



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination Sixty-four session

Summary record of the first part (public)* of the 1629th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 March 2004, at 10 a.m.

Chairperson: Mr. Yutzis

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1629/Add.1.

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (agenda item 6) (continued)

Fourteenth to sixteenth periodic reports of Lebanon (CERD/C/383/Add.2) (continued)

1. *At the invitation of the Chairperson, the members of the delegation of Lebanon took their places at the Committee table.*
2. **The Chairperson** invited the Lebanese delegation to respond to the questions raised orally by members of the Committee at the previous meeting.
3. **Mr. Soufan** (Lebanon), taking up the question of the abolition of confessionalism, stressed that the Lebanese authorities wished to exercise prudence by gradually modifying the rules applicable to the system, even if the ultimate aim was its complete abolition. Despite its shortcomings, the system of confessionalism had enabled Lebanon to live for some years in mutual understanding, social cohesion and civic peace. It was indeed precisely because of the spirit of dialogue and civic peace that prevailed in Lebanon that many foreign nationals wished to live and work there. However, despite its spirit of tolerance and sense of hospitality, Lebanon was a small country and could not serve as the place to resolve the political problems of other peoples at the cost of its tranquillity and survival.
4. **Mr. Masmari** (Lebanon), responding to the question of whether members of one community could live within another community, said that the Lebanese communities did not have a land base as such. The administrative and electoral units did not correspond to community divisions. Thus, under the current electoral system, while the parliamentary seats to be filled were well distributed within each constituency, by means of quotas reserved for each faith, the electoral lists were not denominational and included candidates of all the faiths present in the constituency.
5. Regarding legislative measures aimed at combating discrimination, he mentioned the decision taken to appoint candidates to posts in the civil service, the magistrature and the diplomatic corps solely on the basis of their classification in the relevant recruitment competition.
6. With respect to equality before the law, he said that Lebanese citizens and foreign nationals, with the exception of Palestinian refugees, enjoyed equal rights, except in the case of political rights and unemployment protection. He added that confiscation of the passport of an employee of a foreign company by his employer was an offence that could lead to suspensive criminal proceedings. However, domestic personnel were protected by special legislation, the Contracts and Obligations Code, which contained provisions not applicable to other wage earners and not included in the Labour Code, such as the obligation for the employer to pay the return air ticket between Lebanon and the country of origin of the employee, and to provide the employee with accommodation, food and clothing. In addition, any work contract between an employer and a domestic employee must correspond to one of the standard contracts specified by the Contracts and Obligations Code and be registered with the Ministry of Labour.
7. Mr. Masmari said that Lebanon had adopted the principle of *jus sanguinis* with regard to the transmission of nationality, which was moreover transmitted exclusively through the father, in the same way as the patronymic. Concerning civil marriage, he said that marriages celebrated in a civil ceremony abroad between Lebanese citizens or between Lebanese citizens and foreign nationals were recognized in Lebanon and that the law concerning the place of celebration applied to those marriages and to their effects. He noted finally that the Lebanese authorities had pointed out on a number of occasions in earlier

reports that confessionalism was a measure designed to protect all groups making up Lebanese society. That statement would tend to support the view that confessionalism was in keeping with the provisions of paragraph 2 of article 2 of the Convention on special measures to ensure the development and protection of certain racial groups or individuals, even if there must be some reservations about the assimilation of different Lebanese communities to ethnic groups or ethnic minorities, a notion that did not exist in Lebanon.

8. **Mr. Chedid** (Lebanon) suggested that the question of Palestinian refugees was above all a political question and that Lebanon, which had made many sacrifices to welcome the refugees concerned since 1948, had a very clear position of principal on the matter, based on numerous resolutions of the Security Council. It consisted in supporting unreservedly the creation of a Palestinian state and the right of return of all Palestinian refugees. Logically, Lebanon therefore refused to facilitate the settlement of Palestinian refugees in its territory through the granting of nationality, with its associated rights and entitlements, or to authorize them to acquire property. The law of 2002 concerning the acquisition of property by foreign nationals accordingly prohibited the acquisition of real estate by Palestinian refugees. It was in no way a case of discrimination, but rather a political response to a political problem. That being said, Lebanon was sensitive to the political situation of refugees and spared no effort, within the limits of its modest resources, to improve their situation by cooperating with relevant international organizations.

