. The legal provisions related to nationality are dispersed in different decrees and decisions. A number of these provisions are vague and incomplete, allowing for a wide margin of interpretation and speculation, leading to conflicting jurisprudence and interpretations that consequently serve to increase the ambiguity of the status of stateless persons in Lebanon.

The Lebanese nationality laws and procedures do not fully comply with general international standards relating to nationality, most notably in terms of non-discrimination: they are widely discriminatory, particularly against women, including between nationals and aliens.

However, there are solutions to reduce statelessness within the existing legal framework, especially with regard to unregistered persons (Maktoumi al-Qaid) of Lebanese origin and persons born in Lebanon without obtaining any foreign nationality or to unknown parents or parents of unknown nationality. However, the lack of awareness, the high costs and the lengthy procedures involved prevent a significant number of persons from resorting to these legal provisions and to courts to claim their right to Lebanese nationality.

The ambiguity of the legal provisions leads to various, and sometimes conflicting, interpretations. This is the case on both the judicial and administrative levels. This may lead to the inability to resolve a number of cases.

Finally, the lack of data and official numbers regarding stateless persons in Lebanon is a major obstacle facing any initiative to put an end to the phenomenon of statelessness. Field research is

a must in order to identify the profiles and numbers of stateless persons, so tailored solutions may be found on the mid and long terms.

More importantly, currently there are no policy proposals to deal with statelessness in Lebanon, either on the government's political agenda or the parliament's legislative one.

The study makes the following recommendations to the Lebanese State:

- The State must adopt a clear policy to reduce statelessness in Lebanon, a policy that first recognizes the responsibility of the Lebanese State in resolving the dilemma of stateless persons and then works towards making the right to nationality and the prevention of statelessness a Constitutional principle, enacting a consistent and integral legal framework governing the issue of nationality and naturalization in line with recognized international human rights norms and standards.
- The State must carry out a comprehensive survey to identify stateless persons in Lebanon and to take all necessary measures to register them, in order to protect them and to find adequate solutions to end their statelessness.
- The State must initiate a public awareness campaign on registration, and facilitate and encourage the registration of unregistered marriages and births.
- The State must establish a comprehensive rights-based protection framework for stateless persons in order for them to access basic and fundamental rights.
- The State must make serious efforts through dialogue and the assistance of the United Nations High Commissioner for Refugees, and other specialized non-governmental organizations to find adequate

and appropriate ways to reduce the phenomenon of statelessness in Lebanon.

- The State should consider providing legal aid assistance to enable stateless persons to have access to justice to end their stateless status.
- The State must encourage research into issues related to nationality and statelessness by making all related data and information available to the research community as well as the larger public.
- The State must amend the Constitutional Council statute to allow for challenges of unconstitutionality to discriminatory provisions and all provisions that are not in line with international standards related to nationality and the reduction of statelessness.

INTRODUCTION

Article 15 of the Universal Declaration of Human Rights stipulates that "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality, nor denied the right to change his nationality."

Today, in a nation-state world system, nationality, which is one of the prerogatives of state sovereignty, is one of the most fundamental rights in that system. Yet, in many instances, the nation-state system, as well as the dissolution of states, or the establishment of new states, migration flows, forced migration and the displacement of people, have all caused the emergence of the phenomenon of statelessness. Most of these developments, which occurred in the early and middle part of the 20th century, rendered large numbers of people stateless or caused ambiguity in their legal status, thus depriving them of any legal protection.

In order to ensure that the basic right to a nationality is upheld and respected, as well as the right of every person, including stateless persons, to enjoy basic and fundamental human rights, special international conventions relating to statelessness and citizenship have been drafted by the United Nations. However, Lebanon has not ratified any of them or acceded to any of them to date, though it is a party to the core human rights instruments that provide protection for this category of people.

There are no official statistics as to the number of stateless persons in Lebanon, but they are estimated to be in the hundreds of thousands. The lack of field research and an official

survey of this population (no population census has been conducted since 1932), make it more difficult to determine the exact number and profile of the stateless population in Lebanon. Yet, the existence of stateless persons is a known fact.

A number of stateless persons in Lebanon may have the legal possibility to claim Lebanese citizenship and to be considered Lebanese by the State, but for a number of systemic factors they have not acquired Lebanese nationality. This can be attributed to historical, political, administrative, financial, social or religious, and demographic reasons. These factors have led thousands of individuals and their descendants to live as invisible “Lebanese” citizens. The legal consequences of the denial of the right to nationality in Lebanon affect the stateless person’s right to enjoy all other rights, such as the right to education, to health care, to work, to own property, to movement and most importantly to state protection.

Despite the existence of a significant number of stateless persons, this issue is not present on the agenda of the State’s institutions – the government and the parliament - or on the agenda of most human rights associations. The interventions of civil society, are limited in scope and vision, to a needs-based and not a rights-based approach, focused on providing material assistance, thus failing to address the legal aspects of the issue of statelessness.

In 2006, Frontiers Association first began its work on this subject by conducting an initial compilation and analysis of the available literature. The findings of the preliminary research indicated the need for more in-depth legal and policy studies to better understand the causes of this phenomenon.

In 2008, FR submitted a shadow report to the UN Committee on the Elimination of all Forms of Discrimination against Women (CEDAW) entitled “Women’s rights in Lebanon: Gender Discrimination in Nationality and Residency.” The report focused on gender discrimination faced by Lebanese women with regard

to passing on their Lebanese nationality to their spouses or children. Frontiers argued that this discrimination leads to more cases of statelessness, particularly when the spouse is already a stateless person.[1]

The present report looks in greater depth at the relevant existing legal framework and judicial trends, with the intention of making suggestions to address the problem, in order to propose practical solutions for its reduction. Thus, the study analyses the legal status of stateless persons and looks at the factors and circumstances that prevent them from acquiring nationality or lead to them losing it. It seeks to discover the flaws in the relationship between the individual and the State in the case of stateless persons in Lebanon and the legal reasons behind such flaws. This study is limited to desk research analyzing the legal aspects that cause the phenomenon of statelessness in Lebanon, and does not enter into the subject of other rights to which these persons are entitled.

The study's approach and methodology rely primarily on desk research using both primary and secondary legal sources and court decisions. It analyses the relevant Lebanese laws related to the grounds for acquisition of nationality and for reduction of cases of statelessness, Lebanese case law on nationality, as well as the administrative interpretation of nationality rules. The study used only selected court decisions and as such does not claim to be a comprehensive analysis of all related court decisions. These decisions indicate judicial trends and highlight the differing interpretations of the law by the courts in specific cases. We also used a number of decisions issued by First Instance courts, although these may be overturned by the higher courts. Such verdicts are taken to show the variety of interpretations by the lower and upper courts.

The findings of the study indicate that Lebanese nationality laws suffer from a number of shortcomings, including gender

1 The report is available at frontiersruwad.wordpress.com.

discrimination, and that the related implemental administrative and judicial procedures are vague and inconsistent and open to different interpretations, leading to conflicting and sometimes contradictory jurisprudence. This may cause, among other things, the phenomenon of statelessness.

The study concludes, inter alia, that there is a need for further field research and survey of the stateless population; that the Lebanese State should find appropriate ways for the registration of all births; that the Lebanese State should amend the existing nationality laws and procedures, and elaborate a comprehensive and detailed legal framework to regulate citizenship issues that would not leave any room for contradictory interpretations, with the aim, among other things, of addressing and reducing the phenomenon of statelessness in Lebanon. It also recommends that the United Nations High Commissioner for Refugees (UNHCR), being mandated to protect stateless persons and promote the reduction of the phenomenon of statelessness worldwide, work closely with the Lebanese State to find proper and adequate measures and procedures to tackle the phenomenon in Lebanon with the aim of eradicating it completely.

Frontiers Ruwad hopes through this study to shed some preliminary light on statelessness in Lebanon. The lack of specialized literature on the issue means that more field research and analysis will be necessary for a comprehensive overview of the problem.

CAUSES OF STATELESSNESS

A stateless person is defined by the 1954 Convention relating to the Status of Stateless Persons (hereafter, 1954 Convention) as "a person who is not considered as a national by any State under the operation of its law."[2] According to the United Nations High Commission for Refugees (UNHCR), this definition applies only to individuals who fit into the category of de jure stateless, while there is a category of de facto stateless persons, who are technically in possession of a nationality; however this nationality is not effective for the conferring of any practical rights or protection. These persons were therefore made the subject of a recommendation in the Final Act of the 1954 Convention.[3]

Thus, there are two categories of stateless persons: de jure stateless are those who are not granted nationality automatically or by virtue of an individual decision under the operation of the laws of the State; and de facto statelesss, being those who cannot prove they are de jure stateless, or who may hold a nationality, but do not receive any of the benefits traditionally associated with nationality.

As to the causes that lead to statelessness, the Special Rapporteur, appointed by the International Law Commission in its third session in 1951 to study statelessness, in preparation

2 Article 1 of the Convention relating to the Status of Stateless Persons, Adopted on 28 September 1954 by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 526 A (XVII) of 26 April 1954, available at http://www2.ohchr.org/english/law/stateless.htm#

3 Ibid. Final Act.

for the drafting of international conventions on stateless persons and the reduction of statelessness, outlined the following causes:[4]

Statelessness at birth

The application of both jus soli and jus sanguinis may lead to statelessness. The subsidiary application of jus soli in jus sanguinis countries has contributed to the reduction of statelessness. However, under the laws of most countries, the application of the secondary principle (jus soli in countries where the law is based on jus sanguinis or vice versa) is, however, subject to certain conditions, and still leads to statelessness in those cases where the conditions are not fulfilled.

Foundlings may be stateless when the place of birth is unknown. A considerable number of States, however, confer their nationality on a child found in their territory on the basis of a presumption that the child was born there, which results in reducing statelessness.

Birth aboard vessels may lead to statelessness in jus soli countries which do not assimilate birth aboard a ship (outside their territorial waters) flying their own flag with birth in the territory, or which do not assimilate birth aboard a foreign ship in their territorial waters to birth in the territory.

Statelessness subsequent to birth

A person becomes stateless after birth if his nationality is withdrawn or cancelled without another nationality being conferred upon him. This may occur:

4 Report on Nationality, Including Statelessness by Mr. Manley O. Hudson, Special Rapporteur, Document A/CN.450/, Extract from the Yearbook of the International Law Commission, vol. II, 1952.

- As a result of conflicts of nationality laws

Under the laws of some countries, a change in the personal status of an individual may lead to withdrawal of nationality by the state. Such a situation may arise in cases of marriage to an alien, legitimization, adoption, recognition of affiliation by an alien, or dissolution of marriage in the case of a person on whom nationality has been conferred by marriage. Statelessness may then result, when these changes in personal status are not recognized in other countries as avenues by which nationality can be conferred.

Such changes could also lead to the perpetuation of statelessness in cases where the spouse was stateless prior to marriage. According to the principle of the unity of the family, the nationality of the wife follows that of the husband, the nationality of minor children that of the father in the case of legitimate children and that of the mother in the case of illegitimate children. Divergence between the laws of different nation states with respect to the application of this principle may lead to the statelessness of women and children as a consequence of the loss of nationality by their spouse or parent, without the acquisition of another nationality.

- As a result of a voluntary action of the national

Within the legal systems of certain states, nationals may renounce their nationality regardless of whether or not another nationality is conferred on them. This may result in statelessness. Under the law of some states, nationality is withdrawn by operation of law if a national has continuously resided abroad for a certain length of time. This is because the stay abroad is regarded as implying voluntary expatriation. Some states limit this procedure to nationals born abroad or to naturalized persons. The application of such provisions may lead to statelessness in cases where the national residing abroad has not acquired the nationality of the country where they are residing.

- As a result of a unilateral action of the State

Under the laws of certain countries, nationality may be withdrawn from an individual by a decision of the competent authority.

In the case of denationalization, the decision is imposed on a number of grounds, such as entry into a foreign military or civil service; acceptance of honors and titles without authorization; conviction for criminal offences; and disloyalty. Disloyalty is considered to be expressed through acts such as evasion of military service; illegal emigration; refusal to return to the country upon request by the authorities; hostile association; desertion from the armed forces; commitment of treason or of other activities prejudicial to the interests of the State.

Apart from denationalization on grounds of disloyalty, which is usually permissive and imposed by decision on an individual case, some States have enacted special legislation providing for collective denationalization on political, racial or religious grounds. These laws turn all the individuals of certain categories of nationals into stateless persons.

Denationalization may be regarded as giving effect to the national's desire for expatriation. This may be distinguished from those cases where denationalization is imposed as a penalty. The decision may take effect by operation of law (collective denationalization) or by decision of the competent authority in the individual case based on enabling laws (individual denationalization). Denationalization may or may not automatically affect the wife or minor children of a national.

As to denaturalization, this may result from the cancellation of the process of naturalization due to an absence of material conditions for naturalization. It could also result from the subsequent withdrawal of naturalization on the grounds of disloyalty or disaffection, hostile association, bad conduct, a criminal conviction, a prolonged absence or return of the naturalized person to the country of his former nationality with the intention to remain there. Denaturalization may also result in statelessness

if the denaturalized person cannot acquire another nationality.

- As a result of territorial changes

In cases of annexation (incorporation) of the entire territory of another State, the nationality of the absorbed State ceases to exist by virtue of the extinction of the State. Unless the nationality of the annexing State is conferred upon the former nationals of the annexed State, they will become stateless.

Furthermore, statelessness may also result in cases where the nationality of inhabitants is regulated by treaty. This could arise if the provisions specified within the treaty have not been fully implemented by the municipal laws of the States party to the treaty; because the treaties and implementing laws are being interpreted or applied in a manner which creates statelessness; or because the treaties contain lacunae as to the conferment of nationality on the inhabitants, for example by requiring the establishment of links of attribution which are inadequate or difficult to prove.

In certain instances, individuals are given a choice under a treaty as to how they would like to pursue nationality. For example, an option can be offered to all the inhabitants of a transferred territory or to special groups, and can take the form of either a positive choice, or a negative choice. An example of a positive option would be that the group is afforded the right to declare in favour of retaining the nationality of their previous State or of acquiring the nationality of the successor State. In contrast, a negative option would be a situation where the group is afforded the right to repudiate the new nationality or to emigrate. An option is a unilateral act which does not require acceptance, and a positive option should not lead to statelessness. In practice, however, it has led to statelessness. There have been instances where options were held to be invalid by the State in whose favour they were exercised. This could have been on grounds of the expiration of time limits or noncompliance with prescribed formalities. It could also have resulted from the fact that the right was granted to

particular groups only (racial, linguistic or religious minorities) and because an individual was considered not to belong to the eligible group, and as a consequence of choosing to pursue the option, his/her original nationality was revoked.

The UNHCR Handbook for Parliamentarians and Information and Accession Package to the Conventions relating to Statelessness published in 1999 added the following causes that lead to statelessness:[5]

- Administrative practices

There are numerous administrative and procedural issues related to the acquisition, restoration, and loss of nationality. Even if an individual is eligible for citizenship – indeed, even if an individual has successfully applied for citizenship – excessive administrative fees, deadlines that cannot be met, and/or an inability to produce required documents because they are in the possession of the former State of nationality can all prevent the individual from acquiring nationality.

- Discrimination

Sometimes individuals are unable to acquire the nationality of a particular State despite having strong ties to that State – ties that, for other persons, would be sufficient to trigger the granting of citizenship. Discrimination based on race, colour, ethnicity, religion, gender, political opinion, or other factors can be either overt or created inadvertently in the laws or as they are implemented. Laws may be said to be discriminatory if they contain prejudicial language or if the result of their application is discrimination.

- Laws relating to the registration of births

Without proof of birth, that is, without a recognized birth registration, it is almost impossible for a child to establish his/

5 UNHCR, Information and Accession Package: The 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, first published in June 1996; revised in January 1999, available at http://www.unhcr.org/refworld/docid/3ae6b3350.html

her identity and thus to acquire a nationality. Orphaned and abandoned children often do not have a confirmed nationality. Illegitimate children may also be prevented from acquiring nationality. The adoption practices of some States may lead to statelessness if, for example, children are unable to acquire the nationality of their adoptive parents. In addition, in many countries, women are not permitted to pass their nationality on to their children, even when the father has no nationality. In these instances, the child is stateless.

WHO ARE THE STATELESS PERSONS IN LEBANON?

In addition to the large population of stateless Palestinian refugees, there is a population of stateless persons in Lebanon for which numbers and profiles cannot be identified, due to the lack of access to public information, and given the lack of a proper official population census and in-depth field research, as well as studies on the reasons for and origins of their statelessness, and available immediate and long term solutions. However, there are an estimated 80,000 to 200,000 stateless persons in Lebanon,[6] who apparently are entitled to be considered Lebanese by law but who do not hold Lebanese nationality; some of them may be registered with the relevant authorities as Qaid ad-Dars, which means that their original nationality or their request to obtain Lebanese nationality is "under study", while others may not be registered at all, are therefore completely undocumented and have no official records.

The causes of statelessness in Lebanon can be attributed to a number of factors. The most important cause is territorial change when Lebanon was detached from the Ottoman Empire as per the Treaty of Lausanne in 1923,[7] which transferred the territories

6 Interview with UNHCR Representative in Lebanon, June 2011.

7 Treaty of Lausanne, 24 July 1923, United Nations Treaty Series, 1924 No. 701, Articles 30 to 36, available at http://untreaty.un.org/unts/60001_120000000027480/30/14/.pdf

that were under the dominance of the Ottoman Empire to French and British mandates, and established the new nationalities of the inhabitants of these territories who were considered Ottoman subjects prior to that date. However, the decisions and later their implementation appear to have led to a number of persons being excluded from recognition as Lebanese nationals. The first implementation of the Treaty of Lausanne in regards to Lebanese nationality was Decision 2825 of 30 August 1924.[8]

Historically, aside from Palestinian refugees, the most commonly known stateless persons, who have lived in Lebanon for many years and have built socio-economic and emotional ties to the country, belong to a number of ethnic groups, such as Kurds, Assyrians, Armenians, and Chaldeans. A number of these ethnic groups acquired Lebanese nationality in the past following the 1921 or 1932 census. However, some continue to be stateless, as they have apparently abstained from registering for various reasons, political or practical, or due to their ignorance of the consequences of non-registration.[9] The two censuses and all related extensions were intended to determine the population of Lebanon and the number of those of Lebanese origin living abroad, in order to provide them with identity cards.[10] Today, many of these stateless persons are said to be children and grandchildren of persons who failed to register at that time.[11]

This could be the case, for example, of the Bedouin nomads, who most probably did not, at the time, understand the importance

8 Lebanese Nationality (and Turks residing in Lebanon), Decision 2825, dated 30 August 1924, Official Gazette, issue no. 1804, dated 30 September 1924.

9 See: Rania Maktabi "The Lebanese Census of 1932 Revisited: Who Are the Lebanese?", British Journal of Middle Eastern Studies, vol. 26, no.2, (November 1999), pp. 219241-.

10 Article 15, Decision no. 763, dated 9 March 1921, related to the formalities and operation of the census in Greater Lebanon, available at http://www.legallaw.ul.edu.lb/luonline/OfficialJournal/Viewer.aspx?DocumentId=21583.xml; and Article 16 of Decree 8837, dated 15 January 1932, related to Lebanese Republic Population Census, Official Gazette, issue no. 2606, dated 18 January 1932.

