
The Lebanese Customs Police: legal powers, institutional structure and governance challenges: *a comparative study with France and Egypt*

Mohamad Ali Yaghi

Beirut Bar Association,
Beirut, Lebanon
Email: myaghi2009@hotmail.com

Abstract: This article examines the Lebanese Customs Police (Dabitah Jumarkiyah) as a sui generis law enforcement body operating within the Lebanese customs administration. Drawing on Decree No. 1802/1979, the Customs Law No. 4461/2000, and the 2009 WCO diagnostic report, the article analyses the institutional structure, legal powers – including inspection, seizure, search and pursuit – and the procedural framework governing customs seizure reports. Through a comparative lens encompassing the French Direction Générale des Douanes et Droits Indirects (DGDDI) and the Egyptian Customs Authority, the article identifies critical governance gaps characterised by command duality, a 35% staffing vacancy rate, and a 7% case resolution rate. The article argues that effective customs policing requires not merely technical reform but a fundamental restructuring of the institutional relationship between the Supreme Customs Council and the General Directorate. The article concludes with targeted reform recommendations grounded in comparative best practice.

Keywords: customs police; Lebanese customs law; comparative administrative law; anti-smuggling; institutional governance; customs seizure; France; Egypt.

Reference to this paper should be made as follows: Yaghi, M.A. (2026) ‘The Lebanese Customs Police: legal powers, institutional structure and governance challenges: *a comparative study with France and Egypt*’, *Int. J. Public Law and Policy*, Vol. 12, No. 7, pp.1–17.

Biographical notes: Mohamad Ali Yaghi is a Lebanese lawyer and former official at the Lebanese Customs Administration, with over 20 years of professional experience in customs administration, enforcement, and customs law.

1 Introduction

The Lebanese Customs Police (Dabitah Jumarkiyah) occupies a singular position in the Lebanese administrative landscape: it is simultaneously an armed security force, a judicial police authority, and an administrative enforcement body – all within the organisational framework of the Ministry of Finance. This functional complexity, rarely encountered in comparative customs law, raises fundamental questions about institutional design, accountability, and the effective discharge of anti-smuggling mandates.

Lebanon presents a particularly compelling case study. Situated at the crossroads of three continents, with a coastline stretching over 220 kilometres and land borders crossing terrain that has historically defied effective state control, the country faces smuggling challenges of exceptional scale and diversity. Contraband flows range from commercial goods evading customs duties to narcotics, weapons, and currency – each demanding distinct enforcement responses from a unified institutional structure.

The legal literature on Lebanese customs law has focused predominantly on the punitive dimension – the criminal offence of smuggling and its sanctions – rather than on the administrative and institutional architecture through which enforcement is conducted. This scholarly orientation has produced important works, including the foundational studies of Qazifah (1971, 1973) on customs cases and fundamental principles, Sha'ban (1976) on the general theory of the customs offence, and more recently Tubia (2001) and Makrbel (2002) on customs law and practice. Yet these works, valuable as they are, approach the subject predominantly through the lens of criminal liability rather than institutional design.

The 2009 diagnostic conducted by Lionel Pascal and Jean-François Pervetti under the WCO Columbus Programme provides an independently validated benchmark for assessing the gap between the legal framework and operational reality. The report identified a staffing vacancy rate of 35%, a case backlog of approximately 3,500 pending cases with a resolution rate of no more than 7%, unresolved command overlap between the Supreme Customs Council and the General Directorate, and the absence of an effective integrity policy (Pascal and Pervetti, 2009). These findings, remarkable in their candour given that the diagnostic was commissioned by the Lebanese customs administration itself, remain substantially unaddressed more than 15 years later.

1.1 Methodology and comparative framework

This article employs a comparative legal methodology centred on three bodies of primary sources: Lebanese legislative texts and administrative instruments; French customs law within the broader framework of French administrative law; and Egyptian customs legislation as reformed by Law No. 207/2020. The selection of France and Egypt as comparators is deliberate and analytically grounded rather than merely illustrative (Elantonio and Marique, 2023).

France is selected for three reasons. First, Lebanese administrative law is historically rooted in the French legal tradition, sharing foundational concepts of public law, administrative organisation, and judicial review. Second, the DGDDI constitutes the most elaborately codified customs enforcement system in the civil law world, providing a precise benchmark against which the adequacy of Lebanese institutional design can be assessed. Third, France has consistently led in integrating rights-protective frameworks into customs enforcement – a dimension that this article argues Lebanon must address as a matter of constitutional necessity.

Egypt is selected as the second comparator for different but equally compelling reasons. Egypt confronts smuggling challenges structurally analogous to Lebanon's – extensive and partially porous borders, significant maritime exposure, and a complex contraband environment – within a legal tradition sharing important features with Lebanon's post-Ottoman administrative heritage. The 2020 reform of Egyptian customs law demonstrates that meaningful institutional modernisation is achievable in a regional context without dismantling the underlying regulatory architecture.

The comparison is analytical rather than transplantation-oriented. France has substantially stronger administrative capacity and a constitutional order aligned with European human rights standards over several decades. Egypt, while more analogous to Lebanon in some regional and legal features, operates within a considerably more centralised state structure. These differences are acknowledged as limits on the direct transposability of comparative findings, and the reform recommendations in Section 6 are calibrated accordingly.

The article is organised as follows. Section 2 examines the legal foundations and organisational structure of the Customs Police under Decree No. 1802/1979. Section 3 analyses the enforcement powers conferred by the Customs Law, with particular attention to Articles 353, 354, 356, 357, 362, and 149. Section 4 examines the seizure report as a legal instrument of fundamental evidentiary importance. Section 5 situates the Lebanese framework within a comparative analysis of the French and Egyptian models. Section 6 identifies governance gaps and proposes targeted reform measures. The article concludes with observations on the conditions for effective customs policing in fragile state contexts.

