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## The Middle East and North Africa and the Global Trend towards Multiple Citizenship

Claire Beaugrand<sup>1</sup>

### Introduction

Dual or multiple citizenship<sup>2</sup> can be defined as the legal status of an individual who concurrently holds the citizenship of more than one state. Since the inception of the concept of nationality understood as the legal-political bond linking an individual to a sovereign territorial state and until recently, states have proved to be naturally reluctant to accept dual membership or dual allegiance. They have tried for a long time to limit or prohibit it, but also conveniently ignored it when they themselves created such situations in the pursuit of their own interests.

Studying the question of dual state affiliations calls for the distinction between principle and practice. In *practice*, fairly early into the 20<sup>th</sup> century, jurists recognised that dual citizenship is “a fact” that “objectively... cannot be avoided” but only “remedied” –through bilateral conventions (Boulbès, 1958:82, 85).<sup>3</sup> Furthermore, since states enjoy a virtually unrestricted liberty to shape their laws of nationality and do not adhere to the same rules, “multiple nationality has in practice become the norm rather than the exception” (Boll, 2007: xviii). Later, in the 2000s, social scientists also seized the subject and linked the same inevitable rise of dual citizenship to the increased international trade, heightened mobility of individuals and lesser occurrences of inter-state wars, concluding that “dual citizenship has become a commonplace of globalization” (Spiro, 2016:3). The practices of individuals, who cross borders, marry foreigners and multiply transnational links, have in effect constantly challenged the states’ hostility towards dual allegiance. Moreover, the states’ own public

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<sup>2</sup> In this article, for the sake of clarity, I don't distinguish between dual (the concurrent holding of two nationalities) and multiple (the concurrent holding of more than two nationalities). I equally don't enter into the long debate about the distinction between nationality and citizenship. I am fully aware of the polysemy of both terms and contend here that ‘nationality’ refers to the international and formal aspect of state membership (in particular in relation to other states) while ‘citizenship’, defined as the possession within a particular state of civil and political rights as well as obligations, stresses more its national and actual aspect –the contents of these rights varying across states. I adopted the expression “dual citizenship” rather than “dual nationality” as it seems to prevail in the literature in English on the topic.

<sup>3</sup> Translations are all mine.

interests and domestic agendas, above all, the evolution of the juridical status of women and their enfranchisement, also largely trumped the principle of disallowing dual citizenship.

Generally unable to avoid situations of dual nationality, states are therefore obliged to adapt and take *principled* stances, signalling either their rather newfound indifference or their sustained suspicion towards the status. The official recognition of dual citizenship depends on the state's position within the international economy and strategic balance of power and on the state's position vis-à-vis its immigrants and/or expatriates community. Cast in a constructivist light, this recognition or absence thereof, when explicit, is a rhetorical act with incentivising goals for states to showcase themselves either as norms-setting (involving individual choice in nationality matters, like the US) or values-upholding (like the loyalty to the nation).

At this point, a clarification ought to be made regarding the uncertainty surrounding the distinction between states *recognising* dual citizenship and those that do not. This recognition is not always crystal-clear and ought to be inferred not only from the letter but also from the practice of nationality regulations, themselves compounded with the provisions of other legal texts, such as the constitution,<sup>4</sup> the electoral code, the civil service code or the labour code.<sup>5</sup> Taken together and despite being more often than not contradictory they reflect the state's acceptance<sup>6</sup> of or, on the contrary, suspicion towards bi-nationals. Scholars who established regional (usually European Union<sup>7</sup> or OECD countries) or global typologies<sup>8</sup> have had to grapple with the difficulty to uphold the "assumption that state practice toward multiple nationality is nuanced and cannot be categorised in black and white terms" (Boll, 2007:51). Some state practices or "general attitudes towards multiple nationality" have

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<sup>4</sup> In Australia, the constitution bars dual nationals from being members of parliament. As a result, many of them had to resign in November 2017, with some of them being "unsure" about their status as dual nationals.

<sup>5</sup> See for instance Brand (2010: 81-85) for an overview of the enfranchisement of expatriate communities. See also the hotly debated question, in the US but not only, of the possibility for dual nationals to hold public offices like member of parliament or president. Another example is Egypt, where the Salafi candidate Abu Ismail was disqualified in the 2012 presidential elections, after a media and judicial controversy surrounding his mother holding a US passport.

<sup>6</sup> The term to describe the states' stance towards dual citizenship, in large-number quantitative studies, have thus oscillated between 'acceptance' (Blatter et al., 2009), 'allowance' (Alarian and Goodman, 2016), 'toleration' (Vink et al., 2019), or the more normative 'embracing' (Spiro, 2002).

<sup>7</sup> See Thomas Faist (2012); Randall and Weil (2002); Bauböck, Rainer et al. (2006).

<sup>8</sup> See Blatter et al. (2009) for a discussion of the existing typologies.

proved impossible to categorize and described as “inconsistent”.<sup>9</sup> When gathering very large datasets, this state's general attitude, inferred from a range of legislations and actual legal practices, has proved difficult and cumbersome to assess and, in lesser-known cases in Africa or the Middle East, has been cursorily researched. With few notable regional exceptions (Brand, 2006; Perrin, 2014; 2016) or single-country studies tackling the issue (El-Khoury, Melkar and Thibaut Jaulin (2012) on Lebanon, Davis (1996) on Syria), the Middle East and North Africa (MENA) has surprisingly received little attention in the growing research of dual citizenship despite the importance of international and transnational population movement within and through the region.<sup>10</sup>

The Western-centric dimension of the studies on dual citizenship has epistemologically gone hand in hand with normative representations, underpinned by power relations between receiving and sending states, or in other words, Western countries and other regions of the world. Dual citizenship has often been equated with liberal political values, among others the enfranchisement of women, the capacity of expatriate communities to collectively carry weight and negotiate rights with the state of origin –in particular voting rights, a form of personal freedom to choose one's own national affiliation or the recognition of a right to “expatriation”. When looking at the global picture of dual citizenship diffusion, the MENA countries, in general, have often been portrayed as holdouts, along with Asian countries. Tanja Brøndsted Sejersen, who identifies regional patterns in the expansion of dual citizenship, notes that “the percentage of countries allowing dual citizenship in Asia [in which she includes the Middle East] is extremely low compared to the other three continents” (2008:536). Based on the analysis of thirteen Middle Eastern countries,<sup>11</sup> she further found that 31% of the sample allowed dual citizenship (that is five of them, including Israel and Turkey), as compared to 63% in the Americas, 61% in Europe or 50% in Oceania –and 23% in the whole of Asia.

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<sup>9</sup> India or the Netherlands are cases in point.

<sup>10</sup> While concomitantly seminal works were produced on the topic of citizenship, see Butenschøn, Davis and Hassassian (2007).

<sup>11</sup> The thirteen countries surveyed include: Iran, Oman, Qatar classified as countries *never* allowing dual citizenship; Bahrain, Kuwait, Saudi Arabia, Syrian Arab Republic, United Arab Emirates are classified as countries where dual citizenship is “allowed with treaty nations” while Egypt, Jordan, Lebanon, along with Israel, Turkey are classified as countries where dual citizenship is “allowed for the majority of the population” according to Table 1 (2008:532).

