

**LEBANESE AMERICAN UNIVERSITY**

**STATELESSNESS UNDER CONFSSIONALISM:  
THE CASE OF LEBANON**

By

Karoline Molaeb

A thesis  
Submitted in partial fulfillment of the requirements  
for the degree of Master of Arts in International Affairs

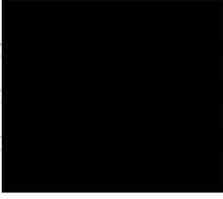
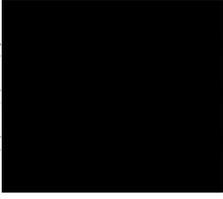
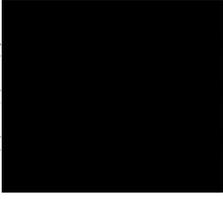
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*To every stateless individual whose voice is unheard  
and whose struggles are overlooked*

*Being a citizen of a state in a world of nation-states is a right not a privilege!*

## **ACKNOWLEDGEMENTS**

This study wouldn't have been possible without the support and help of many people. First of all, I would like to express my gratitude to my professors of the Social Sciences Department at the Lebanese American University during my two-year study for equipping me with all the necessary critical skills and knowledge base. My special appreciation goes to my advisor, Dr. Imad Salamey for his continuous assistance and encouragement, in addition to his professional mentorship throughout my research. I would like to also thank my committee members Dr. Dunia Harajli and Dr. Tamirace Fakhoury for their constructive comments. Finally, such a journey wouldn't have been realizable without the immense support and motivation from my husband and family. Thank you for being there and for always making me believe in my abilities.

# Statelessness under Confessionalism: The Case of Lebanon

Karoline Molaeb

## ABSTRACT

Being a citizen of a state is an inevitable right. The United Nations High Commissioner for Refugees approximates that there are around twelve million stateless people around the globe. The problem of statelessness stands as a phenomenal peculiarity with pernicious consequences on its population. Interestingly, the existence of stateless individuals contradicts not only the Universal Declaration of Human Rights but also international law that secures the basic human right of every individual to be a citizen of a state. Despite the magnitude of the problem, not much attention has been offered to examine this exceptional occurrence. Statelessness has been analyzed from legal frameworks, human rights discourses and sociological aspects; however, it is insignificantly explored from a political institutional perspective. Confessional systems being religiously or communally divided amplify the difficulties faced by stateless persons thus hindering any citizenship reforms. This study aims to assess the impact of statelessness in a confessional system and reveal the additional challenges stateless individuals face in light of multi-confessionalism. The research uses Lebanon as a case study to illustrate how statelessness and acquiring a citizenship differs in a confessional fragmented political system where patriarchic and clientelistic relations prevail. Central to this analysis of the ambitions of the political elites to maintain the sectarian system is the notion of “sacrificed citizens”, namely those who have the eligibility to be ‘Lebanese’ yet are prevented from acquiring citizenship since they are perceived to threaten the constructed political communitarian system. The thesis will evince the immense ability of the Lebanese sectarian political system in impeding any citizenship rectification and institutional reforms, in addition to revealing the role of religious institutions and sectarian elites in following special strategies such as exceptional naturalization decrees and discriminatory nationality laws to preserve the current Lebanese demographic balance. This will serve as a preliminary analysis of the effects of a power-sharing arrangement on

citizenship. Lebanon, as a case point, will thus present the possible boundaries of a confessional democracy and the need to instigate applicable domestic legislative amelioration. It will also serve as a preliminary background that will be a starting point for further research to be conducted about statelessness under confessionalism.

Keywords: Statelessness, Citizenship, Human Rights, International Law, Confessional system, Clientelism, Lebanon, Communitarian system, Sectarianism, Discriminatory Nationality Law, Legislative reforms.

# TABLE OF CONTENTS

CHAPTER ONE – INTRODUCTION.....	1
1.1. Situating the Thesis .....	1
1.2. The Appositeness of the Lebanese Case Study .....	4
1.3. Questions to be Examined .....	4
1.4. Significance of the Study.....	6
1.5. Methodology .....	8
1.6. Definitions .....	9
1.7. Categorization of Lebanese Stateless Individuals.....	14
1.8. Roadmap of the Thesis .....	15
CHAPTER TWO – CONCEPTUALIZING STATELESSNESS .....	17
2.1. Introduction .....	17
2.2. The Origin and Development of the Concept .....	18
2.3. International Legal Framework of Statelessness .....	20
2.4. Addressing Statelessness Regionally .....	23
2.5. Legal Examination .....	28
2.6. Social and Political Theory Relating to Statelessness .....	30
2.7. Conclusion .....	33
CHAPTER THREE – EMERGENCE OF STATELESSNESS IN LEBANON: ANALYZING NATIONALITY LEGISLATIONS .....	35
3.1. Introduction .....	35
3.2. International Obligation .....	36

3.3. Development of Lebanese Legislation .....	38
3.4. Lebanon in the 19th and 21st Centuries: A Battle for Power .....	41
3.4.1. The Tyranny of Citizenship: Gender Discrimination .....	44
3.4.2. Naturalization Decree: A Special Measure for a Confessional Equilibrium? .....	49
3.5. Conclusion .....	55
 CHAPTER FOUR – SUBJUGATING THE LEBANESE CITIZENSHIP: A POLITICAL STRATEGY FOR SECTARIAN PRESERVATION .....	57
4.1. Introduction .....	57
4.2. Sectarianization of Lebanese Citizenship .....	59
4.3. The Palestinian Case: A Pretext for Political Elites .....	64
4.4. Questionable Inclusion of Armenians and the Exclusion of Kurds and Bedouins .....	68
4.5. Maronite’s Challenging of the 1994 Naturalization Law and its Effects on Elections .....	71
4.6. What about the Religious Institutions and Statelessness? .....	77
4.7. Conclusion .....	79
 CHAPTER FIVE – CONCLUSION .....	81
5.1. Overall Findings .....	81
5.2. General Recommendations for Lebanon: Good Practices, Challenges, and Possible Solutions .....	86
5.3. The International Community: Global Action Plan to End Statelessness .....	91
5.4. General Conclusions .....	94

BIBLIOGRAPHY ..... 96

APPENDICES ..... 113

Appendix 1: Interviews ..... 113

## LIST OF TABLES

Table 1 Features of Majoritarian and Consensus Governments .....	14
Table 2 Lebanese Categories of ‘Legal’ status for Stateless Individuals Residing in Lebanon .....	14
Table 3 Lebanon’s Relevant Treaty Ratifications Concerning Statelessness .....	37
Table 4 Distribution of Spouses’ Nationalities according to Lebanese Wives’ Confessions .....	46

## LIST OF ABBREVIATIONS

CEDAW	International Convention on Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
EU	European Union
FPM	Free Patriotic Movement
ICCPR	International Covenant on Civil and Political Rights
MENA	Middle East and North African
MOIA	Ministry of Internal Affairs
NGO	Non-Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights
SWMENA	Status of Women in The Middle East and North Africa
U.S.	United States
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNHCR	The United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRWA	The United Nations Relief and Works Agency for Palestine Refugees

# CHAPTER ONE

## INTRODUCTION

### **1.1 Situating the Thesis**

In a presumably borderless world, being a citizen of a state is an inevitable right. The United Nations High Commissioner for Refugees (2013) approximates the existence of around twelve million undocumented individuals around the globe, of which one third are children. The problem of statelessness stands as a phenomenal peculiarity with pernicious consequences on its population.

Living in the 21st century makes it inconceivable to still have undocumented persons who do not possess any legal identification certificate. The 1954 Convention of the United Nations relating to the Status of Stateless Persons elucidates a stateless individual as “a person who is not considered as a national by any State under the operation of its law” (United Nations High Commissioner for Refugees, 1954). It simply means that a stateless person lacks a nationality of any country. Lacking a nationality also denotes the absence of the legal bond which ties the individual with his/her nation-state. The prevalence of the issue of statelessness can occur due to various reasons including discrimination, gaps in nationality domestic laws, administrative procedures, transfer of territory without registration and marital laws (Frontiers Ruwad Association, 2011). The absence of a nationality deprives an individual from enjoying their fundamental human rights. A stateless person cannot have access to almost all civil and political rights. The consequences are drastic because citizenship plays a major role in guaranteeing the rights offered by the nation-state (Blitz, 2012).

Interestingly, the existence of stateless individuals contradicts not only the Universal Declaration of Human Rights (UDHR) but also international law that

secures the basic right of every individual to be a citizen of a state (UDHR, 1948). The international legal bodywork and the international community regard the states as the responsible entities for reducing and securing solutions to statelessness by elaborating on certain international treaties.<sup>1</sup>

Despite the magnitude of such a predicament, not much attention has been offered to examine this exceptional occurrence. Moreover, there is a lack of adequate and reliable information since stateless individuals were labeled by civil societies and the international community as a whole as “outcasts” or “invisible citizens.” Until recently, scholars started examining statelessness adding considerable recognition to the literature. Statelessness was analyzed from legal frameworks, human rights discourses, and sociological aspects. However, the issue has been insignificantly explored from a political institutional perspective. Statelessness varies from country to country and from system to system. Statelessness in a democratic system is perceived differently than in a confessional or authoritarian system. While numerous general aspects apply to all stateless individuals, some distinctive peculiarities are applied in each of the systems. Confessional systems being religiously or communally divided amplify the difficulties faced by stateless persons. In a pluralistic society where clientelistic networks and political religious entrepreneurs rule, statelessness differs between societal groups. In a confessional system, the main interest of religious entrepreneurs is to keep the balance of power and the power structure stable between various religious groups, thus hindering any citizenship reforms that may threaten their dominance.

This study aims to assess the confessional system’s impact on statelessness and reveal the additional challenges stateless individuals face in the light of multi-confessionalism. In order to do so, it requires first the examination of

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<sup>1</sup> Two treaties have been adopted regarding the protection of the stateless population: The 1954 Convention Relating to the Status of Stateless Persons and The 1961 Convention on the Reduction of Statelessness).

statelessness worldwide by taking into consideration the international legal framework. Secondly, it entails the study of statelessness in a confessional system using the case of Lebanon. With 18 different sects, Lebanon offers an empirically significant and rich context to explore. Moreover, the reasons and the impacts of statelessness in Lebanon can alter considerably between the different groups. A country with a population of 5.9 million (including 1.6 million refugees) embraces around 35,000 stateless Palestinians, 35,000 Syrians at risk of statelessness and around 100,000-200,000 stateless non-Palestinians/Syrians (UNHCR, 2016). Looking at these numbers, the problem becomes apparent. For the purpose of this study, stateless refugees (Palestinians and Syrians) will not be the focus of the research since they would widen the scope of the research. The emphasis will be on Lebanese stateless individuals belonging to distinct sects and their consequent causes.

A comparative study will be performed to disclose the confrontations faced by stateless persons in a confessional system. The purpose of the examination is to shed light on the role of the sectarian system and the state in addressing the issue of statelessness without upsetting the current demographic balance. It will serve as a preliminary background that will be a starting point for further research to be conducted about statelessness under confessionalism.

The study will also try to provide realistic policy recommendations after thoroughly understanding the legal gaps within the confessional system in Lebanon. In addition, it will analyze different action plans carried by the international community to end statelessness.

## **1.2 The Appositeness of the Lebanese Case study:**

Lebanon was chosen as a case study in this research based on three chief grounds. First, according to Arend Lijphart, Lebanon falls as an outstanding example of a confessional democracy with a consociational power sharing arrangement. Throughout the centuries leading up to recent times, Lebanon has become the home of eighteen recognized religious groups. Second, Lebanon presents a sizable stateless population in proportion to its overall population. Lebanon hosts around 270,000 Palestinian refugees who do not benefit from the services of the Lebanese government.<sup>2</sup> Around 35,000 of these refugees are not registered in any organization or authority. In addition, there are around 100,000 to -200,000 Lebanese stateless individuals<sup>3</sup>, and finally around 35,000 Syrians at risk of statelessness. Counting the numbers, the problem takes a clearer picture. Hence, the causes and consequences of statelessness vary significantly. The root sources of statelessness are different, hence providing a rich context to explore. Finally, the phenomenon of statelessness in Lebanon is very under- researched and undertheorized. The last official census conducted was in 1932. Relatively insignificant research has been endeavored to document this quandary.

## **1.3 Questions to be Examined:**

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<sup>2</sup> According to UNRWA, the number of registered Palestinian refugees 433,000, although the real number of Palestinian refugees residing in Lebanon is ranged between 260,000 and 280,000. The reason behind such a disparity lies in the fact that the Lebanese authorities do not deregister Palestinian Refugees from Lebanon who leave the country (Lebanon) to reside in other countries. Figures and statistics are available on: <https://www.unrwa.org/resources/about-unrwa/palestine-refugees-lebanon>

<sup>3</sup> There is no accurate number of the Lebanese stateless individuals. The numbers were estimated by the assistance of local authorities (Mukhtar) and municipalities.

The aim of this research is to illustrate how statelessness and acquiring a citizenship differs in a confessional system where patriarchic and clientelistic relations prevail. Lebanon will be taken as a case study due to its fragmented political structure. The main questions explored are: How is statelessness addressed and politicized in Lebanon and what do these show about the relationship between the state and the religious courts in negotiating statelessness? How can the Lebanese nationality policies that cause statelessness be amended and reformed to reduce and finally end this problem? And how can religious and political elites help accommodate stateless persons?

**Research Question in Detail:**

1. What are the merits of having a citizenship?
2. What is the legal framework which encompasses statelessness?
3. How can domestic legislations be incorporated under the conventions of international law?
4. What role does the confessional system hold regarding the granting of citizenships?
5. Who are the stateless in Lebanon?
6. What are the formal and informal justice mechanisms that stateless individuals in Lebanon resort to in claiming their rights or pursuing their security?
7. What threat do stateless individuals pose in a confessional communal system (Case of Lebanon)?
8. How do stateless individuals affect the electoral vote in a confessional system (Case of Lebanon)?
9. How can stateless individuals be re-integrated within the society and the state?

10. How should the policies be amended to reduce statelessness? In the case of Lebanon, how can the policy gaps be filled?

These questions aim at understanding the reasons behind the prevalence of statelessness in Lebanon notably in a patriarchal and community-based society where the main interest of political entrepreneurs and religious leaders is to keep the current balance of power as a status quo. Stateless individuals are trapped in a web of sectarian bureaucratic legal procedures from birth to death. Moreover, these questions aim at demonstrating the challenges stateless individuals face, the strategies utilized by the sectarian system regarding granting the Lebanese citizenship, the effects of the electoral vote on citizenship reforms, and the national political insinuation with regards to the stateless individuals. Finally, the answers will evince the immense ability of the Lebanese sectarian political system in impeding any citizenship rectification. This will serve as a preliminary analysis of the effects of a power-sharing arrangement on citizenship. Lebanon, as a case point, will thus present the possible boundaries of a confessional democracy and the need to instigate applicable domestic legislative amelioration.

#### **1.4 Significance of the Study:**

In a world composed of nation-states, statelessness stands as a phenomenal peculiarity with annihilative consequences on the fates of around 10 to -12 million individuals who do not possess any citizenship. The existence of statelessness presents a fundamental breach of a person's basic natural rights. Despite the amplitude of statelessness, it is still a very under-theorized and under researched issue. Statelessness is much more comprehensively traced in Europe and America than any other continent. In spite of this, it was not

vigorously studied in specific institutional perspectives. Principles in a democratic system vary significantly than that of an authoritarian or confessional one. Consequently, causes and impacts of statelessness diversify along regimes. Confessional systems being religiously or communally divided amplify the difficulties faced by stateless persons. This study aims to add reliable information to the available literature about statelessness by taking the confessional system into consideration.

With 18 officially recognized sects, Lebanon offers an empirically significant and rich context to explore. Under the French Statute, Decree No. 60 L.R. was adopted in 1936 by the High Commissioner in Lebanon, guarantees the identified sects the right to manage their own sectarian courts and to follow separate personal laws (Salloukh, 2015). By merging state establishments with religious institutions, citizens are obliged to abide by the sectarian personal status laws approved by the state (Ibid). Thus, religious institutions manage marriage, birth and death certificates, divorce and separation, and change of residence documents, thereby causing citizens to be bureaucratically dependent on their sectarian institutions rather than the state. It added another rigid legal layer for stateless persons to cross in order acquire their rights.

The statelessness phenomenon in Lebanon compels us to look at the extent of the relationship between the state and the religious institutions which besiege Lebanese citizens in a web of sectarian legal procedures from birth to death. It is significant to recommend policies that would secure the protection of stateless individuals' rights in a pluralistic governance context where religious elites rule. This challenging and riveting study will attract a widespread audience including academics, scholars, researchers, students, lawyers, human rights activists and government officials covering, consequently, a wide- range of fields incorporating law, international studies, public policy, human rights, regime structures and institutions, communitocracy, and citizenship.

## **1.5 Methodology:**

The basis of this study is derived from three methods. The first approach is based on a longitudinal analysis (a single case study) where statelessness will be first analyzed from a worldwide perspective and then in a confessional system (the case of Lebanon). The study is primarily based on an analysis of statelessness's background and its international legal framework examining different conventions, reviews, reports and researches. In order to highlight the factors that lead to the exacerbation of statelessness in a confessional system, Lebanon will be taken as a case study. Analysis of the political structure, relevant nationality laws and norms that were developed in Greater Lebanon will be conducted. The objective is to show the elements that hindered policy reforms concerning statelessness and the respective means of recovering it.

The second approach will be based on semi-structured interviews with Frontiers Rights Association, Justice Without Frontiers Association and UNHCR. The two NGOs are based in Lebanon and work directly with stateless individuals. They will reveal the true challenges faced in a confessional system. It would not only assist in examining the theories that could aid in comprehending the factors that lie behind the existence of statelessness, but it will also explain the security implications that statelessness has on various political entrepreneurs.

The third method would be an exploratory comparative study. It will examine good practices and learned lessons from states where legislative reformations aided in reducing statelessness. Different policies will be compared to see what would suit Lebanon best. Different policies will be compared to see what would suit Lebanon best.

Additionally, I have organized a two-day workshop sponsored by the Institute for Social Justice and Conflict Resolution at the Lebanese American University in collaboration with the LAU Citizenship Club and with the participation of the United Nations High Commissioner on Refugees (UNHCR) in Lebanon and the Frontiers Rights Association about 'Citizenship and Statelessness' entitled

“Overview of Statelessness in International Law: The Global and Lebanese Perspective.” The workshop was held on April 10, 2017 and April 26, 2017 in Wadad Khoury Student Center at LAU’s Beirut campus. I undertook an insider perspective by discussing statelessness in Lebanon and incorporating the different point of views of the speakers and the participants.

The findings of this study do not reflect an all-embracing representation of statelessness in a confessional system. Internal validity is high while external validity may be threatened since only one case study was explored. Never the less, the conclusions enhance the readers’ understanding about the various challenges that stateless individuals face in a confessional system.

