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Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: Lebanon

The Civil Movement to Grant Nationality to Families of Lebanese Women Married to Non-Lebanese Men Advocacy, Legislation Approach, Political Obstacles and Demographic Narratives

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INTRODUCTION

Lebanese law is based on a set of legislations, which many observers of human rights observers, domestic and civil organizations, and even political organizations - in some cases - consider discriminatory against women and children (Legal Agenda, 2017), most notably the Nationality Law that does not grant Lebanese women the right to pass on their Lebanese nationality to their families if they marry non-Lebanese citizens, which human rights organizations consider to be a "rough" discriminatory legislative passage against women and children, as this deprivation includes a large part of children (Human Rights Watch, 2018).

The issue of granting Lebanese women the right to grant Lebanese nationality to their husbands and children is one of the issues in which the components of gender intersect as a basic element in mapping social and political rights, and the concepts of social and human justice with what is known in Lebanon as the "Lebanese specificity" of the politics marked by consociationalism and sectarian quotas¹.

In the study of the gender-citizenship relationship, Souad Joseph (2000 and 2010) talks about women and citizenship in the Arab world. He indicates that the concept of citizenship is relatively recent among peoples, and in all its dimensions, it still links relation to the homeland, place or family through males, which gives affiliation and legislation entrusted to it is a patriarchal and masculine dimension in most cases.

The situation in Lebanon is no different than the rest of the Arab countries, as the Constitution, which is the highest legal reference in Lebanon, stipulates the different principles of citizenship that are translated in a precise and standard manner by granting citizenship to citizens of the country, and it also recognizes complete gender equality; nevertheless, most of the laws do not translate this equality into actions; hence, the Nationality Law is an example (Mahdaoui, 2010).

CASE BACKGROUND, LEGAL FRAMEWORK AND PROBLEM'S TIMELINE

The Lebanese Nationality Law was issued in 1925 during the French mandate period. It was later amended in 1960. The text was as follows: "is considered Lebanese every person of a Lebanese father". The Law has not changed over the years, and until 2019, the Lebanese authorities adhered to legislation that does not grant women this right on an equal basis with men. Moreover, this law permitted Lebanese men to grant Lebanese nationality to their non-Lebanese wives. It permitted these wives to grant citizenship to their children from a previous marriage (from a non-Lebanese man), which enshrined double discrimination against Lebanese women and gave legal preference to a fundamental issue such as citizenship for foreign women on account of the Lebanese woman and her children (Sharaf al-Din, 2010; Zelzal, 2009).

¹ The Lebanese system has been based since the last century on many sectarian divisions and quotas known as consociational democracy, and this system was established after the Taif Agreement in 1990, which was the transitional agreement from the Lebanese civil war that lasted for 15 years to the Lebanese state as it is today with its official components.

Lebanon signed the CEDAW agreement² but made reservations to Paragraph 2 of Article 9, which enshrined the abolition of any opportunity to obtain this right through the codes and international conventions that Lebanon expresses its commitment to (Lebanon also ratifies the 1948 Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights of 1989 and Convention on the Rights of the Child, all of which affirm the right of women to pass on their nationalities to their husbands and children), which is what the supporters of this approach consider an infringement of the rights of women and children. On the other hand, another perspective emerges in Lebanon that claims that granting citizenship to families of Lebanese women married to non-Lebanese would “harm” the demography in Lebanon³ and consolidate resettlement, a view adopted by some of the Christian right-wing parties in Lebanon, especially the Free Patriotic Movement and its members who oppose women's granting Lebanese nationality to their children from a foreign father, under the pretext of fear of naturalizing many Palestinians and Syrians in Lebanon.

The CEDAW Committee expressed concern about Lebanon's official unwillingness to withdraw its reservation to Paragraph 2 of Article 9 and amend the Nationality Law for political reasons, which it deems to be contrary to the agreement (Zelzal, 2009). The justifications provided by the Lebanese state are related to concerns about the issue of demographic imbalance and its adoption of a policy to prevent resettlement of Palestinians. However, this legislation, on its current status, has implications, legal problems, economic crises and psychological and social consequences that affect many residents in Lebanon (a study will be issued soon by the Lebanese Central Administration of Statistics indicates the exact number of family members of Lebanese women married to non-Lebanese men), noting that the number transmitted by the organizations is 80,000 people, based on preliminary numbers included in studies issued by the United Nations Development Fund (2010).

In addition, the Lebanese Democratic Women's Gathering indicated in a report issued in 2014 that this legal discrimination that persisted for years in parallel with the “absence” of the issue in public discussions and awareness generated activity and motivation for advocacy campaigns in Lebanon and many Arab countries suffering under similar laws. The Gathering indicates that these legal paradoxes have prompted civil society organizations to conduct field studies on families' daily suffering affected by this Law. These studies have shown the extent of violations that individuals are exposed to due to the absence of this right. The target was also to work on using the information of these studies and the numbers resulting from the census as a tool for lobbying for passing legal equality, enabling advocacy and mobilizing public opinion.