Seen from afar, the perception that the Arab states are lagging behind can be readily attributed to the lingering interstate tensions, the ethnic and patriarchal understanding of nationality and what has been referred to as democratic deficit in the region. On the second point, Brøndsted Sejersen explains that “in countries where citizenship is only conferred through the father, the occurrence of dual citizenship is smaller than in countries where citizenship is inherited from both parents” (2008: 539) –the prevalence of paternal *jus sanguinis* being often the case in Arab countries.<sup>12</sup> Regarding the absence of democracy, the position towards dual citizenship has been linked to the type of regime (Rhodes and Harutyunyan, 2010; Whitaker, 2011; Mirilovic, 2015) with authoritarian countries said to have a conception of citizenship closer to subjectness and a pronounced willingness to control the loyalty of their nationals. While remaining sceptical about the notion of “loyal citizen” as supposedly constructed in the “generally poorer, authoritarian states of the global South” (2006:10), Laurie Brand, who studied the relations of the states of Morocco, Tunisia, Lebanon and Jordan with their citizens abroad, acknowledges nevertheless the role that the domestic political situation plays on the state attitude towards emigrants: “part of the definition of political opening or liberalization is a gradual process of institution-related recognition that repressive/exclusivist politics as usual will no longer work” so that this liberalisation process triggers an “automatic response by the state also to change its behavior toward expatriates, or the expatriates themselves [to] take action to force the state to deal with them on changed bases” (2006:18). Yet, despite the validity of these two correlations (paternal affiliation and regime type) as explanatory factors of the failure to recognise dual citizenship, they sometimes verge on stereotypes in the case of the MENA region seen as persistently lacking both democracy and gender equality.

Dropping teleological assumptions, this article seeks to nuance this picture and complement it with other factors as they emerged from the latest researches on the topic. It looks *qualitatively* into the dynamics of dual citizenship allowance in the MENA, focusing on the trends followed by sixteen

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<sup>12</sup> Out of the sixteen countries studied here (see below for the selection criteria), ten allowed the nationality transmission through the father only: these are the seven countries of the Arabian Peninsula (the six members of the Gulf Cooperation Council, GCC, and Yemen), along with the Levant countries of Lebanon, Jordan and Syria. In many cases, the mother can pass her nationality if the father is unknown.

Arab countries.<sup>13</sup> Methodologically, it is based on the comprehensive collection and review of the existing legislation, recent reforms and current debates regarding multiple citizenship in the MENA, as well as the latest legal analyses as complementary secondary sources. The article chooses to focus on a particular region to paradoxically show the diversity of national approaches and contradictory trends, across time and place, in order to eventually debunk, in the words of Delphine Perrin, “the essentialist conceptions associating the legal framework of nationality [...] with an Arab and/or Muslim culture” (2016:3).

Analysed in details, the attitude and practices of dual nationality in these countries have not necessarily been defined primarily by the states' hostility but also marked sometimes by pragmatism leading to its toleration and sometimes by ethnically-conscious ideological considerations leading to its outright promotion. Moreover, the source of multiple citizenship seems to matter: most of the MENA countries display a general reluctance to naturalisation –being one source of dual nationality; yet most have also tended to condone the acquisition of a foreign nationality by their nationals, thereby reasserting influence over the resources of expatriates and over expatriates as resources, and following the prevailing global norms.<sup>14</sup> This corroborates the conclusion of Vink et al., who find no significant correlation between regime types and dual citizenship allowance, but rather insist on the role of a “modern diaspora governance where expatriates are increasingly viewed as part of a community that continues to contribute to political and economic development of sending state” (2019: 377). Based on this, it appears that within the region, the resource-rich but emigrant-poor oil monarchies stand out. Yet, this article argues that they do not stand out as much as ‘holdout’ or lagging behind countries as states promoting what I venture to call a new “select citizenship” in a context when citizenship is commodified and “degraded” (Spiro, 2016:2), as a result of it being easy to obtain.

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<sup>13</sup> The countries include: the five North African countries (Morocco, Algeria, Tunisia, Libya, Egypt), the six GCC countries, Yemen, Iraq and the Levant countries of Lebanon, Jordan and Syria. Some countries are studied in more depth than others, the ones currently in a state of war or transition having received less attention (Yemen, Syria, Iraq and Libya). I excluded the Palestinian National Authority, since it has been at best a quasi-state, with no real sovereignty to enact a policy towards expatriates and even less possibility to have an immigration/naturalisation policy. Finally I left aside the non-Arab states like Turkey and the cases of Israel, based on the idea of the *Aliyah* and the Islamic Republic of Iran in a clear standoff with the international community.

<sup>14</sup> Vink et al. (2019) talk about ‘transnational norm diffusion’, Spiro (2017) about ‘norm cascade’.

This article will, firstly, present the global trend towards the toleration of multiple citizenship as it has been studied with a strong Western-centric focus, before reflecting, secondly, on the conclusions that can be drawn from the MENA region and in particular from the special case of the oil-rich Gulf monarchies that seem to withstand the global normative pressure.

## **I. Towards a Global Toleration of Multiple Citizenship**

As early as 1985, a precursor article by Tomas Hammar identified the steady increase in the numbers of dual nationals in European countries. At the time, this common sense observation made in the absence of “comprehensive statistics” was going against the legal direction set by the Council of Europe’s 1963 “Convention on the Reduction of Cases of Multiple Nationality,” that aimed at reducing the cases of multiple nationalities and dual military obligations (1985: 443-444). Despite the low rate of naturalisations, Hammar saw two irrepressible factors that led to the increasing number of dual citizens in Europe: the *jus soli* principle applied to the new (second, sometimes third) generations of foreigners born in European countries and the evolution of nationality legislation that brought about an end to the ‘legal unity of husband and wife’ or in other words, the disjoining of women’s citizenship from that of their spouses, allowing the former to retain their original nationality upon marriage.<sup>15</sup> The trend identified by Hammar led gradually to legal changes –exemplified by the fact that the aforementioned “Convention on the Reduction of Cases of Multiple Nationality” was eventually updated in 1997 so as to allow each country to decide on the issue of dual citizenship for itself, shifting from hostility to a form of neutral attitude. Since then, many studies (Faist and Kivisto 2007; Sejersen 2008; Mirilovic 2015; Spiro 2016), have documented the undeniable spike in the number of states tolerating citizenship that “increased in the last half century from one-third to three-quarter of states globally” (Vink et al., 2019: 362).<sup>16</sup>

### *The Western-centric History of the De-Territorialization of Citizenship*

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<sup>15</sup> Harpaz and Mateos argues along the same lines in a recent article identifying married women, and immigrants and their native-born children as instrumental in changing the attitudes towards dual citizenship (2018:846).

<sup>16</sup> Harpaz and Mateos (2018: 846) provide the following figures: “ in 1990, less than a third of countries in Europe and the Americas tolerated it; by 2010, it was accepted by almost four-fifths of those countries.”