Consequently, the research intends to add considerable knowledge to the contemporary literature on statelessness by adding confessionalism as another variable. This will be a starting point for further research to be conducted about statelessness under confessionalism.

## **1.6 Definitions:**

These definitions are central to this research:

### **Statelessness:**

Article1(1) of the 1954 Convention of the United Nations relating to the Status of Stateless Persons determines a stateless individual as:

*“A person who is not considered as a national by any State under the operation of its law”*

“Is considered”: Presently- Most recent official statement

“By any state”: Statehood -State actor

“Under the operation of its law”: All applicable Law-As applied in practice

### De Jure/De facto Stateless Persons:

Throughout the thesis, when writing about stateless individuals, these are entirely considered de jure undocumented persons. They have the statute of statelessness by law which is defined by the above Article 1(1) of the 1954 Convention of the United Nations relating to the Status of Stateless Persons.

De facto stateless individuals reside outside the country of their nationality. They do possess a nationality of their home country; however, their documentation is ineffectual. For certain reasons, they are not protected by the country of their nationality. Protective measures in this respect implies either diplomatic protection against wrongful acts or “general diplomatic and consular protection”, and lastly the entitlement to go back to their nationality country of origin.

De facto statelessness does not include those individuals who reside in the government which granted them this nationality in the first place and who do not enjoy their citizenship rights.

### Individuals at risk of statelessness:

There is a vast difference between stateless individuals and those at risk of getting stateless. Persons at risk of statelessness are deprived of birth registration or personal documentation. They are born outside their country of citizenship of either parent. Usually, they are children of mixed parentage. Risk of statelessness may be caused due to irregular migration, cross-border groups and nomadic populations. The newly born children of the Syrians refugees in Lebanon are at risk of statelessness however they are not stateless. These children do not possess any legal documentation of their country since a civil war occurred. However, they have all the legal rights to acquire the Syrian nationality once the war is over. The main point is that they are eligible for a Syrian nationality but at the time being they do not own any national identification certificates.

### Lebanese Stateless Individuals:

It is important to know who the stateless are in Lebanon. Besides the large number of Palestinian stateless individuals, there is a clear majority of stateless population in Lebanon who are not properly identified due to a lack of official national census and poor in-depth field study. It is estimated that there are around 80,000-200,000 stateless persons, who have the right to a Lebanese nationality by law but who do not hold any legal identification in the Lebanese territory (Frontiers Rights Association, 2011). Some of them are registered in the Ministry of Internal Affairs (MOIA) as *qayd al-dars* which means that their quest to acquire Lebanese citizenship is “under study.” These people are considered to have official records in MOIA, while others may not be registered at all and do not possess any official records or documents proving their existence (Ibid). There are four categories encompassing Lebanese stateless individuals.

As per the Lausanne treaty in 1923, Lebanon was detached from the Ottoman Empire transferring the occupied territories either to the French or British mandates (Treaty of Lausanne, 1923). In turn, nationalities were afforded to inhabitants of these territories. However, the implementation of the treaty in 1924 had certain drawbacks, excluding certain Lebanese inhabitants of these areas of the Lebanese nationality leaving them stateless. None the less, these individuals are eligible for a nationality.

The second category includes individuals who failed to register as Lebanese nationals during the 1921 and 1932 census. The two censuses were intended to record the official population of the Lebanese (residing in Lebanon or Lebanese originated individuals residing abroad), thus granting them Lebanese identity cards after the creation of the Greater Lebanon. However, this left a lot of individuals stateless since they abstained from registering due to either political factors, practical issues, or simply not knowing the importance of identity cards at that time (especially in far villages: Mount Lebanon-Beqaa Valley-Wadi

Khaled). Today, their children and grandchildren are considered to be stateless. Moreover, after the 1932 census, many registered individuals were later removed due to their political affiliation (Frontiers Rights Association, 2011). There was a class and confessional selection favoring financially well off and Christians over others. Those deemed as 'not deserving a nationality' left their descendants stateless as well.

Another category of stateless individuals includes non-Lebanese men married to Lebanese women who lost the nationalities of their original countries, thus leaving their children and grandchildren stateless. These were mainly Turkish refugees seeking asylum in Lebanon after 1924 (the date the Lebanese nationality came to force). The 1932 census recorded 61,297 persons of this category who were recorded as 'foreigners without nationality' (Lebanon, 1932). Again, their off-spring paid the price.

The final category includes stateless individuals whose parents did not register their marriage. This could be due to children born outside wedlock, unregistered children, or children born to unknown parents.

#### Palestinian Stateless Individuals:

Since the Palestinians' exodus in 1948, nothing has changed. Palestinians are the most sizeable stateless population present at the time being. The four consequent generations suffer from not possessing a citizenship. In Lebanon, Palestinian stateless individuals are around 35,000. However, Palestinian refugees are treated exceptionally having a specific program dedicated to them: "The United Nations Relief and Works Agency for Palestine Refugees" (UNRWA). It has assured the wellbeing and the developmental sustainability of four consecutive generations of Palestine asylum seekers, identified as "persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict" (UNRWA, 2007). All Palestinians under the defined category are registered with UNRWA enjoy access to basic human rights. Some 450,000

Palestinian refugees are registered with UNRWA in Lebanon. Hence, the scope of this research does not include Palestinian stateless individuals. However, it will include the spillover effects of the 1948 Israeli conflict on Lebanese politics and on statelessness in Lebanon.

#### Nationality Versus Citizenship:

For this thesis, nationality and citizenship will be indistinguishable. Throughout this paper, the concepts of citizenship or nationality will be based on the definition of the lawful bond between the state and the individual. Both are considered as a source of reciprocal rights and duties. Domestic law sets the conditions for acquisition and withdrawal of a state's nationality. Nationality on the other side is based on its legal definition and not on its social or political concept. Nationality will not be addressed in the sense of an individual's self-identification, be it ethnic, religious, racial, or other. Nationality documentation is a proof of nationality; however, the individual doesn't need to be considered a national to that state.

#### Confessional State:

Considering the leading use of the notion of confessionalism throughout the study, a definite understanding of how confessionalism was conceptualized is needed. Confessionalism is comprehended as *"a system of government that proportionally allocates political power among a country's communities—whether religious or ethnic—according to their percentage of the population"* (United States Institute for Peace). Confessionalism is a power-sharing arrangement of a consociational democracy and consensus government, which is usually encountered in states composed of deeply fragmented societies based on various ethnic or religious groups.

Lijphart (1984) was the first who characterized and defined a consociational democracy as a power-sharing arrangement for divided societies. He mentioned

four pillars that ought to be present in such an arrangement: a grand coalition, a mutual veto, proportional representation and group autonomy (Table 1.1).

Table 1.1 Features of Majoritarian and Consensus Governments (Lijphart, 1984)

	Majoritarian Government Accountability	'Consensus Government' Inclusive and representative
Executive-Parties	One-party ministry	Coalition/ Alliance Government
Parliament	Executive dominant	Balanced Executive- Legislative
Party system	Two-party system	Multi-Party system
Electoral system	Majoritarian	Proportional Representation
Federal-Unitary		
Government	Centralized-unitary	Decentralized- federal
Parliament	Unicameral	Bicameral
Constitution	Flexible	Rigorous/ Inflexible
Judiciary	Part. Sovereign	Judicial review

## 1.7 Categorization of the Lebanese Stateless Individuals

Table 1.2 Lebanese Categories of 'Legal' status for Stateless Individuals Residing in Lebanon<sup>4</sup>

Type of legal status in Lebanon	Implication
---------------------------------	-------------

<sup>4</sup> Official data retrieved from <https://www.unrwa.org/where-we-work/lebanon>

Qayd al dars - Under-review status	Nationality granting is held under examination; Lebanon being the country of birth.
Maktuoum al Qayd – Stateless status or undocumented.	Nationality is unspecified, Lebanon is not being acknowledged as the country of birth.
Palestinians inscribed with both UNRWA and the Lebanese officialdom.	UNRWA secures their basic rights
Palestinians only recorded with the Lebanese officialdom.	UNRWA does not include them in their protection programme
Palestinians lacking identity papers- not identified with neither UNRWA nor the Lebanese government.	Benefit on a small-scale from UNRWA

## **1.8 Roadmap of the Thesis:**

The thesis is composed of five chapters. The next chapter examines the contemporary written works on statelessness worldwide. After presenting a historicized and contextualized legal, sociological, humanitarian and regional framework of analysis, it maps the major contestations stateless individuals deal with and the international legal framework of statelessness. This places the conceptual structure for the third chapter, which analyzes the reality of statelessness in Lebanon and the subsistence of the sectarian system in Lebanon as a challenger for citizenship reforms. It explores the formation and permanence of the stateless population in Lebanon. To comprehend the distinct circumstances in which undocumented persons in Lebanon exist in, it is vital to examine the historical context, international law relating to the stateless population residing in Lebanon, Lebanese nationality laws and the sectarian counterbalance as a basis of the Lebanese confessional configuration. The causes and consequences regarding statelessness for each stateless group in

Lebanon are furtherly expatiated. The fourth chapter analyzes the methods used by sectarian elites to obstruct any institutional reforms. Following this, analysis of the ambition of the political elites to maintain the sectarian system is the notion of “sacrificed citizens”, those who have the eligibility to be ‘Lebanese’, yet not afforded and prevented to acquire citizenship, since they are perceived to threaten the constructed political communitarian system (most notably the Lebanese women and the children of Palestinian fathers from Lebanese women). The final chapter wraps up the research findings and draws apposite deductions, blaming the perpetuation of statelessness onto the nation-state building based on a confessional system, and the necessity of domestic legislative and institutional reforms to end statelessness by taking in to consideration different International action plans to terminate statelessness.

# CHAPTER TWO

## CONCEPTUALIZING STATELESSNESS

### **2.1 Introduction**

Bertolt Brecht famously noted in his 1940 *Refuge Conversations* that “The passport is the most noble part of the human being. It also does not come into existence in such a simple fashion as a human being does. A human being can come into the world anywhere, in the most careless way and for no good reason, but a passport never can. When it is good, the passport is also recognized for this quality, whereas a human being, no matter how good, can go unrecognized” (Eisengarten, Häußler & Brecht, 1986). His perspective demonstrates the indispensable importance of possessing a legal identification in being accepted as a human being. The notion of statelessness came into existence as an inescapable byproduct of the naturalization process that occurred in Europe during the nineteenth century. With the emergence of newly developed states, acquiring a state’s citizenship became synonymous to belonging to it. Thus, those who were displaced by wars, flights, or deportations during that period did not enjoy the merits of the nation-state building system.

This chapter begins by exploring the early origin and development of statelessness in Europe during the two World Wars. It then presents a historicized and contextualized framework of the International Legal instruments encompassing statelessness. It then maps the major regional studies and conventions relating to statelessness, thus situating the state as the responsible entity to provide rights. After outlining the international and regional legal frameworks, this chapters analyzes the legal instruments utilized to end statelessness and the reason behind the failure of the international community to put an end to this phenomenon. To unfold this puzzle, statelessness is

examined from political and philosophical perspectives to reveal the general challenges of nation-state building. This sets the stage for the successive exploration of the existence and progression of statelessness in Lebanon.

## **2.2 The Origin and Development of the Concept**

The history of the international recognition of stateless individuals starts with the League of Nations. The Emergence of statelessness in 1918, mainly in Europe, is attributed to three historical junctures. The first appearance of stateless individuals arose in the aftermath of World War I when European territories were restructured, new borders were redrawn, old empires were debased, and new states were developed. The second episode took place in the 1930s in Germany, after the German National Socialist establishment ratified prejudiced nationality laws towards the Jews, thereby generating a new population of stateless persons (Gellately & Stoltzfus, 2001). The third occurrence was in the fallout of World War II in 1945 when the whole international political system had undergone dramatic changes (Siegelberg, 2014).

Institutions swiftly began to spring up, seeking ways to find solutions to the immense crisis associated with stateless individuals. The first organization to address this problem was the newly established League of Nations along with the International Red Cross. Its early achievement included the introduction of the Nansen passport, named after the League's High Commissioner Fridtjof Nansen (Huntford, 2005). An Intergovernmental Conference on Identity Certificates for Russian Refugees was adopted after a 1922 international agreement in Geneva, convened by the High Commissioner of the League of Nations. The receivers of the first Nansen passports were the Russian refugees fleeing civil war. Approximately 800,000 Russian refugees were labeled as stateless individuals when Lenin nullified the Russian nationality for all Russian emigrants in 1921. In 1930, Germany, Austria, Belgium, Great Britain and Northern Ireland, and Canada acquired the "Convention on Certain Questions relating to the Conflict of Nationality Laws" that was acceded at The Hague (No

4137). It was consecutively followed by the adoption of the Protocol relating to a Certain Case of Statelessness that was ratified by additional countries, namely Belgium, Great Britain and Northern Ireland, Canada, Australia, and the Union of South Africa (No 4138) (League of Nations, 1937-1938). The agreement was further widened in 1933 to also include Armenian, Assyrian, and Turkish refugees. By 1942, an estimated 450,000 Nansen passports were issued to stateless people and refugees who could not attain an identity certificate from a national authority. The contracted parties of the two consecutive treaties were “convinced that it is in the general interest of the international community to secure that all its members should recognize that every person should have a nationality and should have one nationality only” (League of Nations, 1937-1938). It was the first time when stateless persons were recognized and given the right to a nationality. Articles 2,3, and 4 of treaty No. 4137 gave the supremacy and responsibility to national laws to issue identity certificates for individuals in accordance with their jurisdictions. Although the Nansen passport did not grant full citizenship rights to stateless persons, it at the minimum offered them legal identities. These two treaties are considered to be the birthplace of protecting stateless individuals and guaranteeing their birth entitlement to a citizenship. The issue of statelessness was acknowledged as a worldwide problem going beyond the borders of nation states. As the Nansen passport has shown, supranational organizations took the lead in finding solutions that are not bound by state borders. It is a remarkable initiative in international politics that influenced future supranational organizations by considering statelessness the international community’s responsibility. Subsequently, the United Nations apprehended the historical experience of statelessness and urged states to look for means to deal with the problem to prevent any future emergence of stateless individuals.

### **2.3 International Legal Framework of Statelessness**

Within the field of international law, the statelessness phenomenon reflected major developments in the present-time nation state order. In respect to the Universal Declaration of Human Rights of 1948, Article 15 stipulated, “*Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality*” (United Nations, 1948). Nationality became an inherent humanitarian right endowed to every person regardless of their race, belonging, ethnicity, religiosity, or belonging. UDHR shaped citizenship as an essential right surpassing specific nation-states’ jurisdictions. However, since nation-states are the primarily responsible entities for endowing rights to their citizens, many individuals continue falling through the cracks. The Human Rights Law further established obligations on nation-states to secure the right to a citizenship. It prohibited the arbitrary dispossession of a citizenship, abandoned selective issuance of nationalities and ensured that every child acquired a nationality to avoid statelessness.

Statelessness is a drawback generated by the modern international state system; however, it is of greatest universal significance that can only be settled by international politics through treaties, conventions, and agreements that oblige states into amending their national laws in a way concurrent with the international community’s goal of ending statelessness. Human rights treaties recognize the right to nationality and establish minimum standards for treatment of stateless persons:

- Art. 15 Universal Declaration of Human Rights (UDHR): (see above).
- Art. 9 International Convention on Elimination of All Forms of Discrimination Against Women (CEDAW): The convention assures impartial rights for both genders to acquire, change or retain their nationality
- Art. 24 International Covenant on Civil and Political Rights (ICCPR): Every child ought to be registered after his/her birth; consequently, having the right to obtain a citizenship.

- Art. 7 Convention on the Rights of the Child (CRC): As ICCPR, CRC secures the right of every newborn to a nationality.

- Art. 5 Convention on the Elimination of All forms of Racial Discrimination (CERD): The convention forbids and abolishes any kind of racial or ethnic discrimination and guarantees equality to everyone in enjoyment of right to nationality.

- Art. 18 Convention on the Rights of Persons with Disabilities (CRPD): Disabled persons, and their children, are entitled to a nationality and can not to be denied of their citizenship randomly or because of their disabilities.

- Art. 29 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: It is directed to migrants who are discriminated in the foreign country and thus are denied of many state services.

In addition to the above human rights pacts and conventions, the UN has two additional instruments that protect and recognize stateless individuals. The 1954 Convention relating to the Status of Stateless Persons provides a definition of statelessness, identifies stateless individuals, guarantees their subsequent protection through securing their basic rights, and prescribes basic standards of treatment for stateless individuals. The 1954 Convention was followed by the 1961 Convention on the Reduction of Statelessness that is primarily concerned with reduction of statelessness through safeguards in national laws. Its main goal was equipping states with the right international legal tools to avoid and resolve nationality-related disputes by providing the legal framework for preventing statelessness at birth (UNGA, 1961). Despite the notable triumph of universal human rights in the postwar era, there are still about twelve million stateless individuals who have been documented by the international community. The reason lies in finding a balance between state sovereignty and the need to apply universal human rights. The state is the central unit of the international political system, and supranational organizations cannot oblige any state to comply with conventions or treaties. Each state respects the sovereignty

of the other without interfering in its domestic jurisdictions. Mira Leia Siegelberg (2014) argues that the issue of statelessness has undergone a transformation from a paramount intellectual problem in the interval after World War I to an ambivalent moral conflict interconnected with human rights after 1948 which led to 'its marginalization as an object of humanitarian concern and as an important category for comprehending international political and legal order.' The notion of statelessness was built up by its first mass appearance after World War I, including stateless persons urging official identification of statelessness as an international legal classification in court cases. International legal scholars swiftly celebrated supranational organizations' efforts in motivating the idea that the subjects of the international legal system are the individuals themselves rather than the states. Siegelberg asserts that the problem of mass statelessness after 1948, despite being initiated by the individuals themselves, placed the state as the principal denomination of the international nation-state order, which in turn gave states the authority of managing statelessness and inclusion. It is worth mentioning a statement by Cohn and Guy Goodwin Gill (1994), which mirrors Siegelberg's argument:

Hitherto, international co-operation in improving the status of stateless persons, or in reducing or eliminating statelessness, has enjoyed limited success, often disappearing down relatively unproductive paths. The time has come for a revision of such arrangements, deconstruction of earlier analytical approaches and their substitution with practical arrangements which reflect the principles generally shared by the community of nations.

## **2.4 Addressing Statelessness Regionally**

While International law, conventions relating to statelessness, and human rights laws are universal legal tools aimed at protecting these individuals' rights, several regional conventions and treaties were noted to secure non-citizens' legal entitlements. Several studies of regional conventions were carried out to examine the contextual causes of statelessness and its possible resolutions. Particularly, the focus of the studies was on the European continent, with emphasis placed on the European Union and the Council of Europe's Convention on Nationality (Batchelor, 2006). Other studies were directed at the former Soviet Union states and the African continent. Below is a brief discussion of how statelessness was addressed in various continents.

