

The 1994 Naturalisation Decree

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In 1994 a decree was signed by the President of the Lebanese Republic, Elias El-Hrawi, Prime Minister Rafic Hariri and Minister of Interior Beshara Merhej naturalising a large number of persons. This decree, which was preceded by the establishment of the Commission on Naturalisation in 1992 during the first post-war government led by Rafic Hariri, aimed at naturalising some stateless groups such as the Kurds, the Arabs of Wadi Khalid, and the Bedouins, among others. However, the majority of those who acquired Lebanese nationality under this decree were not stateless: over 42% of the naturalised were Syrian nationals versus 36% stateless, 16% Palestinians, and 6% from the rest of the world including descendants of Lebanese immigrants (Fatfat 2006).

According to the Official Gazetteer *Al-Jarida al-Rasmiyya*, No 26 dated June 30, 1994 Annex 2, Decree No 5247 granted Lebanese nationality to eighty-eight thousand two hundred and seventy-eight (88,278) persons. Thirty-nine thousand four hundred and sixty families (39,460) were added to the Lebanese population. The decree did not list any names of those born in 1977 or before, as these people were considered minors. When the minors are added, the total number of the naturalised becomes 157,216 individuals, from 80 countries¹ mostly Sunnis and Shiite.² Around 32,564 of them were holders of *Qayd al-Dars* cards.³ The Decree naturalised 25,071 persons mostly Shiites who held Palestinian refugee⁴ status and who resided in the southern border villages of Lebanon.

The Decree, which “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: 7), did not have any “eligibility standards”, granted citizenship “without any defined requirements and prerequisites” (UNHCR LBN38078.E 2002). There were many issues created by careless execution of the Decree, and there were also reports “of arbitrary decision-making, failure to include persons who were outside of the country and administrative errors” (ibid.: 7). The Decree

¹ *Ad-Diyar* daily, Tuesday, October 17, 1998; also *Al-Anwar* daily, November 8, 1998.

² Fady Fayyad, *Décret de Naturalisation du 30/6/1994: Analyse Démographique des Arabes de Wadi Khaled, Notes de Recherche en Certificat de Spécialité en Démographie*, Beirut Liban, 1998 p.8.

³ See the lists submitted by Acting Interior Minister Ahmed Fatfat to the National Dialogue Roundtable in 2006 and Akram Hamdan, The Total Number until March 2006: 202527 Naturalised from 80 Countries (in Arabic), *Al Mustaqbal* newspaper, 30 March 2006.

⁴ The total number of Palestinians who have been naturalised Lebanese citizens since 1948 is estimated to have reached 60,000 persons (Newsletter, Palestinian Diaspora and Refugee Center, *Shaml*, February 6, 1997.) It should be noted that the Protocol on the Treatment of Palestinian Refugees (1965) of the League of Arab States summit in Casablanca termed as the ‘Casablanca Protocol’ (1965) called upon the Middle Eastern countries hosting of Palestinian refugees “to grant them rights of work, travel and residency” (Knudsen 2009: 55), but allowed for the restriction of their access to nationality (Shiblak 2006: 8-9).

not only created new problems, but failed also to fully address the issue of non-citizens resident in Lebanon, a situation which came about during the years of state formation and was exacerbated by the influx of persons into Lebanon during the Civil War years and the Syrian occupation era. Many of these claim to be stateless Lebanese belonging to the “Veiled Nationality/Unknown Nationality” or to the “Nationality under Consideration” groups. Furthermore, the issuance of the Decree and its implementation opened an ongoing debate between Christians and Muslims over its legality in both form and content.⁵

The Maronite League challenged the Decree officially on August 26, 1994, contending that the naturalisation *en masse* was unconstitutional and that it granted citizenship to unentitled persons instead of to the descendants of Lebanese emigrants whose parents failed to opt for Lebanese citizenship following the Treaty of Lausanne. In addition, by granting Palestinian refugees citizenship, their right of return to their homeland is violated. The League also contested the Decree for further disturbing confessional balance and communal co-existence in Lebanon.⁶ The Maronites positioned themselves as defenders of “the confessional balance and putting the needs of the country first, colloquially referred to as the ‘Lebanese formula’” (Knudsen 2009: 58). The Civil War and the Syrian occupation, which have caused the death of tens of thousands, and the overseas exodus of hundreds of thousands of Lebanese “struck fatally and especially at the size and cohesion of the Christian elements of the population” (Nisan 2000: 60). The League feared that the Lebanese socio-sectarian environment and precarious sectarian balance of inter-group relations, which was severely affected by the Civil War and the Syrian occupation, would be further impacted by the Muslim composition of the naturalised, in as much as these formed 75% of their total number (Fatfat 2006). The “selective naturalisation” was thought to be “politically motivated.” (Abdelnour 2003: n.p.)

The aforementioned data about those who were naturalised and their respective numbers lend credibility to the long-held belief within the Christian community that the 1994 Decree, which has naturalised thousands of Sunni Muslims, mostly from Syria or Bedouin nomads, was a political naturalisation act, one of the purposes of which was to alter the demographic make-up of the country in favor of the Sunni community. In our interview with S. F. a high level official in the Future Movement,⁷ S. F. confirmed that the 1994 naturalisation Decree was entirely a political naturalisation undertaking, rather than a human rights project.⁸

⁵ Muslim circles and clerics hailed the decree while Christian parties voiced their objection and pointed to flagrant violations of naturalisation policy and rules *An-Nahar* daily, March 3, 1994; June 28, 1994; April 23, 1997; May 8, 1997; November 3, 1998; *Al-Wassat* daily, July 18, 1994 and August 27, 1994.