2 Legal foundations and organisational structure

2.1 *The Decree of 1979: a foundational text*

The primary legislative instrument governing the Lebanese Customs Police remains Decree No. 1802 of 27 February 1979, published in the Official Gazette No. 10 of 8 March 1979. Issued as an executive decree placing into effect a bill previously referred to parliament, the Decree constitutes the first comprehensive regulatory framework for the Customs Police, consolidating provisions previously scattered across several texts. The historical context of its enactment – the early years of the Lebanese civil conflict – is not merely background detail; it helps explain the emphasis on operational flexibility over procedural rigour that characterises several of its provisions.

Article 1 of the Decree establishes the fundamental nature of the Customs Police: it is an armed public force (*quwwah ‘ammah musallahah*) within the customs administration and, in that capacity, subject to the authority of the Minister of Finance. Four missions are assigned to it: surveillance of the land, sea and air frontiers and of all places subject to customs supervision, in order to enforce the customs laws and regulations and the provisions governing the import, export and possession of goods; the investigation and establishment of smuggling as provided in the Customs Law, together with the setting up of checkpoints and the searching of persons; assistance to the administrative corps of the customs; and support to all the armed public forces and to the official administrations, in the cases and according to the procedures laid down in the applicable laws. This tripartite characterisation – armed force, customs body, anti-smuggling apparatus – is foundational to understanding the legal regime applicable to Customs Police personnel and their powers.

The Decree’s structural significance lies in its consolidation of the command hierarchy. Article 3 designates three command authorities within the Customs Police: the Supreme Customs Council, the Director General of Customs, and the regional customs commanders. This three-tier structure reflects the broader institutional architecture of Lebanese customs administration, in which the Supreme Council exercises

quasi-ministerial powers over personnel matters – including promotions, transfers, and discipline at the officer level – while the Director General manages day-to-day operations and the regional commanders direct field enforcement activities.

The significance of this command architecture extends beyond organisational theory. The division of authority between the Supreme Council and the Director General reflects the specific delegation of ministerial powers effected by Legislative Decree No. 123/1959, which vested in the Supreme Council a range of powers ordinarily belonging to the Minister of Finance. This delegation creates a structural ambiguity that has practical consequences for the Customs Police's command coherence.

2.2 Organisational components and rank structure

Article 2 of Decree No. 1802/1979 specifies that the Customs Police comprises regional brigades, units, detachments, a technical apparatus, and an administrative apparatus. Personnel are collectively designated 'customs police members' (*rijal al-dabitah al-jumarkiyyah*), irrespective of rank.

The rank structure, set out in Articles 14 and 35, distinguishes three categories: officers (*dubat*), non-commissioned officers (*rutaba'*) and members (*afraad*). The officer ranks run from lieutenant (*mulazim*) through first lieutenant, captain, major and lieutenant-colonel to colonel (*'aqid*). The non-commissioned officers comprise corporals, sergeants, first sergeants, adjutants and first adjutants, together with the *mu'ahhal* and first *mu'ahhal* ranks added by Law No. 195 of 18 February 1993; the guards (*khufara'*) form the category of members. Article 14 further assigns the administrative non-commissioned officers and guards to the administrative apparatus, and the mechanics, drivers, carpenters, radar and wireless personnel to the technical apparatus. Under Article 52 of the Decree, transfers of officers are effected by Supreme Council decision taken after consulting the Director General of Customs; transfers of non-commissioned personnel are effected by Director General order – a division that, as the WCO diagnosis observed, contributes to coordination challenges in the field.

Decree No. 259 of 10 March 1983 subsequently established the general staffing complement and equipment allocation for the Customs Police, providing a quantitative baseline against which the WCO's 2009 finding of a 35% vacancy rate must be assessed (Pascal and Pervetti, 2009). The gap between the legal complement and actual staffing represents not merely an administrative shortfall but a structural incapacity: a force operating at 65% of its authorised strength cannot discharge the enforcement mandate contemplated by the legislator.

2.3 The operational regulations: Decision No. 8/1982

Supreme Customs Council Decision No. 8/1982 of 22 March 1982 supplemented the 1979 Decree by establishing the operational regulations governing Customs Police personnel. The decision assigns to each grade the services it is to perform – command and supervision, compulsory day and night rounds on a programme set by the Director General, office work, investigation and the execution of judicial rogatory letters, and the keeping of a monthly service journal – and enumerates the operational services of the land detachments (lookout, patrol, reconnaissance, surveillance, notification, ambush, checkpoint, guard duty, escort and sealing, among others), of the naval detachments (patrol, ambush, manifest control, counting and escort), of the technical apparatus

(mechanics, drivers, carpenters, radar and wireless personnel) and of the administrative apparatus. Articles 3 and 4 regulate hours of duty, weekly rest and the written permission required before a member may leave his centre. By Article 5, the detail and manner of implementation are left to instructions issued by the Director General of Customs.

The legal status of Decision No. 8/1982 as a Supreme Council decision rather than a ministerial decree has significant implications for its hierarchical position within the Lebanese legal order. As an act of the Supreme Council exercising delegated ministerial authority, it occupies a position between legislative regulation and administrative instruction – subject to review by the State Council for conformity with higher-ranking legislative texts, but not subject to parliamentary oversight in the manner of ministerial decrees.