### **Europe:**

There are over 400,000 stateless individuals residing in the European Union and some hundred thousand more in the EU's neighboring countries to the East and across the Mediterranean (European Network on Statelessness, 2014). Most of these individuals became stateless due to the breakup of the Soviet Union and Czechoslovakia and Yugoslavia in the 1990s. Today, their children and grandchildren are stateless due to the dissolution of their states and the absence of any safeguards protecting their rights.

Claude Cahn (2012) portrays the exclusionary forces in Europe as a result of ethno-nationalism. Marginalized groups, particularly with the Roma and Russians, have been exposed to exclusion, and further critical studies were conducted on the Slovenian case. Andreev (2003) discussed the problem of the "erased," namely stateless individuals living in Slovenia whose residency rights were abolished after Slovenia announced its self-rule against the Socialist Federal Republic of Yugoslavia. Europe is the most considerate region when it

comes to protecting human rights since not only the UN and the EU member states address the issue but also various international organizations such as the European Network on Statelessness. Statelessness has been identified and condemned by numerous civil societies and governmental organizations. For example, stateless individuals could bring their cases before the European Court of Human Rights, as was the case with the stateless Slovenians (*famous case of Kuric and others v. Slovenia*).

### **Americas:**

The United States is the most sizeable donor to UNHCR, whose mandate covers the protection of stateless individuals. The Department of State offers humanitarian assistance along with a preventive diplomacy to end statelessness. The department is highly involved in advocacy and field monitoring to accommodate stateless people. It is with no surprise that there are around 628 stateless individuals who applied between 2005 and 2010 to the U.S asylum court and around 1,087 who advanced themselves as stateless in immigration courts (Keating, 2012). Generally, stateless people in the United States are refugees of the former Soviet Union who never acquired a citizenship of any state, immigrants from the former Yugoslavia, Eritreans who moved to the U.S. as Ethiopian citizens, or Palestinians coming from other Middle Eastern countries.

Historically, the Americas follow the basis of *jus soli*, the principle known as “right of the soil” or “birthright citizenship.” Nevertheless, certain critical human rights violations were noted by the international community. Baluarte (2006) examined the institutionalized discrimination which the Haitian state perpetrates against Haitians and Dominicans of Haitian descent by denying their right to citizenship. Colombian asylum seekers were also scrutinized by the Ecuadorian laws. Korovkin (2008) described the conditions of Colombians in Ecuador as fragile, invisible, and vulnerable. Colombian asylum seekers are deprived of

their right to citizenship and excluded from the receptor community. Korovkin questions the reliability of nation-states when it comes to the protection of human rights. Statelessness is a global phenomenon in need of global institutions to address it.

### **Africa:**

Many African countries struggle with arbitrary and discriminatory citizenship laws that leave numerous populations stateless. Statelessness remains a poorly documented issue despite having around 1,021,418 undocumented individuals under UNHCR's 2015 statelessness programme in Africa, however the actual data is far greater than the given as this report was conducted on approximated communities in solely six African states.

Two analytical research projects were directed to portray the racial, ethnic, gender, and religious discriminatory causes of statelessness. Manby, Dowden & Waal (2013) review the historical nationality laws in Africa where leaders seek control by reinforcing their support among one group in their state and by excluding the other. The authors assert that statelessness has been at the center of many of conflicts in post-colonial Africa, and explores the various ways in which nationality is dismissed. Citizenship laws are being abused, thus enabling the politics of racial and ethnic exclusion to come into existence. The state controlled Citizenship to prevent specific persons from being nominated for political positions or to silence those who oppose state authority. Aside from discriminatory ethnic and political stands, many African nationality laws exacerbate gender inequality. For example, women who marry noncitizens cannot pass their citizenship to their offspring (Manby, 2009). African nationality laws are similar to that of the Lebanese. Chapter 3 will further critically examine the discriminatory Lebanese nationality laws.

The second thorough examination in Africa is carried out by the OSI's African Governance Monitoring and Advocacy Project (AfriMap, 2012). The OSI's report discusses the issues of dual citizenship, discriminatory nationality laws, nationality by naturalization, and nationality by descent. Africa remains the most affected region by statelessness.

### **Asia and the Pacific:**

Most studies on statelessness in Asia are related to protracted cases. According to UNHCR data, around 40% of the recognized stateless inhabitants of the globe resides in Asia and the Pacific. Moreover, other Asian countries may encounter statelessness even if they are not a part of the UNHCR's statistics, such as Afghanistan and China. Various determinants play a part in advancing a stateless society through out the continent, with some being distinct to specific sub-areas. For example, discriminatory nationality laws based on gender, ethnicity, religion, and race are commonly practiced in South East Asia and South Asia, thus aggravating statelessness.<sup>5</sup>

As mentioned, various factors led to statelessness in Asia and the Pacific. In central Asian countries such as Kyrgyzstan and Uzbekistan, statelessness is a product of state succession. Large numbers of stateless individuals were left across all successor countries after the cessation of the Soviet Union. These cases are not so far entirely settled in Central Asia or in Europe per se. For instance, South and South-East Asia faces statelessness due to historic migration practices, colonization, and decolonization. New states with new national identities were formed after receiving independence, subsequently

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<sup>5</sup> United Nations High Commissioner for Refugees. Thousands of stateless people given nationality in Thailand. Retrieved October 30, 2017, from <http://www.unhcr.org/news/latest/2015/12/565db8939/thousands-stateless-people-given-nationality-thailand.html>

repressing large portions of the population based on their gender, ethnicity, language, and race.

Farzana (2008) has extensively investigated the Biharis, or Stranded Pakistanis, and the Rohingya in Bangladesh. In addition, studies have featured Estate Tamils in Sri Lanka, ethnic Nepalese from Bhutan, and Thais (Phadnis, 1967). Recently, attention has been driven by scholars and civil societies to ethnic minorities residing in Hong Kong who are not able to register in the country thus leaving them *de facto* stateless (Blitz, 2009).

### **The Middle East:**

As discussed earlier, individuals are frequently denied citizenship due to the discriminatory nationality laws in their home countries. The topic of statelessness, however, is still very under-researched in this area. The most considerably researched stateless populations are the Bidoon, and to a lesser extent the Kurds of Syria. Ali (2006) argues that due to ethnic exclusion in Arab states, Bidoons do not belong to any state. At the beginning of the nation-state building process, certain ethnic groups were marginalized either through accommodation, assimilation, or exclusion. The Palestinians compose a separate stateless population who were stripped of nationality rights during the Israeli takeover.

The problem lies, as Doebbler (2002) argues, in the failure of following and incorporating international legal instruments to reduce and end statelessness in the region. Only through a human rights approach can the Middle East address the issue.

Numerous Middle Eastern countries lack statistical data on stateless people. One prominent example is Lebanon, where the last official census was conducted in 1932. After eight decades, the international community could not

access the exact configuration and data on the Lebanese population. Chapter Three will conceptualize the Lebanese case, thus adding reliable information to the Middle Eastern region.

Despite the tremendous effort of the international community to end statelessness, the main question still lies in the role of international legal instruments and their legal validity in sovereign states. Statelessness persists due to the various laws adopted by the states themselves. Hence, what functions do international legal instruments have if they are not legally binding to states?

## **2.5 Legal Examination**

While some old texts, conventions, treaties, and reports provide a massive account of statelessness within the field of international law in the context of the two World Wars, a number of recent publications complement the former writings by taking into consideration the newly acknowledged geopolitical realities of autonomous states. Paul Weis's 1979 *Nationality and Statelessness in International Law* provides an advanced literature on statelessness from a rights-based viewpoint. Weis (1979, p. 66) addresses the notable challenge of placing nationality matters under international law settings. While nationality is an undeniable right to every human, it still falls under the 'state's *domaine reserve*.' Weis recognizes that the 1930 Hague Convention adds substantial reliability concerning nationality despite being determined generally by domestic legislative or municipal laws. National laws are not omnipotent anymore, falling under the obligations and responsibilities depicted by international law, though not being followed sometimes. Even though the enactments and regulations of the conventions did not carry out sensible and explicit payoffs, at least for the first-time nationality issues including statelessness were addressed. A solid foundation was established to lay down the constraints on nationality matters. This became a steppingstone for international relations. According to monistic

theory, maintaining the unity of various legal systems that includes domestic laws and the primacy of international law (which was first outlined by the German W. Kaufman 1858-1926), international law stands at the top of the pyramid and is not radically different from municipal or other legal domestic systems (Cassese, 2016). The two are interdependent, and it is the state's responsibility to comply its national legal system in line with international law. However, only the state's willingness and readiness decides whether it is bound by international legal instruments. Statelessness sets a primary challenge to the legitimacy of international law, since for it to be effective and reliable, it should accommodate all individuals. Spiro (2011) argues, "Statelessness challenged the international legal system by creating a class of individuals for whose conduct no state would stand responsible, thereby presenting, in theory at least, a gap in the enforceability of international law."

Several other leading legal experts and scholars have further added valuable insights on the right to a citizenship along with the mass problem of statelessness under international law. David Weissbrodt (2008) argues that regardless of citizens' status, whether as asylum seekers, displaced persons, immigrants, rejected outcasts, refugees, migrant workers, or undocumented persons, all are entitled to the right to possess a nationality unless the divergent distinctions serve a legitimate state objective. Labeling them as non-citizens, Weissbrodt reveals the gap between the guaranteed rights that are prescribed by international human rights laws and the odd realities non-citizens face, namely institutional discrimination, forced labor, arbitrary deportation, slavery and numerous violations of international humanitarian law. Weissbrodt (2008, p.36) argues that not much has been implemented by legal representatives and policymakers "to identify the common plights, needs, and approaches for redress of marginalized non-citizen groups." Clearly, recent scholars agree on the existence of lacunae in international law when it comes to protecting human rights for all individuals. Moreover, they accede that nationality is the only legal document that allows individuals to enjoy their rights. This leads to questioning

the credibility and effectiveness of human rights laws and the related conventions to statelessness. Van Waas (2008) holds accountable the insignificant number of contracted state parties of the conventions, which limits the latter's potency and efficacy. There were 83 states party to the 1954 Convention and 61 states party to the 1961 Convention in November 2014 when units at the UNHCR initiated the Campaign to End Statelessness in 2024 (Refugees, 2017). UNHCR conducted a survey on statelessness in its 2004 *Final Report*, indicating that as little as 51.4% of the responder countries designated a strategy arranged to recognize situations concerned with statelessness. Hence, paradoxically many states do not possess any standard procedures concerned with identifying stateless individuals residing on the territory of their state (UNHCR, 2004, p. 26). States are failing to ensure that the basic human rights of their citizens are provided and those countries that didn't accede any of the conventions have been breaking down the legal bond with some of their citizens, thereby leaving them stateless and excluded by the established system.

## **2.6 Social and Political Theory Relating to Statelessness**

Within the sociological and philosophical studies of statelessness, Hannah Arendt (2017) conveys the harm of statelessness. She reveals the double-fold consequences of statelessness: deprivation of basic human rights in addition to detachment from the political community. Hence, the 'right to have rights' does not only mean the right to enjoy basic human rights, but it also includes the right to be an active individual participating in the social and political community. She notes:

The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion – formulas which were designed to solve problems within given communities – but that they no

longer belong to any community whatsoever. Their plight is not that they are not equal before the law, but that no law exists for them; not that they are oppressed but that nobody wants even to oppress them (p.295-296).

Indeed, when mentioning that all humans are entitled to rights, it is more precise to ascribe them to *citizens* rather than to *humans*. Human rights could be abolished for stateless individuals, since the protection of human rights is predicated on the system of nation-states (Arendt, 2017, p. 292). Arendt labels this reliance of human rights protection on nation-states as the 'aporia' of human rights. Hence, everyone who is excluded from the nation-state system does not possess these rights even if they were declared universally. Citizenship is determined by the state itself, regardless of the numerous international legal instruments which protect those who lack it. Volker Türk (2017), Director of International Protection at UNHCR, has conveyed the existence of a vast contradiction between the universality of human rights and the system of nation-states which has left millions of persons not belonging to any state. Thus, they are susceptible to detention or imprisonment. Moreover, Kingston, Cohen, and Morely (2010) reveal that persons who lack legal identification are even denied access to healthcare.

Richard Bernstein (2005), one of Arendt's colleagues, has also linked statelessness to the failure of the human rights apparatus. Human rights law was insufficient to protect individuals and endow them with rights. 'The *right to have rights*' operated on a discriminatory basis during World War II. Arendt writes:

Denationalization became a powerful weapon of a totalitarian politics, & the constitutional inability of European Nation-states to guarantee human rights, made it

possible for the persecuting governments to impose their standard of values even upon their opponents (p.269).

Few scholars, however, held the human rights system responsible for the exclusion that is being practiced by states. Rancière and Corcoran (2015) criticize Arendt for depoliticizing human rights and distinguishes between a human and a citizen. Rancière and Corcoran accuse Arendt of “extolling the brightness of the political sphere of appearance against the ‘dark background of mere givenness.’” While for Arendt, “it is only by virtue of participating in politics that a shared reality is constituted” (Schaap, 2011). Rancière refuses to consider the availability of a sphere outside of politics. ‘The human’ in human rights refers to both the private and the political public sphere, hence, his/her life is not deprived of politics. Going back to human rights of a man, there is from its origin in the Universal Declaration of Human Rights a dubitable link between the *universal inclusion* of the inevitable rights of all humans and the *political exclusion* from nation-states. Apparently, not all humans could claim protection by their own states even though human rights were declared universally and independent of all states. No institution or authority had the will to guarantee these rights which are entitled to all men. Are then the Universal Declaration for Human Rights, the international pacts, conventions protecting the rights of stateless and the various treaties only applicable to state-people-territory?

Statelessness was not only addressed by scholars from a human rights perspective, but it was examined as a problem of the politics of integration. In an international anarchic system, sovereignty poses challenges to liberal political theory. What is the state’s responsibility between its domestic and international realm? What is the role of international law when primacy is given to domestic legislations? How could international law transform into national jurisdictions? For whom was the famous phrase ‘the rights to have rights’ addressed? Was it to all human or to citizens of a state? Agamben and Heller-Roazen (1998) argue

that there is an unclear relation between a human and a citizen, and whether they are distinct entities or whether they are the same.

According to Agamben and Heller-Roazen (1998), a man at his birth is entitled to human rights (Article 1 of UDHR: "Men are born and remain equal in rights") and a man from his birth is protected by the sovereign state which considers him a citizen of that state (Article 2 of UDHR: "The goal of every political association is the preservation of the natural and inalienable rights of man" and Article 3, "The principle of all sovereignty resides essentially in the nation") (Agamben & Heller-Roazen, 1998, p.128). The nation "thus closes the open circle of man's birth" (Ibid). In a system of nation-states, the existence of statelessness demonstrates that human rights are in the first place designated as citizens of a state and to holders of identification certificates. The relevance of 'the right to have rights' becomes dubious when certain categories of the human population are deprived of these basic human rights.

## **2.7 Conclusion**

This chapter presented a framework of analysis for statelessness which highlights the evolution of statelessness and the reasons behind its persistence. This framework of analysis explains why despite the numerous conventions, treaties, declarations, international and regional legal instruments have failed to prevent and end statelessness. The gap lies in states' failure to assure the basic rights of its population, thus eroding the universality of human rights and the reliability of international law.

After surveying the major contestations of statelessness and the challenges the stateless face in forming a legal bond with their state, the next chapter turns to analyzing statelessness in a confessional system. As mentioned earlier, political restructuring and alterations in national laws are the main reasons behind the

continuity of statelessness. The Lebanese case study will further highlight that it is the state's responsibility and ability to end statelessness. However, due to certain political and confessional interests, statelessness remains a forgotten issue. The Lebanon mirrors other confessional states where statelessness is assumed as 'Power Politics.'

# CHAPTER THREE

## EMERGENCE OF STATELESSNESS IN LEBANON: ANALYZING NATIONALITY LEGISLATIONS

### 3.1 Introduction

Arendt's criticism assures that stateless individuals pose a factual and ideational challenge to the nation state building system. These individuals' very existence aggravates the weaknesses of such a system where the state does not comply with its core obligations to identify, register and protect stateless persons.

Regardless of the various legal instruments, the state is the sole responsible entity in securing the rights of its inhabitants. The situation gets worse when the country is fragmented into confessional groups lead by various political elites. Here, aspirations for power and control aggravate the relations between different intra-state groups, thus marginalizing some from being part of the state and depriving them of the country's basic services.

Lebanon offers a comprehensive environment to examine statelessness and its relationship to the confessional system. The country embraces diverse stateless communities, thereby allowing for the exploration of such stateless populations under one domestic legal jurisdiction and the role of the political religious groups in degenerating citizenship rights. Sectarianism is embedded in the society, interwoven between politics and religion, modernization and cultural relativism. This chapter explores sectarian rationalism vis a vis citizenship. Where the primary obligation of the state is to support and entitle its citizens with fundamental rights and services, this framework sometimes waves away from its core trajectory. Richard Merelman (1996) reviewed in his publication a

citizenship model that mirrors a lot of today's countries. He labels it as "the critical model of civics," which is "committed to communicating the realities of political power, developing an understanding of the existence of conflict, the importance of self-interest, the failures of public policies and political institutions to achieve given political objectives, and the inequalities in the distribution of political power." It sums up the entwining of sectarian and citizenship frameworks. The state disregards its responsibility to act given the sectarian battle it exists in.

This chapter starts by introducing the main international commitments Lebanon has signed up to, which shows the various safeguards stateless people could enjoy. However, to understand why Lebanon did not abide by international obligations, its legislation is analyzed from its early development up to in order to understand the discriminatory and exclusionary nationality laws that are the main causes of the persistence of statelessness. This is then followed by a thorough examination of the Lebanese political system to explain the reasons behind the tyranny of citizenship through gender discriminating nationality laws and naturalization. The cases of the stateless Kurds and Bedouins are considered to once again mirror Mirelman's claim, thus showing the vast intersection and influence of sectarianism and citizenship in Lebanon.

### **3.2 International Obligations**

Lebanon is not a state party to either the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, nor is Lebanon looking forward to ratifying either convention in the near future. However, as the following table shows, Lebanon is party to various international human rights treaties that ensure the fundamental rights of those rendered to be off the governmental record.

Table 3.1 Lebanon’s Relevant Treaty Ratifications Concerning Statelessness

1 Conventions ratified by Lebanon	Relevant Article
OHCHR   International Convention on Civil and Political rights (1966)	<b>Article 24.3</b> “Every child has the right to acquire a nationality.”
OHCHR   Convention on the Rights of the Child (1989)	<b>Article 7</b> “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.”
OHCHR   Convention on the Elimination of all Forms of Discrimination against Women (1979)	<b>Article 9.2.</b> “States Parties shall grant women equal rights with men with respect to the nationality of their children.”
OHCHR   International Convention on the Elimination of all forms of Racial Discrimination (1965)	<b>Article 5</b> “[..]Guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:(iii) The right to nationality.”
Convention on the Rights of the Child in Islam (2004) <sup>6</sup>	<b>Article 7</b> “A child shall, from birth, have right to a good name, to be registered with authorities concerned, to have his nationality determined [..]”