11 See: Maktabi, op. cit., n.9.

of registration, or could not prove their residency in Lebanon for more than six months, as was required by Decree 8837 of 1932, or because they wanted to evade registration to avoid taxation and the control of a centralized administration.[12] The inhabitants of Wadi Khaled in the Akkar region at the Syrian border are also said to have opposed the creation of Greater Lebanon and did not register.[13] On the other hand, the population of the Lebanese Seven Villages, on the Lebanon/Palestine border, was made stateless after the territory was detached from Lebanon by the 1922 Paulet-Newcombe Agreement between France and Britain.[14]

Another category of stateless persons consisted of foreign men married to Lebanese women whose contact with their original countries had ceased and who consequently lost the nationality of their original countries; others were refugees who came from the Turkish territories or persons of Turkish origin who came to Lebanon after 30 August 1924, the date that Lebanese nationality came into effect, as well as refugees who were not able to prove their presence in the country on that date. The latter were registered as "foreigners without nationality." According to the 1932 census 61,297 persons were recorded as "foreigners without nationality."[15]

Furthermore, in 1939 Lebanon issued Decision 182 regarding the area of Iskenderun Sanjak (Alexandretta), based on an agreement between the French and Turks regarding the area. The Decision stipulated that every person over 18 years of age from Iskenderun Sanjak who opted for Lebanese (or Syrian) nationality and who later moved to Lebanon would be registered as Lebanese in the

12 See Rania Maktabi, "*State Formation and Citizenship in Lebanon: The Politics of Membership and Exclusion in a Sectarian State*" in Uri Davis (ed.), Citizenship and the State: a Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon (London, 1997), pp. 146178-.

13 Ibid.

14 Badawi Abou Dib, Lebanese Nationality, (second edition, Beirut: Sader Pbl., 2001).

15 Summary of the Results of the Lebanese Republic Census of 1932, dated 1 October 1932, Official Gazette, issue no. 2718, dated 5 October 1932.

personal status registry within six months of his arrival. In the event the registration was not done on time, decisions related to "unregistered people [would] be applied," [16] i.e. the concerned individuals would have to resort to the courts to register themselves.

Another factor contributing to statelessness seems to have been related to administrative shortcomings. For instance, a number of registered persons during the 1932 census were later removed from the records, as they were considered as not deserving nationality (apparently there was a confessional and class selection in favour of well off persons and Christians).[17] Today, there are second and third generation descendents of these stateless persons.

In addition, there are other factors causing statelessness in Lebanon today. For example statelessness is caused by the non-registration of marriages and the subsequent non-registration of the birth of children born of these marriages; or unregistered children born outside wedlock; or children born to unknown parents. Furthermore, the gender discrimination against Lebanese women embodied in the Lebanese Nationality laws with respect to their inability to pass their nationality onto their children has led to a significant number of stateless children. These are mainly children resulting from marriages between Lebanese women and stateless men. All these cases reproduce the same status from generation to generation.

Thus, the root causes of statelessness in Lebanon are multiple and the solution will also have to be multifaceted.

16 Article 1, Decision 182 of 26 August 1939 related to the Nationality of persons who have used the right to opt as per Article 3 of the French-Turkish Agreement of 23 June 1939, Official Gazette, issue no. 3718, dated 2 October 1939.

17 See: Maktabi, (1999), op. cit n.9.

SAFEGUARDS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS

INTERNATIONAL STANDARDS

Today, there are two adopted UN Conventions which specifically deal with the issue of statelessness: the Convention Relating to the Status of Stateless Persons (1954),[18] and the Convention on the Reduction of Statelessness (1961).[19] When the latter Convention came into force, the General Assembly requested that the Office of the UNHCR provisionally undertake the functions foreseen under the Convention.[20]

These two conventions do not provide explicitly for the right to a nationality, rather they provide for the rights to which stateless persons are entitled within the country of their habitual residence (1954 Convention), and for the grounds to acquire, lose and recover nationality, as well as to reduce statelessness (1961 Convention).

These conventions emphasize the responsibility of each state to eradicate the phenomenon of statelessness. Article 32 of the 1954 Convention reads:

> The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

18 Op. cit. n.2.

19 Convention on the Reduction of Statelessness, Adopted on 30 August 1961 by a Conference of Plenipotentiaries which met in 1959 and reconvened in 1961 in pursuance of General Assembly resolution 896 (IX) of 4 December 1954, available at http://untreaty.un.org/ilc/texts/instruments/english/conventions/6_1_1961.pdf

20 UN General Assembly, Resolution 3274 (XXX), dated 10 December 1974, available at http://www.unhcr.org/3dc8dca44.pdf

LEBANON'S OBLIGATION TO PREVENT AND REDUCE STATELESSNESS

Lebanon has yet to accede to the two conventions dealing specifically with statelessness. Nevertheless, Lebanon has obligations towards stateless persons on the basis of other core international human rights instruments that it is a party to, such as the International Covenant on Civil and Political Rights (ICCPR);[21] the Convention on the Rights of the Child (CRC);[22] and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).[23] These instruments are applicable to all persons and guarantee the right of every individual to a nationality, as well as basic and fundamental rights without distinction between nationals and non-nationals.

The Universal Declaration of Human Rights (UDHR) affirms these principles.[24] Though the Declaration is non-binding, many of its provisions have the status of customary international law; and as far as Lebanon is concerned, it is enshrined in the Preamble of the Lebanese Constitution, and as such has the

21 International Covenant on Civil and Political Rights (ICCPR), adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, available at http://www2.ohchr.org/english/law/ccpr.htm, ratified by Lebanon by Law 3855, dated 1 September 1972, with no reservations, Official Gazette, issue no. 76, dated 21 September 1972.

22 Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, available at http://www2.ohchr.org/english/law/crc.htm. Lebanon ratified this Convention by Law 20, dated 30 October 1990, with no reservations, Official Gazette, issue no. 45, dated 8 November 1990.

23 Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979, available at http://www2.ohchr.org/english/law/cedaw.htm. Lebanon ratified this Convention by Law 572, dated 24 July 1996, Official Gazette, issue no. 34, dated 1 August 1996.

24 Universal Declaration of Human Rights, General Assembly Resolution 217 (III), dated 10 December 1948, available at http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/88/IMG/NR004388.pdf?OpenElement

force of a constitutional law.[25]

In the following section, we will look at the Lebanese nationality laws to determine the extent to which they are in line with international standards, and whether they cause, or reduce and prevent statelessness. We will refer to some judicial decisions and administrative advisories to highlight the interpretation and implementation of such legal provisions.

25 Para (b) of the Lebanese Constitution states that Lebanon is "Arab in its identity and in its association. It is a founding and active member of the League of Arab States and abides by its pacts and covenants. Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception." Lebanese Constitution, issued on 23 May 1926, and all amendments, available at http://www.lp.gov.lb/doustour/default.htm; See Constitutional Council, Decision 2/2001, dated 10 May 2001, considering that the Constitution's preamble has the same force as the whole Constitution. Available in Arabic at http://www.conseil-constitutionnel.gov.lb/ar/arabic/arrets.htm

DOES THE LEBANESE LEGAL FRAMEWORK CAUSE, OR PREVENT AND REDUCE STATELESSNESS?

The relationship between the phenomenon of statelessness and nationality is organic. Nationality is defined as a legal bond between an individual and a state. This bond entails the existence of reciprocal rights and duties.[26] The absence of such a legal bond may result in a condition of statelessness. The Lebanese Cassation Court stated in one of its decisions that "admitting the nationality of an individual implies the recognition of their ties to a certain society or of their belonging to a state."[27] In another decision, the Cassation Court stated that nationality is "the establishment of a political and legal bond between the individual and the State."[28]

In general, the acquisition of nationality is either by birth or through naturalization. The laws of most countries are based on a combination of jus soli with jus sanguinis or of jus sanguinis with jus soli. The jus sanguinis ground is based on the blood bond by which the nationality of the state is passed to children

26 The International Court of Justice (ICJ) defines nationality as "a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interest and sentiments, together with the existence of reciprocal rights and duties"; International Court of Justice, Nottebohm Case (Second Phase), Judgment of 6 April 1955, available at http://www.icj-cij.org/docket/files/18/2676.pdf; also, the Inter-American Court of Human Rights defines nationality as "the political and legal bond that links a person to a given State and binds him to it with ties of loyalty and fidelity, entitling him to diplomatic protection by that State", Inter-American Court of Human Rights, Castillo-Petruzzi et al. v. Peru, Judgment of May 1999, Inter-American Court of Human Rights, Series C No. 52, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_52_ing.pdf

27 Civil Cassation Court, First Chamber, Decision 23, dated 8 December 1967, Adl (Beirut Bar Association magazine), (1968), p. 343.

28 Civil Cassation Court, Decision 4, dated 5 May 1997, Adl (1997), p. 6; Civil Cassation Court, Third Chamber, Decision 27, dated 15 March 1972, Adl (1972), p. 444.

born to one or both parents holding its nationality, regardless of the place where the children were born. The jus soli is the mechanism by which the nationality of a state is granted to children born on its territory.[29]

Considering the close link between nationality and statelessness, we will be looking below in detail at the related Lebanese nationality laws in force today with regard to the acquisition, loss and recovery of nationality, in order to determine to what extent they cause, or prevent and reduce statelessness in Lebanon.

It is worth mentioning that the right to Lebanese nationality, its loss and recovery, are not enshrined in the Lebanese Constitution. Article 6 of the Constitution briefly states:

> Lebanese nationality and the manner in which it is acquired, retained, and lost is to be determined in accordance with the law.[30]

As such, there are no constitutional rights and guarantees in regards to nationality. This makes it impossible to challenge the constitutionality of the related positive law.

THE BIRTH OF LEBANESE NATIONALITY

Territorial Change

Until the Treaty of Lausanne (1923), Lebanon was part of the Ottoman Empire. The intention of this Treaty was to regulate the nationality of people who habitually lived in the territories that were under the control of the Ottoman Empire prior to the treaty coming into force, and who were at that time in possession of Turkish citizenship. The Treaty stipulated seven articles (Articles 30 to 36) related to the acquisition of nationality by the people of the newly created countries.[31]

29 Op. cit. n.4.

30 Lebanese Constitution of 23 May 1926 and its amendments, available in Arabic at http://www.lp.gov.lb/SecondaryAr.Aspx?id=12

31 Op. cit. n.7.

According to Article 30 of the Treaty, persons residing in these territories would become nationals of the State to which these territories were annexed, by operation of the law, and subject to the conditions of the local laws:

> 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.

Article 31 provided that adults residing in these detached countries may opt for Turkish nationality:

> Persons over eighteen years of age, losing their Turkish nationality and obtaining ipso facto a new nationality under Article 30, shall be entitled within a period of two years from the coming into force of the present Treaty to opt for Turkish nationality.

In addition, Article 32 stipulated that people residing in these countries who were of a different race from the majority of the population could opt for the nationality of one of the countries where the majority of the population was of their race:

> Persons over eighteen years of age, habitually resident in territory detached from Turkey in accordance with the present Treaty, and differing in race from the majority of the population of such territory shall, within two years from the coming into force of the present Treaty, be entitled to opt for the nationality of one of the States in which the majority of the population is of the same race as the person exercising the right to opt, subject to the consent of that State.

Article 34, gives the option to adult Turkish nationals who were living abroad at the time the Treaty came into force, to opt for either Turkish nationality or the nationality of the detached territory. However, this option was subject to the consent of the authority of that territory:

> … 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…

Finally, Article 36 established the paternal jus sanguinis of Lebanese nationality:

> … the status of a married woman will be governed by that of her husband, and the status of children under eighteen years of age by that of their parents.

The Establishment of Lebanese Nationality

In application of the Treaty of Lausanne, two main decisions were issued in the following years: Decision 2825 of 30 August, 1924[32] and Decision 15 of 19 January, 1925.[33] The first defined and set the criteria for who would be Lebanese and the procedures

32 Op. cit. n.8.

33 Lebanese Nationality Law, Decision 15 of 19 January, 1925, Official Gazette, issue no. 1838, dated 27 January 1925.

necessary to be considered Lebanese and/or to opt for Lebanese nationality; the second was the first nationality law per se stipulating the terms for acquiring, and passing on, losing and recovering nationality.

Decision 2825 – the original grounds for the acquisition of Lebanese Nationality

In 1924, the High Commissioner of the French Republic in Syria and Greater Lebanon issued Decision 2825 entitled "Lebanese Nationality and Turkish nationals residing in Lebanon",[34] which repeated the provisions on nationality stipulated in the Treaty of Lausanne mentioned above with adaptation for people residing in the territories of Greater Lebanon. This decision confirmed that every person of Turkish nationality residing in Greater Lebanon on 30 August, 1924 "acquires (ipso facto) the Lebanese nationality and is counted from now on to have lost his Turkish Citizenship."[35] It provided for adults who had lost their Turkish citizenship and were granted Lebanese nationality the right to opt for Turkish nationality within the coming two years when the decree came into force.[36] Similarly, persons of a different race from the majority of the Lebanese population were given the right to opt for the nationality of another country where the population was of the same race.[37] The same right was given to persons of Lebanese origin living abroad on 30 August 1924, to opt for Lebanese nationality within the two year period. For the latter category, the period to opt was extended several times. The last extension was in 1956.[38]

34 Op. cit. n.8.

35 Ibid. Article 1.

36 Ibid. Article 2.

37 Ibid. Article 3.

38 The last Agreement between the Turkish and Lebanese authorities was on 8 January 1956; it extended the delay for two years, starting 29 September 1956; see Badawi Abou Dib, op. cit. n.14.

The provisions set by Decision 2825 for the acquisition of Lebanese nationality or to opt for another nationality were to be applied to the inhabitants of Greater Lebanon and immigrants of Lebanese origin if, on 30 August 1924 , they met the two main requirements: they were Ottoman subjects and residents of Lebanon, or Turkish subjects of Lebanese origin living abroad at that date.

The right to Lebanese nationality and the right to opt were also regulated by Article 10 of the Nationality Law, issued by Decision 15 of 1925:

> While retaining all the rights related to the right to opt as stipulated in the Peace Treaty signed at Lausanne in 1923, is considered Lebanese every person born on the Greater Lebanon territory of a Lebanese father also born in the said territory and was on 1 November 1914 an Ottoman subject.

In preparation for Decision 2825 and its implementation, the French High Commissioner and the Governor of Greater Lebanon had carried out a census in 1921 of the inhabitants of Greater Lebanon for classification, registration and documentation. A second census was conducted in 1932. The process continued, however, through several extensions of the period for either registration or correction of records.

1921 Census

The terms of operation, criteria, and mechanism for the implementation of the first population census of 1921 were set by Decision 763, issued by the French High Commissioner on 9 March 1921.[39] The census was to be carried out within a period of three months starting from the date of the publication

39 Op. cit. n.10.

of the Decision in the official Gazette (Article 1);[40] those of Lebanese origin and who were present in the country were to be entered in Register "A"; and those of Lebanese origin whose habitual residence was in Greater Lebanon but who were temporarily abroad, as well as foreigners who had other nationalities, would be entered in Register "B".[41] The Annex to the Decision provided for the registration of Lebanese emigrants in a special register on the basis of declarations made by their relatives or by the "mayor" (mukhtar). They were, however, later requested to register with the French consulate in the country they were residing in if they had not acquired the nationality of that country.[42] The Decision also stipulated that every person registered during the census would receive an identity card (specimen C), and identity cards issued before this registration would be cancelled.[43] It also stipulated that a fine would be imposed if individuals did not show the new identity card.[44] The Decision further stipulated that the Higher Census Committee look into and report on various irregularities related to the giving of false or incomplete information during the census, including cases of omission or avoidance, and intentional or unintentional impersonation. The Higher Census Committee would write a report about each of these cases and refer them to the relevant competent court. The penalty consisted of a fine of between one and 25 Syrian liras.[45]

Despite the importance of the 1921 census that would have identified who would be considered Lebanese, a significant number of people are said not to have registered during that process. Also, many individuals had to correct their records

40 Ibid. Article 1.

41 Ibid. Article 11.

42 Ibid. Annex.

43 Ibid. Article 15.

44 Ibid. Article 16.

45 Ibid. Article 19

through court proceedings. Considering there was a need to determine who should be issued an identity card and who should be on the list of voters, and considering that the period for correction of personal data through court proceedings was taking too long, there were a number of extensions of the period to register and/or to correct personal data following the 1921 census. These extensions aimed to allow the Lebanese present in the country who, for one reason or another, did not manage to register during the process of the census, time to register or correct their records. These extensions were measures mainly of an administrative nature and based on decisions and decrees or laws issued by the French authorities and the relevant Lebanese authorities.[46] Anyone who did not register or did not correct their personal records was considered as having intentionally abstained from registering and would be penalized. Nevertheless, these decisions kept open the possibility for any Lebanese present in the country to resort to the courts after the deadline of the extensions to demand registration and correction of their records.[47]

In 1924, Decision 2676 was issued that provided for the review, within a period of three months after its publication, of the results of the census of Lebanese emigrants of 1921, and to complete the registration of emigrants of Lebanese origin who

46 See: Decision 159, dated 30 September 1922, related to renewal of delays to register or correct registration, Official Gazette, issue no. 1601, dated 17 October 1922; Decision 2492 of 13 March 1924, related to the last deadline to register or correct registration in the Census records, Official Gazette, issue no. 1749, dated 21 March 1924; Decision 2676 of 10 September 1924, related to the review of immigrants, Official Gazette, issue no. 1804, dated 30 September 1924; Decision 2682 of 13 September 1924, related to giving a last deadline to those who did not complete the Census formalities, Official Gazette, issue no. 1804, dated 30 September 1924; Decision 2978 of 19 February 1925, related to a General Census of Refugees Originating from Ottoman Territories and living in Lebanon, Official Gazette, issue no. 1846, dated 24 February 1925; Law of 28 November 1930 related to the delay given to the Lebanese people to obtain identity cards, Official Gazette, issue no. 2430, dated 30 December 1930; Law of 5 June 1931, related to the delay to complete the Census formalities, Official Gazette, issue no. 2513, dated 15 June 1931.

47 Ibid.

did not register in the 1921 census.[48] The operational terms of this Decision followed those of Decision 763 (1921). This census registry is said to have been destroyed.[49]

The Lebanese emigrants were further given the right to register whenever they returned to Lebanon, within six months of their arrival, or through the courts if they failed to register during that prescribed period.[50]

Refugees present in Lebanon after 1921 were counted by a census in 1925. Decision 2978 of 1925 aimed to register within two month of its publication all refugees who originated from one of the countries of the Ottoman Empire but not a territory under the French mandate, and who had been resident on Lebanese territory from 30 August 1924.[51]

The 1932 Census

The 1932 census was the second and last major population census carried out in Lebanon. This census was regulated by the Law of 24 November, 1931,[52] its Annex, issued on 19 December 1931,[53] and Decree 8837 of 15 January 1932.[54]

48 Decision 2676 of 10 September 1924 related to the review of immigrants census, Official Gazette, issue no. 1804, dated 30 September 1924.

49 See, for example, Lebanese Cassation Court, Third Civil Chamber, Decision 60, dated 25 April 1967, Nashrah Qada'iyah Lubnaniyah (1967), p. 584; and Lebanese Cassation Court, Second Chamber, Decision 26, dated 6 December 1965, Nashrah Qada'iyah Lubnaniyah (1965), p. 982.

50 Article 3, Decision 2682 of 13 September 1924, Official Gazette, issue no. 1804, dated 30 September 1924.

51 Article 1, Decision 2978 of 19 February 1925, related to a General Census of Refugees Originating from Ottoman Territories and living in Lebanon, Official Gazette, issue no. 1846, dated 24 February 1925.