3 Enforcement powers under the customs law

3.1 The legislative framework

The Customs Law No. 4461 of 15 December 2000 constitutes the primary legislative source for the enforcement powers of the Customs Police. The relevant provisions are clustered in Articles 353 to 382, which together constitute a coherent regime for customs enforcement, seizure, and investigation. These provisions must be read in conjunction with the general principles of Lebanese administrative law – including the constitutional guarantee of personal liberty under Article 8 and the inviolability of the home under Article 14 – which impose limits on the exercise of enforcement powers that are not always explicitly acknowledged in the customs legislation itself.

3.2 Inspection and detention powers (Articles 353 and 354)

Article 353 confers on customs officials the power to inspect goods, means of transport, and persons. Article 353 confines the power to goods, means of transport and persons, and does not on its face extend to commercial documents or cargo manifests. Its exercise is subject to a purposive limitation – inspection must serve the application of the Customs Law and the detection of smuggling – but no suspicion threshold is prescribed for routine customs inspection.

Article 354 obliges the drivers of means of transport to comply with the orders of customs officials and, where they do not, authorises officials to use all appropriate means to stop the vehicle, including the use of weapons where necessary, expressly subject to the conditions laid down in Article 351(3). It confers no power to detain persons. The use of weapons is governed by Article 351, which prohibits Customs Police members from using their weapons save in four exhaustively enumerated situations: legitimate self-defence within the meaning of Article 563 of the Penal Code; where they cannot otherwise prevent being disarmed, or defend the premises they occupy or the posts and persons in their charge, or where the resistance offered to them can be overcome by no other means; where means of transport cannot otherwise be stopped after their drivers have failed to heed the warnings prescribed in paragraph 4 and the signals that must accompany them; and where persons attempting to flee refuse to halt after being warned aloud more than once. In this last case the officer must in addition be able to point to evidence, prior to or contemporaneous with the decision, establishing or rendering

probable those persons' near-certain participation in a smuggling offence or in an attempt to commit one.

Maritime enforcement deserves separate attention. Article 356 extends the investigation of customs offences to the maritime customs zone and, in cases of hot pursuit, throughout Lebanese territory and beyond coastal waters.

3.3 Investigation, pursuit and rights of passage (Articles 356 and 362)

Article 356 regulates the territorial scope within which customs offences may be investigated and may give rise to seizure, and does so along two axes. For goods of any category, investigation may be conducted in customs offices, centres and their precincts and in all places subject to customs supervision, in the land and maritime customs zone, and – in cases of hot pursuit – throughout Lebanese territory and beyond coastal waters. For a defined class of goods, namely those prohibited from transit or internal circulation, those whose acquisition or sale is prohibited, monopolised goods circulating or acquired irregularly, and goods designated by decisions of the Supreme Customs Council published in the Official Gazette, investigation extends to the whole of Lebanese territory irrespective of pursuit.

Article 362 confers on customs officials, when on ordered duty, a right of passage: over public and national property and village commons adjoining the maritime frontier; along railway lines lying within 1,000 metres of the maritime and land frontiers; and over private property not enclosed by a wall which adjoins the land frontier or lies on the shore, on the rocks overlooking the sea, or on river banks within 500 metres of the river mouth. Adjoining owners may erect no barrier obstructing that passage, and any obstruction of it is treated as resistance to an official in the course of duty and prosecuted under Article 426. The power to establish checkpoints and to search persons derives not from Article 362 but from Article 1(2) of Decree No. 1802/1979, which lists among the missions of the Customs Police the investigation and establishment of smuggling together with the setting up of checkpoints and the searching of persons.

3.4 Passenger inspection (Article 149)

Article 149 of the Customs Law establishes the framework for passenger clearance. It obliges travellers entering Lebanon to present themselves at the customs office and to declare goods imported for commercial purposes, and personal effects exceeding the quantities and values admitted free of duty as fixed by the Supreme Customs Council; it requires a declaration on departure of valuable personal items which the traveller intends to reimport free of duty; it empowers the administration to subject travellers, their luggage and their effects to examination “if it considers this necessary”; it exempts travellers enjoying diplomatic immunities and facilities under the international conventions to which Lebanon is a party; and it refers breaches to the penalties laid down in Article 421 and in Article 426(4). The division of labour between the administrative corps and the enforcement personnel derives not from this provision but from Article 1(3) of Decree No. 1802/1979, which lists assistance to the administrative corps of the customs among the missions of the Customs Police.

The comparative record is instructive. France has addressed the equivalent challenge through a risk-based pre-clearance targeting system (*ciblage douanier*) that concentrates enforcement resources on passengers identified through intelligence-driven profiling,

relying on advance passenger information (API) and passenger name record (PNR) data under a structured legal framework. Egypt has codified a three-channel release system for goods – a green channel for immediate release without examination, a yellow channel for the completion of documents in order to determine the channel, and a red channel for examination at the prescribed rates – the channel being assigned automatically or manually as determined by the Risk Management Directorate (Ministerial Decree No. 430/2021). No equivalent framework is established for passenger clearance in the instruments examined. Lebanon has adopted neither model in any systematic form.

3.5 *Domiciliary search (Article 357)*

Article 357 of the Customs Law confers on the Customs Police the power to conduct searches of private premises in specified circumstances, making it one of the most constitutionally sensitive provisions in the customs enforcement regime. The provision engages Article 14 of the Lebanese Constitution, which guarantees the inviolability of private dwellings, and is accordingly subjected by the legislator to a warrant requirement and to a series of temporal and procedural constraints.

Article 357(1) defines the territorial reach of the power: throughout the land customs zone for all categories of goods, and throughout Lebanese territory both for smuggled goods in hot pursuit and for the defined class of prohibited, monopolised and designated goods. Article 357(2) then subjects every domiciliary search to a warrant from the Public Prosecution, which must specify the address of the premises to be entered and searched and state the factual and legal grounds justifying the measure. Article 357(3) exempts three cases from that requirement – *flagrante delicto*, hot pursuit, and the consent of the person concerned – subject in each case to the immediate notification of the competent Public Prosecution, which decides what action to take. The power is further constrained by Article 357(4), which confines searches to the hours between sunrise and sunset even in hot pursuit and permits only the completion after dark of a search begun in daylight, and by Article 357(5), which requires the presence of the mukhtar where a dwelling is opened by force.