The history of dual citizenship is one of a shift from the states' strong disfavour and rejection towards a general acceptance. According to Spiro, "[it] necessarily focuses on the United States. Dual nationality is a by-product of migration" (2016:4). Most of the authors who studied how the evolution of the understanding of citizenship led to the toleration of multiple citizenship (Birtek: 2017, Spiro: 1997, 2016) indeed stress the fact that the issue of dual nationality arose with prominence in the relations between European sending countries and the US in the context of increasing migration between territorially bounded states.

Until then, the condition of sedentariness that characterized the feudal and early modern periods was associated with 'perpetual allegiance' (Spiro, 2017:623-24). Individuals were considered bound to the sovereign on whose territory they were born, on a permanent basis. This rendered multiple ties of loyalty unthinkable and the transfer of allegiance only possible in case of the conquest of lands and change of sovereign. With the emigration to the US, representing an important loss of manpower for military purposes "states clashed in their claims over people [...] In the face of sustained US pressure, important European states moved to recognise transfers of nationality through the mechanisms of expatriation, extinguishing original nationality upon naturalization in the United States" (Spiro, 2016: 4-5).<sup>17</sup> States tried to impose an exclusive relation with their members –which, at the time, seemed alien to the logic of empires in other parts of the world where citizenship was often thought, when it was at all, along racial and ethnic bases (Butenschøn, 2007). Dual Citizenship has been viewed with suspicion within the Western-dominated international community, dual nationals representing a "constant source of international tension"<sup>18</sup> (Spiro, 1997: 1413) and a potential source for "treason, espionage and other subversive activities" (Harpaz and Mateos, 2018:845).

Spiro dates the gradual shift from the concept of perpetual allegiance to some form of elective citizenship to a 1967 decision of the US Supreme Court that recognised citizenship as a right not to be easily dispossessed from (2016:56). For him, three international factors explain this decision: the

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<sup>17</sup> Even this recognition witnessed setbacks when for instance, in 1889, the needs of national Defence in France led to the *de facto* end of the liberation from the French nationality and national duties upon acquiring a new one. (Boulbès, 1958: 77).

<sup>18</sup> Spiro notes how "one state attempted to protect its citizen from mistreatment at the hands of another state claiming the same individual as its own" –which is still the case in diplomatic and judicial rows when states don't recognise dual citizenship and apply the *lex fori* principle denying consular protection.



human rights revolution, the lesser importance of manpower as a basis for state power in the context of military mechanization and the Cold War whose bipolar ideology helped dismantle the old-world notion of loyalty and dampen rivalry within the Western camp.

The end of the twentieth century then earmarked the beginning of a new indifference to dual citizenship: while the UK had dropped restrictions on dual nationality in 1948, other countries moved in the same direction, France in 1973, Canada in 1976 and Mexico in 1998, when some 200,000 Mexican-born U.S. citizens were retroactively conferred Mexican citizenship -1.5 million following since then “without much notice, on Capitol Hill or elsewhere” (Spiro, 2016:73). “Dual citizenship is here to stay. [...] [It] serves the American interests” (Spiro, 2016: 6). Dual citizens pose no political threat, they create no societal costs but on the contrary they ease naturalisation and integration. From a theoretical point of view, this attitude of states’ indifference towards a fact on the ground that proved difficult to contain, marks the decoupling of the twin concepts of citizenship and territory as being intimately linked and coextensive (Ragazzi, 2015). Yet while the US is indeed important in norm setting, its dominant history of citizenship conceptualisation glosses over nuances brought by other regions of the world –and in particular those where colonisation rendered more complex the concepts of allegiance, sovereign and emigration. Harpaz and Mateos (2018: 844) rightly note that current research on dual citizenship “does not capture the diversity of contexts in which dual citizenship appears outside Western Europe and North America.”

#### *De-Centring the Field: Adding the Perspective of Sending Countries*

This methodological bias has been somehow addressed by de-centring the field – away from the dominance of receiving countries, through recognising the perspective and agency of sending countries.<sup>19</sup> Researches have acknowledged that the latter were facing distinct political dynamics and normative challenges (Brand, 2006 on MENA; Itzigsohn, 2007 on Latin America; Manby, 2014 on Africa). Sending states, many of them the products of colonisation and influenced by the international

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<sup>19</sup> Turkey, the Philippines, South Korea and several Central American nations dropped restrictions to dual citizenship throughout the 1990s and early 2000s.

normative context in which they operated upon independence, have also come to realise that dual citizenship was serving their interests.

Like European states in the nineteenth century, they once equated emigration with abandonment, and often opted, upon independence, for terminating the nationality of those who left the country and voluntarily acquired a new one. However, a new mode of governing diasporas also emerged in sending countries. Firstly dropping their ambitions for economic autarky, these countries came to re-conceive emigrants as a “kind of natural resources” (Spiro, 2016: 89) on which to maintain or reassert influence. By making it easier to retain original citizenship in order to cultivate emigrants’ loyalty and ties to their country of origin, sending states respond to the basic economic concern of maintaining a certain level of remittances<sup>20</sup> or investment back into the countries. Secondly, the emigrants’ involvement in the politics of the country of naturalisation, has come to be seen as an opportunity for the states to possibly foster their interests or embellish their reputation abroad. Finally, pressure has come from the diasporic communities themselves to force states to change their attitudes towards dual citizenship (Brand, 2006: 18; Manby, 2014: 178-79). Emigrants with important financial leverage or in significant numbers ended up bargaining the terms of citizenship with their countries of origin, what Spiro calls the “investor citizenship phenomenon” (2016: 91). These three factors are further reinforced by the material aspects of globalisation that involved increased and sustained mobility but also closer communication with the homeland via social media.

#### *Methodological Focus on the Middle East: Deconstructing the Teleological Approach*

Yet while this shift in academic focus away from dominant receiving states is welcome, most studies still conceive the general trend towards the acceptance of dual nationality across the globe in a teleological way. Researches do not only observe the trend but encourage it in a prescriptive and normative way. Peter Spiro makes the case for “embracing dual citizenship” (2016: 111-130) by recasting it as a “Human Right” (2016: 8) stemming from societal changes towards better gender equality and also freedom of choice. Just like the idea of citizenship itself that originated in Europe

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<sup>20</sup> Studies showed that “dual-citizenship-allowing sending states experience significantly more migration than dual-citizenship-forbidding-sending states” (Alarian and Goodman, 2016:133)

and spread worldwide, the toleration of multiple citizenship is conceived as a “spreading” phenomenon that will engulf all the states.

Yet these global approaches on the diffusion of dual citizenship assume a form of homogenous (Western-centric) understanding of citizenship and gloss over contradictory dynamics simultaneously at work that interweaves racial, ethnic, and class politics into citizenship politics. It also seems to ignore, under the general principles, some evolutions and debates affecting negatively the rights of bi-nationals –being gradually the object of securitization, in countries that nevertheless recognise dual nationality.<sup>21</sup>

This article methodologically follows the approach of Erin Aeron Chung on citizenship, who states: “Rather than begin with the assumption that citizenship is universal, democratic, and inclusive, research on citizenship in non-Western contexts highlights how citizenship —as a legal status, symbol of national and/or ethnic identity, institution, and practice—is contingent” (2017: 446). Furthermore, when studying in details the toleration of multiple citizenship in the MENA region, it identifies a reality exhibiting concurrent contradictory trends, which warrants a contextual approach taking into consideration interactions with emigration states as well and setbacks in the universal application of the principle of dual nationality.