52 Law of 24 November 1931, General Census, Official Gazette, issue no. 2584, dated 27 November 1931.

53 Annex, dated 19 December 1931, to Law of 24 November 1931, related to the general census, Official Gazette, issue no. 2594, dated 21 December 1931.

54 Decree 8837, dated 15 January 1932, related to the Lebanese Republic Population Census, Official Gazette, issue no. 2606, dated 18 January 1932.

Decree 8837 set the operational terms of the census. It stipulated, among other things, the responsibility of the Census Committee to prepare a general list of the population of the Republic of Lebanon, and another one of Lebanese emigrants, as well as one specifically for foreigners present in the country detailing the countries they were nationals of.[55] Lebanese and foreigners residents in Greater Lebanon and emigrants were to be included in the census.[56] The census was designed to cover every household in the country,[57] and all types of institutions, such as monasteries, orphanages and foundling homes, mental institutions, shelters for the elderly, boarding schools and university dorms, hospitals, hostels and hotels, prisons, and ships and other vessels.[58]

However, Decree 8837 excluded the Bedouin nomads, who could not prove that they were living in Lebanon for more than six months.[59] Refugees who came from Turkish territories and were in Lebanon on 30 August, 1924 would be counted as Lebanese if they could show the identity card issued after the 1921 census; they included Armenians, Assyrians, Chaldeans, and Greeks.[60] Refugees who arrived after that date and did not acquire Lebanese nationality, and those who could not prove that they were in Lebanon on 30 August, 1924 would be counted as foreigners and would be considered foreigners and registered as "without nationality."[61]

The Decree also stipulated that after the census and the recording of the lists, the Personal Status Department would start

55 Ibid. Article 8.

56 Ibid. Article 9.

57 Ibid. Article 10.

58 Ibid. Article 11.

59 Ibid. Article 12.

60 Ibid. Article 13.

61 Idem.

issuing identity cards,[62] which every Lebanese was obliged to obtain. This was optional for foreigners.[63]

As for those Lebanese who were temporarily absent from the country during the census and whose names were not recorded on the lists, they had to present a declaration to the local Personal Status Bureau to be registered in the Census registry within a month after their return.[64] Any person whose registration was missed during the census, for whatever reason, could be registered at any time thereafter.[65]

Like the 1921 census, the 1932 census was followed by a number of extensions for limited periods in order to allow those who were not initially included or those whose registration included mistakes to be able to register or correct their personal status records.[66] However, extensions were mainly limited to persons of Lebanese origin, whether residents or living abroad. For example, Decree 122 of 9 November 1933, stipulated that the extension was for registration or correction of data for resident Lebanese, and Lebanese emigrants who had acquired Lebanese nationality by virtue of the status of their residency in Lebanon on 30 August 1924, or who opted for Lebanese

....

62 Ibid. Article 16 .

63 Ibid. Article 18.

64 Ibid. Article 19.

65 Idem.

66 See Decree 122 of 9 November 1933, related to giving a six month delay to register and correct the registration in the Census records, Official Gazette, issue no. 2898, dated 29 November, 1933; Law of 4 May 1935 related to the registration applications in the Census records, Official Gazette, issue no. 3120, dated 8 May 1935 ; Law of 24 February 1936 (correction of law of 4 May 1935), Official Gazette, issue no. 3246 dated 26 February 1936; Law of 25 May 1937 related to registration in the Census records, Official Gazette issue no. 344, dated 26 May 1937; Law of 7 May 1938, related to the applications in the Census records, Official Gazette issue no. 3573, dated 12 June 1938; Decree 3826 of 10 February 1939, complementing Decree 8837, dated 15 January 1932, Official Gazette, issue no. 3653, dated 16 February 1939; Law of 5 April 1939; Legislative decree 353 of 16 March 1943, related to the renewal of personal status declarations, Official Gazette, issue no. 4073, dated 24 March 1943.

nationality.[67] Fearing that not all those concerned would be in a position to comply with these provisions, the legislature allowed those who failed to register to resort to the courts at any time in order to request corrections of records (new registration was not mentioned).[68]

Furthermore, Decree 3826 of 1939 gave Lebanese emigrants who emigrated after 30 August 1924, and who had not already registered during the process of the census before emigrating, the right to register in the official records through their legal representatives after establishing the date of emigration.[69] This legal provision did not set any time limit for an individual to benefit from this right, regardless of when they emigrated. A number of persons are believed to have benefitted from the provision, including thousands of Christian Egyptians and stateless Palestinians who claimed to be of Lebanese origin.

Despite all these efforts to register persons and to identify those who met the requirement to acquire Lebanese nationality at that period, there are persons of Lebanese origin who are still unregistered to this day and who are known as Maktoumi al-Qaid. These persons may resort to the courts of First Instance, as Law 68 of 4 December 1967 gave these courts exclusively the competency to look into law suits brought before them by Maktoumi al-Qaid persons requesting to be registered as Lebanese.[70]

As mentioned above, the 1932 Census stipulated the issuance of identity cards for foreigners, including those without nationality. It is not clear if that mechanism and procedure

67 Article 1, Decree 122 of 9 November 1933, Official Gazette, issue no. 2898, dated 29 November, 1933.

68 Ibid. Article 4.

69 Article 1, Decree 3826 of 10 February 1939, complementing Decree 8837 dated 15 January 1932, Official Gazette, issue no. 3653, dated 16 February 1939.

70 Law no. 68 of 4 December 1967, related to the representation of the State in all nationality related lawsuits, Official Gazette, issue no. 99, dated 11 December 1967.

was open for new refugees or stateless persons who came at a later stage. However, they could be among those who applied to be considered as Lebanese and were registered as Qaid ad-Dars (under study) and who obtained residency permits based on that status, until a decision on their application for Lebanese nationality is issued. Indeed, it is not clear if registration as Qaid ad-Dars is still possible today and what the related procedures are. It is also not clear why the Maktoumi al-Qaid should resort to the courts to prove they have the right to be considered Lebanese if they meet the legal requirements set by the above mentioned legal provisions, while the Qaid ad-Dars are dealt with on a purely administrative level. In other words, would it be possible to find persons Maktoumi al-Qaid registered as Qaid ad-Dars? Or is the term Qaid ad-Dars confined to persons who do not meet the requirement set by Decision 15 and who either have no other nationality and are requesting Lebanese nationality, or are foreigners with a known foreign nationality who are simply applying for Lebanese nationality?

Despite all these processes and procedures to identify and register the population of Greater Lebanon – Lebanese and non-Lebanese – there are today a number of persons who claim that they meet the requirements to be registered and to be considered Lebanese nationals but who were left in limbo. This is the case, for example, with the Bedouins. In addition, there were waves of refugees that came from the Turkish territories after the 1932 census, such as the Kurds, who arrived in the 1940s and who did not meet the requirements of the above mentioned legal provisions, and hence remained undocumented for decades.[71]

Furthermore, some persons are said to have found themselves unregistered due to administrative mishandling and loopholes

71 See Article 13, Decree 8837 of 15 January 1932, op. cit. n.10; See also Mount Lebanon Appeal Court, First Chamber, Decision 254, dated 31 July, 1974, Nashrah Qada'iyah Lubnaniyah (1974), p. 1029.

and procedural irregularities.[72] There were fears that such incidences were politically motivated.[73] There are court cases where such administrative and procedural irregularities - striking off names allegedly registered by fraud or untrue records - were raised during the court proceedings.[74] Some court decisions mention that the 1924 records were destroyed, which makes it difficult for people to prove their Ottoman origin.[75]

A quick overview of the court decisions related to cases of registration of records and application to be considered Lebanese as per Article 1 of Decision 2825 and following operational laws and decrees, of persons who did not register during the censuses and the extension periods, indicate that the number could be significant. These cases are brought before the courts even today. Most of these cases are of persons of Ottoman origin claiming to have been permanently resident in Greater Lebanon. The most difficult issue surrounding these law suits, however, is the question of proof of evidence of the two requirements set by Decision 2825: residency in Greater Lebanon on 30 August 1924 and being of Ottoman origin.

The most commonly accepted evidence of Ottoman origin and residency in Greater Lebanon includes registration in the census; identity cards; birth certificates; official attestation based on the census registry; reference to the family name in books on the history and origin of families; or a court decision.[76] In the absence of such evidence, other evidence is accepted, such as witness testimonies.

72 See: Dr. Sami Abdallah, Lebanese Nationality in Comparison with Arab Syrian and French Nationality, (Arabic), (Beirut, 1986).

73 See: Rania Maktabi (1999), op. cit. n.9.

74 See the Lebanese State vs. Habrahoum Osanian & al, Beirut Appeal Court, Sixth Chamber, Decision 1626, dated 12 December 1972, Nashrah Qada'iyah Lubnaniyah (1973), vol. 2, p. 807.

75 Civil Cassation Court, Second Chamber, Decision 26, op. cit. n.49.

76 Article 1, Decree 398, dated 29 November 1949, related to the individual application to be considered Lebanese, Official Gazette, issue no. 49, dated 7 December 1949.

The question of proof is the subject of different legal opinions. However, the tendency of the jurisprudence of the Lebanese Cassation Court is to consider that residency in Greater Lebanon on 30 August 1924 is a material fact that can be proved by any available evidence, and to accept personal testimonies/ statements in case of the impossibility of presenting hard evidence to prove Ottoman origin.[77]

Despite the possibility of the use of a wide range of evidence, it remains in certain circumstance difficult to provide such proof. This difficulty stems from a number of factors: non-possession of relevant documents; the loss of registration documents by the administration (such as the 1924 statistical registry); time lapse that may erase memory of factual events and/or the death of witnesses. This could be one of the main factors that have led to statelessness, and may explain the continuous presence of stateless persons in Lebanon today.

THE NATIONALITY LAW - DECISION 15, 1925

One year after Decision 2825, the Nationality Law was issued by Decision 15 of 19 January 1925 (hereafter referred to as Nationality Law of 1925) that set the framework for the acquisition, loss and recovery of Lebanese nationality, as well as the terms and procedures for naturalization. This Law was based on the Decree of 23 November 1920 and Decision 2825 of 30 August 1924.

GROUNDS FOR THE ACQUISITION OF LEBANESE NATIONALITY BY BIRTH

The grounds for the acquisition of Lebanese nationality by operation of the law at birth, are a combination of both jus sanguinis and jus soli.

77 See, for example, Lebanese Cassation Court, Third Civil Chamber, Decision 60; and Lebanese Cassation Court, Second Chamber, Decision 26, op. cit. n.49.

Jus Sanguinis Ground

There are three categories of persons who acquire Lebanese nationality by operation of the law at birth.

Article 1 (1) of the Nationality Law of 1925, considers as Lebanese every person born of a Lebanese father. The jus sanguinis ground for the acquisition of Lebanese nationality based on patriarchal lineage has been interpreted by the Lebanese courts to have two prerequisites: 1) the Lebanese nationality of the father at the time of the child's birth; and 2) the establishment of legitimate affiliation.

1. The Lebanese nationality of the father at the time of the child's birth

Here, the child would be considered Lebanese if the father holds Lebanese nationality, or if he is entitled to it, at the time of birth of the child.[78] The child acquires the father's nationality immediately upon registration in the first case;[79] and, in the second case, by a court decision that establishes the father's entitlement to the nationality and consequently declares Lebanese nationality for the child.[80]

The child is considered Lebanese as long as the father is Lebanese at the time of birth of the child, regardless of the place of birth or the nationality of the mother. This applies even if the State of the nationality of the mother allows her to pass her nationality on to her children, or if the State where the birth took

78 See, for example, Beirut Civil Appeal Court, Chamber 6, Decision 1626, op. cit. n.74.

79 See for example, Mount Lebanon First Instance Court, Chamber 5, Nabhan vs. Lebanese State, Decision dated 4 June 2009; see also Mount Lebanon Civil Appeal Court, First Chamber, Decision 47, dated 11 February 1972, Adl (1972), p. 509; Civil Cassation Court, Third Chamber, Decision 102, dated 13 October 1972, Adl (1974), p. 304.

80 See for example: Beirut Civil Appeal Court, Chamber 6, Decision 385, dated 12 March 1973, Adl (1974), p. 72.

place grants its nationality jus soli. The Lebanese nationality laws do not prohibit dual nationality.[81]

2. Establishment of legitimate affiliation to the Lebanese father

Legitimate affiliation is established by a valid and legitimate marriage, or a marriage that is presumed to be legitimate by the two parties. According to Lebanese courts, legitimate affiliation may also be established by witnesses if written evidence or assumptions indicate that it is so.[82]

Article 2 of the Nationality Law of 1925 considers Lebanese a child born outside wedlock:

> The illegitimate child, whose parental affiliation is established when still minor, shall have Lebanese nationality if one of his parents in respect of whom affiliation is first established is Lebanese. If the proof of affiliation regarding both the father and the mother results from a single contract or judgment, the child shall acquire the nationality of the father should the latter be Lebanese.

The above mentioned legal provisions emphasize jus sanguinis as the primary ground for the acquisition of Lebanese nationality.

In principle, the adoption of jus sanguinis as grounds for the acquisition of nationality by birth is one of the internationally recognized standards. The above-mentioned Lebanese standards entail both positive and negative aspects. The positive aspect is that a legitimate child born of a Lebanese father acquires Lebanese nationality by operation of the law regardless of the place of birth (Article 1(1) of Nationality Law of 1925); the same is applied to the illegitimate child if his/her affiliation to a Lebanese parent is first established (Article 2 of the Nationality Law of 1925). These

81 See Civil Cassation Court, Decision 102, op. cit. n. 79.

82 See Beirut Civil Appeal Court, Chamber 6, Decision 385, op. cit. n.80.

provisions prevent the possibility of a legitimate child ending up stateless if born abroad in a country that does not provide nationality on jus soli grounds and to a foreign mother whose nationality cannot be passed on to her child on jus sanguinis ground; they also allow an illegitimate child, regardless of the place of birth, to be considered Lebanese if one of his/her Lebanese parents acknowledges parenthood. On the other hand, the negative aspects are serious and entail gender discrimination in Article 1(1) against Lebanese women, as well as against illegitimate children in terms of categorization and age conditions. The Lebanese Nationality Law (Article 1(1) discriminates against Lebanese women, as it limits to Lebanese fathers the right to pass their nationality on to their children. In addition to the fact that this is discrimination in absolute terms, there are situations where this discrimination causes statelessness: when a Lebanese woman is married to a stateless person, their child is considered as stateless, even if born in Lebanon, unless the mother declares the child as illegitimate. This is in violation of the Constitutional principle of "equality between citizens", and contrary to international standards that call for the right of a woman to pass her nationality on to her child, born in the territories of the mother's state, if the child would otherwise be stateless.[83]

The Nationality Law of 1925 also distinguishes between legitimate and illegitimate children when born of Lebanese parents, and provides a specific provision for the acquisition of nationality by illegitimate children. Despite this distinction, the Law allows the father or mother or both, to bestow their Lebanese nationality if the affiliation is established (Article 2). However, this is only possible when the child is a minor. This may lead to statelessness if the parental affiliation is established after the child attains majority, particularly if that child did not acquire another nationality. Also, there is a risk that the illegitimate child ends up stateless if his/her known parents do not recognize him/her; or if one of the parents does not recognize the child and the other parent's nationality

83 Op. cit. n.19.

cannot be passed on grounds of jus sanguinis; or because both parents themselves are stateless.

In 1950, the Ministry of Justice confirmed that

> The establishment of affiliation of an illegitimate child should take place when he is minor for him to be considered Lebanese. Otherwise, the child preserves the foreign nationality he acquired jus soli or remains stateless if he acquired no other nationality, and he would therefore have to apply for naturalization in order to become Lebanese.[84]

Later, in 1961, a Ministry of Justice Advisory stated that

> …an illegitimate child is considered Lebanese in two situations: if one of the parents to whom affiliation has been established first is Lebanese or if the father is Lebanese when affiliation has been established at the same date to the two parents. Outside such situations, the child cannot be considered Lebanese…However … the child's affiliation cannot be recognized and hence he/she cannot be considered as Lebanese if born outside of a marriage that had been pronounced void by the competent authorities… [85]

The Mount Lebanon Appeal Court ruled in 1972 that

> … illegitimate children whose affiliation had been established during their minority have the right to be considered Lebanese if one of their parents is Lebanese… they would therefore have the right to be registered on their [father's] records as illegitimate.[86]

84 Ministry of Justice, Advisory 353/R/1950, dated 24 July, 1950, cited in Chikri Sader and Antoine Braydi, *Compilation of Ministry of Justice Advisories,* (Arabic), (Beirut: Sader Pbl.), vol. 7, p.7271.

85 Ministry of Justice, Advisory 259/R/1961, dated 11 July, 1961, ibid., p. 7276.

86 Mount Lebanon Civil Appeal Court, First Chamber, Decision 312, dated 24 Novem-

As for the Lebanese mother who recognizes her illegitimate child, the judicial interpretation of Article 2 of the Nationality Law of 1925 is that the child should be registered on the mother's individual Personal Civil Status records, and those of her parents.[87] This applies as long as the affiliation to the mother has been established, regardless of whether the father is known and whether or not his nationality is known.[88]

It should also be noted that an illegitimate child whose affiliation was established in respect of a Lebanese parent when he/she was a minor would be considered Lebanese from birth. The establishment of affiliation does not therefore grant him Lebanese nationality as such but declares his/her Lebanese nationality, regardless of the date on which the affiliation was recognized, as long as this act took place when the child was a minor.[89]

Having looked at the grounds for the jus sanguinis acquisition of Lebanese nationality, it is important to highlight that many cases are brought before the courts by individuals claiming the right to be considered Lebanese by birth. There are many and various reasons for resorting to the courts, such as parents not registering the birth of their children during the prescribed delay for registration; or because parents did not register during the 1932 census but claim to meet the conditions for such registrations; or the definite return to Lebanon of Lebanese emigrants who did not opt for nationality in the 1930s. The tendency of the jurisprudence is to affirm the right to citizenship when all the required conditions are met. However, the issue of evidence and proof remains problematic. There are no set criteria

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ber, 1972, Adl (1973), p. 96

87 Nabatiyah Single Judge Sitting in Personal Status Cases, Decision 359, dated 20 November 2007.

88 South Lebanon Civil Appeal Court, Second Chamber, Decision 15/96, dated 29 November 1996, Adl (1996), p. 150

89 Op.cit. n.14, p. 104.

and means of evidence which are considered conclusive by the court. As such, this issue is left to the absolute discretion of the court. This may sometimes lead to cases of statelessness if the claimant does not have another nationality.[90]

Jus Soli Ground

The acquisition of Lebanese nationality by operation of the law on jus soli grounds is stipulated in Article 1 (2) and (3) of the Nationality Law of 1925 that states:

> Is considered Lebanese
>
> Every person born in the territory of Greater Lebanon and it was established that [he/she] did not acquire a foreign nationality, upon birth, by affiliation.
>
> Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.

Thus these provisions limit the jus soli grounds exclusively to three categories of individuals: 1) those who prove that they did not obtain another nationality by affiliation; 2) those whose parents are unidentified; 3) and those whose parents' nationality is unknown. The common denominator between the three case types is birth on Lebanese territory, and the acquisition of Lebanese nationality by application of the law. In addition, Paragraph 3 of the Law appears to require that parents are unknown or of unknown nationality. This implies that if either of the parents is known or his/her nationality is known, the provision does not apply.