The French model requires prior judicial authorisation from the *juge des libertés et de la détention* (JLD) for domiciliary searches in all cases. Egyptian customs law offers no direct counterpart: Article 9 of Customs Law No. 207/2020 operates expressly without prejudice to the laws protecting the inviolability of dwellings, and confines itself to authorising entry, on the written permission of the Chairman of the Authority or his delegate, to the business premises of importers, exporters, customs brokers and carriers for the purpose of examining their records and conducting post-clearance audit. The Lebanese regime therefore also rests on prior authorisation, but vests it in the Public Prosecution rather than in a judge, and its consent exception is not accompanied by the formal safeguards that surround its French and Egyptian equivalents.

4 The seizure report as legal instrument

4.1 *Legal foundation and mandatory composition (Article 369)*

The customs seizure report (*mahdar al-hajz*) constitutes the primary instrument through which the Customs Police translate field enforcement action into legally cognisable

evidence. Article 369 of the Customs Law establishes both the mandatory content of the report and its evidentiary status. Under Article 103 of Decree No. 1802/1979, the officers and non-commissioned officers of the Customs Police, corporals excepted, are judicial officers assisting the Public Prosecutor within the limits of their competence and in the areas in which they perform their functions, discharging that function according to the procedures laid down in the Code of Criminal Procedure; and they are military judicial officers when acting, within the limits of their competence, on offences subject to the Military Penal Code. Civilian customs inspectors (*muraqqibun*) are authorised to document customs violations under Article 39 of the Code of Criminal Procedure (Law No. 328/2001), within the limits of their regulatory jurisdiction.

The report must contain 12 mandatory elements: the place, date and hour of its preparation, in letters and figures; the date and hour of the seizure, in letters and figures; the place and circumstances of the seizure; the names, signatures, ranks and capacity of the seizing officers and the office or centre to which they belong; the names, capacities, professions, detailed addresses and elected domicile of the offenders, so far as possible; the type, description, quantity, weight and value of the seized goods, together with the duties and taxes at risk of loss, so far as possible; any goods that escaped seizure, so far as these could be ascertained or inferred; a detailed account of the facts, the officers' own observations and the statements of the offenders and of any witnesses; the legal provisions applicable to the offence, so far as possible; the presence of the offenders at the description of the seized goods, or the notice given to them to attend it; where the accused is present, a statement that the report was read to him, that he was invited to sign it and that he will be summoned before the court competent in customs matters, and, where he is absent or refuses to sign, a note to that effect together with the posting of a copy on the door of the customs office within 24 hours of the closing of the report; and the place, date and hour of the closing of the report, in letters and figures.

4.2 The seven functions of the seizure report

The customs seizure report discharges seven distinct legal functions: protecting public revenues through accurate documentation; identifying alleged offenders and establishing the basis for joint and several liability; providing legal characterisation of the offence; constituting formal proof before the judiciary under Article 379(1), by virtue of which seizure reports drawn up in the form prescribed by Articles 367 to 377 are authentic as to the material facts personally observed by their authors until challenged as forged in criminal or civil proceedings, their remaining contents standing until proof to the contrary providing legal protection for the customs officer against allegations of arbitrary conduct; creating disciplinary accountability for non-compliance under Articles 72–74 of Decree No. 1802/1979; and maintaining a legal distinction from the administrative case note (*mudhakkirat al-qadiyyah*), which carries no judicial standing.

4.3 Provisional release and custody of seized goods (Articles 368 and 370)

Articles 368 and 370 of the Customs Law regulate the immediate legal consequences of seizure. Article 368 requires the persons carrying out the seizure to bring the seized goods, concealment materials, and means of transport to the nearest customs office or centre, insofar as circumstances permit. Article 370, as amended by Decree No. 10153/2003, regulates the provisional release of seized items. Three cumulative

conditions must be satisfied: the goods must not fall within a prohibited category; a surety, guarantee or deposit at least equal to their value must be provided; and the offer and its outcome must be expressly recorded in the seizure report. Release may equally be made to a third party against the same guarantees. The State Council has consistently held that provisional release constitutes a conservatory measure rather than an exoneration of underlying liability.

4.4 Flexible means of proof and international cooperation (Article 378)

Article 378 of the Customs Law complements the formal evidentiary regime by permitting customs violations to be established by all other legal ways and means, and from all official authorities by way of reports, even where no seizure has been effected within or outside the customs zone. This provision enables the Customs Police to leverage international customs cooperation mechanisms, including the WCO's Regional Intelligence Liaison Office network and bilateral mutual administrative assistance agreements.

5 Comparative analysis: France and Egypt

5.1 The French model: institutional coherence and rights protection

The Direction Générale des Douanes et Droits Indirects (DGDDI) is a unified body exercising both administrative and enforcement functions, with specialised customs officers who may be granted judicial-police powers pursuant to Article 28-1 of the Code de procédure pénale (Cren, 2011). The French model is distinguished from Lebanon's by three features of particular comparative relevance: a detailed code of conduct (déontologie douanière) with mandatory post-use reporting; prior judicial authorisation for domiciliary searches; and detailed procedural formalities for seizure reports under Articles 323–327 of the Code des douanes.