The above conventions in the table clearly establish a threshold that allows for the benefit of the right to a Lebanese citizenship regardless of race, ethnicity,

<sup>6</sup> Lebanon signed the Convention on the Rights of the Child in Islam in June 2005, however it did yet has to ratify the covenant. Note that all international human rights instruments are enshrined in the 1990 Lebanese constitution.

gender or political affiliation. Lebanon, however, held back one of the most crucial instruments: The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Like the majority of its neighboring countries in the Middle East such as Syria, Saudi Arabia, Libya, Bahrain, Oman, and United Arab Emirates (*UNHCR Background Note on Gender Equality, Nationality Laws and Statelessness 2014, 2014*), Lebanon did not comply with Article 9 of the convention that guarantees equal rights for both genders and takes into account the right to transfer nationality to their descendants.

Moreover, discrimination between men and women relating to nationality transmission and the exclusion of certain groups from acquiring citizenship are controversial to some of Lebanon's other international engagements; for example, Article 26 of the International Covenant on Civil and Political Rights includes the prescription of equality before the law. Hence, from an international legal standpoint, these can be viewed as violations of international commitments Lebanon has agreed to, most notably the Convention on the Rights of the Child which stipulates that each newly born has the right to possess a citizenship. In addition to the International Convention on the Elimination of all Forms of Racial Discrimination which assures that nationality ought to be acquired regardless of race, ethnicity, or religious belonging. So why does Lebanon, having committed to such international human rights instruments, still encompass such a huge number of stateless persons? The Lebanese political configuration, which will be examined in the next sections, gives an answer to why in such a small country stateless persons continue to exist.

### **3.3 Development of Lebanese Legislation**

The genesis of the Lebanese nationality is often seen as one of the main causes of statelessness. Lebanon fell under the French mandate following the fall of the Ottoman empire. The 1923 Lausanne treaty detached Lebanon from the Ottoman Empire transferring the occupied territories either to the French or

British mandates. France was mandated five provinces which compose current Lebanon. The French divided the areas along religious communitarian lines to suit their geopolitical interests and to acquire direct control over the divisions (Salamey, 2014). In turn, nationalities were afforded to inhabitants of these territories, and the treaty included seven articles relating to nationality and its acquisition.<sup>7</sup> However, the implementation of the treaty in 1924 had certain drawbacks, excluding certain Lebanese inhabitants of these zones and leaving them stateless. The French singled out and favored the Lebanese Maronite Christians, thus excluding various communities, especially in rural areas, from the state's services. Nonetheless, these marginalized communities are eligible for a Lebanese citizenship. Following these events, two decisions were proceeded to manage the attainment of Lebanese nationality: Decision 2825 of 30 August, 1924 and Decision 15 of 19 January, 1925 (Ruwad Frontiers Association, 2011). The first settlement, entitled "Lebanese Nationality and Turkish Nationals residing in Lebanon," established the essential standards to be followed to be considered Lebanese and claim a Lebanese nationality<sup>8</sup>; while the second was the first nationality law adopted depicting the stipulations for acquiring, passing, or recovering a nationality.

Two official population censuses (1921 & 1932) were conducted to supplement the previous decisions. The two censuses were intended to record the official population of the Lebanese (either residing in Lebanon or abroad) and to grant them Lebanese identity cards after the creation of the Greater Lebanon. However, it left a lot of individuals stateless and abstaining from registering due to either political factors, practical issues, or simply not knowing the importance of identity cards at the time, particularly in distant villages in Mount Lebanon, Beqaa Valley, Wadi Khaled. Moreover, after the 1932 census, many registered individuals were later removed due to their political affiliation. There was a class

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<sup>7</sup> Op. cit. no 7

<sup>8</sup>Lebanese Nationality (1924). Decision 2825. Official Gazette: issue no. 1804.

and confessional selection favoring the financially well off and Christians over others. Those 'not deserving a nationality' individuals were rendered stateless.

This census was managed by the Law of 24 November 1931, with a Decree 8837 of 15 January 1932.<sup>9</sup> From the beginning, this decree excluded the Bedouins who were not able to prove that Lebanon was their place of residence for more than six months (According to Article 12 of the Nationality Law issued by Decision 15 of 1925). Moreover, it prevented all Turkish refugees who could not display their identity cards issued after the first 1921 census from acquiring the Lebanese nationality. Those equally included the Armenians, Assyrians, Chaldeans, and the Greeks.<sup>10</sup> It was essential that all refugees were present in Lebanon on 30, August 1924, hence, adding more barriers to receiving a nationality. Those who didn't were considered as "deprived of a nationality." Since the formation of Lebanon, nationality laws were adopted on an exclusionary basis aiding in creating statelessness.

The Lebanese Nationality Act was established on 19 January 1925 under decree number 15, following the formation of greater Lebanon. Few amendments have been made in 1934, 1939, and 1960; however, the actual act is still applicable today.<sup>11</sup> Under Article 1 of the decree everyone is considered a Lebanese who:

*Article 1*

***"Is considered Lebanese:***

- *Every person born of a Lebanese father.*
- *Every person born in the Greater Lebanon territory and did not acquire a foreign nationality, upon birth, by affiliation.*

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<sup>9</sup> Decree 8837, dated 15 January 1932, related to the Lebanese Republic Population Census, Official Gazette, issue no. 2606, dated 18 January 1932

<sup>10</sup> Article 13 of the Nationality Law issued by Decision 15 of 1925.

<sup>11</sup> *Regulation No 160. (1934)*. Retrieved from <http://www.refworld.org/pdfid/44a24c6c4.pdf>

- Every person born in the Greater Lebanon territory of unknown parents or parents of unknown nationality.”<sup>12</sup>

This in theory is an eminent legislative safeguard that ensures the vital rights of every child to the Lebanese citizenship; however, in reality Article 1 is not being applied.

Article 6 of the Lebanese constitution, established in 1926 under the French mandate, acknowledges that the Lebanese nationality is to be regulated by legislation:

*Lebanese nationality and the manner in which it is acquired, retained, and lost is to be determined in accordance with the law.*(Lebanon., & American University of Beirut, 1960)

Therefore, acquisition, loss or retention of nationality is not set by the constitution but through a distinct decree. As such, nationality act amendments could be implemented through a legislative procedure by the members of the parliament without the necessity for a constitutional adjustment. It also means that passing additional decrees to the Nationality act code is within the legislative branch's power. Here comes the role of the Lebanese confessional system in nationality laws. Hence, before analyzing the different discriminatory nationality laws that led to statelessness, it is necessary to look at the political configuration of Lebanon since its formation, as this depicts the reality of stateless individuals today.

### **3.4 Lebanon in the 19<sup>th</sup> and 21<sup>st</sup> Centuries: A Battle for Power**

In the nineteenth and twentieth centuries, the Lebanese system was characterized by French penetration and weak sovereignty. The primary beneficiaries were the Lebanese mercantile-financial bourgeoisie along with a

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<sup>12</sup> Ibid

small political-bureaucratic elite. Both were allied with the West (Gates, Gorla & Cobban, 1987). Throughout the nineteenth century, Lebanon has witnessed an influx in the Christian population thus modifying the demographic configuration of Lebanon. Not only did it incite the European perforation into Lebanon, but also it enhanced its economic integration with various European markets. In turn, Lebanese national elites began to advance their political interests to European influencers along sectarian religious courses in order to legitimize their stances in Lebanon. Mainly the Druze and Maronite political elites contributed extensively to sectarianize the Lebanese population along religious lines, thus, promoting discourses of kinship and clientelism where regions were categorized along religious definitions. Lebanon engaged with the world capitalist market through extensive commercial exchange with Europe. Those who suffered from this system were the agrarian workers, small rural landowners, craftsmen and urban workers, namely the majority of the Muslim population. Under the pressures of European expansion and a rise of the Lebanese bourgeoisie closely associated with European interests, Lebanon's economy was unevenly involved in Europe's political strategies and in the international capitalist market. The growth of international capitalism produced division of labor and specialization (Ibid). The establishment of Lebanon as the 'Switzerland of the Middle East' under the French mandatory was quickly embraced by the elites. In 1943, the Maronites superseded other communities by tightening their historic affiliation with the French; presenting themselves as the sole figureheads of a sovereign Lebanon. By that time, the Sunni community was able to advance its political agenda undermining the Druze's existence. The Sunnis who were the predominant Muslim community in Lebanon were against Europe and in favor of a pan-Arab nation-state, the project of Greater Syria. This produced uneven power blocs throughout the country. The power blocs in Lebanon during this period consisted of representatives of an estimated 100 great families from the dominant mercantile-financial bourgeoisie and the urban based political-bureaucratic elites (Ibid). They had control over production, agriculture, industrialization, banks, and later, tourism. The oligarchy of

merchants, bankers and powerful political brokers controlled the government: They determined the direction of Lebanon's politics. Sects were generated to protect political and economic interests; Lebanese economic development favored tertiarization and externalization. This promoted the over-development of Beirut's commercial-financial service sectors at the expense of internal production and the development of the rest of Lebanon (Ibid). The outburst of the civil war in 1975 had become a devastating crisis. Lebanon's dominated political economy failed to meet successive challenges to the existing sectarian social order. After the 1943 National Pact and mainly the 1989 Ta'if Accord, power blocs were legitimized, and sectarianism based on power blocs was institutionalized and politicized. Lebanon had become a consociational democracy. The ratio of Christian to Muslim deputies was fixed at 5:5. Once governing institutions were set up, their senior ranks were occupied by sectarian elites. They were able to take over state institutions. This had led to the absence of equal opportunities, a lack of political and administrative accountability, and the exclusion of stable secular political institutions. State institutions, state services, state jobs, and elections were under a sectarian rule. Moreover, for a law to pass the majority of deputies should approve it. Hence, intra-government alliances were conducted that either passed or rejected the concerned law. This added another rigid layer for any citizenship law reformation. Not only was Lebanon sectarianized, but it also became heavily dependent on religious institutions and religious political elites. Decree No. 60 L.R., which was adopted in 1936 by the High Commissioner under the French ordinance, guarantees the identified sects the right to manage their own sectarian courts and to follow separate personal laws. By merging state establishments with religious institutions, citizens are obliged to abide by the sectarian personal status laws approved by the state (Salloukh, 2015). Religious institutions manage marriage, birth and death certificates, divorce and separation, and change of residence documents, thereby causing citizens to be bureaucratically dependent on sectarian institutions rather than the state. While the personal status laws deal with marriage, birth, divorce and inheritance of citizens based on their religion

and confession, the matter of citizenship remains the same to all of them regardless of their religions. The Lebanese Nationality Law was issued in 1926 and handles the acquisition of the Lebanese Citizenship by "jus sanguinis" (by blood), in two different ways: Either by birth; (article 1)

Or by simplified naturalization by virtue of marriage:

"A foreign wife married to a male Lebanese citizen may apply for Lebanese citizenship by facilitated naturalization after having been married for at least one year and their marriage has been entered in the Civil Acts Register in the Republic of Lebanon since then."

Unfortunately, birth in the Republic of Lebanon alone does not in itself confer Lebanese citizenship.

### **3.4.1 The Tyranny of Citizenship: Gender Discrimination**

Confessional power balance and equilibrium is a Lebanese political governmental arrangement. When Lebanon was created under the French Mandate, it was imagined as a Christian home country in the Middle East. Hence, the phrase "who deserved to be Lebanese" was thoroughly explored.

As Maktabi (1999) explains:

Perhaps most clearly, the sensitivity accorded to the demographic structure in the country is illustrated in the politics of citizenship that reflects the authorization process where legal regulations as well as political considerations determine membership in the Lebanese state. I maintain that, since the creation of modern Lebanon in 1920, the regime has applied citizenship policies in order to monitor the Lebanese citizenry and to form its Constitution in a way that would

buttress its rule.

The primary practice of acquiring a Lebanese nationality is through the essences of *jus sanguinis* and *jus soli*. Article 1 (1) of the 1925 Nationality Law regards that a child secures a nationality if his father is a Lebanese national irrespective of the child's birthplace. Hence, based on *jus sanguinis* if a patriarchal lineage of legitimate affiliation was established between the child and the father, the former acquires a citizenship instantly. The same is applied throughout the Middle Eastern region given the patriarchic culture.

Article 1 (2) and (3) of the 1925 Nationality law based on *jus soli* grounds stipulates that nationality will be offered to anyone who is born in Greater Lebanon and, was not granted any foreign nationality from his parents at his/her time of birth. Lebanese law ensures that statelessness is prevented at birth and eliminates the emergence of new cases of statelessness. However, this proves the extreme discrepancy between legislation and execution. In reality, the above law has been disregarded. It can be illustrated by the fact that stateless individuals in Lebanon, predominantly the Bedouins, Palestinians, Kurds, and other minority groups, are passing on their stateless condition to their descendants. The only law that is followed is proving a patriarchal Lebanese lineage, which only assures once again the gender discriminatory discipline Lebanon is shadowing.

The Lebanese constitution of 1926 asserts the equality between both genders, with Article 7 specifically stating, "All Lebanese are equal under the law, enjoying equally civil and political rights, and performing duties and public responsibility without any discrimination among them" (Lebanon., & American University of Beirut, 1960). Lebanon has also ratified CEDAW in 1997 with exceptions to Article 9 (2) relating to nationality issues; a few sub clauses of Article 16(1) concerned with personal status laws; and Article 29(1), regarding dispute settlements (UNICEF, 2011). Following these events, Lebanon has

publicized the ratification in the Official Gazette, prioritizing it over domestic laws. It was singled out among Arab counties to do so. The Lebanese state has not yet acceded the Optional Protocol (United Nations Treaty Conventions: Convention on the Elimination of All forms of Discrimination Against Women, 2013).

Despite this fact, gender discrimination persists as the most acute problem on many measures of legislation: Lebanon ranked 135 out of 144 countries in the World Economic Forum’s Gender Gap Index 2016, spotlighting how far the country is falling behind in its progress on gender equality (Rankings, 2016).<sup>13</sup> Although precise statistics are not available, the Lebanese Women’s Movement in collaboration with UNDP estimated that during the 14-year period between 1995 and 2008, the outcomes of the study’s field cross-examination conveyed around 18,000 marriages between Lebanese women and foreign men (Charafeddine, 2009). As per table 3.2, the majority of these foreign husbands are from Arab states such as Syria, Palestine, Iraq and Egypt.

Table 3.2 Distribution of Spouses’ Nationalities according to Lebanese Wives’ Confessions (Charafeddine, 2009)

Husband’s country	Wife’s Confession				Total
	Sunni	Christian	Shiite	Druze	
Palestine	38.8	6.9	2.1	4.3	21.7
Syria	19.2	30.5	22.7	30.4	22
Egypt	8	7.8	9	0	8

<sup>13</sup> "Through the Global Gender Gap Report, the World Economic Forum computes the magnitude of gender gap and tracks their progress over time, with a specific focus on the relative gaps between women and men across four key areas: health, education, economy and politics." The 2016 Report covers 144 countries.

Jordan	4.4	4.4	1.9	0	3.5
USA	2.7	10.9	4.9	34.8	5.2
KSA	4.2	0	2.4	0	3
Australia	3.1	4.9	1.8	17.4	3.2
Germany	3.1	1.7	3.9	0	3.1
Kuwait	3.2	0.1	5.3	0	3.4
Iraq	0.8	0.8	21.6	0	7.8
France	0.8	9.9	2.1	0	2.4
Canada	1.5	4.7	0.6	4.3	1.6
UK	0.7	3.3	1	0	1.1
UAE	1.1	0.1	1.3	0	1.1
Sweden	1	0.9	0.8	0	0.9
Denmark	1	0.3	0.3	0	0.7
Iran	0.1	0.2	5.8	0	2
Bahrain	0.3	0	4.4	0	1.6
Other	6	12.6	8.1	8.8	7.7
Total	100	100	100	100	100

An immense drawback arises in these mixed-nationality marriages between Lebanese women and non-national men. While the above numbers in the table do not show the whole impact of the discriminatory Nationality Law, the estimated number of persons affected would be quadrupled. Each Lebanese woman married to a non-national impacts her whole family: husband and children. The number of individuals unfavorably affected by the Lebanese 1925 Nationality Law reaches 77,400 persons. This was computed on the basis of the Lebanese fertility rate, which is at 2.3% (Anti-Corruption and Integrity In the Arab Countries, 2005).<sup>14</sup> In order to disentangle the calculations, each Lebanese woman by tying the knot to a foreigner instantly affects her spouse and her children, since she is incapable of granting them the Lebanese nationality. Hence, the total number of approximated individuals concerned in the period of

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<sup>14</sup>As per the UNDP report, the Lebanese fertility rate amounted to 2.3%.

1995-2008 would be:<sup>15</sup>

**Parents: 18,000 (number of national woman married to foreigners) x 2= 36,000**

**Offspring: 18,000 x 2.3 (Lebanese fertility rate) = 41,400**

**Total individuals being harmed by the Nationality Law: 77,400 persons (father, mother and children)**

The 1925 Nationality Law has been unjust to 77,400 household individuals, 41,400 of whom are individuals that descend from Lebanese nationals and whose rights are being violated by the 1926 Lebanese Constitution. The woman is a marginalized individual who cannot protect her children and secure their rights to a Lebanese citizenship. While she complies with her fiscal obligation as any other Lebanese citizen, she resides in her home country as an outsider obliged to stay in long lines to obtain residency permits for her children and compelled to turn to “political elites” in order to attain a work authorization for the father of her children. The constitution includes safeguards against such discrimination; however, it also incorporates that nationality issues are to be managed by the law.

The discriminatory nationality law Article 1 (1) stipulates that any child born to a Lebanese father irrespective of his/her birthplace has to be regarded as a Lebanese, thereby plainly discriminating against women who cannot transfer nationality to their offspring. A woman can only pass her Lebanese citizenship to her descendants if the father is unknown or the child is illegitimate. Article 2 of the 1925 Nationality law states:

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<sup>15</sup> Note that the project was conducted by UNDP and Lebanese Women’s Movement: “This study is aimed at highlighting the number of Lebanese women married to non-Lebanese, their children, and their distribution from a statistical point of view. It also seeks to shed light on the social and economic conditions of women and their husbands, the main problems facing their families, particularly their children. They based their study on figures available between 1995-2008 from 31 sources of information, namely the Ministry of Interior and Municipalities, as well as the Islamic and Christian religious courts concerned with civil status in Lebanon and in marriage records. Hence the actual number of mixed marriages may be much higher.”

The illegitimate child whose nationality has not been established during his minority shall have the Lebanese nationality if one of his parents in respect of whom affiliation is first established and 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.<sup>16</sup>

There is no additional law that regulates the acquisition of the nationality of a child from his mother, nor are there any amendments detailing the acquisition of Lebanese nationality for the male spouses of female nationals. As such, when a child of a Lebanese woman cannot obtain the nationality of his/her non-Lebanese father, this puts the child at risk of becoming stateless. There are multiple cases documented of Lebanese women marrying foreign men where the latter left without taking any measures to register the child with the concerned authorities, thus leaving the child without appropriate documentation. There are also many cases of children born out of wedlock; consequently, due to cultural concern and fear of rejection, the child is also left stateless. Gender discrimination is the main focal cause of statelessness and of putting individuals at risk of statelessness. The prejudice against women's citizenship in cases of mixed marriages or being a single mother denies her children vital basic rights such as employment, healthcare, residence, social services, residency, governmental jobs, acquisition of properties, inheritance, among others.