According to the Legal Advisory Committee of the Ministry of Justice, the intention of the legislature in stipulating the condition of "parents of unknown nationality" is that it should be interpreted as persons who unintentionally lost their

90 The Civil Cassation Court, Third Chamber, Decision 132, dated 30 November 1973, Adl (1974), p. 315.

foreign nationality due to the laws of the State of their original nationality. As for persons "born in Lebanon and who did not acquire a foreign nationality at birth", it means that the parents are not considered citizens by the State of their country of origin due to the laws of that country.[91]

1) Children born on Lebanese Territory who are proven not to have obtained any foreign nationality at birth by affiliation (Article 1(2))

In addition to the material fact of birth of a child on Lebanese territory, this provision (Article 1(2)) is applied to children born of known parents. The provision starts from the premise that the father of the child is not Lebanese, regardless of whether the mother is Lebanese or a foreigner who cannot pass on her nationality. Secondly, it should be established that the child did not acquire any foreign nationality by birth. This is a positive clause in the Lebanese Nationality Law, as it prevents a situation of statelessness in cases such as that of a child born to foreign parents who cannot pass their nationality on to their children born in Lebanon either because the parents' country of nationality applies solely the jus soli principle, or because it applies the jus sanguinis principle if a child is born outside its territories or to de jure stateless parents. However, this acquisition of nationality is subject to certain conditions, and may lead to statelessness if these conditions are not fulfilled.[92]

Numerous lawsuits have been brought before the courts by individuals who wish to be considered Lebanese nationals based on Article 1(2). The Lebanese lower courts (First Instance) applied this provision to children whose fathers hold "under study" (Qaid ad-Dars) identity cards and those who are unregistered (Maktoumi al-Qaid).

91 Ministry of Justice, Advisory 9/1973, dated 8/January, 1973, op. cit., n. 84, p. 7277.

92 Op. cit. n.4.

One such case involved a child born in Lebanon to an unregistered father and a Syrian mother. After establishing that the claimant had no nationality, and that he was born in Lebanon, and did not acquire any foreign nationality upon birth, including his mother's -as Syrian mothers do not pass their nationality to their children - the court ruled that the child should be considered Lebanese according to Article 1 (2) of the Nationality Law of 1925.[93]

Another case involved two persons born in Lebanon to a Lebanese mother and a Qaid ad-Dars ("under study") father. The First Instance court took into consideration the fact that, since the father is the one who passes on his nationality to his children, and in this case the father's status was Qaid ad-Dars, implying that his nationality was currently unidentified, the father would be considered of unknown nationality or an unidentified nationality. The court declared that in this situation the claimants would have acquired no foreign nationality at birth and therefore the provisions of Article (1-2) of the Nationality Law of 1925 would apply.[94]

However, not all persons holding Qaid ad-Dars identity cards are considered by the courts as having been children who did not acquire a foreign nationality by affiliation. For example, the Appeal Court of Mount Lebanon ruled negatively in a case involving children registered as Qaid ad-Dars who were requesting to be considered Lebanese on the grounds that they did not acquire any foreign nationality by birth and their father was of unknown nationality to date [date of the court case]. The court considered that they did not meet the conditions of the provisions of Article 1 (2, 3-2) of the Nationality Law of 1925. The Court reasoned that the father came to Lebanon 30 years ago from Turkey and his Turkish nationality was known and therefore

93 Mount Lebanon First Instance Court, Third Chamber, Decision 163/2008, dated 22 May 2008.

94 First Instance Court of Metn, Chamber 3, Decision in case No. 400/2006, dated 23 February 2006.

the children would have acquired their father's nationality by affiliation. [95]

Another court decision interpreted Article 1(2) to be limited to children born to a foreign father and who do not have the right to acquire a foreign nationality by the application of the laws of the country of the father.[96]

2) Children of Unknown Parents born on Lebanese Territory (Article 1(31-))

Again, this provision is positive in the sense that it may prevent cases of statelessness, as it falls under the legal provision that grants Lebanese nationality at birth by operation of the law. This provision concerns mainly foundlings and sometimes children born out of wedlock who are not recognized by their natural parents.

The condition "born on Lebanese territory" may be problematic if it cannot be proved, but it seems to be less so for the condition of "unknown parents." For both conditions, the courts consider these to be material facts that may be proven by all available means.[97]

The Lebanese courts have sometimes given the claimants the benefit of the doubt and issued positive decisions on the presumption that a child was born in Lebanon. This was the position of the Court of Cassation when it stated:

> … it was presumed, as long as there is no proof to the contrary, that the parents of […] are not known, and that he was born in Lebanon. It may be presumed that a foundling of his age found in the neighborhood

95 Mount Lebanon Appeal Court, First Chamber, Decision 254, op. cit. n.71.

96 Appeal Court of the North, First Chamber, Decision 400, Nashrah Qada'iyah Lubnaniyah (1972), p. 988.

97 First Instance Court of Metn, Chamber 3, Decision 1760/2005, dated 14 July 2005 (unpublished).

> of the [...] was born in this area, thus in Lebanon. The applicant should therefore be registered in the civil status records, based on the certificate issued by the Mayor, in application of paragraph 3 of Article 1 of Decision 15 of 1925. [98]

As for the second condition - of "unknown parents" - parents who do not recognize a foundling are considered by the Lebanese judiciary as "unknown parents" although they may be known in reality.[99]

The proof of evidence used by the courts that a foundling is of unknown parents includes the fact that the child was found by the police and this is recorded in the police report; an attestation by the orphanage that they received the child from the police and obtained a birth certificate from the mayor using pseudonyms, including the names of the mother and father, as well as the fact that no one claimed parenthood of the foundling. Other supporting evidence includes the investigation carried out by the General Security officers and an attestation from the mayor stating that the child was entrusted to the orphanage.[100]

3) Children born on Lebanese Territory to Parents of Unknown Nationality (Article 1(32-))

Again, this provision helps to prevent and reduce statelessness by ensuring that persons born to parents of unknown nationality are considered by the law to have a legal bond purely on grounds that they were born on Lebanese territory. In the context of Lebanon, this provision may be applied to: children

98 Civil Cassation Court, Second Chamber, Decision 4597, dated 17 June, 1997, Nashrah Qada'iyah Lubnaniyah (1997), vol. 1, p. 754. The Court referred to Law 541 of 29 July 1996, stipulating that it is prohibited to mention on personal status records that the child is a foundling or of unidentified parents.

99 Op. cit. n.97.

100 See for example, Civil Cassation Court, Second Chamber, Decision 4597, op. cit. n.98; and First Instance Court of Metn, Chamber 3, Decision 1760/2005, op. cit. n.97.

born to parents holding the Qaid ad-Dars identity cards, or undocumented parents, or parents who have lost their foreign nationality by the application of the laws of their country of origin. Yet, while it might be easy to prove birth on Lebanese territory, it might be more difficult to prove that the nationality of the parents is unknown. Cases brought before the courts requesting that individuals be considered as Lebanese on the basis of Article 1(3-2) were lost due to lack of or insufficient proof that the parents are of unknown nationality.

For example, in the case mentioned under Article 1(2) above,[101] the court also looked to see if the appellants met the conditions of Article 1(3-2) and concluded that their father could not be considered of unknown nationality because:

> … the father had known Turkish nationality when he came to Lebanon around 30 years ago; his children born in Lebanon may not be considered to have been born to parents of unknown nationality as they are considered to have acquired the nationality of their father at birth; that registering the appellants as Qaid ad Dars since 1962 is not sufficient proof that they are of an unidentified nationality but this merely means that the State is undertaking a study to decide whether or not to grant them Lebanese nationality. As such the conditions of Article 1, paragraph. 2 and 3, of Decision 15 of 1925 are not met in this case.

However, a dissenting opinion considered that the mere arrival of the father from Turkey more than 30 years ago does not prove that he has Turkish or any other nationality: what should be used as proof to decide the status of the appellants is a letter from the Director-General of the General Security dated 26 June, 1974 that confirms "that the Appellants were registered in 1962 as "nationality under study", and there was

101 Mount Lebanon Appeal Court, First Chamber, Decision 254 dated 31 July, 1974, Nashrah Qada'iyah Lubnaniyah (1974), p. 1029 .

no evidence in the registry that they held any nationality." This opinion went on to state that "first of all, "nationality under study" does not mean a specific nationality. All this phrase means is that the relevant authorities are studying the case and carrying out an investigation to discern whether or not the concerned person has a specific nationality." The opinion went further, stating that "the time needed for the study [of the Qaid ad-Dars case/file] must be reasonable, and can conclude from the fact that the Administration has been studying the case of one of the Appellants for 12 years and from the letter of the Director-General of the General Security... that the parents of the Appellants and their offspring are not of a specific nationality. Otherwise, the General Security would have been able to determine their nationality during that period."[102]

In another case, the Beirut Appeal Court ruled on the case of children claiming the right to Lebanese nationality on grounds of Article1(3-2) since their Czech parents, holding Lebanese Qaid ad-Dars identity cards, were considered as being of unknown nationality. The court concluded that the children born in Lebanon of a foreigner holding a temporary Lebanese residency card or Qaid ad-Dars card do not become Lebanese based on Article 1 (3) of the Nationality Law of 1925, unless they can prove that their parents lost their foreign nationality for reasons beyond their control. The court issued a judgment that there was no conclusive evidence that the parents of the Appellants became persons of unknown nationality based on the following reasoning: Firstly, the Appellants did not deny that their parents were of Czech origin; secondly, Lebanese General Security gave them a temporary residency card noting that they were of an unidentified nationality, cards that were given to them based on their own statements just as they were given to other foreigners living in Lebanon for many years without holding or showing to the authorities

102 Ibid. p. 1031.

their original identity cards or passports, in order to count these foreigners and regularize their residency in Lebanon until their status is eventually decided; and thirdly, the phrase "of unidentified nationality" written on these cards was later replaced by "nationality under study". In addition, the Appellants were not able to prove that their parents had definitely lost their Czech nationality and were unable to recover it due to circumstances outside their control or because of the laws of that country.[103]

This position regarding persons holding Qaid ad-Dars identity cards, which were previously named "unidentified nationality " cards, was affirmed by the Ministry of Justice Advisory:

> ...the application for Lebanese nationality by children born in Lebanon to parents holding Qaid ad Dars or "of unidentified nationality" cards...is to be rejected.[104]

Procedures for the Acquisition of Lebanese Nationality by Birth

The procedures for the acquisition of Lebanese nationality by birth (Article 1 of the Nationality Law of 1925) is by operation of the law upon an act of declaration of birth to the civil status officer within 30 days of the birth, accompanied by a birth certificate.[105] If the child is not registered administratively within the first year of birth, a judicial order is required for the declaration of the birth in the father's personal status record.[106] This request may be filed either by the parents or

103 Beirut Appeal Court, Chamber 6, Decision 289, dated 25 March, 1974, Nashrah Qada'iyah Lubnaniyah (1974), p. 316.

104 Ministry of Justice, Advisory 9/1973, dated 8 January, 1973, op. cit. n. 84, p. 7277.

105 Article 11, Civil Status Records Law, dated 7 December 1951, Official Gazette, issue no. 50, dated 12 December 1951.

106 Civil Cassation Court, Decision 5, dated 24 November 1983, available at http://www.legallaw.ul.edu.lb/luonline/Jurisprudence/ViewerBefore2000.aspx?DocumentId=3146.xml

the Public Prosecutor or children when they become adult.[107] The competency of the Courts in matters pertaining to the registration of births in order to obtain nationality is limited to pronouncing the plaintiffs Lebanese, as they acquire the nationality by law. Both the Appeal and Cassation Courts confirmed that registering the child is intended primarily to officially declare his affiliation, and nationality is just one of the legal consequences of this affiliation.[108]

Both the administrative and judicial declaration of birth leads to the registration of a child on the parents' personal status records and as a consequence the child acquires Lebanese nationality. In principle, this procedure should apply to all cases that fall under Article 1. However, in practice, the birth of newborn children that fall under Article 1(2) and (3) may, for a number of reasons, not be administratively registered and most of them, at majority, resort to the courts to obtain a decision that proves that they are eligible for Lebanese nationality. Meanwhile, they live as stateless persons. It appears that ignorance of the laws, the cost and lengthy period that it takes to obtain a court decision, as well as the problem of evidence are for many hindrances to resorting to the courts. In that case, they remain stateless for their whole lives.

The State is considered to be represented in all nationality related lawsuits, as a main party, according to Article 2 of Law 68/1967. This decision was confirmed by the courts when it was ruled that nationality lawsuits cause direct damage to the State, and that it is the concern of the sovereign state to know and decide who may or may not become one of its nationals. The courts concluded that, as a result, nationality lawsuits should be filed against the State. Such lawsuits are considered to be in the

107 Article 12, op. cit. n.105.

108 See for example, Beirut Appeal Court, Chamber 6, Decision 416, dated 18 March 1974, Nashrah Qada'iyah Lubnaniyah (1974), p. 82, and Civil Cassation Court, Third Chamber, Decision 138, dated 5 December,1973, Adl (1974), p. 316.

public interest, and the general prosecutor therefore has the right to initiate and appeal them.[109] The Appeal Court also considered that the Public Prosecution Office retains the power to represent the State in nationality related lawsuits, even if the State is also represented by the Hay' a Qadaya (Department of Legal Affairs) of the Ministry of Justice.[110]

Although the legal provisions related to nationality and registration of birth prevent the possibility of children becoming stateless if they fall under Article 1(1) of the Nationality Law of 1925 but are not registered, as they can resort to court at any time to obtain registration. Nevertheless, if they fail to do so they remain maktoumi al-qaid. There are situations, however, where the claimant may face difficulty providing proof that he/she meets the conditions of these provisions. For example, if a Lebanese father was not registered, the child has to prove that the father meets the legal requirements to be considered Lebanese.

Furthermore, the procedures for implementation of Article 1(2 and 3) and Article 2 are not clear. Children born in Lebanon whose parents hold Qaid ad-Dars cards are victims of double prejudice; their legal status has been pending a decision by the Administration for decades, and as such they cannot resort to the courts to obtain Lebanese nationality on grounds of these legal provisions before the completion of the study of their file by the Administration.

In conclusion, the above legal provisions may reduce significantly the number of stateless persons in Lebanon. Many of these provisions are to a certain extent in line with internationally recognized standards for the reduction of statelessness and the right to nationality. However, the Lebanese nationality laws violate the principle of non-

109 Mount Lebanon Civil Appeal Court, Decision 139, dated 16 April, 1962, Nashrah Qada'iyah Lubnaniyah (1962), p. 824.

110 Mount Lebanon First Civil Appeal Court, Decision 269, dated 22 December 1966, Nashrah Qada'iyah Lubnaniyah (1966), p. 1167 .

discrimination. All international human rights instruments emphasize the principle of non-discrimination - whether on gender or race grounds - in the enjoyment of rights. Yet Lebanon, upon ratification of CEDAW,[111] entered serious reservations on Article 9, paragraph 2, related to the equal right of women to pass their nationality on to their children,[112] and on Article 16, paragraphs c,d,f and g, related to equality within marriage.[113] Due to the Lebanese confessional system, Lebanon justifies these reservations on the grounds that personal status affairs are not civil matters but rather governed by religious courts, and any change would contradict religious beliefs and norms. To be in compliance with international human rights standards, Lebanon ought to amend its laws in order to eradicate gender and social discrimination.

GROUNDS FOR THE ACQUISITION OF LEBANESE NATIONALITY BY NATURALIZATION

The Lebanese Nationality Law provides for the naturalization of foreigners, which is granted at the State's discretion by a presidential or governmental decree. The Nationality Law of 1925 contains two clauses for naturalization: Article 3 related to the naturalization of foreigners, and Article 4, which concerns the

111 Op. cit. n.23.

112 Ibid.

113 These paragraphs provide that: "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:
(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;
(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;"

naturalization of a foreign woman married to a naturalized person and his children, as well as the naturalization of a foreign woman and her children after the death of her foreign husband

Naturalization of Foreigners (Article 3)

This article stipulates that a foreigner may request to be naturalized if the person meets one of the following conditions:

can prove that he/she has lived in Lebanon for 5 years without interruption;

in the case of a male, is married to a Lebanese woman and can prove he has lived in Lebanon for 1 year since his marriage without interruption.

offers a 'great service' to Lebanon; in this case, the application should be accepted by a reasoned decision.

This article is still in force today, despite the fact that another law related to naturalization was enacted - the Law of 27 May 1939.[114] This law did not explicitly abrogate Article 3 of the Law of 1925. However, this law was later abrogated by Decision 122/LR of 19 June 1939 that stipulated that both laws (the Law of 27 May 1939 and Decision122/LR) would become applicable from the date the Law of 27 May 1939 was published in the Official Gazette.[115] The Law of 27 May 1939 was later annulled by the naturalization Legislative Decree 48 of 31 May 1940. In the opinion of a number of scholars the fact that Decision 122/LR, which abrogated Article 3 of the Nationality Law of 1925, was linked to the law of 27

114 The Naturalization Law, dated 27 May, 1939, Official Gazette, issue no. 3684, dated 5 June 1939; this Law increased the period of residence required for naturalization from 5 to 10 years for all foreigners, and from one to 5 years for foreigners married to Lebanese women, and gave the Government, instead of the President of the Republic, the discretionary power to grant nationality to a foreigner who offers extraordinary services to Lebanon, regardless of the term of his residence in the country.

115 Article 1 of Law issued by Decision 122/L.R, dated 19 June 1939, Amending Decision 15 of 1925, Official Gazette, issue no. 3696, dated 17 July 1939.

May 1939, the annulment of the latter by Decree 48 of 1940 tacitly annulled Decision 22/LR too, and therefore Article 3 of the Nationality Law came into force again.[116]

This opinion is supported by the fact that the Lebanese State has since issued a number of naturalization decrees, the last one being in 1994.[117] Considering that there are no other legal provisions for naturalization, these subsequent decrees can only be based on Article 3 of the Nationality Law. Otherwise, these naturalization decrees would have been legally groundless. Further, the State Council ruled in this regard that naturalization is the acquisition of Lebanese nationality according to specific conditions included in Article 3 of the Nationality Law of 1925, and rather than being by operation of the law, it requires the issuance of a discretionary decision by the President of the Republic.[118] In addition, the information available on the website of the Ministry of Interior confirms that the conditions regulating applications for naturalization are determined by the Nationality Law. However, the Ministry makes it clear that it is not definite that a foreigner who meets these conditions will be granted Lebanese nationality.[119]

Which foreigner is eligible to apply for naturalization?

In order to determine if naturalization in Lebanon is an appropriate measure to reduce statelessness, as recommended

116 See Laure Moghaizel, *Women in Lebanese Legislation*, (Arabic), first edition, Arab Womens'Studies Institute (Beirut,1985), pp. 74-75; see also Elias Abou Eid, A study of the Naturalization Decree 5247 of 1994, cited in Joseph Abou Fadel, The Naturalization Decree is More Dangerous than Our Sectarian Wars, (Arabic), Diyar Daily, 5 November 1998; see also Badawi Abou Dib, op. cit., n. 14.

117 State Council, Chamber 4, Decision 484, dated 7 May 2003, Adl (2003), p. 4: the State Council, in its reasoning of the Decision related to the Naturalization Decree of 1994 referred to Article 3 of Decision 15 of 1925 when looking at the issue of competency of the authority that could issue a decree of naturalization.

118 State Council, Decision 111, dated 29 June 1987, available at http://www.statecouncil.gov.lb/view2.asp?id=129

119 Ministry of Interior, General Questions, available at http://www.moim.gov.lb/ui/FaqDetails.aspx?faqid=352 (as of June 2011).

by international standards,[120] it is necessary to analyze whether stateless persons are included in the definition of « a foreigner » who may apply to benefit from these provisions.