The French risk-based targeting system (ciblage) for passenger and freight inspection, operating through the Passenger Information Unit (UIP) under Article L.232-7 of the Code de la sécurité intérieure, integrates advance passenger information, cargo pre-declaration data, and risk profiles to identify high-priority inspection targets. Lebanon's continued reliance on largely discretionary inspection represents a significant efficiency and fairness deficit.

5.2 The Egyptian model: structural reform in an analogous context

The Egyptian Customs Authority, restructured under Customs Law No. 207 of 2020 and Ministerial Decree No. 430/2021, presents a different but equally instructive comparative benchmark. The 2020 reform strengthened the regulatory framework for customs inspection, placed greater emphasis on risk management, electronic processing, and pre-arrival information, and modernised the procedural framework applicable to customs clearance.

Table 1 Comparative overview of customs enforcement frameworks in Lebanon, France and Egypt

Feature	Lebanon	France	Egypt
Command structure	Three command authorities: Supreme Council + Director General + Regional Commanders – Art. 3. Decree No. 1802/1979. The force is placed under the authority of the Minister of Finance (Art. 1). Postings and transfers of officers: Supreme Council decision after consulting the Director General; postings and transfers of non-commissioned officers and members: Director General order (Art. 52). Officer promotions: by decree, on the proposal of the Minister of Finance and the recommendation of the Supreme Council (Art. 47). Disciplinary competence is graduated across five levels, the Supreme Council and the Director General holding overlapping jurisdiction over first-degree penalties for all ranks (Art. 74) Goods, means of transport and persons – purposive limitation but no minimum suspicion threshold (Art. 353, CL 4461/2000); geographic jurisdiction, including hot pursuit throughout Lebanese territory and beyond coastal waters (Art. 356)	Unified command under DGDDI Director General – Code des douanes, recodified by Ordinance No. 2026-265 of 8 April 2026	Centralised under Egyptian Customs Authority – Customs Law No. 207/2020
Inspection powers	Goods, means of transport and persons – purposive limitation but no minimum suspicion threshold (Art. 353, CL 4461/2000); geographic jurisdiction, including hot pursuit throughout Lebanese territory and beyond coastal waters (Art. 356)	Agents holding judicial police authority (officier de douane judiciaire) – Art. 28-1, Code de procédure pénale	Officials on whom judicial police status is conferred by decision of the Minister of Justice in agreement with the Minister of Finance (Art. 4): search of persons, goods, means of transport and places within the customs circuit (Art. 5); boarding of all means of transport within the customs supervision zone, with power to require production of manifests and of the other documents prescribed by the applicable rules (Art. 6); pursuit of goods suspected of smuggling on their leaving the customs circuit or the supervision zone, and in all cases seizure of the smuggled goods, of the means of transport used and of the persons accused of smuggling (Art. 7) – Law No. 207/2020
Domiciliary search – authorisation	Public Prosecution warrant required for all domiciliary searches, specifying the address and the factual and legal grounds – Art. 357(2), CL 4461/2000. Three exceptions, each subject to immediate notification of the Public Prosecution: flagrante delicto; hot pursuit; consent of the person concerned – Art. 357(3). Daytime only, even in hot pursuit – Art. 357(4); mukhtar present where entry is forced – Art. 357(5)	Visits to dwellings require in every case an order of the juge des libertés et de la détention, reasoned by reference to the elements of fact and of law giving grounds to suspect fraud, and specifying the address of the premises to be visited, the official authorised to carry out the visit and the occupant's right to the assistance of counsel – Art. 64, Code des douanes (numbering in force until 1 May 2026). Visits to premises used for professional purposes are governed by a distinct and lighter regime – Art. 63	Customs Law No. 207/2020 does not regulate the search of dwellings: Article 9 operates expressly without prejudice to the laws protecting the inviolability of dwellings. What it authorises, on the written permission of the Chairman of the Authority or his delegate, is entry to the business premises of the persons listed in Article 8 – importers, exporters, customs brokers, shipping and transport companies and others connected with customs operations – in order to examine the papers, records and documents they are required to retain, to carry out post-clearance audit and review, and to seize them where a violation appears
Passenger clearance	No systematic two-channel or risk-based system; passenger clearance rests on individual officer discretion without pre-arrival risk profiling – Art. 149, CL 4461/2000	Systematic pre-arrival risk targeting using API and PNR data via Passenger Information Unit (UIP) – Art. L.232-7, Code de la sécurité intérieure (Law No. 2013-1168), Decree No. 2014-1566	For goods: a three-channel release system – green (immediate release without examination), yellow (completion of documents in order to determine the channel) and red (examination at the prescribed rates) – the channel assigned automatically or manually as determined by the Risk Management Directorate – Ministerial Decree No. 430/2021; and pre-arrival lodgement of the goods documents against an initial customs registration number – Art. 39, CL 207/2020 and Ministerial Decree No. 38/2021. For passengers: no channel or pre-arrival screening framework is established in the instruments examined

Notes: Where a cell notes 'not identified in available verified sources', this reflects the limits of verified legal materials rather than the absence of relevant law.