In this context, various studies and legal follow-ups have shown that the most prominent consequences of the law on women and their families lie in restricting and denying access to labor economic and social rights (limited jobs that can be filled, submission to employers' pressure and low wages), and education (high education expenses and limited specializations it can be chosen), and medical (high hospital expense in Lebanon), in addition to the necessity of annually renewing residency and official papers, denying access to civil and political rights such as

² CEDAW is the Convention on the Elimination of All Forms of Discrimination Against Women, which was approved by the United Nations in 1979, and signed by Lebanon in 1996 after its official participation in the Beijing Conference in China in 1995 and its international involvement in many agreements concerned with the rights of women. CEDAW was adopted and included all rights that need to be recognized gender equal. Regarding the nationality, Article 9 of this agreement affirms woman's right to retain her nationality upon marriage to a foreigner, and her right to pass her nationality to her husband and children.

³ Many statements made by Minister Gebran Bassil, head of the Free Patriotic Movement in Lebanon, in several media outlets, indicated the same perspective.



property, inheritance, election and nomination, and denying legal protection (Sharaf al-Din, 2010: Guide to “My nationality Is A Right For Me And My Family” Campaign, 2018).

CIVIL SOCIETY ENGAGEMENT: STRATEGIES AND TACTICS

Earlier in 2000, campaigns working on realizing a legal amendment in the nationality⁴ issue were completely absent. Established in 1999, the Collective for Research and Training on Development-Action launched the “My Nationality Is A Right For Me And My Family” Campaign in Lebanon and many Arab countries that were - and some still - suffer from discriminatory laws regarding nationality, such as Syria, Morocco, Egypt, Tunisia, Yemen, Algeria, Bahrain and Jordan (Guide to My Right Nationality and My Family Campaign, 2018). The campaign was launched according to several strategies, but on a small scale, and then expanded in the following years, leading to the establishment of a legal unit in 2007 in order to follow-up with cases of women suffering from the administrative consequences of depriving their families of nationality.

The campaign supervisors sought to establish a large network of organizations to follow up on the issue, but it did not last for long due to the absence of common visions in coordination and follow-up. Prominent civil society activists worked in the campaign in organizing awareness-raising activities, such as lawyer Iqbal Dogan, President of the Lebanese Women's Council and “Shabakat Houkuk Al Ousra” (Family Rights Network), Director of Human Rights Institute Joumana Merhi, the Lebanese Democratic Women's Gathering, and many jurists and activists. Many judges and lawyers also participated in developing legal analyzes, proposals and jurisprudence within the campaign, and in parallel with the leadership of the National Commission for Lebanese Women, as a national coalition known as the “National Meeting to Eliminate All Forms of Discrimination Against Women”, which in turn launched the “My Nationality Is A Right For Me And My Children” Campaign. The National Committee for the Follow up of Women's Issues also implemented in 2007 a project to advocate cases against discrimination against women. It launched several campaigns, most notably the campaign to amend the Nationality Law.

⁴ The coordinator of the “My Nationality is a Right to Me and My Family” Campaign, Karima Shabou, indicates that the campaign that was launched in 2000 was the first of its kind in Lebanon and in the Arab countries in terms of claiming nationality as a right for female citizens and their families, and the first to reach regional level.

However, the work carried out by “My Nationality Is A Right For Me And My Family” remains the most prominent in this regard⁵.

At the beginning of its work and until today, the campaign has focused on raising awareness concerning the issue of nationality in various Lebanese regions, on both the official and popular levels. It has worked to persuade neutral people regarding the amendment of the Nationality Law, mobilize the biggest public opinion through advertising and propaganda campaigns, and work with universities through academic human rights approaches; the first activities consisted of signing petitions with students and some politicians. In addition, traditional and social media has played a fundamental role, as somewhat neutral TV stations and pro-amendment stations hosted activists in opposition to politicians to highlight different points of view, which contributed to building a public opinion in support of this demand (Legal Agenda, 2018; Al-Akhbar, 2018).

Furthermore, women affected by the Law were relied upon to form the nucleus of the campaign and talk about their problems in awareness-raising and discussion sessions and through the media, which gave more credibility to the campaign's work and contributed to bringing attention to its actions, especially through personal visits to the offices of Members of Parliament and ministers, protests in front of the Grand Serail. In monitoring the work of civil society, it also highlights the judicial initiatives of some of the jurists in Lebanon, such as the previous decision issued by Judge John Azzi, who made an effort legally depending on a loophole in Paragraph 4 of the Law in terms of granting children the nationality in the event of the father's death, but it did not last for a long time and was quickly revoked; thus, Azzi paid the price for his judicial position, which was considered a strict political message to the judges.

TRANSFORMATIONAL MOMENTS: TESTIMONIES ACCUMULATION, SUCCESSIVE RESETTLEMENT DECREES AND LEGISLATIVE DEVELOPMENTS IN THE ARAB WORLD

The change in this issue is not centered around a significant or specific transformational moment; rather, it is the result of an accumulation resulting from the difficulties and experiences that Lebanese women and their families have suffered over the years due to their denial of nationality and the procedures that follow for not obtaining it (the cases as mentioned earlier). Matters are complicated when divorce and death and their legal consequences occur⁶. According to activists, these cases have led to an increased insistence on changing the legal reality, particularly among affected women who have become more involved in the advocacy process (Shabo, 2018).