### **3.4.2 Naturalization Decree: A Special Measure for a Confessional Equilibrium?**

Looking comparatively to other countries in the Middle East, naturalization prerequisites in Lebanon are quite undemanding. The 1925 Lebanese

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<sup>16</sup> According to Article 2 of the Nationality Law issued by Decision 15 of 1925, available on : <http://www.refworld.org/pdfid/44a24c6c4.pdf>

Nationality Law contains two articles for naturalization: Article 3, related to naturalization of foreigners and Article 4, associated with naturalization of a foreign woman married to a naturalized man. Article 3 stipulates the main requirements for naturalization that involve: five years of continuous residency in Lebanon, absence of any criminal record, no contagious diseases, and sufficient means of income. The article also includes naturalization of individuals who offer 'great services' to the Republic of Lebanon. However, all naturalization applications require the issuance of a discretionary decision by the President of the Republic and that of the Minister of Interior.<sup>17</sup> Besides, the Ministry makes it clear that even if a foreigner meets all the requirements, it is still not absolute that the person will be accorded a Lebanese Nationality (Ministry of Interior).

Above all, there are no applicable policies for naturalization application for stateless individuals. The condition of five-year residency is controversial since stateless individuals cannot even acquire a temporary legal residence; therefore, this disqualifies them from applying for naturalization. In fact, there has not been a documented successful naturalization application from this population. Stateless individuals could only apply for naturalization when the Council of Ministers opens the door with a decree. For instance, this was challenged by Naturalization Decree 5247 issued by the Lebanese government in 1994.<sup>18</sup> The decree allowed for the Lebanese nationality to be given to more than 170,000 persons. This decree was a follow-up to the Commission on Naturalization which was established in 1992, in an epoch of the first post-civil war government headed by Prime Minister Rafiq Al-Hariri. The commission sought to naturalize stateless communities such as the Bedouins, the Kurds, the Arabs of Wadi Khaled, and the Syrians, and among other groups.

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<sup>17</sup> State Council (1987, June 29), Decision 11.

<sup>18</sup> Acceptance in Lebanese Nationality: Decree 5247. (1994). Official Gazette. (No. 16).

The decree, as van Waas describes, “sought – among other things – to rectify some of the initial problems that came into being when the disputed 1932 Census became the basis for the enjoyment of citizenship” (van Waas 2010). Furthermore, it was not based on any qualified guidelines, thus granting the Lebanese Nationality “without any defined requirements and prerequisites” (UNHCR LBN38078.E 2002). The decree created a national turbulence through “arbitrary decision-making, failure to include persons who were outside of the country and administrative errors” (van Waas, 2010). Additionally, the Maronite League immediately politicized the decree since it did not comply with the solidarity that signalizes the Lebanese political organization. The politicization and contestation of the 1994 Naturalization Decree will be fully examined in Chapter 4.

By default, naturalization is applied only to specific foreign individuals, excluding certain communities in Lebanon such as the Bedouins, Palestinians, and the Kurds. Article 3 of the 1925 Lebanese Nationality Law defines a foreigner simply as any individual who has been residing in Lebanon for a consecutive period or who has married a Lebanese woman and resided in Lebanon. By law, all of the abovementioned communities are entitled to naturalization. However, the Lebanese Cassation Court further stated that foreigners who may apply to naturalization are those “foreigners who have no link whatsoever with the Lebanese Nationality.”<sup>19</sup> This means that all individuals labeled as ‘Maktoumi al-Qayd’ are not eligible for naturalization under Article 3. On the other hand, some court decisions interpreted a ‘foreigner’ as a person of undetermined or unknown foreign nationality.<sup>20</sup> Consequently, individuals whose status is ‘under study’ (Qayd ad-Dars) or stateless or those with undetermined nationality or

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<sup>19</sup> Decision 33 (Civil Cassation Court , Third Chamber February 28, 1973).

<sup>20</sup> Decision 92 (Civil Cassation Court, Third Chamber July 4, 1973).  
p. 33

those who meet the conditions of the naturalization law are deemed to be foreigners. Nonetheless, for the time being all administrative naturalization applications are frozen within the Ministry of Interior.

The reason behind denying naturalization application is based on the country's genesis on an ideology of ethnic and religious exclusivity to keep the power balance in the system as the status quo. This is alarming when it comes to securing the Lebanese nationality for diverse ethnicities who have the full rights to obtain it. This dogma is used against the Kurdish, Palestinian, and Bedouin stateless populations in Lebanon. These communities, regardless of their historic affiliation to Lebanon, have been excluded based on their ethnic roots. Lebanon ought to be conscious of its international commitments under CEDAW, which bans such bigotry.

The Kurds arrived to Lebanon between the 1920s and 1960s; they came from rural regions thus were poorly educated (Meho, 2002). They were instantly excluded from various state services. Kurds identified themselves as an ethnic minority immigrant group associated with Sunnis. Following their arrival to Lebanon, they had poor educational, social, political, and economic resources. Hence, they looked for Sunni political leaders.<sup>21</sup> For example, in the 1940s and 1950s, they were closely affiliated with the al-Sulh family.<sup>22</sup> Between 1960 and 1970, the Kurds became loyal supporters to Saeb Salam.<sup>23</sup> In addition, the Kurds shifted their support to Rashid al-Sulh and the Druze leader Kamal Jumblat during this period, especially after the latter provided them with under-study identification cards.

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<sup>21</sup> Especially with Sunni political leaders in Beirut since by virtue their residence was in Beirut.

<sup>22</sup> Both Ministers Riad and Sami were keen to naturalize hundreds of Kurdish families.

<sup>23</sup> Sunni leader belonging to a wealthy notable family. "Unlike Riad and Sami alSulh, however, Salam was not as popular among Kurds because his favors for them (e.g., schooling and access to health care) were not provided on a collective basis." (Meho& Kawtharani, 2005)

Kamal Jumblat, who was the Minister of Interior during the Karami government in the 1960s, forged alliances with the Kurds. Jumblat was from the most powerful Druze family in Lebanon who also represented a minority community. As a result, Jumblat tried to offer 'unspecified citizenship' for Kurds to allow their offspring who were born in Lebanon to obtain citizenship (Ibid). 'Unspecified citizenship' allowed the holders of these identification cards to register their children who were born in Lebanon thus securing a citizenship.<sup>24</sup> The Christian opposition challenged the offer, and so it was unsuccessful. In 1958, a settlement was reached in the parliament granting the Kurds 'under-study status' (Meho & Kawtharani, 2005). Between the 1970s and early 1990s, the Lebanese Parliament raised the issue of naturalization of noncitizens. However, all attempts failed due to the Maronite's disapproval. In 1974, Prime Minister Rashid al-Sulh insisted to include in the inaugural government statement an article which would naturalize the noncitizens. It received various objections especially from the Christian Phalangist Party (al-Kataeb) and the National Liberal's Party (Hizb al Wataniyyin alAhrar). The Phalange governmental representative, George Saadeh, stated: "We, the Phalangists, have worked hard in the past to give the Armenians Lebanese nationality and this was accomplished. But what was the result? They have become the electoral balance in the districts they live in. So if the Prime Minister wants his electoral fate to be determined by the Kurds, we are with him (Ibid)." To this day, the Kurds in Lebanon suffer from marginalization and insecurity. There isn't a precise data on the number of Kurds residing in Lebanon and their stateless population. The 1994 Naturalization Decree was an eminent breakthrough for the Kurds since around 18,000 Kurds were naturalized under the Hariri

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<sup>24</sup> According to Meho and Kawtharani, many Kurds argue that Jumblat aided the Kurdish community due to his own Kurdish roots.

government (Ibid).<sup>25</sup> The U.S Department of State (2010) stated that “despite the 1994 Naturalization Decree which allowed the majority of stateless Kurds to be naturalized, the aforementioned inefficiencies and discrimination against Muslim communities meant that some were arbitrarily refused citizenship.” Statelessness stands as a substantial complication for Kurds in Lebanon. Other groups such as the Bedouins also suffer from exclusion of the naturalization process due to their religious association, which is inconsistent with the demographic division persistent in Lebanon. While both communities, the Kurds and the Bedouins, remain under-researched as a stateless population compared to the Palestinian refugees whose Palestinian nationalism play a notable role in the Lebanese political configuration.

According to Oppenheimer (1939), the Bedouins have resided in Lebanon since the 13<sup>th</sup> century, and they have been present in the Beqaa Valley in their seasonal migration (Chatty, 2011). When the French Mandate took over Lebanese territories, the Bedouins’ nomadic exercises and their kinship relation created tensions with the new ruling persona. As Thomas (2003) states:

French and British military intelligence officers restricted the freedom of movement of nomadic tribes. Policing of new desert frontiers struck at the heart of the Bedouins’ vital economic role as suppliers and consumers. The commercial life of key market centres such as Aleppo, Mosul and Dayr al-Zur derived from trade networks built up long before the imposition of nation-state boundaries.

The Bedouins challenged the notion of nation-states and the system within which it operates, one that was imposed by the imperialists. They were viewed as tribal communities rejecting modernity (Cole, 2003). The Bedouins were

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<sup>25</sup> The naturalization decree was issued on June 21, 1994 under the Sunni Prime Minister Rafik al-Hariri. The essence was to settle the legal status of ‘all qualified’ persons who were not naturalized. The Kurds saw this move as a salvation for their problem.

exposed to discrimination and exclusion by the International community as a whole and by local agencies. Cole (2003; p.242) writes:

Newly independent Arab governments and Saudi Arabia (which had not been colonized), the newly created Arab League, and various organizations of the newly created United Nations began to call for sedentarization of the Bedouin. The unquestioned, and largely unresearched, solution to the Bedouin 'problem' from the 1940s through at least the 1970s was settlement and a shift from livestock to crop production. A number of state-sponsored settlement programs and projects, often supported financially and technically by international agencies, were planned and some were implemented.

Hence, the Bedouins were excluded from the 1932 census due to their Arab nationalism affiliation or as some note, they were not present in that period because of their seasonal migration (Chatty, 2011). The Immigration and Refugee Board of Canada records that the Bedouins were excluded because of their Sunni Muslim religion, thus incorporating them within the census would upset the demographic balance (Immigration and Refugee Board of Canada, 2002). All kinds of restrictions were imposed in order not to include them in the census, regardless of the fact that many of them considered Lebanon as a home place. In short, the naturalization application in Lebanon was established based on favoritism towards communities who would not disrupt the demographic balance and marginalizing those who would.

### **3.5 Conclusion**

This chapter discussed the development of statelessness and its perpetuation in Lebanon. It outlined the various positions stateless communities find themselves in Lebanon by exploring the historical development of the country's legislative system, its nationality laws, and the international obligations Lebanon has

acceded to protect these populations. As discussed, the main interest of the Lebanese political elites is to keep the confessional equilibrium, thereby excluding diverse communities from having access to the Lebanese citizenship. A brief overview of the creation of the Republic of Lebanon showed how the country was formed as a Christian native country in the Middle Eastern region, thus delineating who is worthy of a Lebanese citizenship. Followed by the causes of statelessness of different stateless communities, the chapter demonstrated the pragmatic exclusionary discipline the state is following that hinders citizenship reforms. This provides a strong background by which to analyze and discuss the discriminatory techniques the state utilizes to keep the confessional balance. Chapter Four will be examine various cases where the state either obstructed citizenship reforms or granted them based on precise calculations that fall within its consociational and electoral interests.

# CHAPTER FOUR

## SUBJUGATING THE LEBANESE CITIZENSHIP: A POLITICAL STRATEGY FOR SECTARIAN PRESERVATION

### 4.1 Introduction

Chapter three has shown that the 1925 Lebanese nationality is the main factor behind the prevalence of statelessness in Lebanon. While in theory the first article of this law provides an eminent legislative safeguard that ensures the vital rights of a child to a citizenship, in reality this is not the case. Moreover, despite Lebanon being party to various international human rights tools that ensure the fundamental rights of the stateless, these individuals are underrepresented and undermined by living in a constant state of fear and threat. The previous chapter answered the main question: Why does Lebanon embrace such a prominent number of stateless individuals? Obviously, there are underlying political and confessional reasons. In a confessional system, the main interest of religious entrepreneurs and political elites is to keep the balance of power and the power structure stable between various religious groups, thus hindering any citizenship reforms that may threaten their dominance. Additionally, to keep the National Pact followed by the Taif agreement valid, a precise demographic calculation should always prevail, meaning the number of the Muslim community ought to match as possible that of the Christian, which is certainly not the case. The last official census was conducted under the French mandate in 1932 where the Muslim and Christian communities were at a one-to-one ratio. Today, according to the electorates, the Muslim community exceeds the Christian one by a three-

to-two ratio. However, all political elites agreed not to carry on a new census for fear of the impediment, and thus, another sectarian civil war. Hence, any citizenship reforms are regulated and administered based on sensitive and accurate computations.

This chapter analyzes the methods used by sectarian elites to obstruct any institutional reforms. Following this, analysis of the ambition of the political elites to preserve the confessional system is the concept of 'sacrificed citizens', those who have the eligibility to be 'Lebanese', yet not afforded and prevented to acquire citizenship. Such citizens are perceived to threaten the constructed political communitarian system (most notably the Lebanese women and the children of Palestinian fathers from Lebanese women). The 1932 census will be discussed to show its vital contribution to the Lebanese state-building project, which will serve as a premise for political representation for decades to come. Additionally, it has set out the bedrock for acquiring a Lebanese citizenship based on its findings. As a Christian-created homeland, Lebanon was established to maintain its Maronite-governing regime, thereby restricting nationality policies to preserve the ethnically demographic division in a proportional manner. Examples of the discriminatory exclusion of Kurds and the Bedouins are further explored. Besides, the pretext of the Palestinian settlement is overly used by political elites as an excuse for citizenship reformation. The chapter goes on to examine the 1994 naturalization decree that generated contestations between different political groups because it did not align with the 'politics of numbers' that is prevalent in Lebanon. Finally, the role of religious institutions exemplifies the inter-reliant relationship they have with the state when it comes to reforming citizenship policies. Lebanon offers an exclusive example of the 'political sensitivity of demographic statistics,' where the main philosophy lies in preserving the current political representation via maintaining the demographic balance of the country.

## **4.2 Sectarianization of Lebanese Citizenship**

Lebanon presents a compelling case study of the effectuality of associational life in a profoundly fragmented society regularized by an elite power-sharing arrangement that institutionalizes sectarianism in the system. While confessionalism is profoundly a form of a consociational democracy that acts as a *“mechanism of political stability (...) through which (...) a fragmented political culture was stabilised”* (Oxford dictionary of politics, 2003, p.117), it has numerous drawbacks when it comes to offering state services to its citizens, especially when sectarian elites don't get along through their alliances.

Lebanon embraces 18 official sects, each representing a diverse community with its determined interests and that possesses a particular political influence. The 1943 National Pact states the exact roles of the most eminent sects: the president of the state ought to be a Maronite Christian, the head of the government a Sunni Muslim, and the speaker of the house a Shi'a Muslim. There are 15 other sects that dominate the parliament; however, the three aforementioned sects are the most pervasive. Both the Lebanese constitution and the National Pact assure that the Lebanese Republic is founded on the country's religious communities; hence the government's makeup mirrors the societal religious and sectarian differences. The Ta'if Agreement (1989) stipulates that “the distribution of the seats of the House of Deputies or Parliament equally between Christians and Muslims and proportionally among each of them until such time as the House of Deputies has enacted an electoral law not on the basis of religious representation.” The governmental makeup is based on the last official census conducted in 1932. Surely, one can wonder how the present-day governmental system can declare to be representative of the country's current demography. The reason for not conducting a new census is that the vast demographic change favors the Muslim community. Christian political elites fear the results of the new census, which may threaten their presidency, governmental positions, and distribution. In addition, they are apprehensive of the turbulence it may create in the country by using the

narrative of another new sectarian civil war. Thus, carrying out a new count of the Lebanese population is off the table. Besides, after the 2008 Doha Agreement in 2008 that settled yet another sectarian dispute between the Shiites and the Sunnis, a new era has emerged where no major decisions are to be made in the Lebanese government without the assent of all considerable sectarian religious groups. The agreement, though, is not in accordance with the Constitution, to which all disputes occurring in the Lebanese polity should comply with the written constitution. This shows the power of the Lebanese political elites in disregarding the supreme reference, namely the constitution.

As mentioned, the constitution protects the rights of every child born in Lebanese territory; however, if applied it will contradict the core purposes of the Ta'if and Doha Agreements. The Ta'if Agreement (1989) dictates that the House of Deputies represents the demographic Lebanese configuration; as such the deputies are divided equally between Christians and Muslims, "proportionately between the denominations of each sect, and proportionately between the districts." With a population of four million, this means 2 million are Christians and the other two are Muslims. However, this is far from reality. There has been a vast demographic shift favoring the Muslims, and this demographic dominance agitated the Christians. The Ta'if, despite ending the civil war, did not cause significant change in the political character of the country. In 2005, the International Crisis Group concluded that, "Power, positions and parliamentary seats all are allocated according to specific sectarian criteria that often are at odds with demographic realities. Although the formula helped preserv[e] relative calm for over a decade, it is fragile and covers rather than resolves underlying fractures (Country of Origin Information Service, 2006)". Thus, political leaders view that any citizenship reform ought to preserve the sectarian configuration. For instance, while the 1994 Naturalization Decree was initially greeted by the cabinet, once it was applied, the Maronite League challenged it by stating it "disturbed the confessional balance and communal co-existence in Lebanon ( Hourani, 2011)." The same claims are made when it comes to granting the

Lebanese women the ability to pass their nationality to their children. For example, Ahmad Halimi of the Popular Aid for Relief and Development stated, "Politicians fear that if women are allowed to pass their nationality onto their husbands, many Palestinians will take advantage of this and start marrying Lebanese women en masse (Country of Origin Information Service, 2006)". The Director of the Collective for Research and Training on Development in Lebanon, Abou Habib, further added, "The two pretexts given are that allowing Lebanese women to give their nationality to their husband and children could have an impact on the sectarian balance, but also that it would help Palestinian refugees gain Lebanese nationality (Ibid)." Naturalization favoritism is a common feature which is adopted by some countries. For example, in Bahrain naturalization of Sunni Muslims outnumbered any other confession in order to alter the demographic configuration.<sup>26</sup> The same strategy was followed in the former states of the Soviet Union after its collapse, whereby an individual's ethnicity is an essential precondition when applying for naturalization (Makaryan, 2006).