Table 1 Comparative overview of customs enforcement frameworks in Lebanon, France and Egypt (continued)

Feature	Lebanon	France	Egypt
Use of force	Weapons may not be used save in four enumerated alternative situations: self-defence; prevention of disarmament and defence of premises; posts and persons in charge; stopping means of transport after unheeded warnings; fleeing persons who refuse to halt after a repeated audible warning. In the last case, evidence establishing or rendering probable near-certain participation in smuggling is additionally required – Arts. 351(1)–(4), CL 4461/2000; Art. 563, Lebanese Penal Code	Governed by <i>déontologie douanière</i> ; weapons subject to Art. L.435-1, Code de la sécurité intérieure; mandatory post-use reporting and proportionality review	No specific provision in Law No. 207/2020 – governed by general rules of Egyptian Code of Criminal Procedure
Seizure report	Drafted by: (1) officers and non-commissioned officers of the Customs Police, corporals excepted, as judicial officers assisting the Public Prosecutor – Art. 103, Decree No. 1802/1979; (2) civilian customs inspectors under Art. 39, Code of Criminal Procedure (Law No. 328/2001). Twelve mandatory elements – Art. 369, CL 4461/2000. Evidentiary force under Art. 379(1): material facts personally observed by the drafting officers are authentic until challenged as forged; remaining contents stand until proof to the contrary	Any customs agent or agent of any administration may draft – Art. 323, Code des douanes. Mandatory formalities under Arts. 324–327; nullity from omission – Art. 333; copy to detained person and Public Prosecutor – Art. 323-11	Within customs zone: report must record all actions, confront person concerned, note reservations, inform of rights – Ministerial Decree No. 430/2021. Outside: comply with Egyptian Code of Criminal Procedure. No dedicated seizure report regime equivalent to Lebanese Art. 369 or French Arts. 323–327
Procedural immunity	Art. 84, Decree 1802/1979 excludes every avenue of administrative and judicial recourse – including annulment for excess of power and full-jurisdiction claims in damages – against referral to the disciplinary council, the constitution of the appellate body, the decisions of both bodies and the measures implementing them; and it bars any action in damages before any judicial authority against the referring authorities and against the president, members and rapporteur of both bodies, for fault whether gross or slight; prosecution for acts arising from official duties requires administration approval – Art. 61, LD 112/1959, as amended by Law 156/2020	No absolute immunity – mandatory referral to prosecutor for criminal acts – Art. 40, Code de procédure pénale; identity protection available – Arts. 53–59, Code des douanes	Save in cases of <i>flagrante delicto</i> , no investigative measure may be taken in respect of officials holding judicial police status, during and by reason of the performance of their duties, except on the written request of the Minister of Finance or his delegate – Art. 10, Law No. 207/2020
Integrity controls	No effective integrity policy identified [Pascal and Pervetti, (2009), pp.19–29]	Structured: post-use reporting; <i>déontologie douanière</i> (arrêté 2 août 2010); commission de <i>déontologie douanière</i>	Strengthened under 2020 reform – specific provisions not identified in available verified sources

Notes: Where a cell notes 'not identified in available verified sources', this reflects the limits of verified legal materials rather than the absence of relevant law.

Two features merit particular attention. First, the release of goods is governed by a three-channel system – green, yellow and red – in which the channel is assigned automatically or manually as determined by the Risk Management Directorate. However, unlike the French model, Egyptian passenger clearance continues to rely substantially on field officer discretion, as no systematic pre-arrival passenger risk-profiling framework equivalent to the French API/PNR system has been identified in available verified legal sources. In this respect, passenger clearance in Egypt remains closer to the Lebanese model than to the French model. For cargo, Egypt has implemented a pre-arrival ACI/ACID system under Article 39 of Customs Law No. 207/2020 and Ministerial Decree No. 38/2021.

Second, Article 9 of Egyptian Customs Law No. 207/2020 requires the written permission of the Chairman of the Authority or his delegate before officials holding judicial police status may enter the business premises of importers, exporters, customs brokers and carriers in order to examine the records they are required to retain and to conduct post-clearance audit, and it preserves expressly the operation of the laws protecting the inviolability of dwellings. This is an audit power rather than a power of search, and it is comparable neither to the French requirement of prior judicial authorisation for domiciliary searches nor to the Lebanese regime under Article 357.

5.3 Comparative assessment: a structured overview

A systematic comparison of the three customs enforcement systems, set out in Table 1, reveals a consistent pattern with significant implications for Lebanese reform.

6 Governance gaps and reform prospects

6.1 The WCO diagnostic: validated evidence of structural dysfunction

The 2009 diagnostic report prepared by Lionel Pascal and Jean-François Pervetti under the WCO Columbus Programme provides an externally validated, independently prepared assessment of the governance failures affecting Lebanese customs administration (Pascal and Pervetti, 2009). Five categories of dysfunction identified in the report bear directly on the Customs Police and its enforcement capacity.

First, the staffing vacancy rate of 35% leaves numerous posts unfilled, including at supervisory levels critical to operational coherence. Second, the case backlog of approximately 3,500 pending customs cases – with a resolution rate of 7% – represents a systemic failure that undermines the enforcement system’s deterrent function (Pascal and Pervetti, 2009). Third, the command overlap between the Supreme Council and the General Directorate generates accountability ambiguity. Fourth, deficiencies in digital infrastructure reduce the effectiveness of enforcement targeting. Fifth, the absence of an effective integrity and anti-corruption policy creates an environment in which individual customs officers face both the temptation and the opportunity for corrupt conduct without adequate deterrence.

The diagnostic’s continued non-publication – notwithstanding its significance and the administration’s own commissioning of it – is itself a governance indicator: it suggests that the institutional conditions for transparent self-assessment remain underdeveloped within Lebanese customs administration. Although this diagnostic dates from 2009, no

subsequent publicly available official assessment has been published; the structural dysfunctions it identified – command duality, staffing gaps, and case backlog – remain observable in current administrative practice. Its findings therefore retain their validity as a baseline benchmark.

6.2 *Command duality as a constitutional and operational challenge*

The most fundamental governance challenge facing the Lebanese Customs Police is the unresolved duality of command between the Supreme Customs Council and the Director General of Customs. In the context of the Customs Police, this duality manifests in the specific division of transfer authority established by Article 52 of Decree No. 1802/1979: Supreme Council decisions govern officer transfers, while Director General orders govern transfers of non-commissioned personnel.