The various countries of the Arab world offer analytical laboratories that range from the rather early recognition of dual nationality on ethnic and ideological bases (Gadhafi's Libya or Baathist countries) or for economic or political reasons linked to historical relations with emigration countries (Lebanon, Jordan, Algeria, Tunisia, Morocco, Syria) to total exclusivity of nationality on the basis of welfare benefits cum loyalty and gradually a classist understanding of it (Arab Gulf States) or a soft reluctance based on nationalist considerations (Yemen, Egypt).

A common characteristic is that all the MENA countries keep restrictive legislations and practices towards naturalisation making the provisions for dual nationality fairly asymmetrical and designed for nationals acquiring nationalities abroad rather than foreigners applying for naturalisation. Moreover,

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<sup>21</sup> See for instance the debate around the deprivation of citizenship targeting dual nationals and citizens with an immigrant background (Mantu, 2018).

the regional political earthquake that represented the popular uprisings of 2011 and the subsequent return of the authoritarian pendulum, which put nationality and citizenship back on the research agenda in the region,<sup>22</sup> showed that the seemingly “unidimensional” trend towards permitting dual citizenship might also encounter setbacks.

## II. The Middle East: A Nexus of Contradictory Trends

### *Janus States: Cultivating Emigration and Limiting Naturalisations*

Most of the MENA countries have followed the general trend of softening their position of disallowing multiple citizenship just as did labour-sending countries studied in other regions, in order to keep ties with their diasporas. Yet, with regard to naturalisation, while renouncing a previously held foreign nationality is not always a requirement in most Arab countries, the rate of citizenship acquisitions remains generally low<sup>23</sup> –making this other source of possible dual nationals scarce.

To start with, a special mention ought to be made here of citizenship systems of heavily ideological regimes: authoritarian countries with pan-Arab beliefs, such as the case of the Socialist People's Libyan Arab Jamahiriya<sup>24</sup> as well as Baathist Iraq<sup>25</sup> or Syria<sup>26</sup> did take a different approach to nationality by distinguishing ethnically between Arabs and non-Arabs,<sup>27</sup> making it easy if not

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<sup>22</sup> Beaugrand and Geisser, 2018; Butenschøn and Meijer, 2017.

<sup>23</sup> It is important to note here that most of the national annual statistics do not include the numbers of naturalised people; they are sometimes published in the Official Gazetteer as was the case in Lebanon for the 30 June 1994 naturalisation decree taken by Rafic Hariri or in Kuwait where list of names are to be found in the press as well.

<sup>24</sup> The Article 8 of the Law 18 of 1980 Pertaining to the Decrees of the Nationality Act distinguishes between Arabs and non-Arabs. For any Arab defined as “One who is affiliated by nationality to any Arab(ic) country” in article 2, who “enter the Libyan territory and wishes to acquire such nationality, the ‘*Arabic nationality*’ understood in article 1 as “the nationality of the citizens of the Socialist People’s Libyan Arab Jamahiriya” is a *right* (my emphasis). Yet article 8 further states that “a person holding the Arabic Nationality shall lose his nationality, if he voluntarily acquires a foreign nationality, unless permitted to do so by the General People’s Committee for Justice” foreign being understood here as non-Arab.

<sup>25</sup> Under the Baathist regime, a new Law 5 Granting the Iraqi Nationality to the Arab was passed in 1975 whose article 1 stated: “The Minister of Interior may grant the Iraqi nationality to any Arab subject applying for, if he has attained his majority and having good conduct and reputation, without restriction to the conditions of naturalization stipulated in pare 1 of Article 8 of the Iraqi Nationality Law No. 43 of 1963, (as amended). Palestinians shall be exempted therefrom unless a law or legislative resolution shall be issued contrary thereto.”

<sup>26</sup> According to Davis (1996:39) “The current legislation leads to the absurdity in that the Law allows a foreigner, as well as a Syrian émigré citizen, who is naturalized into Syrian Arab citizenship to retain their previous foreign citizenship, while compelling a citizen of the Syrian Arab Republic who married a foreign citizen who emigrated abroad and was naturalized into a foreign citizenship to lose his citizenship.”

<sup>27</sup> Algeria, Egypt, Libya, and Morocco still provide to different degrees for privileged access to citizenship for those of Muslim religion and/or Arab origin (Manby, 2014:180) –to which one should add Jordan and most of the GCC states.

automatic for Arabs to obtain their citizenships without renouncing their previous one,<sup>28</sup> while imposing loss of citizenship to their nationals obtaining foreign (understood as non-Arab) citizenship abroad. The Western-led transition period in the post-Saddam Hussein Iraq and the will to reintegrate the international community in the late period of Gadhafi's rule over Libya made the two countries adopt, in 2006 and May 2010 respectively, nationality laws aligned with the majority of Arab states, allowing dual nationality<sup>29</sup> –even though the debate has remained heated in post-2011 Libya as for the holding of public positions for dual nationals.<sup>30</sup> The embracing of ethnic-based (Arab) dual nationality has often been overlooked and clearly contradicts linear version of the diffusion of dual nationality.

Lebanon, as for it, is a country famous for its vast expatriate diaspora –starting even from before the creation of the state itself, and known since then as *mahjar*.<sup>31</sup> This diaspora encompasses Lebanese who migrated to the Western hemisphere under the Ottoman Empire and mostly lost track with the Levant, adopting the nationality of their new faraway country; it also includes newer waves of emigrants to Western Africa and the Gulf since the mid-twentieth century, who have often been able to retain their nationality.<sup>32</sup> The current Nationality Law governing, among others, cases of dual citizenship dates back to 1925 and was issued by the French High Commissioner in Lebanon (*Arrêté 15 on Lebanese Nationality*). The exhaustive study carried out by El-Khoury and Jaulin (2012:4) states:

“The main provisions of *arrêté 15/S* have not changed since 1925. *Jus sanguinis* through patrilineal affiliation remains the sole principle for the attribution of citizenship [...] Regarding dual citizenship,

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<sup>28</sup> Palestinians are excluded from the provisions of these laws in Iraq and Libya but not Syria, based on the ideological ground of the return to Palestine.

<sup>29</sup> Article 9 (4) of the Iraqi nationality law of 2006. In Libya, article 5 of the Nationality Law 24 for 2010/1378 On The Libyan Nationality (28 May 2010) stipulates that a Libyan citizen can obtain permission from the Libyan government to acquire a foreign nationality and tacitly recognises it in its article 11 allowing for children of a Libyan mother who is married to a non-Libyan father to obtain Libyan citizenship.

<sup>30</sup> “Libya’s dual divide: Ex-patriates Aren’t Welcome in the “New Libya””, *The Tripoli Post*, 28 January 2012. Another article notes: “The Tripoli-based Administrative Control Authority (ACA) [concerned with state-sector employees] has issued a statement reminding all state bodies of the 2010 regulation (No 24) that prohibits Libyans with dual nationalities from holding any top state positions” in Zaptia, Sami, “Libya: ACA reminds of regulation prohibiting Libyan dual nationals from holding top positions” *Libya Herald*, 9 December 2017. [Accessed 10 September 2019].