9. **Mr. Sader** (Lebanon) pointed out that a bill to reform the criminal law had been under consideration by the Parliament's Administration and Justice Committee for some three years. In that context, articles 317 and 318 of the Criminal Code, which provided for sentences of six months' to 3 years' imprisonment for incitement to religious or racial hatred, had been revised and it had been decided to increase the penalty when incitement was followed by a physical act. In that case, the offence of incitement to religious or racial hatred became a crime punishable by 3 to 15 years' imprisonment.

10. He noted that the law of 2002 concerning the acquisition of property by foreign nationals was not retroactive and that Palestinian refugees who had acquired real estate before the law had come into effect could retain it; moreover, there was nothing to prevent Palestinian refugees from inheriting real estate in Lebanon.

11. **Mr. Sicilianos** welcomed the measures taken by the Lebanese authorities to promote civic peace following a long conflict and said it was important in that respect to be conscious of the balances that needed to be preserved and to refrain from any hasty measure.

12. **Mr. Lindgren Alves** wished to have details on the fundamental rights of atheists, particularly in the sphere of matrimony, and to know why nationality could only be transmitted by the father and not by one or other of the parents.

13. **Mr. de Gouttes** noted that Lebanon had ceased to invoke the provisions of paragraph 4 of article 1 of the Convention to justify confessionalism. He likewise welcomed the bill that would include the possibility of citing aggravating circumstances in the provisions relating to the offence of incitement to racial hatred. Finally, he would like to know the position of the Lebanese Government on the optional declaration envisaged under article 14 of the Convention.

14. **Mr. Avtonomov** wished to have further details on the circumstances under which Lebanese nationality could be acquired.

15. **Mr. Kjaerum** raised the problem of migrant workers whose rights were not sufficiently protected in Lebanon and asked whether the State party had concluded bilateral agreements with countries from which most of the immigrants came. With regard to

Palestinians, he noted that some had been settled in Lebanon for three generations and should therefore enjoy a broader range of fundamental rights.

16. **Mr. Shahi** informed the Lebanese delegation that the Committee intended to adopt a general recommendation concerning the rights of non-nationals, in which it would urge States parties to grant greater rights to non-nationals, particularly the rights referred to in article 5 of the Convention.

17. **Mr. Boyd** was aware of the highly political nature of the question of Palestinian refugees in the Lebanon and understood the wish of the Lebanese Government to place the emphasis on the return of Palestinians to their homeland. However, he urged the State party to treat Palestinian refugees in a manner more in keeping with the principle of non-discrimination embodied in the Convention.

18. **Mr. Aboul-Nasr** did not share the views expressed by several members of the Committee concerning the rights that Lebanon should grant to Palestinian immigrants. The idea that countries that welcomed immigrants should grant them nationality stemmed from Israel, which saw it as an opportunity to deprive Palestinians of the right to return to their lands in Israel. Most Palestinians did not wish to be naturalized by countries in which they had found refuge. The speaker stressed that Lebanese had a long tradition of hospitality and tolerance and felt that it was unjust to reproach the State party with the way in which it treated Palestinian refugees, which was moreover in no way discriminatory.

19. **Mr. Amir** said that the question of Palestinian refugees was the responsibility of the international community and not of Lebanon. It was a purely political problem and not a legal question covered by international human rights instruments. He also stressed the fact that the Palestinians should be able to exercise freely their right to return to their lands.

20. **Mr. Soufan** (Lebanon) noted that Lebanon was a small country that was still suffering from the effects of 17 years of civil war. Despite its difficulties in rebuilding its infrastructures, Lebanon had agreed to open its borders widely to Palestinian refugees. However, it was only a temporary solution to what was a political and not a humanitarian problem. Lebanon defended the cause of the Palestinians unconditionally.