Article 3 of the Lebanese Nationality Law of 1925 defines a "foreigner" as someone who has resided without interruption in Lebanon for a required period, or has a registered certificate of marriage to a Lebanese woman and uninterrupted residency in the country. These requirements imply that the foreigner has documentation to obtain a residency permit and a registered marriage certificate, which leads to the conclusion that unregistered persons who do not possess any documentation and no residency permit may not benefit from the provisions related to naturalization.[121]

The Lebanese Cassation Court defined foreigners who may be naturalized as "… foreigners who have no link whatsoever with Lebanese nationality…"[122] This means that Maktoumi al-Qaid fall outside the scope of Article 3. Yet, according to some court decisions a "foreigner" could be a person of a determined or unidentified foreign nationality.[123] As such, persons holding Qaid ad-Dars identity cards, or those who are of unidentified nationality, or who are registered as stateless or can prove they meet the conditions of the provisions of naturalization are considered as

120 Article 32 of the 1954 Convention relating to the Status of Stateless Persons provides that the "Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings". The Convention leaves it to each state to determine the conditions and criteria for acquisition of its nationality by naturalization.

121 Article 3, op. cit. n.33.

122 Civil Cassation Court, Third Chamber, Decision 33, dated 28 February 1973.

123 Civil Cassation Court, Third Chamber, Decision 92, dated 4 July 1973, Adl (1974), p. 33.

foreigners.[124] In one Ministry of Justice Advisory concerning a request for an opinion on the issue of naturalization of a person who does not have a nationality, it was stated that Lebanese law does not exclude persons who have lost their nationality, whatever their original nationality, from being granted Lebanese nationality in the same manner as any other foreigner. However, the loss of nationality could have resulted from political or legislative measures taken by the foreign country regarding some of its nationals. As such, the naturalization of such persons could be considered as a hostile act by that country, and for this reason naturalization decisions should be on a case by case basis.[125]

It should be noted that it is unclear whether the naturalization provisions are administratively frozen. At the time of this report, the website of the Ministry of Interior clearly states that the Lebanese State is not currently accepting any naturalization applications; and today there are no timelines to apply for citizenship, even if the conditions for naturalization are met.[126]

The Naturalization Decree 5247/1994: Is it a Special Measure?

In 1994, the Lebanese government issued Naturalization Decree 5247, which granted Lebanese nationality to more than 170,000 persons.[127] The Decree is made up of only two clauses. Article 1 states that "The naturalization of the persons mentioned below is accepted"; the second Article stipulates that the Decree is to be published and all concerned parties notified, as needed. The names of the naturalized persons were included in a special annex.[128]

124 Op. cit. n.122.

125 Ministry of Justice, Advisory 441/R/1962 dated 23 August 1962, op. cit., n.84, p. 7295

126 Ministry of Interior, General Questions, available (in Arabic) at http://www.moim.gov.lb/ui/FaqDetails.aspx?faqid=504 (as of June 2011).

127 Decree 5247, dated 20 June 1994, "Acceptance in Lebanese Nationality", Official Gazette, Annex 2 to issue no. 16, dated 30 June 1994.

128 Ibid.

The 1994 Naturalization Decree was based on the Lebanese Constitution, the Nationality Law of 1925, and the requests that were made by those eligible persons listed in the Decree. It did not, however, specify which provisions of the Nationality Law of 1925 it relied on or what criteria were adopted in granting Lebanese nationality, or what the terms and conditions were for applying for naturalization.

This Decree was challenged by the Maronite League before the State Council on 26 August, 1994 on the grounds that "it betrayed the spirit of the consensus that characterizes the Lebanese system." The League filed the case against the State on the grounds that the Decree contained a number of defects. Among those listed were procedural irregularities, since the Lebanese Nationality Law places conditions on the granting of nationality; violation of the Nationality Law, as it contained errors in the material facts and in the law; and alteration by the administrative authority, which granted naturalization to persons who were Maktoumi al-Qaid, those from the Seven Villages, and persons whose nationality is Qaid ad-Dars, as well as others who are known to hold another Arab nationality. The Maronite League further argued that the number of Maronites who were naturalized was very low compared to those belonging to other confessions.[129]

It took the State Council almost ten years to issue its decision.[130] It accepted the Maronite League's challenge and recognized their right to submit it, because "the damage caused by the decision may be material and moral, both requiring a direct link between the administrative act and the legal status and objectives of the person challenging it."[131] The State Council did not annul the 1994 Naturalization Decree but rather referred the files of individuals naturalized by virtue of this Decree to the Ministry of Interior for re-examination, so that it could annul the citizenship of all applicants

129 Op. cit. n.117, p. 15.

130 Ibid.

131 Ibid.

found to be unworthy or fraudulent, or those persons whose naturalization was flagrantly contrary to the Constitution or the law.[132] The process is still ongoing at the date of the writing of this report.

As a result of this decision, naturalized persons, among them formerly stateless individuals, found themselves in a precarious legal situation pending the reconsideration of their files by the Ministry of Interior.

Procedures for the acquisition of nationality by naturalization

The acquisition of Lebanese nationality is granted by an administrative act. However, this is a discretionary decision rather than a right; a decision refusing to grant nationality is not challengeable by the applicant. Naturalization is granted by a Presidential or a governmental decree, after an investigation of the application.[133] The applicant for naturalization should provide evidence that he/she meets the legally prescribed conditions. Among the supporting documents that the applicant must present are a valid residency permit and a passport.[134] These requirements appear essentially to rule out stateless persons, who do not have such documents.

Acquisition of Lebanese Nationality by Children of Foreign Parents who are Naturalized Lebanese (Article 4)

The Lebanese Nationality Law of 1925 refers in Article 4 to two situations in which the children of a foreigner may obtain Lebanese nationality: either at the same time as the naturalization of the parent or after. This provision also

132 Ibid.

133 Article 3, op. cit. n.33.

134 Ministry of Interior, General Directorate of Personal Status, Personal Status Department, available (in Arabic) at http://www.informs.gov.lb/cms.informs.gov.lb/Cultures/ar-LB/Menu/Government+Forms/Ministries //وزارة+الداخلية+و+البلديات/المديرية+العامة+للأحوال+الشخصية/دائرة+الأحوال+الشخصية/IMU2307-.htm

distinguishes between minor and full age children.

Article 4 does not in itself affect directly the issue of statelessness, as it strictly involves foreign parents who have already been naturalized, and have thus met the conditions of naturalization as stipulated in the above-mentioned section under Article 3. This is confirmed by the Cassation Court, which stated that "the phrase "acquiring Lebanese nationality" repeated in both Articles 3 and 4 of Decision 15 refers explicitly and exclusively to foreigners who are willing to become Lebanese in specific cases and based on specific conditions, by a discretionary decision taken by the President of the Republic. In this sense, the words "became Lebanese" should be interpreted to say naturalized Lebanese citizens, which is specific to foreigners."[135]

Setting aside an analysis of the full scope of this provision, the main concern and focus here is to highlight its discriminatory nature, between a naturalized foreign woman and a Lebanese woman married to a foreigner or stateless "foreigner" with regard to the acquisition of Lebanese nationality.

Article 4 stipulates that the spouse of a foreigner who has become a Lebanese citizen, as well as his children, if they so request, obtain the Lebanese nationality without satisfying the residence condition, whether by virtue of the decision giving this nationality to either parent, or in a special decision (Article 4(1). Furthermore, minor children are granted Lebanese nationality automatically following the naturalization of their father, or of their mother who was naturalized after the death of her husband, unless they reject this nationality within a year of reaching the age of majority (Article 4(2)).

The Beirut Appeal Court confirmed that "naturalization is a personal and individual act the effects of which extend only to

135 Civil Cassation Court, Third Chamber, Decision 37, dated 24 November, 1983, available at http://www.legallaw.ul.edu.lb/PDF/Jurisprudence/DocumentsBefore2000/Tamiez/2006.pdf

the minor children of the naturalized father. It does not imply automatic naturalization ipso facto of the major children."[136]

For the minor children and spouse of a naturalized foreigner to obtain Lebanese nationality as a result of his naturalization, his marriage and the births of his children should be established at the time of application for naturalization, and included in the naturalization application. If the naturalized father fails to declare his marriage and children, the courts may decide to postpone the decision on the acquisition of the nationality by the children, in case an administrative review or challenge is under way.[137]

The acquisition of nationality by minor children is considered to be negative naturalization, while the naturalization of older children upon application is considered to be positive.

There is much controversy over the application by the courts of the paragraph related to naturalized women, as the text refers exclusively to naturalized Lebanese mothers. Many cases have come before the courts involving women of Lebanese origin married to non-Lebanese men who wish to pass Lebanese nationality on to their children after the death of their husbands. Some of the women in question had maintained their Lebanese nationality or recovered it after the death of their foreign husband. The question before the courts was whether to apply the provisions of Article 4(2) by analogy to these cases in order to avoid discrimination between Lebanese and foreign women.

There is a divergence between the legal opinions and interpretations by scholars of the provision of this article. Some support a broad application of Article 4 to include Lebanese mothers married to foreigners, and others insist upon a more

136 Op. cit. n.108.

137 See Civil Cassation Court, Decision 46, dated 23 March 2004, available at http://www.legallaw.ul.edu.lb/PDF/Jurisprudence/Documents/4194.pdf; see also Beirut Appeal Court, Decision 747 dated, 26 April, 2001, available at http://www.legallaw.ul.edu.lb/PDF/Jurisprudence/Documents/3299.pdf

narrow and literal interpretation of the Article.[138] This divergence is also reflected in the opposite directions and trends of Lebanese jurisprudence since the 1960s. For example, in some cases, the Court of Cassation gave the children of a Lebanese woman married to foreigner the right to acquire Lebanese nationality, stating that "there is no reason to discriminate between a woman of Lebanese origin who retained her Lebanese nationality despite her marriage to a foreigner or recovered it after the death of her foreign husband, and a naturalized woman.[139] Another Cassation Court ruling stated that "…the minor children of a Lebanese woman who lost her nationality through marriage to a foreigner and who had recovered it, either before or after the death of her foreign husband, and who is still alive… are more deserving to obtain Lebanese nationality than the minor children of a naturalized woman…"[140]

On the other hand, the Cassation Court at the same time refused to apply Article 4(2) to minor children of a Lebanese woman, by narrowly interpreting the Article, stating that "…the nationality law is a special law of public interest, the provisions of which were codified to deal with specific situations, and … the judge does not enjoy the competence to broaden the interpretation of

138 Professor Emile Tyan considers it unfair to give a prerogative to the children of a naturalized woman over those of a Lebanese woman by origin who recovered her nationality after the dissolution of her marriage (Emile Tyan, Précis de droit international privé (2ème édition, numéro 46), cited in Laure Moghaizel, op. cit. n.116, p. 83. Dr. Ibrahim Najjar concludes, based on the analysis of related court decisions, that the flexible interpretation of the Cassation should be adopted (Dr. Ibrahim Najjar, Adl (1972), cited in Laure Moghaizel, op. cit. n.116, p. 83). Professor Pierre Ghannaja disagrees with this position, arguing that it is not possible to establish any analogy between the two situations, as they rely on different legal grounds (Pierre Ghannaja, Proche orient - Etudes juridiques, 1972 (Juillet-Décembre), p. 249, cited in Laure Moghaizel, op. cit. n.116, p. 83).

139 Cassation Court, First Chamber, Decision 82, dated 12 October 1970, Adl (1972), p. 161; see also, Civil Cassation Court, Third Chamber, Decision 34, dated 13 December 1971, Adl (1972), p. 185.

140 Civil Cassation Court, Third Chamber, Decision 87, Adl (1972), p. 447; see also, Civil Cassation Court, Third Chamber, Decision 85, dated 25 June 1975, Hatem, vol. 164, p. 412; and Civil Cassation Court, Third Chamber, Decision 8, dated 10 January 1972, Adl (1972), p. 188.

these provisions to include situations they were not meant to address…"[141]

In more recent times, another Cassation Court decision affirmed this position when it ruled that "…the last paragraph of Article 4 refers literally to the father and mother and not to the husband and wife, as Articles 5, 6 and 7, amended in the 1960s, did. This difference is due to the fact that the legislator wanted to specifically address the issue of Lebanese nationality with respect to foreign minor children, by granting them the nationality of their father (according to the jus sanguinis principle) or the nationality of their mother if she acquired Lebanese nationality and remained alive after the death of the foreign father (as an exception to the jus sanguinis principle justified by the death of the father).." The Court reasoned that "the conditions for the acquisition of Lebanese nationality by minor children by virtue of Article 4, paragraph 2 are: i) the children are minors of foreign origin, ii) the father passed away while they were still minor, iii) the mother of these children outlived their father, and iv) the mother acquired Lebanese nationality and remained alive after the death of the father."[142] This jurisprudence appears to be the one most commonly followed today by the higher courts.

This legal debate resurfaced recently when, in 2009, a First Instance court ruled in favor of giving a Lebanese mother married to a foreigner who was deceased the right to give her nationality to her children on grounds of Article 4. The Court's reasoning for its decision was that there is a need to interpret the law beyond the text in order to lift any discrimination against Lebanese women, who are in a less favorable situation in the text than naturalized women and foreign women married to Lebanese citizens. This broader interpretation would remove any discrimination against children who, if their father is Lebanese,

141 Op. cit. n.135.

142 Civil Cassation Court, Eighth Chamber, Decision 101, dated 5 June 2007, Adl (2007), vol. 1-4, p. 1714.

obtain legal protection, but if their mother is Lebanese, they do not.[143] However, the restrictive jurisprudence and interpretation of Article 4 has so far prevailed, as this decision was overruled by the Appeal court.[144]

This discrimination is clearly acknowledged by one of the Ministry of Justice Advisories, which states that "...it is unfortunate that the Lebanese legislator overlooked this fact, and placed the naturalized woman in a better position than the Lebanese woman who recovers her nationality, granting Lebanese nationality to children of the first and denying it to the children of the second."[145]

Acquisition of Lebanese Nationality by a Foreign Woman through Marriage (Article 5)

The acquisition of Lebanese nationality is, upon her request, by operation of the law in the case of a foreign woman married to a Lebanese man. In this case, the wife is considered Lebanese as soon as she applies for Lebanese citizenship, and as long as a year has passed since the date of the registration of the marriage.

Article 5 of the Nationality Law of 1925, amended by the Law of 11 January 1960,[146] applies to a foreign woman married to a Lebanese man. It states that:

> A foreign woman married to a Lebanese man shall,

143 Mount Lebanon First Instance Court, Fifth Chamber sitting on Personal Status cases, Decision dated 16 June 2009 (unpublished).

144 Jdeideh Civil Cassation Court, Chamber 13, Decision dated 18 June 2010 (unpublished).

145 Ministry of Justice, Advisory 559, dated 11 January 1961, op. cit., n. 84, p. 7275; see also, Advisory 192/R/1970, dated 13 May 1970; and Advisory 1463/1988, dated 15 June 1988, ibid., pp. 7267, 7286.

146 Law of 11 January 1960, related to Lebanese woman married to a foreigner, Official Gazette, issue no. 3, dated 13 January 1960.

> upon her request, become Lebanese one year from the date on which the marriage was registered at the Civil Status Office.

This provision may also prevent and reduce statelessness, as the "foreign" woman may be of an unidentified nationality, Maktoumat a-Qaid, or of Qaid ad-Dars status. This interpretation of who is eligible to be considered a foreign woman is established by Lebanese jurisprudence.[147] The Cassation Court ruled that the text of Article 5 is written in general terms and applies to all foreign women without any distinction between a woman of a known foreign nationality and a woman of unidentified nationality whose nationality is under study.[148]

Another decision by the Cassation Court further reiterated the same argument:

> ...Article 5 of Decision 15 applies whenever the wife of the Lebanese is a non-Lebanese, whether her nationality is known or is still under study, without having to establish her nationality of origin, which is still under study.[149]

This jurisprudence was initially confirmed by a number of Advisories issued by the Ministry of Justice. For example, in one of the Advisories, giving an opinion on the number of judicial decisions which consider a wife who holds a Qaid ad-Dars card as the same as any foreign wife of a Lebanese man, it stated:

> ...based on these court decisions, the current practice of the Administration should not be maintained [the Administration delaying granting Lebanese nationality to foreign wives of Lebanese men until they establish their nationality of origin]. Therefore, these wives

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147 Beirut Civil Appeal Court, Chamber 6, Decision 1630, dated 12 December 1972, Nashrah Qada'iyah Lubnaniyah (1972), p. 801.

148 Civil Cassation Court, Decision 33, date 5 March 1974, Adl (1978), p. 210.

149 Op. cit. n.123.

> should be considered foreigners who have the right to administratively benefit from Article 1 of the law of 11 January 1960.[150]

At about the same time the Ministry issued a contrary Advisory, which stated:

> Considering that the Advisory Opinion no. 9/73 of 8 January 1973, which itself was based on the Cassation Court Decision 146 of 14 November 1962, that concluded that the Qaid ad Dars card issued by the General Security is not evidence that its holder lost his/her nationality of origin or that he/she did not acquire a foreign nationality upon birth in Lebanon; [for this] the Ministry considers that a woman who holds such a card and marries a Lebanese must provide, other than the said card, evidence of her nationality of origin in order to obtain Lebanese nationality according to Article 5 of Decision 15 of 1925 amended by the law of 11 January of 1960.[151]

In conclusion, in addition to the fact that Lebanese nationality laws and decisions embody gender discrimination in violation of the principle of equality between citizens enshrined in the Lebanese Constitution and incompatible with internationally recognized human rights standards, they also embody discrimination between Lebanese women and naturalized foreign women. The consequences of such discrimination may cause statelessness. This would be the case, for example, of a Lebanese woman who marries a stateless person. Because she has to follow her husband's status according to the Personal Status rules and decisions, and because her husband may be

150 Ministry of Justice, Advisory 550/R/1972, dated 10 October 1972, op. cit. n. 84, p. 7291; See also Advisories 100/R/1980, dated 19 July 1980, and 505/R/1992, dated 16 September, 1992, op. cit. n. 84, p. 7319 and p. 7293 respectively.

151 Ministry of Justice, Advisory 633/R/1972, dated 29 May 1974, op. cit. n. 84, p. 7292.

completely unregistered – unlike those stateless holding Qaid ad-Dars identity cards - she would not be able to register her marriage in any official records, and hence her children would be unregistered and consequently stateless.

On the other hand, and despite the discrimination that derives from the different treatment between a naturalized foreign women who can give her minor children her Lebanese nationality and a Lebanese woman married to a foreign who cannot, this discriminatory provision may have some positive aspects in the reduction and prevention of statelessness. This could be the case, for example, of a widowed naturalized foreign woman whose deceased husband was stateless, and who was not allowed to pass on her foreign nationality by the nationality laws of her country of origin. She could, according to Article 4 of the Nationality Law of 1925, pass on her acquired Lebanese nationality to her minor foreign children.

LOSS OF NATIONALITY

Voluntary and Compulsory loss

The Lebanese nationality laws provide for the possibility of loss of nationality, either voluntarily upon the citizen's request, or compulsorily as a result of a decision or act taken by the State to deprive its national of his/her citizenship. Here again, there is scope for this act to cause statelessness.

Articles 4(2), 6, and 8 (abrogated by the Law of 31 January 1946) of the Nationality Law of 1925 stipulate the conditions for the loss of Lebanese nationality.