<sup>31</sup> Laurie Brand notes the significance of this émigré population not only for its important financial resources but also as part of the complex Lebanese identity –Lebanon being pictured as “a bird with two wings, resident and expatriate (*ta'irah bi-jinahayn, al-muqim w-al-mughtarib*)” (2007:7).

<sup>32</sup> “According to article 3 of the Law of 31 January 1946, an absence of five consecutive years is reason for the withdrawal of nationality” (El-Khoury and Jaulin, 2012:19n71) but this seems to be possible to restore.

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

The authors further explain this latter point (2012, 17-18):

“Requiring permission to relinquish present nationality and acquire foreign nationality seems to serve the double purpose of ensuring that nationals forsaking their nationality have fully complied with all their duties, and somehow of discouraging them. Authorization or permission in Lebanon is issued by a presidential or ministerial (i.e. by the Council of Ministers) decree according to the different provisions, but *all agree that without such decree the acquirer of foreign nationality must be treated as a national*.<sup>33</sup> If the nationality law under which the person intends to naturalise prescribes loss of previous nationality to complete the procedure, the naturalisation inevitably aborts.” (Our emphasis)

While the initial provision seemed to be aimed at avoiding that Lebanese citizens took on another nationality in the context of the general conception of the exclusiveness of nationality,<sup>34</sup> it has paradoxically been *de facto* allowing it. Yet while the dual nationality is rather widespread among Lebanese who acquire a nationality abroad, the possibility for naturalised foreigners to be recognised as dual nationals is very limited since the naturalisation process itself is gripped by paralysis. Because the naturalisation of foreigners in Lebanon depend on a discretionary decision of the executive, “Lebanon’s *immobilisme* and its sensitive demographic balance deeply affect [the] process (naturalisation decrees tend to stall, carry large numbers, stir political unrest, and end up contested in administrative courts, as is the case with the infamous decree issued in 1994), as well as the long-awaited amendment to recognise maternal *ius sanguinis*.” (El-Khoury and Jaulin, 2012: 1). Zahra alBarazi concludes “that naturalisation is not an option at all in Lebanon, the state which arguably has the most delicate demographic balance, where a foreigner may become Lebanese only through marriage to a male citizen” (2017: 13n50).

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<sup>33</sup> Article 8(1) of the 1925 Law, and Article 18 of the Law of 31 December 1946. The authorization of the Head of State is a prerequisite for the recognition of the new nationality; otherwise, Lebanese authorities would still consider the acquirer of foreign nationality as Lebanese.

<sup>34</sup> The only exception was the permission to acquire the US nationality without prior authorization, as permitted by the Gouraud-Knabenshue agreement (15 November 1921) signed between the French Mandate authorities and the US, which renewed the American-Ottoman treaty of August 1874 (El-Khoury and Jaulin, 2012:5, 18-19n63).

Jordan nationality law No 6 of 1954 (1987), also provides 'asymmetrical' provisions with regard to multiple citizenship. Article 17(a) explicitly allows it: "A Jordanian who acquires the nationality of a foreign State may retain his Jordanian nationality unless he renounces it in accordance with the provisions of this Law." However, the articles dealing with naturalisation<sup>35</sup> stipulate that the naturalised person should "renounce his nationality of origin" (art.4) and "relinquish any other nationality possessed by him at the time of application" (art.5). As Laurie Brand suggests (2006: 21-22; 2007:4-5), this attitude of the Jordanian state should be understood in the context of the composition and the destination of the Jordanian expatriates: the majority of the Jordanian community abroad was of Palestinian origin and settled, particularly, if not exclusively, in the Gulf region. Owing to the highly restrictive Gulf state policies regarding naturalisation (as will be seen below), the Hashemite Kingdom did not have to suspect that these West-Banker Jordanians would acquire a new nationality and pledge new loyalty. Likewise, owing to the interdiction for them in the Gulf to own immovable property or to set up their own business (a 51% stake of any business having to be co-owned by a Gulf national), the Hashemite Kingdom did not have to fear that monies would not be sent back home as remittances. As a matter of fact, dual citizenship, in Jordan affects a minority who migrated to countries where permanent settlement is possible and, as a result, the acquisition of nationality more likely to happen. This makes it less salient an issue than in other countries of the Maghreb whose majority migrants went to Europe, where citizenship has been increasingly an option.

Like Lebanon and Jordan, Egypt's migrations, while fairly diverse, have been largely to authoritarian states of the global South, with important communities in the culturally similar Arab world<sup>36</sup> and in particular the Gulf region. Yet, contrary to the previously studied Levantine countries, Egypt, despite its need for economic remittances and the unlikely naturalisation of Egyptian expatriates in the Gulf, has remained firm in its reluctance to relinquish control over multiple nationality and keeps asking its

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<sup>35</sup> Article 4 for the naturalisation of "any Arab who has resided continuously in the Hashemite Kingdom of Jordan for not less than 15 years" and article 5 for royal nationality granting.

<sup>36</sup> See Roussillon, Alain (1985) for the case of Egyptians in Iraq. Egyptians are also present in Jordan in low-skilled employment.

citizens to request an authorisation from the Ministry of Interior.<sup>37</sup> This might be explained mainly by nationalist and socio-political reasons and the self-interest of the Egyptian regime navigating through difficult power relations vis-à-vis other Middle Eastern states (and patrons), as demonstrated by Gerasimos Tsourapas (2019). As a matter of fact, article 10 of the Law No 26 of 1975 Concerning Egyptian Nationality stipulates that:

“An Egyptian may not acquire a foreign nationality except after obtaining a permission therefor, to be issued by decree of the Minister of Interior. Otherwise, he shall continue to be regarded in all cases as Egyptian from all points of view, unless the Council of Ministers decide to strip him of the nationality according to the provisions of article 16 of the present law.

An Egyptian who acquires a foreign nationality shall forfeit the Egyptian nationality, if he has been permitted to obtain the foreign nationality.”

Moreover, citizens with dual nationality do not perform military service and cannot enrol in military and police academies or run for office in Parliament or presidency –as was made notorious in the presidential elections of 2012 with the disqualifying of the Egyptian Salafi candidate Abu Ismail.

Contrary to these three countries, the question of dual nationality is posed in different terms in the Maghreb countries, Morocco, Algeria and Tunisia, whose emigration has been overwhelmingly to the culturally different Western European democracies.<sup>38</sup> The historical legacy of settler colonialism, that includes the *ex nihilo* creation of citizenship as identity definer replacing religious allegiance, has played an important role in the attitude towards dual citizenship. Upon independence, these three sovereign countries designed their nationality laws so as *not* to grant nationality to settlers who may keep their original nationality and work against their national interests.<sup>39</sup> Thus, the constraints placed on naturalisation and the limited application of the *jus soli* principle are an important legacy of the settlers' presence.