The scheme of sectarian preservation dates back to Lebanon's creation. Certain groups were excluded from obtaining a Lebanese citizenship deliberately. Following the two censuses conducted by the French Mandate in 1921 and 1932, large number of individuals residing inside Lebanon were excluded while substantial numbers of the Lebanese Diaspora were included. The 1932 census indicates which groups are to be granted Lebanese nationality. The first group involves 793,369 'Residents of Lebanon' and the other includes 254,987 'Emigrants' (Maktabi, 2000). The census additionally covered 61,276 individuals labeled as 'Foreigners' who were not afforded the citizenship, despite knowing that these persons did not carry a nationality of any state and were thus rendered as stateless (Maktabi, 2000). Once the numbers for the residents and

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<sup>26</sup> Naturalization procedures in Bahrain have many requirements and are often selective based on one's confession. See: <http://www.bahrainrights.org/node/425>

emigrants were calculated and merged, the census portrayed the demographic configuration of the Lebanese based on their confessions: 33.5% Maronite Christian, 18% Sunni Muslim and 16% Shia Muslim (Maktabi, 1999). The census later laid the primary premise for the Lebanese confessional political system based on these numbers (Krayem, 2003). Maktabi describes this situation as a political contestation between the Christian and the Muslim elites utilizing their power to decide who is considered a Lebanese and what the identity of the newly formed state would be. Due to this, all figures of the 1932 census were politicised. The primary recipients of the Lebanese citizenship were the Christians who were favored by the French Mandate. The 1932 census was immediately categorized and manipulated to incorporate not only Christians residing in Lebanon but also Christian emigrants and their children, in addition to other Ottoman Christians groups who had emigrated to Lebanon after August 30, 1924 (Maktabi 2000). As Maktabi notes:

The political ramifications of the 1932 census are reflected in the undocumented National Pact agreed upon by the political elite in 1943. Political representation and power was to be distributed according to the proportional size of each confessional sect as rendered in the census. The census therefore provided the demographic as well as the political cement that molded and legitimized the principle of power sharing under Christian dominance, based on a ratio of six to five Muslims in the government, the parliament and the civil service (p.220).

This was primarily driven by the French notion that Lebanon shall be a Christian country in the Middle Eastern region. The result was drastic, allowing Christians residing inside and outside of Lebanon to acquire a citizenship while denying numerous Muslims who inhabited in Lebanon, consequently causing them to become stateless. This was rationalized by arguing that the Muslims were not a part of Lebanon rather a part of the 'Muslim Arab nation' (Krayem, 2003). Subsequently, constrictive measures were applied on the Muslim nationality

applicants, which contributed to their ostracism from the state. Those included the Kurds, Bedouins, individuals residing in the *Wadi Khaled* area, and groups settling near the Syrian and Palestinian frontiers (Maktabi 1999). By default, the Lebanese citizenship was sectarianized and only certain communities were granted the opportunity to enjoy the merits of having a nationality. The excluded became stateless and underrepresented because of elitism. They were deprived of basic rights, of resources both political and social, and gained limited access to healthcare and education owing to the need for the preservation of a sectarian framework. Only a few organizations have recently addressed the issue of statelessness and giving stateless persons a small degree of representation. Otherwise, stateless individuals rely on political elites in a bid to manage their daily lives. For example, in an interview with a stateless Lebanese woman, she asserted, “Following a certain political elite is inevitable for me to deal with my daily live. If I need to enter a hospital or as recently happened I was in need of a certificate signed by the Minister of Education to conduct the Lebanese baccalaureate exams, it would be impossible to do that without the clientelistic networks. For us, as stateless, we are not protected by any institution. So, the only option is to follow our religious political leader who in times help us to cope with our daily lives as stateless individuals, however, the core problem is never resolved. I have gone to numerous institutions addressing my problem, though I end up in a web of clientelistic labyrinth.”<sup>27</sup> The institutional weakness present in the Lebanese state enables political and sectarian elites to seize their opportunities as state service providers, therefore deepening and reproducing sectarianism. After questioning the stateless father of the young woman about the reason for the delay in their nationality application at the Ministry of Interior, the man responded, “They [the political elites] want us to be fully dependent on them in order to keep this sectarian

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<sup>27</sup> Life of a Stateless in Lebanon [Personal interview]. (2017, August 28).

The interview was conducted in Mount Lebanon with a Druze stateless family of four. The family is composed of two children: a woman and an underage boy. The woman interviewed wanted to stay anonymous for security reasons. The interview was performed at the family’s house.

system in Lebanon. I have collected all the needed documents for my application and it has been a decade with no concrete answer. Thus, I am left with only one alternative: the sectarian leader of my community whom I beseech to handle the obstacles my stateless children face in their daily affairs.”<sup>28</sup>

Sectarianism of the Lebanese citizenship is twofold. On one hand, citizenship is sectarianized to maintain the demographic balance; on the other hand, its withholding additionally institutionalizes and reproduces sectarianism so as to produce sectarian-dependent subjects. The result is a sectarianized public system and ‘state-sponsored sectarian institutions’ with the sole purpose of preserving control and reproducing sectarian entities along with the modes of political mobilization (Salloukh, 2015). Political and sectarian elites are the creators and the main sustainers of statelessness, as they are the only authorities who are in positions to regulate citizenship laws and grant those who are deprived of a Lebanese nationality.

### **4.3 The Palestinian Case: A Pretext for Political Elites**

Before discussing how the pretense of the Palestinian case affected the politics of citizenship and the institutionalisation of sectarianism, a brief history about the Palestinian exodus will be presented. While the Palestinian chronicle is the main narrative that the Lebanese political elites manipulate to justify the politics of exclusionary citizenship in Lebanon, it is essential to note that preferential practices were in existence long before their arrival. Their presence in Lebanon has aggravated the demographic imbalance in the country; however, they are not responsible for the exclusionary modus operandi enacted by various sectarian and political elites.

After the Palestinian-Israeli conflict, around 700,000 Palestinians took refuge in neighboring countries, of which 100,000 fled to Lebanon (Knudsen, 2008). Since

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<sup>28</sup> Ibid- interview with the father about his life as a stateless individual since his birth in Lebanon.

their exodus in 1948, nothing has changed. Palestinians comprise the most substantial stateless populace in the world, and the four subsequent generations suffer from not owning citizenships. However, Palestinian refugees have a specific program dedicated to them, The United Nations Relief and Works Agency for Palestine Refugees (UNRWA), which has promoted the wellbeing and the developmental sustainability of four consecutive generations of Palestine asylum seekers. These refugees are defined as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict” (Who We Are UNRWA, 2007). All Palestinians under the defined category that are registered with UNRWA have access to basic human rights. In Lebanon, some 450,000 Palestinian refugees are registered with UNRWA, yet UNRWA recorded that Palestinian refugees in Lebanon are provided with the most substandard human rights services (Weighill, 1997). While the Lebanese welcomed the Palestinians rapturously when the latter initially arrived, tensions arose once the Lebanese realized that these refugees would not be going back to Palestine (Chatty, 2010).

In response, the Lebanese state issued a Nationality Decree in 1949 that made the naturalization process more strenuous and denied Palestinians the right to acquire a Lebanese nationality (Jaulin, 2006). Paradoxically, Christian and upper-class Palestinians were granted the Lebanese nationality. As for the remaining majority, they were excluded from these preferential modes, with the Lebanese authorities adding another decree in 1960 to label the Palestinian refugees as “stateless foreigners” (Takkenberg, 2006). Today, the Palestinian pretense is followed by sectarian elites whenever a demand for nationality law amendments comes up. As table 3.1 shows, 21.8% of Lebanese women are married to Muslim Palestinians, and in turn, their children do not possess any Lebanese identification certificates. Hence, the Lebanese demography has witnessed a Muslim influx which is regarded as a serious threat to the Lebanese Christian community. In an interview with the prominent Lebanese national

newspaper An-Nahar, Lebanese Foreign Minister and leader of one of Lebanon's biggest Christian parties, the Free Patriotic Movement (FPM), Gebran Bassil declared that he and the party are strong opponents of amending the nationality law which would permit Lebanese women to transfer their Lebanese citizenship to their children (Azar, 2016). In contrast to FPM, the eminent Sunni party the Future Movement, headed by Prime Minister Saad Hariri endorsed the nationality draft law after alleging to discard the provision that forbids women to pass their nationality, thus paving the path for its ratification in the House of Deputies. Bassil and other Christian leaders objected and contested such a provision, claiming that it would modify the country's sectarian and religious demographic balance (Azar, 2016). Interestingly, in the SWMENA survey conducted in Lebanon across all sects that asked whether respondents were in favor of the present citizenship law or supported its amendment to allow Lebanese women to pass their citizenship, the results were startling. They suggested massive popular support in favor of altering the nationality law. The survey concluded (SWMENA, 2011):

While a large majority of women from each sect supports reforming the citizenship law to allow Lebanese women to pass their nationality, Christian women stand out as being mostly supportive of this law reform with 86% saying they would like to change the law, compared with 80% of Druze women, 79% of Shia women and 78% of Sunni women.<sup>29</sup>

While there is significant public support for reforming the nationality law even from within the Christian community, the leaders have disregarded the popular

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<sup>29</sup>“SWMENA (Status of Women in The Middle East and North Africa) The International Foundation for Electoral Systems and the Institute for Women’s Policy Research (IWPR) have united their years of experience in research and capacity building to enhance the status of women in the Middle East and North Africa. Through comparative and country-specific surveys, the project measured how women in Lebanon, Morocco and Yemen see themselves as members of society, the economy and the polity”.

demand on account that Lebanon would officially become a Muslim-majority country. It demonstrates the religious and sectarian elites' utilization of an eclectic toolkit while managing domestic affairs. Sectarian leaders advance their material and political interests by exploiting the Palestinian or the Syrian cases and presenting them as an ideational threat to the Lebanese society.

Contradictory to the elites' narrative is that the Lebanese citizenship law that discriminates against women was initially put into force in 1925, long before the arrival of the Palestinian refugees. This once again demonstrates that the nationality law is in its origin discriminatory, and it is irrelevant with the elites' concerns connected with the Palestinian settlement. To the present day, any attempt to contest the 1932 census figures may be regarded as a challenge to the existing demographics which have set down Lebanon's power-sharing arrangements for decades to come. This is the principle reason why the 1932 census was the last national Lebanese population census conducted. Walzer (1994) specifies that "the distribution of membership ... in any ongoing society, is a matter of political decision." This means that state leaders have absolute authority to decide whom to consider a member of a state based on their own political interests. Maktabi (1999) sums it up by stating:

In an ethnically divided polity such as Lebanon, citizenship laws and policies have been formed and applied in ways where members were included and excluded according to political objectives which aimed to buttress the influence of particular groups over others.

#### **4.4 Questionable Inclusion of Armenians and the Exclusion of Kurds and Bedouins**

The 1932 census is the basis of the Lebanese political system. Interestingly, the counting of the Lebanese population coincided with the formation of the Lebanese citizenship, which resulted in the politicization and sectarianization of the figures obtained to portray the future political representation in the country. Initially, the greater the numerical value of a religious/sectarian group, the more representation it received in the House of Deputy and consequently the more political influence it possessed in implementing its political agendas. Revisiting the 1932 census today, it is obvious that the census outlined who to consider Lebanese, and it shaped the identity of the country knowing that these decisions were made in a politically unstable period (1920-1943) and under a foreign mandate. The pre-planned 1932 census created statelessness through deliberate strategies of exclusion and inclusion. As mentioned, the country was formed as a Christian homeland. Hence, numerous Muslim communities, such as the Kurds and the Bedouins ( mainly Sunni Muslims), were intentionally ostracized to maintain the desired demographic balance.

For example, many of the Kurds are Sunni Muslims who find statelessness to be a major obstacle throughout their existence in Lebanon. They were primarily excluded due to their religious association. The naturalization process was framed in a way to make it difficult for the Kurds to be a part of the applicants for the nationality. As stated earlier, the socialist leader Kamal Jumblat offered them “unspecified nationality,” which would be a safeguard for their children in accessing various governmental services after obtaining a Lebanese identity card. The bill, however, was not ratified and the provision was dropped by the opposing Christians who claimed that this would change the consensual demographic balance. Instead, the Kurds were granted ‘under-study’ identification cards. The holders of such cards granted them access to Lebanese territories and schools; however, it banned them from any political rights such as voting or seeking governmental or public positions (Ahmad, 1985).

The same strategy was applied to the Bedouins, whose evaluated population ranged between 100,000 and 150,000. However, only 10,000 to 15,000 Bedouins were naturalized (Chatty, 2011). Moreover, the Bedouins who were afforded the Lebanese citizenship were registered as 'single' regardless of their marital status. The purpose of such a unique scheme was to limit their spouses and children from acquiring Lebanese citizenship (Ibid). Accordingly, the number of Bedouins holding the Lebanese citizenship would be in conformity with the demographic balance without interfering with the status quo by considering them as part of the Sunni Muslim community. The confessional creation of Lebanon has been based on the first population count that turned the country into a numbers game where each confession's size is taken carefully into account.

Contrary to the exclusion of the Sunni Muslim Kurds and Bedouins, the Christian Armenians were naturalized. The Armenians arrived in Lebanon 'en masse' during the Ottoman period; however, the vast majority of Armenian refugees sought asylum after the 1915 Armenian genocide. Maronite Patriarch Elias Howayek greeted them affectionately by stating, "The piece of bread that we have, we will share it with our Armenian brothers" (Ahmaranian, 2015). Following the 1932 census, the courts adopted Decree 8837 that provides the main guidelines for the naturalization process. Certainly, these guidelines were in favor of including as many Christians as possible in order to put the considered plan into action. Article 13 of Decree 8837 states:

The refugees from the Turkish territories, such as the Armenians, Syriacs, Chaldeans, and (members of the Greek Catholic and Orthodox churches), and other persons of Turkish origin, shall be considered Lebanese providing the fact that they were found on the Lebanese territories on August 30, 1924 in accordance with Regulation 2825. Persons who acquired the Lebanese nationality are registered in accordance with Resolution 15 (s) of 19 January 1925, while those who took refuge in Lebanon after that date [January 25, 1925]

and did not acquire Lebanese nationality and could not prove their presence in the Lebanese territories in the following era are considered to be foreigners and

are rendered stateless.” (الجامعة اللبنانية |مركز المعلوماتية القانونية :: التشريعات النافذة )  
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Moreover, additional guidelines in Decree 8837 indicate favoritism towards the naturalization of Christians over Muslims when applying for Lebanese citizenship. The Armenians, Syriacs, and disciples of the Catholic or Orthodox churches were specifically mentioned in the decree, despite the fact that the Kurds arrived in Lebanon with the Syriacs and the Armenians from Turkey. However, they later were not granted the right for a citizenship. Only the Bedouins were mentioned in Article 12 of Decree 8837, which stipulated their right to a Lebanese citizenship in case they resided in the country for more than six months in a year (الجامعة اللبنانية |مركز المعلوماتية القانونية :: التشريعات النافذة :: تأليف لجان )  
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The problem was that the Bedouins were not able to prove their precise period of residence as such they were partly an excluded community. Strangely enough, nationality regulations were explicated to include the Christian applicants without considering their proof of domiciliation on 30 August 1924, while other Ottoman applicants of primarily Muslim culture were denied the citizenship if they couldn't provide proof of residence on that date (Maktabi, 1999). Such strategies are followed in a confessional system, where the 'politics of numbers' is carried on with the sole aim of adjusting the demographic balance between different sects according to the alliances conducted by the religious leaders. Such incidents display the various ways that political and leading religious elites assumed to preserve Christian hegemony and to selectively

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<sup>30</sup> Article 13 of Decree 8837, dated 15 January 1932, Related to the Lebanese Republic Population Census, Official Gazette, issue no. 2606 on 18 January 1932.

include Muslim communities in creating the perfect demographic balance. With the politicization of the figures from the 1932 census and the inclusion of the

Christian emigrant population, the census presented a Christian majority that discriminated against Muslim communities and rendered some stateless. A lot of exceptions were afforded to the Christians. For example, an estimated 73% of these emigrants had left Lebanon before the suggested date (August 30, 1924), and they did not satisfy the required legal guidelines of Regulation 2825 dated 20 August 1924.<sup>31</sup> As Maktabi (1999) argues:

What were the political arguments regarding the inclusion of emigrants in the citizenry who were considered 'inhabitants of the Lebanese Republic'? It is possible to identify territorial, nationalistic and demographic objectives for including the emigrant population as expressed by the Maronite-dominated regime at the time.

The Lebanese demographic reality failed the aspirations of the political elites, especially the Christians; hence, the only option they had was to control citizenship policies that would determine who could carry Lebanese citizenship. It is simply again the 'politics of numbers.'

#### **4.5 Maronite's Challenging of the 1994 Naturalization Law and its Effects on Elections**

The 1932 census, which left many individuals either as stateless or with undetermined citizenship status, has not been ignored. Sequential measures

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<sup>31</sup> General Secretary. Decree No15 on Lebanese Nationality, [Http://eudo-citizenship.eu/NationalDB/docs/LEB%20Decree%20No%2015\\_consolidated%20version%201960\\_ENGLISH.pdf](http://eudo-citizenship.eu/NationalDB/docs/LEB%20Decree%20No%2015_consolidated%20version%201960_ENGLISH.pdf) (1925) (enacted).

have been assumed since the 1950s to rectify its mistakes. Under President Chamoun, between 1952 and 1958, several naturalization decrees were adopted that granted Lebanese citizenship mainly to Christian communities. Following that, in the 1960s President Nasser passed decrees that allowed thousands of Egyptians of Lebanese origin to obtain Lebanese citizenship. There is no precise data regarding these naturalization decrees (Jaulin, 2006). All the above attempts were built up to pass the naturalization decree in 1994. This decree secured the Lebanese nationality to around 150,000 persons, and it marked a stepping-stone in the Lebanese Nationality Law. While it was a notable effort in dealing with and reducing statelessness, the decree can be considered as a pre-planned project conducted by political elites to once again manipulate the demographic balance. Various civil societies have compared it to the 1932 census maneuver. To this day, the 1994 Naturalization decree no 5247 generates various debates between different political groups, mainly the Christians.

The decree was established based on the 1992 Commission on Naturalization, and the commission was created by Prime Minister Rafik al-Hariri during the first post-civil war government. The sole purpose was to naturalize a number of stateless communities including the Kurds, Arabs of Wadi Khaled, the Bedouins and other marginalized groups. On June 30, 1994, the official Lebanese Gazette stated that around 39,460 families were accorded the Lebanese nationality. The Ministry of Interior declared in its press release that around 157,000 persons had obtained the citizenship, in addition to 45,311 spouses and children. The total number of naturalized persons reached 202,527 (Lebanese Citizenship: Given arbitrarily, 2010).