The WCO diagnostic described this command ambiguity as a ‘durable’ dysfunction – one that resists administrative resolution because it is embedded in the legislative framework rather than in management practice. Resolution therefore requires legislative action: specifically, amendment of Decree No. 1802/1979 to establish a clear primary line of operational command, while preserving the Supreme Council’s constitutional role in the formal personnel administration of the force.

6.3 *Targeted reform recommendations*

The analysis in this article supports four targeted reform recommendations, each grounded in comparative evidence and calibrated to the specific institutional context of Lebanese customs administration. These recommendations are summarised in Table 2.

6.4 *Rights-protective safeguards: the perspective of persons affected by customs enforcement*

The enforcement powers analysed in Section 3 must be situated within the constitutional and statutory framework of individual rights that constrains their exercise (UN Human Rights Committee, 1988; Widdowson, 2013).

First, the constitutional guarantee of personal liberty under Article 8 of the Lebanese Constitution imposes a proportionality requirement on any deprivation of liberty effected under Articles 358, 359 and 360 of the Customs Law. Article 358 requires a person apprehended in flagrante delicto of smuggling to be brought without delay before the local head of the customs service, who decides whether to hold him pending investigation; where he does so, he must immediately notify the Appellate Public Prosecution, which may maintain the detention for no more than three days, within which the detainee must be referred to the competent court. During that period the Appellate Public Prosecutor may attend the place of detention in order to inspect its conditions and the documents relating to it, and may where necessary appoint a doctor to examine the detainee; Article 368(3) further requires those who order a person to be held for investigation to state in the seizure report the period the investigation required, together with the dates on which the report was opened and closed, and to enter those particulars in a special register kept at the centre. Article 395 governs what follows: any person detained under Articles 358, 359 or 360 must be referred within three days at the latest to

the competent court, which rules on the continuation of the detention and may order him detained, released, or released against an undertaking as to residence or against bail not exceeding what may be adjudged against him; and the detention may in no case exceed fifteen days. Article 360 extends the same procedure to persons committing acts of obstruction that impede the investigation of smuggling offences and to persons in respect of whom flight or concealment is feared in order to evade the penalties, fines and compensation that may be imposed. The constitutional difficulty lies not in the absence of controls but in their sequence: the initial custody decision is taken by an administrative official rather than a judicial one, and Article 358 makes no express provision for access to counsel, the right to legal assistance under Article 47 of the Code of Criminal Procedure (Law No. 328/2001) falling to be applied as a matter of general law.

Table 2 Governance challenges and proposed reforms for the Lebanese Customs Police

<i>Problem</i>	<i>Proposed reform</i>	<i>Legal basis/ responsible body</i>	<i>Timeline</i>
Command duality between Supreme Council and Director General creates operational paralysis and accountability gaps	Amend Decree No. 1802/1979 to vest primary field command in Director General; retain Supreme Council authority over officer promotions and formal personnel decisions only	Arts. 3, 52, Decree 1802/1979; Art. 11, LD 123/1959. Responsible: Parliament; Council of Ministers	Short-term: 12–18 months
Staffing vacancy rate of 35% leaves supervisory posts unfilled, compounding command dysfunction	Structured recruitment programme prioritising supervisory grades; operationalisation of officer training under Arts. 37–41, Decree 1802/1979	Arts. 9, 16, 37–41, Decree 1802/1979; Decree 259/1983. Responsible: Minister of Finance; Supreme Customs Council; Lebanese Military School	Short-term: 6–12 months
Authorisation for domiciliary search is prosecutorial rather than judicial, and the consent exception in Art. 357(3) is not accompanied by procedural safeguards	Amend Article 357 to vest prior authorisation in an investigating judge on the French model, and to prescribe the form of consent under Art. 357(3) – written, informed and revocable – together with judicial review of searches conducted under the three exceptions	Art. 357, CL 4461/2000; Art. 14, Lebanese Constitution. Responsible: Parliament	Medium-term: 18–24 months
Absence of systematic risk-based passenger clearance creates discretionary enforcement and facilitation deficit	Implement two-channel system at all major ports of entry with digital infrastructure per WCO recommendations; establish regulatory framework for advance passenger information	Art. 149, CL 4461/2000; Art. 4 (risk management). Responsible: Supreme Customs Council; Ministry of Finance; Ministry of Public Works	Medium-term: 18–36 months

Second, Article 351(1) of the Customs Law expressly incorporates the self-defence framework of Article 563 of the Lebanese Penal Code. Article 351(4) imposes a

particularly demanding evidentiary threshold: the use of a weapon against a person attempting to flee is lawful only where evidence prior to or contemporaneous with the decision establishes or renders probable that person's near-certain participation in smuggling. These textual safeguards would be strengthened by procedural mechanisms – mandatory post-use reporting, independent review, and individual accountability – as illustrated most clearly by the French comparative model.

Third, the principal legal remedies available to persons affected by customs enforcement are the allegation of forgery against the seizure report under Article 380 of the Customs Law and the application for provisional release of seized goods under Article 370. The first is tightly constrained: the allegation must be made by written declaration, in person or through a lawyer holding a special power of attorney executed before a notary, at the opening of the action and at the first hearing of the court competent in customs matters; the evidence of forgery and the names and capacities of the witnesses must be lodged within the following three days on pain of the claim lapsing; and a claimant who fails, or who withdraws without his opponent's agreement, incurs a pecuniary penalty of between LBP 400,000 and LBP 4,000,000 in favour of the customs administration.