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<sup>37</sup> See for instance the list of authorisations delivered in the Official Gazette in Walaa, Ali “All you need to know about Egyptian nationality law amendments” *Egypt Today*, 17 October 2018. <https://www.egypttoday.com/Article/2/59108/All-you-need-to-know-about-Egyptian-nationality-law-amendments> [accessed 10 September 2019].

<sup>38</sup> We rely here on the excellent work by Delphine Perrin (2016).

<sup>39</sup> Until the 2005 reform, Algeria was requiring foreigners to repudiate their original nationality upon naturalisation.



Yet, as for the acquisition of a foreign nationality by nationals is concerned, the law has proved more accommodating: with the exception of Tunisia that disallowed multiple allegiance until 1975,<sup>40</sup> Morocco and Algeria's legislation remained silent as for the requirement to choose between nationalities when acquiring a new one. This is, according to Perrin, because they both thought of the national bond as indissoluble. The Moroccan King, as Commander of the Faithful, continues to adhere up until today to the regime of perpetual allegiance that pervaded the nineteenth century practice – nationality being thought as the belonging to a community of faith, while the Algerian regime sees the belonging to a homogenous national community as inalienable. More broadly, in the three Maghreb countries, the permanence of the national link is conceived in similarly sacred terms. “This sacralization carries with it a form of hostility towards multiple nationality, but it also ensures its foundations since multiple allegiances derives precisely from the constancy of the original belonging despite other affiliations” (Perrin, 2016:3).

From then on, Perrin notes two legal evolutions that affected positively the number of bi-nationals. First, the end of the “legal unity of husband and wife”<sup>41</sup> and the granting to women the right to pass on their nationality.<sup>42</sup> Second, the opening of the door for bi-national spouses and children respectively. Since independence, Tunisia had recognised the right for Tunisian women to pass on their nationality to their children born to a foreign father *in* Tunisia. In the 2000s context of international campaign for gender equality, legislation changed in Algeria (2005), Morocco (2007)<sup>43</sup>

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<sup>40</sup> Law 63-7 of 22 April 1963, article 30, para. 3, rescinded in 1975 (Perrin, 2016 : 4; 17n11), according to which the person who voluntarily acquires another nationality or renounces his/her Tunisian nationality must leave the Tunisian territory. It is interesting to note here that the clause was rescinded – hereby signifying a tacit acceptance of dual nationality, just two years after France did it in 1973, at a time when Spiro notes the shift from Western countries towards this type of toleration.

<sup>41</sup> The female national getting married with a foreigner would lose her nationality upon her request only in Morocco. In Algeria, the 1970 reform put an end to the automatic acquisition of the Algerian nationality upon marriage by a female foreigner.

<sup>42</sup> This follows in the footsteps of Egypt in 2004. Lebanon, Jordan, Syria and the Gulf states have all resisted the legal trend.

<sup>43</sup> Perrin (2016:6) notes that Morocco has introduced a discriminatory article (art. 19-5) enabling the children of Moroccan *mothers* (not fathers) of mixed couples to keep only one nationality, i.e. renounce their Moroccan nationality, upon reaching 18 years of age (until 21). She sees it as a result of the pressure exercised on Morocco by the Netherlands endeavouring since 2005 to have the third generation of Moroccans living in the country to drop their Moroccan nationality – a request to which Morocco is firmly opposed due to the perpetual conception of nationality.

and Tunisia (2010) when strict gender equality was applied with respect to the passing on of nationality to children born in *or* outside the country.

Initially only opposed to dual citizenship for settlers, the legislation of the three Maghreb countries has, in the face of social evolutions, such as mobility, mixed marriages and women empowerment, evolved in a way that would produce more cases of dual nationals. Yet, as Perrin (2016) argues, this is no “embracing” of the principle of dual citizenship or acceptance of the nationals’ diversity, because limits are placed, first, on the opportunities for naturalisations and, second, on the rights of dual nationals themselves. Like in the Levant and Gulf countries, acquiring a Maghreb countries’ nationality is rather difficult: *jus soli* applies in very rare cases, and the conditions of naturalisations are very stringent<sup>44</sup> so that the source of dual citizenship in the case of foreigners acquiring a Maghreb nationality are very limited.

Finally, as other legal texts than the nationality laws also shape the state’s attitude towards dual citizenship,<sup>45</sup> Perrin notes the Algerian hostility towards French-Algerians, seen as opportunists, spoiled and privileged in terms of mobility,<sup>46</sup> appeared in the 2016 constitutional reform when dual nationals were clearly excluded from high positions within the state apparatus (presidency, positions of responsibilities among civil servants). These subtle obstacles are to be linked to the 2005 nationality law reform:

“By allowing foreigners to obtain Algerian nationality without renouncing their original nationality and by removing political incapacities for naturalised people, [the nationality law] marked a real and new opening towards would-be Algerians. The Constitutional reform constitutes a step backwards for

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<sup>44</sup> According to Perrin (2016: 9), the application of *jus soli* in Algeria and Tunisia is “residual”; in Morocco, children born in Morocco of parents themselves born in Morocco (after independence) or of fathers stemming from a Muslim and Arab-majority country can claim Moroccan nationality. As for the naturalisation, they are very few in Algeria, as the administrative judge shuns from pronouncing them; it is even more so in Morocco. Finally naturalised have to wait a probation period of five years –except in Algeria since 2005, in order to enjoy their full rights of citizenship, and can be stripped of their nationality when other nationals cannot.

<sup>45</sup> Another example of the limits placed on dual nationals is the practical limitation on external voting rights: while Algerians and Tunisians abroad have been able to vote for decades, Moroccans abroad have had limited opportunities to vote in national elections despite the legal dispositions enfranchising them and reinforced in 2011 in the constitutional reform.

<sup>46</sup> This hostility was particularly salient when the French Consulate in Algiers announced in 2005 that hundreds of thousands of Algerians had requested French citizenship –a process called “reintegration”/ re-acquisition allowed by the French Constitution. “Algeria-French dual citizenship is not only linked to immigration to France. It is also widespread among residents in Algeria” (2014:236).

these new Algerians as well as the formalisation of the hostility towards Algerians [taking a new nationality] [...]. By refusing to withdraw [the latter's] nationality, the Algerian regime seeks to encourage them [or those among them willing to participate in the economic and political life of the country at a high level] to voluntarily renounce their foreign nationality” (Perrin, 2016:13).

This example corroborates what Link et al. (2019: 367) identified as “a form of ‘competitive signalling’<sup>47</sup> that helps a state ‘look more democratic, inclusive’” through dual citizenship extension. It also shows, in a context where dual nationality is widely accepted, how states –including receiving states- maintain practises that reveal their distaste towards certain bi-nationals.

### *Select Citizenships*

Among the MENA countries, the only set of states that unequivocally prohibit dual nationality are the six petro-monarchies forming the Gulf Cooperation Council, GCC (Bahrain –with ambiguities, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates). In all these states, the laws set out explicitly that when a national acquires a foreign nationality, his/her nationality is lost and when, conversely –no matter how rarely, a foreigner is naturalised, he/she must renounce his/her nationality of origin.<sup>48</sup> The letter of the law, however, sometimes remains silent or inexplicit as for when dual nationality is obtained by birth, since it often only refers to naturalisation as an act of volition.