Voluntary Loss

Article 4(2) mentioned above, under the section headed "Acquisition of Lebanese Nationality by Children of Foreign Parents who are Naturalized Lebanese", stipulates that the minor

children of a naturalized person and minor children of a foreign woman naturalized after the death of her foreign husband may give up their Lebanese nationality upon their request, within one year of their majority.

Article 6 regulates the loss of Lebanese nationality by a Lebanese woman married to a foreigner. It stipulates:

> A Lebanese woman who marries a foreigner remains Lebanese until she requests that her registration be struck off the census records on account of her acquiring her husband's nationality.

This Article is a safeguard that prevents a Lebanese woman married to a foreigner from becoming stateless, if she loses her nationality and does not acquire the nationality of her husband by application of the law of his country, or if she marries a registered stateless person. Prior to the amendment of this Article by the Law of 11 January, 1960, a Lebanese woman who married a foreigner would automatically lose her Lebanese citizenship if the laws of her husband's country allowed her to acquire his nationality; otherwise she remained Lebanese. The text did not require that she actually acquire her husband's nationality in order to lose her Lebanese nationality.[152] Today, the loss of her Lebanese nationality is a voluntary act. Thus, a Lebanese woman who marries a foreigner and acquires his nationality is entitled to remain a Lebanese citizen under Lebanese law, if she does not decide otherwise.

Article 8 of the Nationality Law of 1925 was abrogated by the Law of 31 January, 1946. Article 1 of this Law stipulates that:

> Shall lose Lebanese nationality:
>
> Any Lebanese who acquires a foreign nationality pursuant to an authorization in this respect issued by Presidential Decree.

152 See Article 6, op. cit. n.33.

In these cases, the voluntary act is manifested by an application lodged with the competent authorities by the individual requesting giving up his/her Lebanese nationality.[153]

In 1988, the Ministry of Justice Advisory affirmed that any Lebanese who acquires a foreign nationality does not lose his Lebanese nationality. However, in case the State of the nationality he is acquiring does not allow dual citizenship, he has to apply for an authorization to give up his nationality.[154]

The Cassation Court confirmed that the decree authorizing a Lebanese national to obtain a foreign nationality applies only to the individual in question, and does not have any collective effects on other family members.[155]

The Appeal Court has ruled that:

> … Article 1, paragraph 1, of Decision 15 of 1925 … does not delimit the consequences of the loss of Lebanese nationality by the father on the nationality of his children… This is justified by the fact that Lebanese nationality is a substantial component of the legal personality of a Lebanese person, and as such cannot be withdrawn except by virtue of a clear legal text.[156]

The Ministry of Justice Advisory stated that "both scholars and

153 See, for example, Decree 21 dated 28 December 2007, authorization for a Lebanese to acquire Polish nationality, available (in Arabic) at http://jo.pcm.gov.lb/j2008/j2/wfm/m421.htm; and Decree 405 dated 28 December 2007, authorization to a Lebanese to acquire Austrian nationality, available (in Arabic) at http://jo.pcm.gov.lb/j2008/j2/default.htm; Decree 1299 dated 22 January 2009, authorization to a Lebanese to acquire Norwegian nationality, available (in Arabic) at http://jo.pcm.gov.lb/j2009/j5/wfm/m1229.htm

154 See Ministry of Justice, Advisory 1471/1988, dated 4 July 1988, op. cit. n. 84, p. 7240; Advisory 91/R/1991, dated 14 March 1991, ibid., p. 7261; and Advisory 1479/1995 dated 16 January 1995, ibid., p. 7261.

155 Civil Cassation Court, Third Chamber, Decision 102, op. cit. n.79.

156 Mount Lebanon First Civil Appeal Court, Decision 47, op. cit. n.79.

the jurisprudence are in agreement that the minor children of a Lebanese father who has acquired a foreign nationality by authorization of the President of the Republic, will maintain their Lebanese citizenship, unless the presidential decree declares to the contrary. They should not therefore be struck off the Lebanese personal status records."[157]

Most importantly, Article 1(1) of the Nationality Law of 31 January 1946 provides safeguards against statelessness as a result of the loss of Lebanese nationality. It stipulates the precondition of the acquisition of foreign nationality by the citizen before the loss of his Lebanese nationality. This is confirmed by the Advisory of the Ministry of Justice stating:

> If a Lebanese person who obtained an authorization to acquire a foreign nationality did not acquire it, he remains Lebanese.158

Compulsory Loss

The remaining clauses of Article 1 of the Nationality Law of 1946 are related to the cases of compulsory loss of Lebanese nationality. They include:

> A Lebanese national who accepts in Lebanon employment conferred on him by a foreign government or a department of a foreign government without a prior authorization from the Lebanese government. Should the application for a license remain unanswered by the government for two months from the date of its submission, the silence is tantamount to rejection.
>
> A Lebanese, residing outside Lebanese territory,

157 Ministry of Justice, Advisory 26/R/1981 dated 12 March 1981, op. cit. n. 84, p. 7258.

158 Ministry of Justice, Advisory 63/R/1962 dated 24 March 1962, op. cit. n. 84, p. 7234.

> who accepts a public office in a foreign country conferred on him by a foreign government, should he maintain his office despite the fact that he has been ordered to abandon it within a specified delay.
>
> A Lebanese actually serving in a public office conferred on him by a foreign government, should he keep his functions despite an order given to him to abandon it within a specified period.
>
> The loss of nationality provided for in clauses 2,3, and 4 [of this Article] shall occur through a decree issued by the Council of Ministers.

In 1962, Law-Decree 10828 amended the Law of 31 January, 1946 by adding cases of loss of Lebanese nationality of a naturalized citizen.

Article 1 of this Law-Decree stipulated situations leading to the loss by a naturalized Lebanese of his Lebanese nationality if the individual:

> Is condemned for a crime against the State security.
>
> He joins an association which has perpetrated a conspiracy or a violation against the State security.
>
> He joins a dissolved or unauthorized association having political objectives or if he has been condemned for undertaking activities in favor of such association.

Article 3 further stipulates:

> Every naturalized Lebanese will lose Lebanese nationality if he lives abroad for five consecutive years.

The consequences of loss of nationality for Lebanese naturalized foreigners in all the above cases may lead to statelessness if the naturalized person was originally registered stateless; or if the person had already lost his

original nationality and his country of origin does not allow dual citizenship.

This is the case, for example, of two Palestinian refugees who were naturalized under the 1994 naturalization Decree. The decision to annul their naturalization was, in one case, based on suspicion of attempting to explode a UNIFIL patrol, and in the other for possessing arms and ammunitions, according to the Military Public Prosecutor reports. It is worth noting that the legal provision stipulates that the naturalized person who is subject to the loss of the Lebanese nationality must have been convicted of specific crimes against the State security, and not merely a suspect.[159]

Finally, it is worth mentioning that the Lebanese legal provisions related to the loss of nationality are to a certain degree in line with the related international legal standards. Articles 5,6, and 7 of the 1961 Convention on the Reduction of Statelessness stipulate, among other things, that any loss of nationality should be conditional on the holding or acquisition of another citizenship, in order to prevent statelessness arising from the loss of citizenship. Article 8 of the Convention limits the right of a State with regards to depriving its nationals of its citizenship. It provides that such a measure should take into consideration the fact that the person deprived of nationality may become stateless, and allows for deprivation in strictly limited cases.

RECOVERY OF NATIONALITY

Article 1(5) of the Nationality Law of 1946 stipulates that the government may at any time revoke the authorization it has issued for a Lebanese citizen to lose his citizenship.

> The Government may, at any time, annul the authorization mentioned above by a decision to be taken by the Council of Ministers.

159 Decrees 470 and 471 dated 3 January 2008, Official Gazette, issue no. 5, dated 31 January 2008, available (in Arabic) at http://jo.pcm.gov.lb/j2008/j5/wfm/m740.htm#; and http://jo.pcm.gov.lb/j2008/j5/wfm/m741.htm#.

Considering that this clause clearly refers to cases that involved "authorization" means that only voluntary act of loss of the Lebanese nationality may be revoked.

In addition, there are a number of legal provisions relating to Lebanese women who are married to foreigners and who had voluntarily given up their Lebanese nationality, to recover it. Article 7(1) of the Nationality Law of 1925, amended by Article 3 of the law of 11 January 1960, covers the situation of dissolution of a marriage:

> A woman who has lost her Lebanese nationality as a result of her marriage with a foreigner may, upon her request, recover this nationality after the dissolution of her marriage.

Article 4 of this law rectified the situation of Lebanese women who had lost their nationality as a result of marriage to a foreigner by the application of the previous law. It stipulates that:

> A Lebanese woman may regain her Lebanese nationality if she had lost it before the enactment of this Law.

Article 5 of the same law gives a Lebanese woman the right to request the recovery of her nationality during the marriage:

> A Lebanese woman married to a foreigner may, separately from her husband, request the re-acquisition of Lebanese nationality, on condition she has the approval of her husband and proves her residency in Lebanon for five consecutive years.

CONCLUSIONS AND RECOMMENDATIONS

In general, being a non-citizen, illegal resident or stateless person in Lebanon can lead to the denial of basic and fundamental human rights. There is no legal framework for the protection of stateless persons In Lebanon. The lack of nationality makes stateless persons an extremely vulnerable and marginalized social group. They are voiceless and invisible, completely ignored at official and non-official levels.

As such, they are denied basic and fundamental human rights, among them freedom of movement, and access to education, public health services and employment. Not only are these individuals unable to access the legal system, they live in fear of being arrested and detained indefinitely for lack of documentation. Moreover, the problem of statelessness will only continue to grow since the marriages and children of stateless persons are also not registered.

Those who may be holding the Qaid ad-Dars or “under study” cards issued by the Lebanese General Security do enjoy some basic and fundamental rights such as education, access to public health, and freedom of movement inside the country, although they face difficulty in travelling abroad, as they are only issued a laissez-passer travel document not always acknowledged by the immigration departments of many foreign countries. However, this category of the population is treated like foreigners with regards to their legal status. They have to renew their residency cards every year, which may be a burden as the cost is high, particularly when the number of family members is large. For this reason many do not renew their cards, and others do not register

their marriages and/or the birth of their children to avoid the cost of the registration, which would bring the issuance of a legal card that could protect them, for instance, from arrest and detention for lack of a document proving their identity and legality on Lebanese territory, and provide them basic rights. They therefore put themselves in the worst situation of vulnerability and marginalization.

It is true that Lebanon has addressed the issue of registration and the issue of Lebanese nationality mostly during the second half of the last century. The loopholes and shortcomings that caused a number of persons not to be considered Lebanese as a result of the related nationality laws and census were addressed.

The provisions for acquisition of Lebanese nationality and for passing it on in the family, as well as for losing and recovering it contain gaps in detailing the ways in which an individual, other than those of patriarchal lineage, can obtain Lebanese citizenship. Shortcomings in the application of the provisions continue to lead to a number of stateless persons. A number of amendments have been made to the laws concerning Lebanese nationality. In many cases, the amended or adopted laws of the 1930s and 1940s related more to the conditions for naturalization, and to the situations leading to the loss of nationality, as opposed to easing the conditions for acquisition or recovery of nationality. The amendments made in the 1960s were related to the nationality legal provisions concerning Lebanese women married to foreign nationals, and the jurisdiction of civil courts in nationality matters.

Over the years decisions were taken to open the door for people to either apply for or obtain Lebanese nationality. Many of the stateless persons who applied to be considered Lebanese were registered as “nationality under study” (Qaid ad-Dars) and obtained identity cards. Others were naturalized at various stages, the last of which was under the Naturalization Decree of 1994, which has been challenged by the Maronite League. As a result, a case by case review is being conducted to determine

whose naturalization should be annulled. The process has been ongoing for years, leaving many individuals in a state of extreme uncertainty and raising questions about the rights they acquired during the period they were naturalized Lebanese citizens, if they have been denaturalized.

The Lebanese courts have also had a role in interpreting the provisions of the Nationality Law and have issued a number of decisions affecting stateless persons.

Lebanon should elaborate a comprehensive legal framework of protection for stateless persons. The provisions of the nationality laws in force today may prevent and reduce statelessness to a significant degree if the legal provisions and procedures are correctly applied. The problem appears to lie in the application of the law due to the vagueness and ambiguities of certain legal provisions that are leading to divergent legal interpretations, and to the practical application of procedures that are not clearly defined.

However, it remains the case that the passing on of nationality is only through patriarchal lineage, regardless of the place of birth. The gender discrimination related to passing on nationality causes statelessness. Lebanese mothers do not enjoy the right to pass their nationality on to their children. This is of particular concern when a Lebanese woman marries a stateless person, such as a Palestinian: her children are not entitled to Lebanese citizenship and become stateless.

An exception to patriarchal lineage is the case of children born out of wedlock where the mother has the right to pass on her Lebanese nationality to her child if she recognizes the child. However, social taboos and the stigma of having an illegitimate child make many women deposit their children at the doors of orphanages or raise them without registering their birth. This also leads to statelessness.

Statelessness may also continue to exist due to the fact that one or both of the parents of the person in question had a foreign

nationality but could not register their marriage or children with either the Lebanese authorities or the authorities of their country of origin. As a result, many children become non-registered and undocumented.

There are solutions to reduce statelessness today. For example, Lebanese Maktoumi al-Qaid may be able to file lawsuits before the civil courts in order to obtain recognition of their Lebanese nationality if they meet the conditions and provide adequate proof. However, many have difficulty resorting to the courts as it is costly and the procedures are lengthy, and they may not be able to provide the evidence necessary to their claim, and as such they remain living in the shadows of society. Those whose application for nationality has been for decades “under study” (Qaid ad-Dars), should be dealt with promptly and definitely.

There is a need to enact a legal framework for stateless persons that would provide them basic and fundamental human rights while awaiting the determination of their legal status. This would require the enactment of one Nationality Law that would fill all existing gaps, particularly those relating to procedure, and clear up vague definitions that are leading to different judicial interpretation.

The judicial and administrative interpretations of the nationality laws are conflicting, as a result of the ambiguity of the laws. These contradictions indicate that there is no clear and standardized policy on matters pertaining to nationality in Lebanon. The conflicting jurisprudence and interpretations serve to increase the ambiguity of the status of stateless persons in Lebanon on the legal level, and hinder comprehensive solutions.

Most importantly, it remains a major concern that there are no official numbers regarding undocumented persons in Lebanon, in order to be able to ascertain the scope of the problem.

More field research to identify and quantify the target population is needed. This would broaden our understanding of the specific causes of statelessness, help identify solutions, and elaborate a

concrete and feasible advocacy plan to reduce statelessness in Lebanon.

Finally, there is a need for an official policy regarding statelessness in Lebanon, as well as adequate measures to prevent it and reduce it.

RECOMMENDATIONS
The Responsibility of the Lebanese State

The Lebanese State should assume its responsibility to reduce statelessness and should make the issue a priority at the top of its agenda. Frontiers Ruwad recommends that the Lebanese State indicate its serious concern to resolve the cases of stateless persons and groups in Lebanon and prevent future ones through:

- Amending the Constitution to integrate the right to nationality and the obligation to reduce and prevent statelessness as Constitutional principles;
- Adopting a clear policy to reduce statelessness in Lebanon and a clear timetable to achieve that objective;
- Carrying out a census of stateless persons in Lebanon and registering them in order to understand their profiles and resolve their situations, and keep a record of all persons present in Lebanon;
- Establishing a comprehensive rights-based protection framework for stateless persons to enable them to access basic and fundamental rights;
- Amending the nationality laws in order to establish a consistent and integral body of nationality laws in accordance with international standards, especially concerning the right of both parents to pass nationality jus sanguini regardless of the legitimacy of the child. These laws should include specific rules pertaining to

procedures for registration of births and determination of the right to nationality, and related practices, in order to curb the selective and discretionary implementation of laws in this regard;

- Encouraging the registration of unregistered marriages and births by exempting registrants from fees and penalties;
- Initiating a public awareness-raising campaign on registration, and making the legal process and procedures easily available to all Lebanese “citizens;
- Amending the Constitutional Council statute so as to allow judges to have recourse to the council for provisions that may be unconstitutional;
- Encouraging research into issues related to nationality and statelessness by producing a comprehensive compilation of related court cases and making them accessible to a larger public, whether in public libraries or online; and making the related legal information more available, for instance, by publishing the archives of the Official Gazette online;
- Working closely with national and international human rights organizations and specialized bodies such as the UNHCR in implementing these recommendations.

SUMMARY OF ROUNDTABLE DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

On 29 September 2011, Frontiers Ruwad Association, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR), organized a closed roundtable on stateless persons in Lebanon at the United Nations House in Beirut.

Participants included representatives of the Judiciary, the Ministry of Justice, the Ministry of Interior, the Ministry of Social Affairs, the Committee for Maktumi al-Qaid, UNHCR and OHCHR, UNICEF, non-governmental organizations working in the field, lawyers, and local and international experts.

The meeting was called to discuss issues pertaining to statelessness that are poorly researched and rarely discussed in the public sphere, particularly those related to the status of and solutions for stateless persons in Lebanon, with sessions on the origins of statelessness in Lebanon, gaps in the legal framework, and potential solutions. Presentations made included "The role of the Judiciary and Stateless persons"(Ministry of Justice), "The Role of the Administration and Stateless persons" (Ministry of Interior), "The right to a nationality and the prevention of Statelessness" (UNHCR international expert), "The Role of the Judiciary in Resolving the Issues of Stateless Children and Registration of Children" (president of the Court of Cassation), and "Stateless, Qaid ed Dars – Maktumi al Qaid (General Security), as well as "Stateless Persons" by the local expert; "Between Neglect and Humiliation – Stateless Persons in Lebanon" (Frontiers Ruwad). The round table followed the publication by Frontiers of a preliminary legal study on statelessness in Lebanon in 2011 entitled Invisible Citizens: Humiliation and a Life in the Shadows.

The discussions focused on the legal framework for statelessness and the right to nationality in both international and Lebanese laws; the legal status of the different categories of stateless persons in Lebanon; the causes of statelessness in Lebanon; strategies for solutions, and the role and responsibility of all those involved.

Frontiers Ruwad Association presented the findings of its study, which examines Lebanon's international obligations and the Lebanese nationality laws to determine the extent to which the Lebanese legal framework may cause, or reduce and prevent statelessness. The study also analyzes the interpretation of these laws and regulations through a sample of case laws and jurisprudence, and the interpretations of the legal provisions related to nationality by the Legislative and Advisory Committee in answer to questions and inquiries from various ministries and related departments.

The study highlights the lack of official statistics and accurate information about the profiles and categories of stateless persons (including non-registered persons, "Maktoumi al-Qaid", and those whose nationality is under study, "Qaid ad Dars"); the causes of their statelessness, the legal implications of their status, and their relationship, as well that of their children who were born in Lebanon, to Lebanese citizenship. It underscores the lack of a legal framework for stateless persons; the ambiguity of certain provisions in the nationality laws that make them open to different legal interpretations; and the problem of presenting evidence before the courts. The study concludes with a number of recommendations.

The roundtable discussions focused on these issues with the aim of reaching a common understanding of the various dimensions of statelessness in Lebanon. The discussions centered on persons who are eligible for citizenship under the Lebanese nationality laws but who have not acquired nationality for practical reasons, since there exists the potential for finding a solution for this group within the framework of current Lebanese laws and procedures. Participants discussed the possibility of reducing statelessness by tackling the issue of stateless persons' rights, in order to devise possible solutions and reach some basic conclusions and

recommendations for ending all situations of statelessness and addressing the risks of statelessness, as well as the role of the various relevant stakeholders, without going into the details of implementation mechanisms.