Successively, former Minister Ahmad Fatfat declared at National Dialogue Roundtable in 2006 that, “the majority of those who acquired Lebanese nationality under this decree were not stateless: over 42% of the naturalized were Syrian nationals versus 36% stateless, 16% Palestinians, and 6% from the

rest of the world including descendants of Lebanese immigrants.”<sup>32</sup> Putting the 1994 Naturalization decree under detailed assessment quickly reveals its politicization, as Fatfat stated that a large percentage of the naturalized are foreign citizens holding a nationality of another state. According to the figures cited by the Ministry of Interior, 42% are of Syrian nationality, 36% are stateless and belong to communities with Lebanese historic links, of which 20.7% bear the status of ‘under-study,’ 9% ‘stateless or unregistered,’ and 5.7% Bedouins of Wadi Khaled. In addition, 16% of the naturalized were stateless Palestinians, taking into account inhabitants of the contended ‘Seven Villages’ region located in the South of Lebanon (Nishikida, 2009). The remaining naturalized included Egyptians, Jordanians, and Iraqis who held the nationality of their state. Publications asserted that “two-thirds of the naturalized persons were Muslim (mainly Sunnis and Shias, but also Alawis), and one-third Christian (mainly Armenians and Syriacs, and also Greek Orthodox, Greek Catholics and Maronites)” (Jaulin, 2014).

Despite the vast support this decree has gained at the beginning, a lot of criticism has followed after the beneficiaries were declared knowing that they were nationals of another state. The decree was initially held for stateless individuals residing in Lebanon and who had the right to a nationality. As such, offering the Lebanese citizenship to a broad number of Syrians was seen as a political ploy, especially after the Ta’if agreement placed Lebanon under the Syrian tutelage. Hence, this decree was an attempt to reinforce the Syrian influence in Lebanon. <sup>33</sup>The naturalization of a remarkable number of Palestinian refugees fueled the situation further. The whole project was an

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<sup>32</sup> Al Mustaqbal newspaper. (2006, March 30). Minister of Interior Ahmad Fatfat announced to the National Dialogue Roundtable that the total number of Naturalized persons until March 2006 is 202,527 who come from 80 countries.

<sup>33</sup> The Taef agreement clearly stated: “Considering that the objective of the State of Lebanon is to spread its authority over all the Lebanese territories through its own forces, represented primarily by the Internal Security Forces, and in view of the fraternal relations binding Syria to Lebanon, the Syrian forces shall thankfully assist the forces of the Lebanese legitimacy to spread the authority of the State of Lebanon within a set period of no more than 2 years, beginning with the ratification of the National Accord document, the election of a President of the Republic, the formation of the national Accord Cabinet, and the constitutional approval of the

arbitrary scheme benefiting certain communities and overlooking others. The naturalization decree was a political act rather than a humanitarian project aiming to modify the demographic composition favoring the Muslim Sunni community (Hourani, 2011).

Essentially, Lebanese religious groups promoted the naturalization applications (Nationality and Statelessness Research Project: Tulberg University, 2014). Contradictorily, the applications were not treated with individualistic approach hence the vast number of foreigners, holding in the first place a nationality, acquiring a dual Lebanese citizenship. Moreover, the issued Decree only included the names of the naturalized persons without mentioning the reason why their application had been passed. The rejected applications, in turn, did not offer any explanation as to why they were refused, so a person could not even request an appeal (Ibid). From that point of view, various community members based their criticism on the arbitrary implementation of the decree in granting specific citizenship to communities and denying others.

Another consequence of the 1994 Naturalization Decree included the demographic imbalance it had created. It was obvious that the vast majority naturalized were Muslim (80% of the naturalized). A report has made it clear that the decree was original meant as “A deal that benefited some on the one hand, and on the other created disorder in the confessional balance which is already imbalanced. That pushed for calls to naturalize expatriates in order to restore the balance” (Lebanese Citizenship: Given arbitrarily, 2010).

Christian political elites opposed the naturalization of the Palestinian refugees in Lebanon. As a matter of fact, the naturalized Palestinians in 1994 stemmed from the Seven Villages. As such, they are Shia Muslims, in contrast to other Palestinians, who benefited at that time the President of the Lebanese

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political reforms.” Full text available on:  
<http://www.presidency.gov.lb/Arabic/LebaneseSystem/Documents/TaefAgreementEn.pdf>

Parliament, Nabih Berri (Jaulin, 2014). Political opposition sharpened during the 1996 Parliamentary elections when constituencies were gerrymandered by a so-called method 'parachuting' (Ibid). The naturalized persons of 1994 were registered in electoral rolls of districts they did not reside in. The aim of such a strategy was to influence the results of the elections. For example, Metn constituency witnessed massive irregularities when Michel el-Murr, the Minister of the Interior, ran for the parliament. He was responsible for issuing civil status certificates for the newly naturalized individuals, thus exerting pressure on the latter (Ibid).

Christian communities called for extending the citizenship naturalization project to other confessional groups, including a number of emigrants. Several proposed measures to rectify the decree were tried. Key Maronite political elites lobbied the government and the media to review the 1994 Naturalization Decree by addressing the demographic imbalance it has generated. They proposed to reform the decree to include Christian Lebanese emigrants in order to harmonize the disparity it produced (Jaulin, 2006). The Maronite League went a step further by bringing the case (1994 Naturalization decree) before the Lebanese Council State, arguing that the decree did not conform with the country's interests in maintaining the demographic equipoises. As a response, the court readdressed the case to the Ministry of Interior in 2003 with the purpose of revisiting the cases involving fraudulent naturalization applications. Due to the various debates between different political parties, the reexamination of these cases was left pending within the Ministry of Interior.

A breakthrough came in 2011 regarding the review of the 1994 Naturalization Decree, but it only acerbated the controversy. Lebanon's president endorsed two new decrees that resulted in denaturalizing around 200 individuals who had obtained the Lebanese citizenship in 1994. The bill was considered to be a step in overturning fraudulent cases. There was no concrete evidence, however, about the number of persons whose Lebanese nationality was taken away. While the State Consultative Council overthrew the decrees signed in 2011, it is

debatable whether the nationality was restored for those 'undeserving individuals.'

The push to denaturalize the 'undeserved' is another political and religious maneuver that shows the prevalence of power politics and number games. Looking more closely at the decree, it is evident that naturalizing Muslim applicants would upset communities from other confessions. The Maronite League made it clear that such moves alter the confessional makeup. Hence, any optimistic attempts to reduce statelessness in Lebanon have to take the confessional structure of the country into consideration to maintain the balance. Unfortunately, all of the progress concerning the prevention of statelessness has had a political influence. The core purpose of avoiding statelessness is not present. Political and religious leaders are dependent on numbers. When 80% of the naturalized were Muslims, the Christian community lobbied the Lebanese Council of Ministers to draft a law allowing emigrants (mainly Christians) with historic ties to Lebanon to obtain a nationality knowing, that a broad number of stateless individuals residing inside Lebanon exist and have the priority to acquire a Lebanese citizenship. All nationality law amendments are thoroughly calculated to determine their demographic impact. The reason lies in the electoral votes and elites' aspiration to stay in power.

In 1927, the first Lebanese parliamentary elections took place. They were founded on a confessional system electoral vote. It allots a specific number of seats to each sect included. The international IDEA Handbook of Electoral System Design classifies the Lebanese electoral system as a party Block Vote (PB) electoral method. Such a system allows an elector to cast only a single vote for a predetermined party list which is composed of multimember districts. The winning party is determined according to a simple plurality methodology. The party which gets the most votes in a certain district, secures all the available seats in this corresponding locale. As a result, all the candidates in the predetermined list are automatically elected. For example, if there are two

contesting party lists in a single electoral district, the list which attains more votes simply gains all the parliamentary seats allocated to this district. Consequently, the loser, even with an inconsiderable margin, does not attain any of the seats. The main dispute lies in the difficulty of reflecting the actual demography and meeting the demands of the Christians. In the 1950s, the ratio of Christians to Muslims was equal; however, due to the vast immigration of Christians and wide distribution of Muslims, this ratio altered in favor of the Muslim population. This discrepancy created a gap in the parity balance in the constitution, which states that Christian representation should be equivalent to that of Muslims. The Christians' main demand is having a fair representation, since their MPs are being elected by the Muslim community distributed across Lebanon. Accordingly, any demographic modification favoring the Muslim community causes tension within the Christian parties, since their representation in the government would be threatened. Consequently, the main factor of the Christian opposition to the 1994 Naturalization Decree lies also in altering the electoral votes in favor of Muslim parties.

Any citizenship reforms ought to comply with the aspirations of the various Lebanese political groups. Such strategies are utilized to maintain the demographic equilibrium and thus the governmental representation of the confessional groups.

#### **4.6 What about the Religious Institutions and Statelessness?**

The 1926 Lebanese constitution offered various religious groups in the then-recently developed Republic of Lebanon the entitlement to be a part of the government. Throughout history, religious minority communities were given notable autonomy and self-government under the safeguarding of the Islamic Sharia Law. Thus, Christians enjoyed their self-determination in an Islamic establishment. After the fall of the Ottoman Empire and the French control over Lebanon, the constitution was drafted in a way to acknowledge the highly

fragmented Lebanese society. Decree No. 60 L.R., which the High Commissioner adopted in 1936 during the French Commission, guarantees the identified sects the right to manage their own sectarian courts and to follow separate personal status laws. By merging state establishments with religious institutions, citizens are obliged to abide by the sectarian personal status laws approved by the state and their religious institutions (Salloukh, 2015). The government authorizes the religious groups to manage all matters relating to personal status and family administration, such as divorce, inheritance, child custody, child adoption, women's rights, and marriage. Additionally, the government appoints governmental-sponsored clerical courts for the 'Twelver' Shia, Sunni, Christian, and Druze communities.

To procure identification documents, it is essential to register marriage and birth certificates through religious courts, which in turn issue IDs. Hence, the government and the religious courts are equally responsible for guaranteeing an individual's legal rights of existence. As mentioned Lebanon is party to numerous conventions securing children's and women's rights to a nationality; however, it has reservations regarding several articles relating to these rights. The Lebanese government gives grounds for these reservations by arguing that personal status issues are not civil matters, but rather issues administered by confessional religious courts. For instance, although Lebanon has ratified and signed CEDAW, it has deferred from some articles concerning gender equality and women's right to pass on their nationality. Instantly, the Lebanese authorities claimed that under the Sharia and various confessional courts, the child's identity is attained from that of the father and not the mother. This absence of a civil personal law only systemized the dominion of religious elites over matters concerning women's rights and children's affiliation, registration, and adoption. Hence, any amendments must seek approval from religious courts, who contest any reform that would threaten their authority and hegemony. The Institute for Women's Studies in the Arab World (2016) explained "that by keeping family matters within the jurisdictions of religious

courts, the Constitution detaches itself from its role as a guarantor of equal rights and creates a buffer between the citizen and the State". Salameh (2013) added that all "the reservations are intended to maintain the current personal status law, which is under the mandate of religious courts, rather than civil courts". Thus, religious courts are a vital chain in the sectarian make-up of the country hindering any reform that are against their rule of existence.

#### **4.7 Conclusion**

This chapter demonstrates the different sectarian strategies that the political and religious elites utilize to maintain the confessional ideological existence of Lebanon. The 1925 Nationality Law is not only a demonstration of gender discrimination against women but also a jeopardy to statelessness in Lebanon. Despite its concrete breach to the constitution, which is based on the concepts of equality and freedom, the law does not rest on any religious predispositions. While mainly religious clerics object to the Civil Status Law, politicians oppose the 1925 law by arguing that changing this law would disrupt the equilibrium between inter-sectarian groups and between the national and regional balance (the pretext of the Palestinians problem). In this chapter, the concept of confessional equilibrium has been contested by reflecting the threats stateless individuals pose to the demographic configuration. The problem of the Palestinians and the historical formation of Lebanon as a Christian homeland is one aspect of such an ultimatum. Another revealing feature is the inhabited Bedouins and the Kurds, whose statelessness derives from their religious affiliation that may disrupt the Lebanese confessional ideology. The stateless Bedouins and Kurds exemplify the parameters followed to delineate the 'deserving' and 'undeserving' citizens in Lebanon. Further, the exceptional inclusion and naturalization of the Armenians in the census only reaffirms the politics of numbers. While the politics of numbers is at the heart of each political

decision, any attempt to reduce statelessness was consequently defied, such as the 1994 Naturalization decree.

Exclusion of certain individuals from the nation-state was based on political motives as a consequence of the confessional system. From here, the chapter revealed a shift in the main causes of statelessness from the stateless individuals who are defined as persons not belonging to any state onto the failure in the foundation of Lebanon and the preplanned nation-state project, which caused this statelessness. There is a mutually dependent relationship between statelessness and the nation-state. As in the case of Lebanon, citizenship was held as a political weapon by denying certain communities and accepting others in order to maintain the socio-political arrangement.

The following final chapter wraps up the research findings and draws apposite deductions, blaming the perpetuation of statelessness onto the nation-state building based on a confessional system, and the necessity of domestic legislative and institutional reforms to end statelessness by taking in to consideration different International action plans to terminate statelessness.

# CHAPTER FIVE

## CONCLUSION

### **5.1 Overall Findings**

This research examined statelessness in Lebanon as a case study to reveal the prospects of power politics and the boundaries of various international legal tools in ending statelessness when nation-states are concerned. Lebanon's creation and its power sharing arrangement instituted sectarianism as a basis that would later determine who are to be the citizens of Lebanon. The chief questions in this research were: How is statelessness addressed and politicized in Lebanon and what do these show about the relationship between the state and the religious courts in negotiating statelessness? How was citizenship politicized in a way to maintain the sectarian elites' aspirations? What threat do stateless individuals pose in a confessional communal system when the main goal is to keep the demographic balance stable?

A detailed examination of statelessness and its creation in different regions was laid out at the beginning of this research to determine its causes and the respective international legal tools available in protecting stateless individuals. While various international safeguards are present, they vary from state to state depending on the political system to which they adhere. This framework of analysis lays out the limits and the drawbacks of sovereignty, thus placing the nation-state at the center of this study. Despite setting universal human rights as the foundation of the modern sovereign globalized world, the existence of statelessness reminds the modernized world order of the still vital role of nation-states and their respective individual power. This theoretical setup positions nation-states as the responsible actors for creating statelessness.

Statelessness in Lebanon is a case in point that demonstrates the reality of a state drafting laws with its own political interests in mind. Lebanon's pre-and post-war relations were laid out to highlight the paths that were secured from its formation, thus formulating the decisions made regarding who constitutes a Lebanese citizen. Lebanon's complex political structure is a quintessential example of a situation in which the ruling strata are in control of whom to contain in their state. It argues that the 1932 census was a typical preplanned strategy adopted by the Lebanese authorities under the French mandate to secure each sect's political power in the government. Not only were religious institutions institutionalized, but they also played a vital role in maintaining the fragmented political alignment within the country. The consequences were drastic. Segregation against certain groups has occurred, such as the Kurds, Palestinians, Arabs of Wadi Khaled, and the Bedouins. In addition, discrimination against women includes denying them the right to transfer their Lebanese citizenship to their descendants, especially if they are married to any of the above-mentioned communities.

Further, the study argues that the disciplinary power of sectarian institutions in Lebanon and the reproduction sectarian mechanisms followed by the religious and political elites create a structural hegemonic political force that preserves the demographic equilibrium in the country. In turn, any attempt in reforming citizenship laws that threaten the elite's political and religious existence and authority is simply rebutted, such as amending the 1925 Nationality Law to allow women the passage of their Lebanese citizenship to their offspring.

Several research findings can be concluded from this study:

1. The legal and administrative frameworks in Lebanon lack the essential elements to deal with the issue of statelessness.
2. Nationality laws in Lebanon are discriminatory against certain groups, and they lack safeguards against statelessness, as is the case with Lebanese women and the 1925 Nationality Law.

3. Lebanese stateless individuals lack sufficient information on the procedures concerning citizenship.
4. Stateless individuals experience bureaucratic delays once they inquire about their status.
5. The exact number of undocumented individuals in Lebanon is debatable and uncertain ranging from 100,000 to -200,000. The last official census was conducted in 1932.
6. Stateless individuals resort to unofficial mechanisms to access services, including clientelistic and patronage relations.
7. Political leaders view policy reforms regarding statelessness as a threat.
8. The main interest of Political and religious elites is to maintain the power balance between the different sects, thus preserving the demographic configuration based on the 1932 census.
9. Various political strategies prevent any citizenship amendments that threaten the demographic balance.
10. There is a necessity for disseminating the idea that stateless individuals have the right to have rights. Raising awareness is crucial.

These findings reveal a compelling observation when considering the citizenship discourse. While statelessness is primarily provoked by a weak nation-state, it is also caused by discrimination in the denial of citizenship to certain communities. For example, a person may be a Lebanese (being born and raised in Lebanon), however, he/she can still be denied the Lebanese citizenship because his/her legal existence may threaten the configuration of the state. This is the case with the Kurds, Bedouins and Palestinians. This is also the case with the Lebanese women who cannot pass their citizenship to their children, thereby rendering a lot of them stateless, particularly those children of foreign fathers whose citizenship would alter the demographic equilibrium. Thus, these individuals are

labeled as 'sacrificed citizens' whose abandonment serves the preservation of the political organization of Lebanon.

What makes these discussions salient is that they set statelessness in a compact relation with nation-state. The nation-state system being the sole responsible entity to accord the citizenship is problematic. Arendt writes, "How states continue to reinforce their power to exclude and contain stateless persons while simultaneously deploying the discourse of universal human right" (Hayden, 2008). Hence, the blame for incurring statelessness is within the nation-state itself, which doesn't contain certain stateless individuals, and it doesn't lie within the incompatibility of stateless persons with the nation-state.

In addition, these findings explain why any opportunities for sociopolitical modification and policy reform are kept restrained in Lebanon despite numerous active international and national civil communities such as UNHCR, Frontiers Rights Association, the Lebanese Women's network, Zakira, Justice Without Frontiers, KAFA, and the National Committee for the Follow-Up on Women's Issues. Lebanon's religious and political elites managed to perforate state institutions to reinforce their control and constructively build a network of clientelistic relations that define today's state-society relations. Any reformist attempt is infiltrated and quelled, thus fortifying the country's sectarian dynamics, especially when citizenship is considered. Yet, regardless of the vast authority and hegemony that the sectarian political system enjoys, diverse reformist civil society communities continue to challenge the repressive articles of the 1925 Nationality Law. One prominent example is the Frontiers Rights Association, which works firmly with stateless individuals and the government in providing legal assistance and counseling for stateless persons and other vulnerable communities.

This association conducted vast legal and policy research on issues of statelessness in Lebanon.<sup>34</sup> Moreover, it cooperated with UNHCR in Lebanon to raise awareness about statelessness. One such workshop was conducted in the Lebanese American University and with the participation of the United Nations High Commissioner on Refugees (UNHCR) in Lebanon and the Frontiers Rights Association about Citizenship and Statelessness entitled “Overview of Statelessness in International Law: The Global and Lebanese Perspective.” Students, UNHCR and FR representatives discussed the problem of statelessness and its possible solutions. Additionally, the Zakira project cooperated with UNHCR to demonstrate the daily struggles of stateless individuals.<sup>35</sup> Meanwhile, the Lebanese Women’s Network, KAFA, and the National Committee for the Follow-Up on Women’s Issue have been initiating national campaigns seeking to eliminate gender discriminations in nationality laws and penal codes. Such campaigns and projects portray a vital fluctuation in civil communities’ outlook to sectarian politics, since these organizations understand the sectarian political reality and they therefore contest it by disseminating information, assisting stateless individuals, and cooperating with governmental institutions. Several publications and draft laws have been submitted to the government that could be applicable; the next section will mention the prominent ones.