These domestic safeguards must also be read in conjunction with Lebanon's obligations under the International Covenant on Civil and Political Rights, to which Lebanon is a State party. The UN Human Rights Committee's General Comment No. 16 on Article 17 of the Covenant establishes that personal and body searches must be conducted in a manner consistent with the dignity of the person being searched (UN Human Rights Committee, 1988). This principle applies across the full range of customs enforcement operations: passenger clearance under Article 149, personal search upon detention under Articles 358 and 360, and domiciliary search under Article 357 of the Customs Law. Lebanon's customs enforcement framework does not expressly incorporate this dignity-based standard, constituting a gap that future reform should address.

7 Conclusions

This article has provided the first systematic comparative legal analysis of the Lebanese Customs Police, examining its institutional structure, legal powers, and governance challenges through the lens of French and Egyptian comparative experience. The analysis reveals a force that is legally well-equipped in its formal powers but institutionally constrained in its operational capacity.

The comparative analysis yields two principal lessons. France demonstrates that sophisticated rights-protective frameworks need not come at the cost of enforcement effectiveness, provided that institutional coherence, adequate resourcing, and a commitment to structured accountability are maintained. Egypt demonstrates that meaningful institutional modernisation is achievable within a legal tradition sharing important features with Lebanon's.

The reform agenda suggested by this analysis is not primarily legislative but institutional: clearer command lines, restored staffing levels, effective case management, and rights-protective procedural reforms that bring domiciliary search and passenger

clearance practices into conformity with constitutional standards and international benchmarks.

Acknowledgements

The author used AI assistance (Claude, Anthropic) solely for language editing and formatting purposes. All legal analysis, institutional observations, comparative assessments, and reform recommendations are exclusively the author's own, drawing on over 20 years of professional experience within the Lebanese customs administration.

Declarations

The author declares that there are no conflicts of interest.

This research did not involve human participants.

References

- Cren, R. (2011) *Poursuites et Sanctions en Droit Pénal Douanier*, Thèse de Doctorat, Université Panthéon-Assas (Paris II).
- Eliantonio, M. and Marique, Y. (2023) 'Comparative administrative law in Europe: state-of-the-art overview and research agenda', *Maastricht Journal of European and Comparative Law*, Vol. 30, No. 6, pp.689–704.
- Makrbel, V. (2002) *Al-Qanun Al-Jumruki [Customs Law]*, 1st ed., Beirut.
- Pascal, L. and Pervetti, J-F. (2009) *Diagnostic WCO-OMD sur la Mise en Oeuvre des Standards du Programme SAFE*, Programme Columbus, Organisation Mondiale des Douanes, Brussels, 18–31 January 2009 [unpublished report held by the author].
- Qazifah, J. (1971) *Al-Qadaya Al-Jumarkiyah – Al-Mabadi' Al-Asasiyyah Lil-Jarima Al-Jumarkiyah [Customs Cases – Fundamental Principles of the Customs Offence]*, Part I, Beirut.
- Qazifah, J. (1973) *Al-Qadaya Al-Jumarkiyah Al-Jaza'iyyah [Criminal Customs Cases]*, Part II, Beirut.
- Sha'ban, S. (1976) *Al-Nazariyyah Al-'Ammah Al-Jumarkiyah [The General Theory of the Customs Offence]*, Beirut.
- Tubia, P.E. (2001) *Al-Wafi fi Al-Qadaya Al-Jumarkiyah [The Comprehensive Guide to Customs Cases]*, Manshurat Al-Halabi Al-Huquqiyyah, Beirut.
- UN Human Rights Committee (1988) *General Comment No. 16: Article 17 (Right to Privacy)*, HRI/GEN/1/Rev.1 at 21, 8 April 1988 [online] <http://hrlibrary.umn.edu/gencomm/hrcom16.htm> (accessed 14 August 2026).
- Widdowson, D. (2013) 'Bordering on corruption: an analysis of corrupt customs practices that impact the trading community', *World Customs Journal*, Vol. 7, No. 2, pp.11–22.

Lebanese legislative sources

Legislative Decree No. 112 of 1959 (Civil Servants Statute) ‘Code of Criminal Procedure, Law No. 328 of 2001’, Decree No. 10153 of 22 May 2003 (amending Customs Law No. 4461/2000).

Legislative Decree No. 123 of 12 June 1959 (Organisation of the Ministry of Finance and Customs Administration), Official Gazette No. 32 of 27 June 1959.

Decree No. 2868 of 16 December 1959 (Organisation of the General Directorate of Customs), Official Gazette No. 68 of 28 December 1959.

Decree No. 1802 of 27 February 1979 (Organisation of the Customs Police), Official Gazette No. 10 of 8 March 1979.

Supreme Customs Council Decision No. 8/1982 of 22 March 1982 (Operational Regulations of the Customs Police), Official Gazette No. 16 of 22 April 1982.

Decree No. 259 of 10 March 1983 (General Staffing Complement and Equipment of the Customs Police), Official Gazette (Supplement) No. 10 of 10 March 1983.

Customs Law No. 4461 of 15 December 2000, Official Gazette No. 62 of 28 December 2000.

French legislative sources

Code des Douanes Français, Recodifié par l’Ordonnance No. 2026-265 et le Décret No. 2026-266 du 8 Avril 2026, *Journal officiel de la République Française*, No. 0086 du 11 Avril 2026.

Code de procédure pénale.

Code de la sécurité intérieure (Law No. 2013-1168 of 18 December 2013; Decree No. 2014-1566 of 22 December 2014).

Arrêté du 2 août 2010 (code de déontologie du service des douanes).

Egyptian legislative sources

Customs Law No. 207 of 2020, Official Gazette No. 45 bis (d) of 11 November 2020.

Ministerial Decree No. 430 of 2021 (Implementing Regulations of Customs Law No. 207/2020).

Ministerial Decree No. 38 of 2021 (ACI/ACID advance cargo information system).