The roundtable concluded with the identification of a number of areas that hinder the prevention of statelessness in Lebanon, and made recommendations for concrete and practical steps to prevent or reduce the phenomenon:

PROBLEMS ASSOCIATED WITH THE CONCEPT OF STATELESSNESS AND THE GROUPS CONCERNED, AS WELL AS THE MAGNITUDE OF THE PHENOMENON

Ambiguity of concepts, terminology and definitions

The interventions clearly showed that there is no unanimous definition of who is a stateless person in Lebanon, and no standardized terminology to deal with the problem.. This has led to a different use of the concept by the Administration and different interpretations of the legal provisions by the judiciary. For example, in addition to the problem of the definition of a stateless person in Lebanon, other terms and concepts - such as “registration” and “correction of registration”, “unknown nationality”, acquiring Lebanese nationality and whether an unregistered or stateless person is a foreigner or not - are also not standardized.

Statelessness is closely tied to nationality, which is defined as a legal bond between the individual and the state. Thus, the stateless person is someone who is not considered a citizen by any state. This includes anyone whose citizenship is not recognized by the State and who is unable to prove his nationality. There may also be cases of persons at risk of statelessness in which people are not clearly stateless but may become stateless unless efforts are made to establish their nationality and issue them with identity

documents. There are people from both groups in Lebanon. However, the term “stateless person” only appears in one Lebanese legal text (Article 19 of the Penal Code as amended in 1996), and is therefore not widely used, whereas there are terms used in the laws as well as in popular speech to express the same meaning, such as “unregistered” persons and persons “under study”.

There are several uses of the term “unregistered” employed in different contexts by legal professionals, the media, and the public at large. In general, it is used to describe persons who are not registered in the Lebanese records, and are therefore not considered Lebanese citizens. The General Directorate of Personal Status, the judiciary and a number of experts interpret the term “unregistered person” as a person of Lebanese origin who neglected to register him/herself, or whose forebears neglected to register themselves during the 1932 census, based on Law 67/1968, which gave the courts of First Instance the competence to decide on cases of “unregistered persons”. The term “unregistered” is equally used to describe a child whose Lebanese parents neglected to register his/her birth, and the illegitimate child who was not recognized by a Lebanese parent or whose recognition is yet to be registered in official records. Furthermore, the Lebanese General Security Office uses the term “unregistered” to mean persons of non-Lebanese origin who have been residing in Lebanon for long periods without any identification papers, and whose original nationality is not known. These persons do not have any proof of their bond with Lebanon or with their country of origin, and may apply to be registered as Qaid ad Dars, “under study”.

Some participants also noted that the concept of “unregistered” adopted in Lebanese laws and by the judiciary is not confined to Lebanon, but is internationally used to describe persons who originate from the country where they are actually residing but who, for various reasons, did not register themselves. Hence, when a judge declares the nationality of an unregistered person his decision is purely an act of recognition and not a constitutive one, since it affirms a right that already exists but is not yet officially

recognized. Persons of foreign origin who are unable to prove they have a link with their country of origin and are also not able to prove any link to Lebanese nationality in order to claim it, are termed “unregistered persons” by the General Security and fall under the category of stateless persons. This is a typical classic case of statelessness linked to migration/forced migration and territorial changes, such as the case of migrants who end up stateless over generations as they cannot prove their original nationality and do not acquire the nationality of the country they are living in.

The discussions concluded by stressing the necessity of applying the term “unregistered” to persons who could prove their Lebanese origin and are not registered in the residents’ records for whatever reason. The term “stateless” should be used to designate persons who do not have foreign identity papers or Lebanese origins.

> Participants agreed to follow-up meetings to identify the different relevant concepts and definitions which need to be standardized and submitted to the concerned authorities in order to facilitate the process of finding appropriate solutions to different patterns of statelessness.

Ambiguity of the categories of stateless persons

As a result of the lack of a definition of stateless and unregistered, there are different categories of stateless persons who are treated in different ways and for whom a variety of potential solutions are available under current Lebanese law.

Firstly, there is the category of “unregistered persons” of Lebanese origin who have a real chance to have their Lebanese citizenship declared judicially if they can prove their eligibility. These persons are legally considered non-Lebanese before their nationality is declared by the court, if they fulfill all necessary conditions. No personal status documentation, such as marriage or birth certificates, may be recorded for this category, since they are not registered and therefore have no personal status records. Their

relationship with the administration in terms of registration and all that it implies begins only upon the issuance of a decision by the relevant judicial authority, after which comes the process of registering them in the Personal Civil Status records.

Another category of unregistered persons living in Lebanon for many years are those who are of different foreign origins but are unable to provide proof of their origins or nationality. They married and had children born in Lebanon, but the birth of their children was not registered in their country of origin and therefore their children did not obtain its nationality. General Security labels them as “unregistered persons”. The solution for this category is not straightforward; they can either claim Lebanese nationality for their children who were born in Lebanon, or apply for naturalization.

Nonetheless, persons falling under this category can, under certain conditions, apply to be registered as Qaid ad Dars (“under study”). The General Security issued a service memorandum, No. 73, on 27 November 2006, enabling these persons to register themselves with the General Security in the category of Qaid ad Dars, provided that they can prove that they were born to a father who does not have any nationality and have been living in Lebanon or their parents or grandparents already hold an “under study” card. An unregistered woman married to a Lebanese may obtain Lebanese citizenship. She will be registered upon marriage as Qaid ad Dars, and in a second stage may obtain Lebanese nationality.

The category known as “under study”, refers to persons of various, currently unspecified nationalities and whose original nationality is pending and under study by the General-Directorate of General Security. Before 1962, they held “non-identified nationality” identity cards as “non-indentified nationalities.” Most of them were refugees who came to Lebanon at different stages and claimed to be of an unidentified nationality in order to benefit from the ability to claim Lebanese nationality for their children born in Lebanon, pursuant to paragraph 3 of Article 1 of Regulation No. 15 of 1925. This situation lasted until 1962, when Decree 10188 - related to the regulation of the entry and stay of foreigners in Lebanon and their

exit from the country - was promulgated. Instructions were issued by the Minister of the Interior to regulate the residence of various categories of foreigners in Lebanon. Hence, special records were opened at the General Security Office for the category of so-called "under study persons" replacing the "unidentified nationality" cards. A Qaid ad Dars woman may be granted Lebanese nationality one year after the registration of marriage to a Lebanese man.

The problem for persons falling in the "under study" category is that the procedures for determining whether they hold a foreign nationality, or are stateless or Lebanese, have been pending for more than five decades, which might affect the possibility for their children who were born in Lebanon to benefit from the provisions of the jus soli acquisition of Lebanese nationality since the "under study" card cannot be considered as sufficient evidence of the parents' unknown nationality or the fact that children did not acquire a foreign nationality by affiliation. Parents should be proven to be foreigners who do not possess a specified nationality, have lost all ties with their country of origin and are unable to obtain the nationality thereof.

Another category of stateless persons may result from withdrawal of Lebanese nationality after the person has been naturalized if he cannot regain his nationality of origin or was stateless before naturalization. This may occur, for example, when the naturalized person commits an act against the security of the state.

> Participants agreed there is a need to obtain clarification and identification of the different categories of stateless persons in Lebanon in order to find solutions for each of them on clear and objective criteria.

Lack of statistical data

Another fundamental issue is the lack of field studies identifying the number and profiles of stateless persons; unofficial estimates of their number range from tens of thousands to hundreds of thousands. The General-Directorate of Personal Status does not

have any records or statistics about “Lebanese” unregistered persons. Furthermore, while the Office of General Security has statistical data about the “under study” category, there are no records or counts of the number of “unregistered persons” of non-Lebanese origin, although a committee has recently been set up to keep such records.

There is clearly a need for a new population census in Lebanon, since the last census was carried out in 1932, or at least a survey of stateless and unregistered persons. Such a survey would be carried out in close collaboration with the municipalities and the Development Services Centers of the Ministry of Social Affairs in the different regions, and most importantly with local mayors, who know all the residents of their towns and villages and the status of the majority of them, and enjoy the trust of all residents. As a first step, it may be possible for the Ministry of Interior to ask the mayors to take preliminary statistics of unregistered persons in their respective areas in preparation for a comprehensive survey. The Committee on Unregistered Persons, established by the Forum of NGOs for Child Rights in Lebanon and the Higher Council for Childhood, seeks to count the number of Lebanese children whose births are unregistered and who are present at social care institutions, through the National Council for Social Service, which combines these organizations. However, there remains the problem of counting persons who do not have an identification card issued by a mayor or who might not be known to the mayor of the village where they were born and currently live. Relevant UN agencies are willing to provide technical assistance in the survey.

> Participants agreed that there is a need to have a survey of stateless persons, and suggested to be undertaken through the Ministry of Interior in cooperation with UNHCR, the Ministry of Social Affairs and NGOs concerned, in order to determine the number of stateless persons, in addition to their types.

GENDER DISCRIMINATION

The problem of discrimination against Lebanese women in the Lebanese nationality laws, most notably in the case of Lebanese women married to stateless men, was raised during the discussions.

Among other things, gender discrimination provides only for "legitimate" children born to a Lebanese father to acquire Lebanese nationality upon registration of the birth certificate, whether the child is born in Lebanon or abroad, and regardless of the mother's nationality. Such discrimination may lead to statelessness or undermine the possibility of reducing the number of stateless persons. Furthermore the law discriminates between women who are Lebanese by origin and naturalized Lebanese women (after the death of a foreign husband) in terms of giving the latter the privilege of granting Lebanese nationality to their minor children, knowing that these children may be holders of their father's foreign nationality, while it deprives children of Lebanese women of this right, even if they are stateless.

There is also gender discrimination in the acquisition of nationality through marriage, since a foreign woman married to a Lebanese man is entitled to obtain Lebanese citizenship by simply applying to the administration one year after her marriage is registered, while the husband of a Lebanese woman does not obtain citizenship unless he files for naturalization, subject to the discretion of the relevant Lebanese authorities, which may lead to the persistence of statelessness if the husband does not have any other nationality.

Participants agreed that such discrimination constitutes a violation of the principle of equality which is an international obligation and a constitutional principle that must prevail over any positive law, especially if children were to become stateless.

Related to the problem of discrimination between two categories of women is the fact that the marriage of a Lebanese man to an unregistered woman, unlike marriage to a foreign woman, cannot

be registered or implemented administratively unless the husband obtains a judicial decision from the competent judiciary - the single civil judge – to correct his marital status from 'single' to 'married to an unregistered woman'. Unlike a foreign wife, the unregistered woman married to a Lebanese man has to file a law suit before the relevant courts to grant her Lebanese nationality. This is because she does not have any records on the basis of which she may be transferred to the register of Lebanese residents.

Another instance of discrimination between foreign women married to Lebanese men, practiced by the General Security, involves Palestinian refugee women married to Lebanese men. They do not acquire Lebanese citizenship until three to five years after registration of marriage, depending on whether the couple has children or not, a condition not required for other foreign women.

> A number of participants considered discrimination against women in both legal texts and practice to be unacceptable and called for its eradication.

PROBLEMS PERTAINING TO REGISTRATION

Problem of non-acquisition of nationality except through registration

The relationship between birth registration and nationality or statelessness was also raised by the participants. It was stressed that if citizenship is acquired through the right of birth, birth registration is essential and required as physical proof of the affiliation of the child to his father (or mother, in the event of a child born out of wedlock who is recognized by his mother). A delay in registration of one year from the date of the birth is allowed without any fines. Thereafter, registration has to be done through a court decision. Failure to register birth renders a child Maktoum al Qaid. This highlights the overlap between unregistered and stateless persons, since the unregistered person is a person who does not have any nationality until he is registered. A registration lawsuit is legally a

civil status lawsuit whereby the judge recognizes the child's birth certification and the authorities accordingly register him/her. Before that, the child is stateless, and therefore non-existent, because he/she had not been registered.

Discussing mechanisms for facilitating registration, participants referred to a Ministry of Interior proposal regarding so-called "electronic government", i.e. a network of electronic communication between various relevant ministries (Interior, Justice, Social Affairs and Health) so that no birth would be left unknown pending a statement by the parents. There are administrative measures that could be implemented which would facilitate birth registration and ensure this is done without the need to amend citizenship laws, for example through linking the birth documents issued by a hospital to the personal status register system, especially where parents are not aware of the importance of registration. However, even though this solution may be practical, it remains non-feasible under the current law regulating personal status documents, where the birth certificate is endorsed by the mayor and then registered at the Personal Status Department; Hence, any changes to regulations or procedures for registration would require a legal amendment which may be time-consuming and is not currently part of the government's agenda. However, it is possible to require hospitals to inform the General Directorate of Personal Status of any birth while providing the father and the mother's names, if known, so that births would become known and parents could be invited, through the mayor, to register their child.

It is necessary to consider whether the majority of unregistered persons are Lebanese because they have acquired nationality automatically at birth or whether, to the contrary, they are not Lebanese citizens because in practice the registration of a person's birth is a requirement for someone to be considered a citizen and many people cannot satisfy the documentation requirements to do so. This might lead to a problem of statelessness as it might be difficult to prove eligibility for citizenship if this situation has continued through many generations. It should be noted that the

Lebanese law on birth registration as a condition for citizenship acquisition is distinct from the practice of many countries. In the case of Canada, for example, a child is considered a citizen the moment he or she is born (acquisition of nationality at birth, confirmed later when he or she obtains official documents), while nationality is not acquired automatically but requires certain procedures such as birth registration with the authorities in the case of Chile and Brazil for children born to their nationals abroad).

> Participants agreed that there is a need to address the problem of birth registration, firstly by identifying the current obstacles in administrative procedures, and secondly, to look for the areas of the procedures that need modification, such as eliminating or extending the prescribed delays for registration and simplifying procedures in order to reduce the risk of statelessness at birth, so that individuals are considered Lebanese citizens from the moment of birth and registration would constitute a confirmation of this bond.
>
> It was agreed that in the immediate term there should be a major national registration campaign, in cooperation with all local authorities and with the technical assistance of relevant United Nations organizations.

Administrative and practical obstacles to registration

As a result of the fact that birth registration is essential to avoid statelessness at birth in Lebanon, the problem of “Lebanese” unregistered persons and statelessness can arise when there is failure to register a birth, i.e. when the new-born is considered unregistered until the completion of his or her administrative or judicial registration. The cost of administrative registration appears to be an obstacle to birth registration for some families living in extreme poverty who are unable to pay the cost of the birth

certificate. The Ministry of Interior has undertaken to reduce registration costs to a minimum, since some families are unable to pay even a token amount. While the law does not impose any registration fees, people may pay fees to mayors who request them arbitrarily: these should not exceed three thousand Lebanese Pounds within a month after the birth and five thousand Lebanese Pounds within a year, according to the law. Many village mayors still register children free of charge. For registration through the judiciary, and in cases where the proof of evidence of affiliation is not disputed, there should not be a need for a DNA test, thus making the process easier. In this context, the Ministry of Justice has promised the Committee of Maktoumi Qaid to provide for DNA testing in public hospitals almost free of charge.

However, the real cost is linked to attorneys' fees, which are usually high and unaffordable for many people, especially those in need who live in rural areas. The current system of legal aid is subject to the discretion of the bar associations, which do not necessarily prioritize court cases involving nationality. There is a need to lobby the Bar Association in this regard, to propose, for instance, in coordination with the Legal Aid Fund of the Bar, mechanisms to encourage lawyers to volunteer to work on this sort of litigation, such as making volunteering in a number of cases related to unregistered persons one of the conditions for promotion of intern lawyers.

The inordinately prolonged process for registration is one of the factors hindering many families from resolving the issue of their non-registration and statelessness: There are cases pending in the courts for decades, although the judiciary may try to speed registration within the framework of the law. The problem of delayed execution of court decisions by the Ministry of Interior persists. In this regard, the Ministry of Interior recently expressed its readiness to speed the execution of all judicial rulings which fulfill the required conditions. This may contribute to resolving the problems of a large number of individuals.

Certain countries have allowed for some flexibility in their judicial

system to facilitate the judicial registration procedures through a one day campaign for the registration of children whose registration was neglected. This may be conducted through mobile courts moving to different regions, facilitating people's access to the judicial authorities and providing them with legal aid on the day of the campaign, as recently happened in Côte d'Ivoire, where judges issued late registration decisions for more than 900,000 persons in one year. However, the problem with the Lebanese judicial system is that it doesn't allow for such flexibility, and the administration and the judiciary cannot go beyond legal provisions related to registration deadlines and procedures, in addition to the fact that claims should be examined individually.

The problem of evidence

The problem of evidence arises when there is a dispute over affiliation. This is particularly the situation for children born out of wedlock. Here, affiliation must be proved and resort to proof before the court is necessary, in the event of a dispute over paternity or denial thereof. In these cases, the courts accept all means of proof but there is a recent tendency to use DNA testing, which is not imposed by law but by judges, since it is a scientifically conclusive proof of descent that has become more easily available in Lebanon. In the past, courts used to prove descent through the religious courts and the testimony of witnesses, and mayors' certificates. DNA is only required from the father, not the mother: the Court of Cassation annuls judicial decisions that require the DNA of the mother. However, such an annulment results in prolonging the process, as well as needlessly increasing the costs that may be incurred by the parties concerned.

Although DNA proof is conclusive, accurate and quick, testing costs between $250 and $400. This prevents many persons from doing it. These tests should be almost free of charge in the context of a lawsuit filed to correct a registry and/or prove descent, at least in hospitals that receive funding from the State, which in its turn

could require them to contribute to a certain number of cases per year free of charge. As a first stage, people should be encouraged to turn to public hospitals where the costs of the tests are much lower than those carried out by private laboratories.

In addition to laboratory test costs, a number of practical matters related to the evidentiary process limit people's ability to resolve the problem of their non-registration. They include difficulties in providing other types of proof, such as the cost of obtaining birth and baptism certificates, proof of descent verdicts from religious courts and documents issued by mayors, as well as the expenditure of time. Judicial fees – although symbolic - may also exceed the capacity of some people

There are many cases of unregistered persons that resulted from the fact that they failed to register themselves during the 1932 census. These persons must prove their Ottoman origins and that they were living in Lebanon on 30 August, 1924, which are material facts which may be proven in many ways. In fact, many verdicts and decisions were issued by the Lebanese courts granting Lebanese nationality to those who met these two conditions; however, this is much more difficult today with the passing of years and the death of witnesses.

> The participants agreed that there is a need to identify the administrative and judicial expenditures required for nationality cases, such as the judicial fees and costs of laboratory tests that these cases entail, in order to develop a joint strategy aimed at reducing the material burden, as a step to achieving justice free of charge.
>
> By the same token, in order to reduce the costs of nationality cases and make them affordable for all, participants called for a system of legal aid in cooperation between the Ministry of Justice and the Bar Association, as well as for the establishment of a network of volunteer lawyers specializing in statelessness issues.

Problem of non-registration of abandoned children placed in social care institutions, and illegitimate children

The child of unknown parents is, according to the legal provisions, Lebanese ipso facto. However, the provisions are not clear as to what procedures - either administrative or judicial – are necessary for acquiring Lebanese nationality.