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<sup>34</sup> S., Trad. (2017, April). Combating Statelessness in Lebanon [Personal interview]. Interview conducted with Mrs, Samira Trad , Legal Consultant of Frontier Rights Association, in FR headquarters , Beirut, Lebanon.

<sup>35</sup> “Stateless” Photography Exhibition in Dar Al Mussawir in December 2015. “The exhibit commemorates a project by The Image Festival Association – Zakira and displays photos taken by eight young people in Lebanon, who are not legally recognized as nationals of any state, portraying the challenges they face in their everyday lives” .The opening was accompanied by the release of a photo book titled “Stateless”. Available on : <https://www.facebook.com/zakiratheimagefestivalassociation/photos/a.1177647642265331.1073741854.108431852520254/1177647825598646/?type=3>

## **5.2 General Recommendations for Lebanon: Good Practices, Challenges, and Possible Solutions**

Statelessness in Lebanon leads to the retraction of fundamental basic human rights that renders individuals vulnerable and marginalized. Additionally, an unregistered person is an illegal resident who is prone arrest and detention by authorities at any time. Aside from these issues, stateless individuals cannot move freely, do not have access to healthcare, education or employment, cannot own a driving license or a bank account, and are banned from being politically active. Plainly, they lack all the merits of having a citizenship or belonging to a state. Incomprehensibly, Lebanon is devoid of any legal framework with which to protect such communities. Many countries such as Bangladesh, Sri-Lanka, Brazil, Kyrgyzstan, Turkmenistan, and Vietnam suffered tremendously from having large stateless populations. However, they have managed to gradually amend their constitutions and laws to include these persons within their states. For example, the largest marginalized stateless community in Sri Lanka is the Hill Tamils, whose discrimination is based on their ethnic belonging. A collaborative citizenship campaign brought the issue of statelessness on the table, thus pressuring the government to take the necessary measures to grant almost 200,000 members of the Hill Tamils the Sri Lankan nationality. The same strategy was followed with the Urdu-speaking (Bihari) community in Bangladesh and with the former Soviet Union stateless citizens in Kyrgyzstan (UN High Commissioner for Refugees (UNHCR), 2014). These examples demonstrate how policy reform, merged with powerful advocacy and nationality campaigns, can settle a long-lived predicament in a reasonable period. Brazil, on the other hand, went on to amend its constitution in order to end statelessness, which is primarily caused by a legal impediment denying citizenship to the children of national Brazilian nationals born abroad. Besides the various nationality campaigns initiated by civil societies, the media played a crucial role in disseminating information about statelessness and the necessity to reform the constitution so as to assist in reducing statelessness.

Turkmenistan and Vietnam opted to naturalize their stateless populations. Both countries adopted a naturalization decree allowing the naturalization and citizenship of the former Cambodian refugee stateless populations of Vietnam and the Vietnamese women who married foreign men. Turkmenistan followed a similar path with the former Soviet Union citizens residing in its country. Such examples reveal the various options available to governments when addressing statelessness. However, it is worth noting the importance of ongoing public-based advocacy, governmental lobbying, prosperous litigation strategies, national awareness raising with the help of civil societies and international communities such as the UNHCR, and a strategic utilization of media. Above all is the existence of the political will to reduce and eventually end statelessness.

Certainly, each country is unique in its political configuration and situation. In Lebanon's complex case, the most vital part to resolving the long-lasting obstacle of statelessness is the availability of political will. Currently, Lebanon is witnessing an era of political turmoil where any draft law requires the consensus of all prominent sectarian groups: The Shia (e.g. Hezbollah and Amal), the Sunnis (e.g. Tayar Al Mustaqbal), the Maronite Christians (e.g. Kataeb Party, Free Patriotic Movement), the Catholic Christian, the Druze (e.g. Lebanese Democratic Party, Progressive Socialist Party), and the Armenians. Hence, it is difficult to predict any further agreements regarding the citizenship law especially after the bleak experience of the 1994 Naturalization Decree. Despite this, based on the finding and the research conducted, several remarks can be formulated.

There are two pre-eminent complications blocking access to Lebanese citizenship when considering the nationality legislations. The first barrier is gender discrimination against the Lebanese women who cannot grant their citizenship to their children. Not only is this stipulation discriminatory in nature, but it also creates new cases of statelessness that increase the number of undocumented persons. Such flaws in these laws were addressed in many

MENA states, as seen in Tunisia and Iraq, where women were enabled to pass their home country nationality to their children. It is a tangible and realistic solution to reduce statelessness if there is a political will and consideration. The second obstruction is the dismissal of the safeguards available in the Lebanese laws that protects stateless individuals. Even though the Lebanese law ensures that statelessness is prevented at birth and eliminates the emergence of new cases of statelessness, there exists an extreme discrepancy between legislation and execution. In reality, the safeguards have been disregarded and not enforced; therefore, many children born on the Lebanese territory are stateless. This drawback can be resolved by a precise implementation of the existing Lebanese law, knowing that Lebanon is already party to various international human rights mechanisms that ensure the elemental human rights of the stateless community. The provisions existing in the Lebanese nationality law may reduce statelessness and prevent the emergence of new cases by simply applying these policies correctly.

The 1994 Naturalization Decree is a positive initiative established by the government; however, its politicization questioned its reliability and validity. For any future naturalization procedures by the Council of Ministers, the government ought to consider the population to be included under the new naturalization decree. To prevent any challenges, such as the Maronite's League challenge to the 1994 Naturalization Decree, the Lebanese political elites from different sects have to come to a consensus regarding whom to include in the future decree and address those communities who are to be ruled out. Moreover, the future decree should be discussed by an alliance of the various Lebanese sects to ensure its legitimacy and enforcement. Such a strategy would be an initial applicable development to reduce the prevailing number of stateless individuals.

The most important remark is the unknown number of the stateless population residing in Lebanon. While there are assumptions as to the approximate numbers conducted with the help of UNHCR, an official count of undocumented

persons is still lacking and is essential to understand the scope of the stateless population, their causes, and their statuses. By having this information, the government, civil societies, legal experts, and judicial courts can elaborate more on finding adequate solutions to ending statelessness. This Lack of information creates loopholes when recommending any resolutions. In spite of this, numerous options can be followed to reduce statelessness and prevent the emergence of future cases. Some of these recommendations include:

1. The Lebanese government ought to identify the severity of the problem and acknowledge the stateless population.
2. The Lebanese government ought to conduct an official census to have an accurate number of stateless individuals. The government can cooperate with various local NGOs and international representatives such as UNHCR in this endeavor.
3. Legal experts, civil societies, and international communities have all the requirements to start nationality campaigns and information dissemination about statelessness. Advocacy is a key component to change, as shown in the cases of Brazil, Bangladesh, and Sri Lanka.
4. The availability of political will among different stakeholders of the country. A consensus among religious and political elites about nationality laws and amendments is a vital part to resolving the problem.
5. Collaboration among civil society, stateless individuals, various stakeholders, and legal representatives, with the help of UNHCR, can ensure the mobilization of the Lebanese authorities in amending nationality laws.
6. Amending the nationality laws to guarantee that women can easily transfer their citizenship to their children. Such amendments should be in compliance with international standards. Moreover, they should determine the eligibility criteria and procedures of registration. While the Palestinian pretext is the strongest claim that political elites (especially the Maronite League) utilized, this sexist law existed long before the arrival of the Palestinians. Many MENA

countries have reformed nationality laws to allow women to pass their nationality, such as Morocco, Iraq, Algeria, and Egypt.

7. According to the constitution and the various mentioned international conventions Lebanon has ratified, both genders are equal before the law. Thus, legal experts have a solid ground to start campaigns in order to amend the Constitutional Council statute allowing judges to take cases of statelessness that can be proved unconstitutional. For example, the Court of Administrative Affairs in Israel has directed the Interior Ministry to ensure that stateless individuals can appeal to the Ministry, thereby codifying their status. Such a move allowed many stateless individuals in Israel to be identified and registered. In turn, a case-by-case study of these stateless individuals granted them a temporary residency until their cases were studied completely. Similar procedures can be easily adopted in Lebanon. First, the government would have knowledge about the stateless population residing in Lebanon, and secondly, it would identify and register them, thereby giving the government an adequate time to come to a full resolution.

8. Field research about statelessness in Lebanon conducted by universities, NGOs, civil communities, and legal representatives ought to be advocated. In addition, such research should be published through various media outlets, university websites, and newspapers. The more public support the issue of statelessness receives, the more prone it is to pressure the Lebanese government in resolving it.

9. As in Brazil, the media played a pivotal role in disseminating information and making it easily accessible to the general public. Recently, the Lebanese national TV station Al-Jadeed produced a compelling documentary about a stateless woman that highlighted the issue of statelessness as a predicament that needed to be settled.

### **5.3 The International Community: Global Action Plan to End Statelessness**

UNHCR has been leading numerous campaigns regarding stateless. Brazil, Kyrgyzstan, Sri Lanka, Bangladesh, the Russian Federation, Turkmenistan, and Vietnam have all benefited from the international community's technical assistance to reduce statelessness. State collaboration with UNHCR showed to have a positive effect on ending statelessness. Additionally, UNHCR (2014) has launched a new campaign titled "Global 2014-24 Action Plan to End Statelessness." Ten action plans were established in order to assist states in overcoming this problem:

1. Address major situations of statelessness and resolve them. This group includes the considerable non-refugee stateless population.
2. Protect children from becoming stateless. This action plan aims at reforming national legislative policies to secure that all children can obtain a citizenship in the state they are born.
3. Reform nationality laws in order to allow women to transmit their home citizenship to their descendants. Gender discrimination is a crucial factor in creating statelessness.
4. Remove any barriers to obtaining a nationality based on segregation. Many states opt to discriminate against certain communities, thereby denying them access to a nationality.
5. Ensure that there will be no stateless individuals caused by a state succession in future. This has been the case in the past in other countries such as Bangladesh, Sri Lanka and the Soviet Union.
6. Ensure the protection of stateless migratory communities and assure their rapid naturalization.
7. Secure that every child born is registered within the state, since lack of birth registration induces a large number of stateless children. Such administrative procedures can be easily applied in any country.

8. Shield persons who are entitled to a nationality from the risk of becoming stateless. The main goal is to issue nationality documentation to these individuals, thus granting them the right safeguard.
9. Collaborate intensively with states and ensure their accession to the UN conventions regarding ending statelessness (i.e. the 1954 and the 1961 Conventions).
10. Cooperate with states to initiate quantitative and qualitative research concerning statelessness. Unofficial numbers of stateless individuals worsen the problem and prevent states and the international community from managing the problem adequately.

Certainly, these action plans are modified according to each country's specific context. For example, in Lebanon, UNHCR works closely with the cooperation of the Lebanese government, in addition to local organizations such as the Frontiers Rights organization and UN subsidiaries such as UNICEF and OHCHR.<sup>36</sup> Their main function consists of identifying the elemental factors leading to statelessness and developing strategic implementation actions accordingly. Several round table discussions have been conducted with the Lebanese authorities in order to assess the governmental procedures regarding statelessness providing them with technical advice and support. One such workshop was held on September 2011 where participants included UNHCR, OHCHR, UNICEF, Frontiers Rights Association, representatives of the Lebanese judiciary, Ministry of Interior, Ministry of Social Affairs, Ministry of Justice, and the Committee for Maktumi al -Qaid. Participants raised the question of statelessness and the legal gaps within the Lebanese Nationality Laws. They concluded that such a predicament should be given more attention

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<sup>36</sup>A., Sterzi. (2017, April). Combating Statelessness in Lebanon [Personal interview]. Interview conducted with Miss Anaa Sterzi , at the UNHCR office in Beirut. Miss Anna Sterzi is currently working as focal point on statelessness and civil registration with the office of the United Nations High Commissioner for Refugees in Lebanon. Anna has over five years of experience working on statelessness acquired in Africa and the Middle East, where she headed UNHCR statelessness programmes in Sudan, Southern Africa and Lebanon.

in order to resolve it. Moreover, this workshop agreed to create a working group in different focal points in each Directorate or Ministry to keep track on developments regarding statelessness and to follow-up on the discussions and recommendations given.<sup>37</sup>

UNHCR and precisely its Stateless Unit, additionally, provides telephone consultation to Syrian refugees with the sole goal not to create more stateless communities in Lebanon.

UNHCR's main strategic actions in Lebanon include:

1. The need to identify the stateless population: Currently, UNHCR is providing technical assistance to Frontiers Rights Association to conduct a survey that would show the number of stateless individuals in Lebanon. Moreover, it has undertaken qualitative research on the issue of statelessness via "individual casework". Such information would enhance the options for reducing and preventing statelessness in Lebanon.
2. The need for advocacy in terms of legislative alteration: UNHCR works closely with the Lebanese government to reform and improve the nationality law and reinforce the importance of civil registration. Five ministries have been appointed as focal points to aid UNHCR's strategic action: Ministry of Interior, Ministry of Justice, Ministry of Education, Ministry of Health, Ministry of Justice and Ministry of Social Affairs.
3. Providing direct support: UNHCR has started its legal assistance network for stateless individuals of Lebanese origin.

Principally, UNHCR targets the synergy of the Lebanese government, its judicial branch, and their legal representatives. This process may be lengthy; however, as in Brazil, Turkmenistan and Vietnam statelessness was reduced and subsequently prevented.

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<sup>37</sup> The whole sessions of the roundtable discussion could be viewed in *Invisible citizens: humiliation and a life in the shadows: a legal and policy study on statelessness in Lebanon* by Frontiers Rights Association p.126.

Moreover, in November 2014, UNHCR has launched a global campaign “#IBelong” to aid in ending statelessness by 2024. The campaign is directed to all world states where any individual from high profile dignitaries to members of the general public can sign the open letter thus shed lighting on the importance of the problem. UNHCR’s open letter brings the phenomenon of statelessness to the world as an unjustifiable stigma that ought to be resolved. In an annual meeting of the General Assembly on 8 January 2015, the UN Secretary-General urged, “Member States to support the campaign to end statelessness and ensure that everyone enjoys the right to a nationality.”<sup>38</sup> Signatories of the open letter include various legal representatives, governmental leaders, politicians, human rights activists and members of the general public. For instance, individuals signing the open letter include: “Archbishop Desmond Tutu, SE Angelina Jolie, Shirin Ebadi, Carla Del Ponte, Louise Arbour, Juan Mendez, Hina Jilani, HE Zeid Ra’ad Al Hussein, Adama Dieng, Anthony Lake Fernando Henrique Cardoso, Lakhdar Brahimi, Khaled Hosseini and Lifetime GWA Barbara Hendricks.” The goal of such a campaign is to expose the problem to the whole world and pressure the governments on the immense need to resolve it.

#### **5.4 General Conclusions**

Recent developments regarding statelessness are an indication that changes have been initiated in addressing this problem. This means that sustained pressure ought to be employed to the present Lebanese government in order to consolidate their political will.

Approaching statelessness with the above-mentioned recommendations would contribute chiefly in resolving this issue and thus preventing future cases. The most efficient way in dealing with statelessness is by way of legislative reformation and policy amendments, including the modification of gender

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<sup>38</sup> Any individual can sign the open letter. Full information is available on: <http://www.unhcr.org/ibelong-campaign-to-end-statelessness.html>

discriminatory nationality laws. Those rendered stateless ought to have temporary certificates from the Ministry of Interior to prove their documentation and to avoid their subsequent detention. In the meantime, all concerned stakeholders should come to an agreement concerning the granting the Lebanese citizenship. Preconditions for naturalizations can be made plainer and less politicized to make it more easily accessible for stateless individuals to obtain a nationality, such as determining the number of years of residence in Lebanon and acquiring a nationality accordingly. Clearly, there are numerous suggestions and safeguards; however, the supreme variable that determines the faith of the stateless community is political will and state cooperation.

The state is responsible for securing the basic rights of its citizens. It is the sole entity that legally binds an individual to its institutions and services. Stateless individuals are restricted from being represented due to issues of elitism. In a confessional system, the findings suggest that statelessness is influenced by the political configuration of a country. Thus, the weight of each community is measured to maintain the balance of power. Evidently, these findings are limited in their geographical and regional scope. They were based on a context specific to Lebanon and cannot be generalized over all confessional systems. Despite this, they add considerable literature to the relationship between communitarian politics and statelessness and the role of the nation-state vis-à-vis citizenship. Thus, this thesis advances new questions that require exploring and adds new avenues which require further research, such as the creation of statelessness in relation to governing foundations, the sustainability of plural societies in a nation-world with nationless individuals, and statelessness's relation in weakening the existence of the nation-state system. New theoretical potential areas can be highlighted for future examination.

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## Appendix 1: Interviews

Hello Sir/ Madam

My Name is Karoline Molaeb. I am currently enrolled in a Master program in International Affairs at the Lebanese American University. I am conducting a study about statelessness in Lebanon. As part of the study, I would appreciate if you could assist me in providing information about this phenomenon. Your participation will add reliable knowledge about statelessness in Lebanon.

### Interview 1 : Life of a Stateless

Life of a Stateless in Lebanon [Personal interview]. (2017, August 28).

The interview was conducted in Mount Lebanon with a Druze stateless family of four. The family is composed of two children: a woman and an underage boy. The family interviewed wanted to stay anonymous for security reasons. The interview was performed at the family's house.

Questions:

1. What is it to be stateless?
2. How do you cope with daily life?
3. Have you asked for help?
4. What were the measures taken by the government to assist you as a stateless person?

### Interview 2: Combating Statelessness in Lebanon

Interview conducted with Mrs, Samira Trad , Legal Consultant of Frontier Rights Association, in FR headquarters , Beirut, Lebanon in April 2017.

Questions:

1. What is the role of your organization in addressing statelessness?
2. Do you cooperate with the Lebanese government and other international/local organizations?
3. What strategies do you utilize?
4. What projects has your organization conducted in Lebanon?

### Interview 3: Combating Statelessness in Lebanon [Personal interview]

Interview conducted with Miss Anaa Sterzi , at the UNHCR office in Beirut on April 2017. Miss Anna Sterzi is currently working as focal point on statelessness and civil registration with the office of the United Nations High Commissioner for Refugees in Lebanon. Anna has over five years of experience working on statelessness acquired in Africa and the Middle East, where she headed UNHCR statelessness programmes in Sudan, Southern Africa and Lebanon.

Questions:

1. What role does UNHCR play in ending statelessness in Lebanon?
2. How to incorporate the Lebanese government with the 2024 global action plan to end statelessness?
3. What measures should the Lebanese government follow in order to be part of the action plan?
4. How could UNHCR assist Lebanon in ending statelessness?