21. **Mr. Chedid** (Lebanon) understood the concerns of some members of the Committee concerning Palestinians living in Lebanon, but underlined that they were not the target of any racial discrimination. The situation in which the Palestinian population found itself was the result of a political problem and had nothing to do with human rights.

22. **Mr. Sader** (Lebanon) pointed out that under the Lebanese confessional system only religious marriages were recognized. Persons wishing to conclude a civil marriage could do so, albeit in another country, in the knowledge that the Lebanese authorities respected the law of the country in which the civil union had been contracted. Several attempts had been made since 1960 to legalize civil marriage in the country, but the Chamber of Deputies had always opposed it, due in particular to the pressure of the religious communities. However the Government did not despair of achieving it one day.

23. The representative said that his country applied the elementary principle in international law of reciprocity between States with regard to the rights of foreign nationals. However, the Palestinians were not foreign nationals because they did not have a State; they therefore enjoyed a special status.

24. Concerning the question of the acquisition of Palestinian nationality through descent, he said that, like most countries in the world, Lebanon applied the principle of *jus sanguinis* deriving from the French mandate. The country had not deemed it necessary, since then, to amend its legislation in order to adopt another form of acquisition of nationality.

25. **Mr. Soufan** (Lebanon) said that a framework agreement with Sri Lanka had recently been signed by the Lebanese Minister of Foreign Affairs and that a similar agreement was shortly to be signed with the Philippines. They were bilateral diplomatic cooperation agreements aimed at safeguarding common interests.

26. He added that his delegation was not authorized to give its opinion as to why Lebanon had not made the optional declaration provided for in article 14 of the Convention, but that it would convey the views of the Committee on that question to the relevant authorities.

27. **Mr. Kjaerum** thanked the Lebanese delegation for providing important additional information, including that on questions relating to Palestinian refugees and reciprocal and bilateral agreements concluded by Lebanon. He understood the political complexity of the situation in the Middle East but stressed that the questions posed to the delegation concerning Palestinians living in Lebanon related to provisions of the Convention, notably the rights affirmed in article 5.

28. **Mr. Tang** (Rapporteur for Lebanon) was appreciative of the Lebanese delegation's clear replies to some very important questions, which had given members of the Committee a better understanding of the nature of the problems experienced by the State party. He recognized that Lebanon was an overpopulated country that was confronted by considerable difficulties as a result of the situation in neighbouring countries. The State party had just emerged from 17 years of civil war, which had left traces at the economic and social levels as well as in terms of infrastructures. Lebanon was embarked on a long and wide-ranging process of reconstruction and was simultaneously confronted by the problems posed by a massive influx of over 400,000 Palestinian refugees since 1948.

29. Mr. Tang recognized that the problem of the Palestinians was political and should be approached with that fact in mind. However, Lebanon was not the only State to accommodate a large number of Palestinian refugees within its borders: Jordan, for example, found itself in the same situation. It was clear that the international community should address the underlying causes of the problem so that the fundamental rights of the Palestinians might be restored. Nevertheless, the political situation could not alone explain why, for example, some political refugees who had lived in Lebanon since 1948 had still not obtained Lebanese citizenship. In expressing its concerns in that regard, members of the Committee had sought to encourage the State party to take account of the humanitarian dimension of the question, not to imply that Lebanon should assume complete responsibility for the situation.

30. He recognized that Lebanon had adopted a progressive approach to confessionism, as it concerned both personal status and political confessionism. He appreciated the numerous insights provided by the delegation into the historical and religious reasons for the system in question and stressed that the questions on that subject by members of the Committee were not accusatory but reflected the concerns aroused by the system's potentially negative repercussions on the exercise of human rights by some minorities.

31. **Mr. Soufan** (Lebanon) expressed his appreciation of the quality of the dialogue that had taken place with all members of the Committee and felt that it had given them a better understanding of the special situation in which his country found itself. It was important to understand that Lebanon was a State governed by the rule of law whereas most of its current and past difficulties derived precisely from the non-application of international law.

32. *The Lebanese delegation withdrew.*

The first part (public) of the meeting rose at 12 a.m.