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<sup>47</sup> Based on Turcu and Urbatsch (2015:414).

<sup>48</sup> 1) Article 9 of the Bahrain Citizenship Law of 1963: “A Bahraini citizen may lose his nationality if he voluntarily acquires another nationality or renounces his Bahraini nationality and His Majesty issues an order to withdraw his nationality. The loss of nationality would also apply to under-aged children.” The wording of the paragraph leaves some scope for interpretation as it makes the loss of nationality dependent upon a Royal Order. In the context of repression against any political opposition, the practice has tended to recognise dual nationality (and in particular the keeping of the Bahraini one) so as to be able to prosecute political opponents: in the case of prominent political exiles (called the Thirteen), like Abdul Hadi al Khawaja (Danish citizen) or Abduljalil al-Miqdad (Swedish citizen) the *lex fori* principle prevailed and they were tried and sentenced as Bahrainis. A 2012 call by the Ministry of Interior asked dual nationals to check their legal status so as to prevent “some Bahraini citizens holding foreign nationalities [from] using their status to protect themselves from legal or civil pursuits”. Toumi, Habib “Bahrain urges dual citizenship holders to verify legal status” *Gulf News*, 8 April 2012. <https://gulfnews.com/world/gulf/bahrain/bahrain-urges-dual-citizenship-holders-to-verify-legal-status-1.1005615> [accessed 10 September 2019].

2) Article 11 of the Kuwaiti 1959 Nationality Law: “a Kuwaiti national shall lose his Kuwaiti nationality if he becomes voluntarily naturalized according to the law of another state.”

3) Article 5 of the Royal decree 38 issuing Nationality Law of 2014: “a person may not hold Omani nationality along with the nationality of another country unless a Sultan’s Decree authorizes it.”

4) Article 11(5) of the Law 38 of 2005 on the acquisition of Qatari nationality: “By an Emiri decision, Qatari nationality may be removed from a Qatari national if such person: 5. acquires the nationality of another country”.

5) Article 11 of the Saudi Arabian Citizenship System: “No Saudi citizen is allowed to obtain a foreign nationality without prior permission of the Council of Ministers. If a citizen obtained a foreign nationality before

This strict application of single national affiliation has often been interpreted as highlighting “the state’s understanding of the exclusivity of their (sic) nationality” (Albarazi, 2017:7). In a context of mass migration from around the world (when foreigners often outnumber nationals, in proportion reaching 90% in Qatar or the UAE), the prohibition of dual citizenship work along with the very stringent naturalisation requirements<sup>49</sup> and sometimes a permission system for women to marry foreigners (like in Oman) to give the clear signal of a tight state control over the citizen body, its evolution and shaping. This tight control over size and composition of the citizenry has to do both with political loyalty in the context of pyramidal patronage networks and generous economic welfare provisions. According to Abdulhadi Khalaf (2012) “Gulf citizenship — or rather a Gulf passport — became a key providing access to the comforts of oil revenues. The “passport” is no longer merely a document for facilitating the movement of people across borders, but rather it became a necessary means of achieving benefits.”

While the context of mass inward migration matters, the exclusiveness of allegiance is also to be understood with historical hindsight. Contrary to the principle of *perpetual allegiance* in pre-modern states’ Europe, that attached sedentary residents to a territorial sovereign, tribes of the Arabian Peninsula were bound to their particular tribal leader or sheikh but also paid tributes (*zakat*) to rulers of market (port or oasis) cities where they sold their products and where trade routes operated. This is the understanding of loyalty-based sovereignty that Abd al-Aziz Al-Saud tried to impose in order to maximize territorial gains when borders were drawn. Yet, this concept of fluid and thus shifting allegiance to a ruler has gradually been turned against tribes upon introduction of the territorial modern state, with derogatory discourse often crystallising on the question of dual nationality as a

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acquiring the permission, the government still retains the right to revoke the person’s Saudi citizenship in accordance with Article 13.”

6) Article (11) of the Emirati Federal Law 17 for 1972 Concerning Nationality and Passports: “Nationality by naturalization may not be given to a person unless he renounces his original nationality. Article 15 (C.) stipulates: “Nationality of the country shall be lost from any person enjoying such nationality in the following cases: C. If he has adopted, voluntarily, a nationality of another country.”

<sup>49</sup> In most of the GCC countries (Saudi Arabia excepted), the duration of legal residency required to be considered eligible for naturalisation is twenty years (25 in Bahrain, 30 in the UAE), reduced to fifteen years when of Arab descent (7 years in the UAE). Other conditions pertaining to religion, language, good conduct, economic circumstances apply in addition sometimes to yearly quotas (for instance art. 17 of the Qatari law), making the process of naturalisation limited to very few select individuals and unthinkable for the majority of long-term residents. Naturalisations often remain a *fait du prince*.

sign of dubious loyalty.<sup>50</sup> “Bedouins have been suspected of collecting passports from more than one country to ensure their mobility and to maximise state advantages” (Beaugrand, 2015: 26). In Kuwait, for instance, dual citizenship (*izdiwaj al jinsiyya*) can be ground for deprivation of nationality and the suspicion directed towards the so-called tribal populations to be holding dual nationality is often used to disqualify their political claims.

In the Gulf States, the issue of dual nationality is often debated in such intra-GCC tribal terms. The allowance of dual citizenship *between* the six petro-monarchies does not seem to have ever been on the agenda of the regional institution –even before the Qatar crisis of June 2017 that tore apart the bloc. Brøndsted Sejersen (2008: 532-33) distinguishes a group of countries that do not allow dual citizenship in general but only have special allowance because they have “reciprocal agreements with other countries under which dual citizenship is allowed” citing the case of Argentina with South American countries –adding “other such agreements exist between Gulf States.” Yet, in the GCC, the only provision that exists today is that of “Economic Citizenship” meaning that economic discriminatory measures have been lifted (freedom of movement, work and residence, right of ownership, inheritance and will, the freedom of engagement in economic activity and free movements of capital)<sup>51</sup> – which seems to have suffered a setback since the June 2017 “Qatar crisis.” No Gulf states ever officially granted this right understood in political sense – as shown by reports of Saudis or Qataris obliged to choose between their nationalities in the Kuwaiti press.<sup>52</sup> The reality may rather be one of unofficial tolerance (especially in the ambiguous Bahraini case) as expressed by Khalaf, himself deprived of his Bahraini nationality in 2012:

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<sup>50</sup> Other transnational tribes like the Dawasir living on the Eastern coast of Saudi Arabia are famous for crossing the bridge to vote in Bahrain.

<sup>51</sup> See “The GCC Common Market and Economic Nationality” on the webpage of the GCC.

<https://www.gcc-sg.org/en-us/CooperationAndAchievements/Achievements/EconomicCooperation/TheGCCCommonMarketandEconomicNationality/pages/Home.aspx> [accessed 10 September 2019].

To be noted some provisions of the of the Emirati law towards Arabs of Omani (Bahraini or Qatari –probably rescinded now) descent in the case of the Maddha enclave.