⁶ See Thibaut Jaulin Lebanese Politics of Nationality and Emigration, EUI Working Papers, RSCAS No. 2006/29, European University Institute, Robert Schuman Centre for Advanced Studies, Mediterranean Programme Series, 2006 and Simon Haddad, Palestinians in Lebanon: Towards Integration or Conflict, *Middle East Quarterly*, Vol. 7(3) pp. 29. Webposted February 15th, 2002.

⁷ The Future Movement (*Tayyar Al Mustaqbal*) is a Lebanese political movement. Its members and supporters are predominantly Sunnis and its representatives have currently one of the largest parliamentary blocs/coalitions in the

Naturalising in order to shift the demographic balance of a country towards one faction or another is a common enough phenomenon in post nation-state eras. Bahrain for example has naturalised Sunnis in order to alter the make-up of the country,⁹ while naturalisation laws in 15 States of the former Soviet Union specify religion and ethnicity as prerequisites for acquisition of nationality in their territories.¹⁰

The Maronite League challenge was presented to the State Consultative Council *Majlis Shura al-Dawla*,¹¹ the highest legal authority in Lebanon. On July 5, 2003, the State Consultative Council rendered its decision by referring the file of the naturalised to the Ministry of the Interior for re-examination and investigation for the purpose of denaturalising select suspect individuals.¹² It should be noted here that the verdicts of the State Consultative Council “are not issued with obligations to the Lebanese state, since its verdicts are not executed by force, but are left up to the goodwill of the state.” (Chalhoub 2004: 18) As a consequence of the Council’s verdict, the Ministry of Interior established a committee with the task of re-examining all the applications to ensure that the applicants had fulfilled the legal requirements for obtaining Lebanese nationality. The committee issued a report and referred it to the Ministry, which already had prepared a draft decree for the withdrawal of nationality from those who did not fulfill the required conditions. So far, the decree has not been signed. There is speculation that no prime minister is yet willing to sign such a decree for fear of going against his Sunni co-religionists, who were the major demographic beneficiaries of the Decree.

In 2010, the Minister of Interior Ziad Baroud reopened the process by requesting the State Consultative Council to review each of the files. He stated on February 5, 2010 that the ministry has identified some who were naturalised while serving time in prison and that the Ministry had prepared a draft decree and sent it to the Council of Ministers to withdraw select suspect individuals from the naturalisation decree. Once the draft decree is signed and enforced, all those who completed the proper forms in order to become Lebanese citizens would no longer feel threatened by the abrogation of their legal status (*An-Nabhar* 2010). In the meantime, uncertainty hangs over the

Lebanese Parliament. The Movement “evolved out of the political machine of the family of Rafic al-Hariri, the assassinated former prime minister of Lebanon.” (Cammett and Issar 2010: 388)

⁸ Interview conducted in Beirut at one of the Future Movement’s offices on August 26, 2010.

⁹ See Political Naturalisation in Bahrain: Various Violations of Citizens and Foreign Workers Rights, *Bahrain Center for Human Rights*, September, 2006, [<http://www.bahrainrights.org/node/425>] and Bahrain's Sectarian Challenge, *International Crisis Group*, Middle East Report N°40 – 6 May 2005, [[http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrain%20Sectarian%20Challenge.ashx](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Bahrain/Bahrain%20Sectarian%20Challenge.ashx)].

¹⁰ Shushanik Makaryan. Citizenship Acquisition and Naturalisation of Immigrants in the 15 Former Soviet Union Republics, *Paper presented at the annual meeting of the American Sociological Association, TBA, New York, New York City*, Aug 11, 2007.

¹¹ “The State Consultative Council functions as an appellate or Cassation level court to review judicial decisions made by a variety of administrative bodies and also acts as an original court for certain types of disputes such as annulment requests against ministerial decrees for abuse of power” (Legal Guide to Lebanon, n.d., n. p.).

¹² State Consultative Council [*Majlis al-Shura*], Decision no: 484/2002-2003, 7/5/2003, p. 38.

mass of the naturalised, despite the fact that they technically enjoy all the privileges of being full citizens under the law.¹³

It should be noted here, however, that Lebanon has not developed its regulatory frameworks regarding immigrants' acquisition of citizenship and integration,¹⁴ in spite of the fact that the country has long been both a target for migrants and a source of significant out-migration.

¹³ President Michel Suleiman has recently signed two decrees (Decrees 6690 and 6691 dated 28 October 2011) withdrawing Lebanese citizenship from 53 persons in the first decree and 123 persons in the second decree, as well as all their family members who were naturalised correspondingly either by marriage, or by birth, or by judicial or administrative decisions. These decrees are a first step towards implementing the decision taken by the State Consultative Council (Majlis Shura al-dawlah) in 2003 to revoke Lebanese nationality from those who had fraudulently acquired it in 1994 based on the naturalisation decree 5247 of June 20, 1994.

¹⁴ See Anna Di Bartolomeo, Tamirace Fakhoury, and Delphine Perrin, *CARIM Migration Profile: Lebanon*, January 2010, [http://www.carim.org/public/migrationprofiles/MP_Lebanon_EN.pdf].