The General-Directorate of Personal Status cannot go beyond the framework and conditions of Article 16 of the Law of Personal Status Documentation Registry with regards to the registration of abandoned children, and does not have the right to interfere automatically in this matter. The basic problem in this regard lies in the contravention of certain provisions of this article by the institutions that receive these children. Institutions often provide a report by the mayor of the area in which the institution is located, and not the area where the child was found, or submit a registration request when a child is no longer a newborn, which can be confirmed by the security authorities (Currently the General Security office). Such actions cause the child to lose his or her right to administrative registration and to Lebanese nationality, and the institution is then compelled to resort to the relevant courts if interested in pursuing the child's registration.

As for the judiciary, the basic problem lies in the issue of who is filing the nationality claim on behalf of the child, since in order to be able to personally file a claim, the child must wait until the age of legal capacity. Hence, the child's legal guardian or the director of the orphanage or social institution should file the claim on the child's behalf, which must be done promptly to avoid depriving the child of an identity for years. This again raises the problem of lengthy court proceedings, with many claims filed on behalf of children remaining pending in the courts for more than 15 years. The birth of an abandoned child on Lebanese territory is a material fact that can be proven through a variety of evidence, such as the testimony of the person who found the baby and the director

of the orphanage that accepted the child, or the absence of any paternity claim after a reasonable delay.

Equally time consuming are the proceedings related to illegitimate children. Again, cases in which mothers wanted to register the birth of a child under their own name have been pending in the courts for years; the children are now adults living with a certificate testifying that their case is still under study by the court. They are considered stateless until a decision is reached.

Unlike a legitimate child born to a Lebanese father who is considered Lebanese upon registration of birth, a child of a Lebanese father born outside marriage is considered Lebanese only if the father willingly recognizes the minor child, or by virtue of a judicial ruling. If the child is born to a Lebanese mother and a foreign father, he/she is considered Lebanese if recognized by his/her Lebanese mother before the affiliation to the foreign father is proven, or if the laws of the foreign father's country do not grant the child nationality. This measure would prevent the child from becoming stateless.

Another problem associated with children born outside marriage is linked to social considerations. The provisions pertaining to illegitimate children allow Lebanese mothers to register their children as illegitimate. However, to give the Lebanese nationality to their children, women sometimes resort to these provisions, even if it is not the case, or in cases of women married to unregistered men who have to register their children as having an unknown father, which itself creates a new social nuisance.

As for the social considerations resulting from the fear of the word "illegitimate" or "foundling" on the personal status documents, which may prevent some from settling their situation, personal identification documents issued by the Personal Status Department no longer include today any reference to this status.

Participants agreed that:

1 – The social care institutions should immediately request the registration of foundling children

they receive, turning to the courts when the Administration refuses to do so and without waiting for the children to reach an older age.

2 – The Ministry of Social Affairs should determine the social institutions to deal with in this regard.

Problem of stateless children born in Lebanon to stateless parents

This problem was raised from the perspective of children born to parents in the category of "unregistered persons" of non-Lebanese origin. There is a need to search for a solution for those who remain unregistered and without any citizenship in Lebanon today, since they cannot be registered in any other country, including the last country their parents came from some decades ago.

This is a common situation around the world, where people migrated generations ago to a given country, and due to subsequent geo-political changes (as happened in the Ottoman Empire) and as a result of the emergence or disappearance of states. In many cases some generations lack documentation and people are not able to prove that they are citizens of either their country of origin or their country of residence. However, this problem and the need to find appropriate solutions have in recent years been acknowledged worldwide. This includes investigating whether a person has bonds with either a foreign country or Lebanon. If the results of the investigation show that the person does not have any bonds/affiliation to the foreign country, the next step would be to prove if the claimant has any Lebanese origin to proceed to acquire the Lebanese nationality accordingly. In the event that the foreign country denies the claimant's citizenship and no Lebanese origins are found, the claimant is considered stateless. Efforts should then be made to find a solution to this problem through the recognition of bonds to Lebanon, such as being born in Lebanon or residing in the country for a long period, and applying the provisions of Lebanese nationality law. Experiences around

the world are diverse in this regard, and the UNHCR is currently working with the Government of Turkmenistan on a similar case of people with Soviet roots: if it can be proven that a certain person is stateless, the State of Turkmenistan will grant nationality by naturalization. There is also a similar case in Syria, where the 1962 census led to the exclusion of a large number of unregistered persons and “foreign Kurds”. In April 2011, the Syrian government announced that the “foreign Kurds” could apply for citizenship, and at least 50,000 persons were granted nationality between April and September 2011.

Under Lebanese law, children born in Lebanon to parents whose foreign nationality was unknown, i.e. it was proven that their parents were stateless, should be granted Lebanese citizenship jus soli; however, considering them as “under study” according to the instructions of General Security 73 / 2006 mentioned above, may deprive them of this right. It also appears that, for unknown reasons, jus soli is not in reality currently applied to the children in question in order to enable them to obtain Lebanese citizenship.

Participants agreed that there is a need for:

1- Recognition of the bonds existing between these persons and Lebanon, and working towards putting an end to their statelessness;

2- Considering the children of these persons Lebanese on grounds of jus soli when necessary conditions are fulfilled.

Problem of neglect of birth registration and lack of awareness of the importance of birth registration

Among the main reasons currently leading to the problems of unregistered persons, non-registration of births and statelessness in Lebanon, is ignorance and neglect on the part of parents, especially those living in remote areas, which result in unregistered families from one generation to another.

Experience in the field with cases of unregistered persons in North Lebanon, for example, indicates a feeling of a lack of necessity in remote areas since the State services in these areas are either primitive or non-existent. This contributes to neglect of registration and indifference to correcting personal status registration records. As a result, people do not register themselves because doing so will not grant them any rights, combined with a lack of awareness of the feasibility of administrative or judicial correction of the registry and a lack of awareness of their rights.

Many parents do not declare the births of their children to the Personal Status Department in order to avoid the administrative process, unaware that they are not required to appear in person at the department: by signing the birth certificate prepared by the mayor, they are considered to have assigned the latter to register the child and obtain a birth certificate and a registration certificate. Another problem relates to a lack of knowledge of procedures and processes on the part of local administrative offices. Mayors sometimes do not complete all the procedures themselves, and at times the local administrative authorities are not satisfied with the process: the parents are then asked to attend in person.

This problem is coupled with the fact that some lawyers working on the cases of unregistered persons do not themselves have sufficient legal knowledge: they may file lawsuits on a wrongful basis, which delays finding a solution for many people. In the same context, there seems to be a lack of information at multiple levels regarding the correct procedures, and many unregistered persons mistakenly apply directly to the Ministry of Interior or the Ministry of Justice for registration. The ministries then turn to the Legislation and Advisory Committee for an advisory opinion, and such persons are directed to the relevant courts. This results in prolonging the case process.

Furthermore, there is a lack of awareness, manuals, and practical instructions to guide people through the procedures and advise them on possible available solutions, which would also contribute to preventing the problem before it occurs.

There is also a need for a social approach, as many births still do not take place in hospitals or with the assistance of a doctor. Many hospitals do not admit women for delivery unless they provide an extract of the family personal status record or marriage registration certificates. This problem should be addressed at multiple levels, including raising awareness of correct procedure.

> Participants agreed that there is a need to organize, in partnership with mayors, municipalities, Development Services Centers in the regions, NGOs active in this area, hospitals, clinics and obstetricians, and in cooperation with the relevant UN agencies, a national campaign addressed at parents and legal guardians, to raise awareness of the importance and necessity of immediate birth registration and the impact of non-registration on children's nationality and rights.
>
> A part of the campaign should be dedicated to raising the awareness of workers in the legal field about the available legal and administrative procedures to address many cases of statelessness and prevent new cases.

PROBLEMS RELATED TO LAWS AND POLICIES

Ambiguity of certain texts and limitations of judicial interpretations

Frontiers Ruwad Association's study indicates that many provisions of the legal texts regulating nationality are unclear. This is reflected through confusion in application, inability of the relevant parties to benefit from them, as well as contradictions in interpreting some points, which may limit their potential to reduce cases of statelessness.

Nationality laws are related to public order and therefore can only be explained narrowly and exclusively. If the text is clear, no jurisprudence is allowed. Hence the Courts of Appeal overrule

decisions that interpret the law contrary to the clear and explicit provisions of the text, such as granting the nationality to a minor child of a Lebanese mother and deceased foreign father. On the other hand, if the law is explicit or semi-explicit about a certain issue the judge and litigating parties should abide by the law, but when the law is silent or unclear the judge and jurisprudence should speak to fill the gap, especially when the case is related to human rights. Otherwise, there would be a denial of justice, which is considered a crime, for which the judge and the State would be held liable. Human rights are interpreted by the Administrative courts as general principles of law superior to positive law, such as the right to a homeland and identity: the Civil courts to adopt the same approach as the administrative justice, considering that such jurisprudence opens the door to an administrative judge to revoke the illegal text indirectly, and issue decisions that are consistent with human rights.

A specific obstacle to the principle of equality and broad interpretation in matters of personal status is related to confessional personal status laws, such as the existence of a text in the Koran prohibiting equality of women and men on the issue of inheritance, as well as between a legitimate and illegitimate child.

> Participants agreed that there is a need to identify legislative gaps, such as the lack of clarity or non-existence of texts, which may lead to statelessness, as well as the points that need a legislative change to address them, and to propose solutions. This should be done through small meetings of a working group emanating from the roundtable.

Lack of legal framework for Stateless persons

It is clear that stateless persons in Lebanon do not enjoy any rights, since they are considered non-existent and there is no special legal framework governing their status and rights.

In this context although nationality is a fundamental right for

everyone, this does not mean that stateless persons who are deprived of citizenship should not enjoy any rights. The Lebanese State may not invoke its non-ratification of the Conventions relating to the Status of Stateless Persons and the Reduction of Statelessness to justify its failure to provide for their rights, since it has ratified many other human rights instruments that guarantee these rights for all people and ensure the right to citizenship for all without any discrimination. This is confirmed by CERD Committee General Recommendation 30 of 2004 related to discrimination against non-citizens.

Since nationality is the key to enjoying fundamental human rights, statelessness may deprive persons of the enjoyment of those rights, such as the right to education, health, work, movement, property, legitimate marriage and birth registration, in addition to the fact that stateless persons face the problem of prolonged detention in many countries because of their inability to prove their identity or the legality of their stay in the country, as is the case in Lebanon. One of the problems in Lebanon and the region lies in the fact that rights are derived from nationality, not citizenship or residence, hence the lack of rights for stateless persons.

As an example of partial solutions to the situation of stateless persons, the GSO grants children of non-Lebanese unregistered persons a “Khulasat Jawaz Iqama” (Summary of residence permit) that enables them to enroll in schools; this permit remains valid as long as the child is in school. They are also granted laissez-passer valid for one year, with multiple entries, by virtue of a decision issued by the Director General of General Security on a case by case basis. Unregistered persons of various categories usually move around the country by virtue of an identification certificate issued by the mayor. If an unregistered or stateless person is prosecuted for lack of identification papers or for any crime, on expiry of the sentence, he/she is referred to the GSO in order to decide about his/her stay in Lebanon. If the GSO is not able to determine the individual’s nationality and consequently refers him/her to the relevant embassy for deportation, the GSO releases him/her.

However, the individual might be re-arrested again, immediately upon his release for the same reason and be referred again to the courts for the same reason. This anomaly should be addressed.

There are a large number of unregistered persons who do not have any documents or identification papers. Apparently, if a Lebanese man marries a woman of this category their children may be considered illegitimate because they cannot even have a religious marriage. This category therefore needs urgent attention.

Persons in the “under study” category get annual residence permits and laissez-passer to be able to exit and re-enter the country, as well as personal status certificates from the relevant authorities. They are also able to work in the private sector and have access to education. The Personal Status Directorate treats the “under study” persons as foreigners in all aspects related to personal status, in coordination with the GSO, and the registration of the births of their children is subject to the same conditions as Lebanese children in terms of deadlines and the birth certificate, which is registered in the register of foreigners.

> Participants agreed that the legislature should develop a legal framework governing the status and rights of stateless persons, in cooperation with the UNHCR, which has expressed its readiness to provide technical assistance to the State in this regard if needed.

Lack of a clear general policy to prevent statelessness

There are many factors relating to general policy, as well as social and demographic considerations that must be taken into account when examining any strategy to reduce statelessness in Lebanon. It is difficult to dealing with this issue, since there is one aspect which is as important as the legal and technical, and that relate to the delicate and sensitive balance underlying the Lebanese entity, where religious or confessional affiliation may sometimes be contradictory

to the national identity. This factor makes these cases subject to many considerations and reservations that exceed the legal framework and require a kind of national or political “consensus”, which is apparently impossible, at least in the foreseeable future.

The Lebanese authorities should stop focusing on the ever-present fear of the naturalization of Palestinians and Syrians, depriving children of their right to an identity at the expense of Lebanon’s international binding obligations. The reference made to the issue of naturalization was incidental, since it was not discussed in detail during the roundtable, as it fell outside the scope of its work. The Lebanese law on naturalization needs to be developed and standards should be set to confirm the bonds existing between the foreign applicant and Lebanon, such as knowledge of the language and history of the country, as is the case in other countries around the world. This might reduce the Lebanese fear of granting naturalization as well as the political abuse of naturalization. However, the political and sectarian structure of the country would prevent such amendments and development of the law. The issuance of the decree of naturalization in 1994 is the best example of Lebanese politics related to citizenship and naturalization, both in terms of the issuance of the decree and the authorization to naturalize many persons whose files were not completed as required by law. Objections and challenges based on demographic and political reasons were raised at the time and political interference influenced the outcome of the challenges. As a result, the cases were referred once more to the Administration instead of annulling the decree and requesting that the Personal Status Directorate implement the annulment decision and issue another decision consistent with the law as prescribed by the principles of justice and equity, and thereby ignoring the acquired rights of naturalized persons.

The causes of statelessness in Lebanon are also linked to the concept of citizenship which was adopted by the Lebanese system and other Arab countries. The old laws which still govern and organize the issue of citizenship bear a large part of the responsibility for the emergence and aggravation of the phenomenon of statelessness in

the region by adopting a narrow and limited concept of citizenship. In a way, this prevented the right to citizenship being considered as a natural and intrinsic human right. These laws also adopted strict criteria for granting citizenship, mostly based on male patrilineage and jus soli under certain conditions. Furthermore, there are historical causes that led to statelessness and which were associated with waves of displacement following the fall of the Ottoman Empire, the emergence of nations and nationalities in the region, and successive wars, as well as the number of people who for political, social and demographic reasons did not register during the census.

The State lacks sufficient interest in working on nationality issues and statelessness reduction, especially in remote areas, and must urgently develop a national plan to address this phenomenon. This is not the case, as the issue does not appear on the official agenda.

One of the indicators of the lack of official concern is the absence of any survey on stateless and unregistered persons, which requires a government policy, ministerial decisions and administrative instructions.

There are currently no draft laws on nationality and statelessness reduction before the Parliament: this topic is considered to be sensitive and is therefore avoided. Legislative policy regarding the issue of Lebanese nationality has remained, since its inception, far from any comprehensive overview of the issues that nationality entails. It was limited to partial amendments at various times to address emergency situations, which led to scattered and incoherent texts and legal gaps and a void in some areas. There is a need for a standardized comprehensive nationality law in line with the evolution of jurisprudence and international standards to fill the gaps that prevent many persons entitled to Lebanese nationality from acquiring it to this date.

> Participants agreed that Lebanon should adopt a clear policy within the framework of statelessness reduction in Lebanon, on all legislative, administrative and procedural levels.

RECOMMENDATIONS

The key recommendations of the roundtable can be summarized as follows:

1. Regarding the concepts and categories related to statelessness and the scope of the problem, participants should cooperate to reach an agreement on concepts and definitions, to be submitted later to the concerned authorities in order to facilitate the process of finding appropriate solutions; all stakeholders should carry out a survey of stateless and unregistered persons in order to identify their numbers and categories, as well as the causes of their status.
2. Regarding registration and associated problems and obstacles, participants should cooperate to identify the gaps in the administrative practices leading to statelessness, as well as the obstacles leading to the non-registration of births and those preventing parents who neglected to register their children during the time limits from turning to the courts to register them, and to propose ways to address these issues. Furthermore, a national registration campaign and a national awareness raising campaign on the importance of birth registration should be organized in cooperation with all stakeholders.
3. Regarding the laws and policies, a study should be carried out to identify gaps in the law and how to address them; legislators should reexamine applicable laws and develop a comprehensive nationality law in order to facilitate the reduction of statelessness, while harmonizing the legislation with international standards and Lebanon’s commitments.

At the end of the roundtable, participants agreed to establish a working group with focal points in each Directorate or Ministry to

follow up and continue the discussions pertaining to this issue; to discuss specific problems, such as the social dimension; to work on the elaboration of programs aimed at addressing pressing needs, and, through a variety of channels - including homes, schools, mayors, municipalities and all stakeholders - reach an understanding on certain problems which are specific to particular categories. Relevant United Nations organizations shall be part of this group that will seek to clarify the basic concepts, follow up on the implementation of the recommendations, and discuss relevant problems that were not addressed, such as the economic and social rights of stateless persons. United Nations organizations expressed their willingness to collaborate with and support all the Lebanese authorities in order to move forward on the implementation of these recommendations.

LIST OF PARTICIPANTS

Judges and Official Representatives
Judge Ghassan Rabah
President of the Civil Cassation Court
Vice President of the Committee on the Rights of the Child

Judge Yousef Saadallah Khoury
Former President of the State Council

Judge Georgina Abi Tayeh
Legislation and Advisories Board
Ministry of Justice

Judge Mohammad Raad
Ministry of Justice General Directorate

Ms. Rania Khalife
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Ms. Samira Trad
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Ms. Ghida Frangieh
Board Member

Ms. Sarah Wansa
Legal Advisor

ROUNDTABLE AGENDA

Time	Topics	Moderators / Speakers
8:30 – 9:00	Registration	
9:00 – 9:20	Opening Session	Ms. Samira Trad (Frontiers Ruwad Association) Ms. Ninette Kelley (UNHCR) Mr. Fateh Azzam (OHCHR)
9:20 -10:30	Session 1: Legal Framework for Statelessness and the Right to Nationality	Moderator: Mr. Fateh Azzam (OHCHR) Speakers: Mark Manly - International Expert (UNHCR) Ms. Berna Habib (Frontiers Ruwad Association) Discussion
10:30 -10:45	Coffee Break	
10:45 – 10:50	Conclusions of first session	Speakers: First Session Moderator
10:50 – 13:00	Session 2: Stateless Persons in Lebanon	Moderator: Ms. Samira Trad (Frontiers Ruwad Association) Speakers: Judge Ghassan Rabah (Head of Civil Cassation Court – Personal Status Chamber) Judge Georgina Abi Tayeh, (Ministry of Justice) Ms. Rania Khalife (Personal Status General Directorate) Lieut. Shawkat Jomaa (General Directorate for General Security) Me. Badawi Abou Dib Discussion
13:00 – 14:00	Lunch	
14:00 -14:05	Conclusions of Session 2	Speakers: Session 2 Moderator
14:05- 15:25	Session 3: Strategies for Solutions	Moderator: Ms. Ninette Kelley (UNHCR) Speakers: Mark Manly - International Expert (UNHCR) Discussion
15:25 – 15:35	Break	
15:35 – 15:40	Conclusions of Session 3	Speakers: Session 3 Moderator
15:40 – 16:45	Session 4: Adoption of Recommendations	Moderator: Frontiers Ruwad Association Discussion
16:45 - 17:30	Closing Session: Screening of a documentary film on statelessness in Lebanon (produced by Frontiers) Conclusions and Recommendations	Speakers: Session 4 Moderator

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