<sup>52</sup>“29 dual-nationality citizens renounce Kuwaiti citizenship – Hold on to Saudi, Qatari nationalities”, *Arab Times*, 20 August 2016. <http://www.arabtimesonline.com/news/29-dual-nationality-citizens-renounce-kuwaiti-citizenship-hold-saudi-qatari-nationalities/> [accessed 10 September 2019]. Al Mukrashi, Fuhad, “Omani citizenship revoked for 10 dual nationals”, *Gulf News*, 14 February 2016. <https://gulfnews.com/world/gulf/oman/omani-citizenship-revoked-for-10-dual-nationals-1.1672172> [accessed 10 September 2019].

“The prevailing laws at the time stipulated that, in every Gulf country, only citizens could participate in these economic activities. As a result, in many families, you can find siblings and relatives holding citizenship from all six of the GCC countries. There are a number of senior Gulf businessmen who hold citizenship from multiple Gulf countries at the same time, as a means of allowing them to participate in business ventures that are limited to only citizens.” (2012)

Thirdly, when it comes to dual citizenship with other countries –especially Western ones with *jus soli*,<sup>53</sup> the principle of forcing bi-nationals to renounce one of the two citizenships remains the same (except sometimes for the female spouse). In certain cases, individuals from the GCC states may acquire “illegal dual citizenship” if the country where nationality is acquired (usually by birth) does not require renouncement of previous citizenships. Spiro (2016:77-78), analysing “dual-citizen terrorists” some of them being “nominal U.S. citizens”, notes for instance the case of Yaser Hamdi, born to Saudi parents in Louisiana while his father worked on an oil rig there, relocated to Saudi Arabia in infancy, [...] [who] didn't even know he was a U.S. citizen when apprehended on the battlefield in Afghanistan in late 2001.”

Finally, a last trend ought to be underlined: like other economic elites of the Middle East, Gulf elites have invested in the so-called “citizenship by investment schemes,” taking advantage of naturalization facilities against investment in cash or real estate to mitigate the risks associated with political unrest or diversify their investment portfolios.<sup>54</sup> This conforms to the conclusion of Harpaz and Mateos (2018: 850) who noted that dual citizenship has led to the “consolidation of a Westernized global elite while deepening internal inequalities” as dual citizenship gives “non-Western elites dramatic advantages over their co-nationals who do not have access to a second citizenship” –even in the case of the tiny Gulf citizenries.

This trend towards the commodification of nationality has been documented (Abrahamian, 2015; Beaugrand, 2015; Shachar, 2017; Bauböck, 2018): from “citizenship by investment” in the fiscal

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<sup>53</sup> Mixed marriages have tended to be limited in number because of state's family policy to marry among nationals, be it through permission system (to marry foreigners) or financial incitements (like the halving of state allowances in case of marriage with a foreigner).

<sup>54</sup> Albert Galea, “Kuwait to implement reform revealing citizen's dual nationalities: many reported as buying into IIP [Individual investor Program]” *Malta Independent*, 15 January 2019 <https://www.independent.com.mt/articles/2019-01-15/local-news/Kuwait-to-implement-reform-revealing-citizen-s-dual-nationalities-many-reported-as-buying-into-IIP-6736202104> [accessed 10 September 2019].

havens of the Caribbean, such as St Kitts and Nevis or the Dominican Republic, it has reached European countries, like Cyprus, Malta, Austria and Bulgaria with other countries offering schemes where investments is linked to granting rights of residency. Through the acquisition of these EU citizenships, access is given to the Schengen Area as well as visa facilitation around the world in addition to free access to 160 countries with which the EU has agreements. Nationality has become a real business with private companies (like Henley and Partners) advising wealthy individuals on how to obtain several passports to ease their life and mobility, as well as governments on how to attract high-net-worth individuals and global investors. "Passports will be [for some] more like credit cards, each offering different interest rates or rewards programs" writes Spiro (2016:150).

It is against this recent background of the commodification and, as a consequence, degradation of citizenship that the GCC resistance to allowing dual citizenship ought to be reframed. For sure, oil monarchies are unconcerned by remittances or any ensuing pressure from the diaspora community, since they have no significant population of nationals abroad. There is arguably another reason for them to contradict the worldwide trend of "embracing" dual citizenship and at least in principle hold on to the strict exclusiveness of nationality: it is the idea to keep its intrinsic value by keeping it rare, following the Latin proverb *Omnia rara cara*. Spiro argues "dual citizenship is not an issue anymore because citizenship itself had been degraded"; "it tends to hollow out citizenship as a defining meaningful community on the ground" (2016: 2; 9). He further states: "As dual citizenship becomes more commonplace, the United States becomes a community of second choicers" (2016: 135). This is to the very idea that citizenship is devaluated by either being on sale or too readily available that (smaller) Gulf States react aiming only at first-class quality. This has become particularly visible in the frenzy deployed to establish nationality rankings, hierarchies and classifications turning nationalities into objects of admiration and desire or in contrary of low quality products. In particular, the performance of the UAE has been standing out lately: in 2018, the UAE ranked as "best nationality in the Arab world" by the firm Henley and Partners (QNI Quality of Nationality Index)

and as having the “most powerful passport in the world” (Passport Index).<sup>55</sup> In a sense, the maintaining of an exclusive membership, to be compared with cases like Luxemburg or Monaco, also unambiguously forbidding dual citizenship, is a way to brand the country's citizenship as *select*. To pursue Spiro's metaphor (2016:10)

“Nationality first established a kind of parent-child relationship between sovereign and subject, a product of nature and hence indissoluble. The succeeding regime of exclusivity more resembled marriage—voluntary and terminable, but also singular. We may be moving toward a paradigm in which citizenship is more like membership in a club or civic association, in a class of affiliation that does not necessarily constrain other attachments”,

there seems to emerge a type of citizenship comparable to *select* gentlemen's club.

## Conclusion

In the global quantitative studies documenting the diffusion of dual citizenship worldwide, the MENA region is often portrayed if not caricatured as lagging behind as patriarchal and *jus sanguinis* based. While this is certainly part of the story, this detailed study showed that this is only so: the other part of the story is that the acceptance of dual nationality is far from linear, following the supposedly liberal example set by the American and European states, but a complex one. It is to be understood in the light of different and context-based understandings of citizenship and various interplays with former colonial states or other dominant economic powers. What appeared prominently in this study is that while MENA states have usually accepted dual citizenship for their nationals seeking a new one abroad –while sometimes attenuating the effects by placing constraints on by-nationals, they generally see its application to foreigners applying to their nationality with suspicion. Finally, while the diffusion of dual nationality is seen as irresistible, the Gulf States have consistently formally resisted it, as a way to preserve the intrinsic value of their own nationality, as legitimising tool of the domination of the few.

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<sup>55</sup> Al Serkal, Mariam A. "UAE is 'best nationality in Arab World'" *Gulf News*, 22 April 2018, <https://gulfnews.com/uae/government/top-rank-uae-is-best-nationality-in-arab-world-1.2209362#> [accessed 10 September 2019]; “UAE now has the most powerful passport in the world” *The Independent*, 2 December 2018.



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