These cases were accompanied by the issuance of many random “political” resettlement decrees since the 1990s, which granted the right to nationality to many individuals without any legal justification, which caused widespread public discontent, especially after the right to nationality was granted to those who are not blood or land related to Lebanon, while the families of Lebanese women remained deprived of it (Legal Agenda, 2018). This also explains the strong start of this march despite the prolonged period of advocacy without a clear policy outcome. Perhaps the success of similar campaigns in many Arab countries, such as Egypt (2004), Algeria (2005) and Morocco (2007), has led to the mobilization of Lebanese civil society efforts on a larger scale

⁵ Based on the strategies adopted by the campaign and its escalating pace of work, the campaign has achieved remarkable development by civilian observers, even if change is absent.

⁶ According to the testimonies recorded by activists and based on the Lebanese law, the problems related to inheritance after mother's death were evident due to the loss of the right to grant the nationality, especially in terms of mother's inheritance of her children if they hold Palestinian nationality (as Lebanese Law prohibits Palestinians from owning property in Lebanon).

to meet with other countries that are no less pioneering in the issue of women's rights.

These campaigns have succeeded in countries where demographic obsession is prominent and characterized by a larger population, but it generated general resentment after the change in the Arab world in 2007, which did not translate into a similar change in Lebanon where the campaign originated in the first place. Hence, unprecedented legal steps were adopted to protect and educate women, and the aforementioned legal unit was established. Many public associations were also established in the regions, and the shock was that many women did not know that obtaining citizenship is their right.

On the other hand, individual initiatives of many Lebanese politicians emerged to support the campaign - even if a large number of them later failed or retreated from their demands - and constituted an incentive to follow up and rush to demand, especially as it indicated to the Lebanese civil society that some support this demand within the political quota environment that is keen on sectarian consociationalism, which “fears demographic changes” believing that it “may harm the security of Lebanon and its diversity”.

CHALLENGES AND OBSTACLES FACED BY THE CIVIL MOVEMENT: RESETTLEMENT NARRATIVE AND DEMOGRAPHIC CHANGE

For decades, the Lebanese political scene has been subject to tensions related to the resettlement of Palestinian refugees in Lebanon, for the issue is always associated with the narrative of retrieving the data of the civil war. In this context, many politicians succeeded in making the issue of resettlement a tool of intimidation used to mobilize public opinion against the demand for granting citizenship to women married to non-Lebanese, and as a narrative to confront those working on amending the Nationality Law, especially with the repetition of the idea of “the importance of preserving sectarian balances and the size of the sects”. Practically, talking about the discriminatory Nationality Law against women's rights has become synonymous with resettlement. This narrative was deep-rooted after the increased number of Syrian refugees in Lebanon in 2012, and the focus was made on women married to Palestinians and Syrians. However, statistics show that the number of Lebanese women married to Iraqis and Egyptians highly exceeds the percentage of women married to Palestinians and Syrians (Campaign Guide, 2018).

In fact, there are almost 174,000 Palestinian refugees in Lebanon, according to a census conducted in 2017, which is a relatively small number compared to the intimidation that prevailed over previous years, while there are only 3,700 Lebanese women married to Palestinians. However, according to activists' testimonies, these narratives are still popular among many Lebanese people. They were reinforced by the deal of the century that coincided with the conduct of a census of Palestinians in Lebanon and other Arab countries (Al-Zuhairi, 2017).

In addition, demographic changes are expected in Lebanon, with the likelihood of at least 500,000 Syrian refugees remaining after the end of the Syrian war, which will reinforce the feared view of resettlement and claim the right of women to pass nationality to their families more complicated. As for the most prominent problems associated with civil society approaches to this issue, it results from not following-up with the political developments in the region in-depth, but the issue is sometimes separately tackled from the external political scene.

POLICY CONSEQUENCES: AN ACTUAL DEVELOPMENT AND A

LEGISLATION STALEMATE

The advocacy process has entered its twentieth year, but it has reached what can be described as a state of “achievement and lack of achievement” compared to policy change and awareness and human rights progress. The march of the civil movement benefited from Minister of Labor Charbel Nahas’s response to the campaign’s demands in 2011 and the issuance of Resolution No. 1/41, which eases some restrictions on Lebanese women’s children, particularly in terms of residency and work. However, this did not last for long, after his successor, Minister of Labor Muhammad Kabbara, canceled these exceptions, which is considered a reversal of what the movement considered to be one of the most prominent achievements (Legal Agenda, 2018)⁷.

On the legislative level, the bill submitted by the “My Nationality Is A Right For Me And My Family” Campaign with Member of Parliament Imad Al-Hout in 2011 did not reach any significant result. In May 2018, Member of Parliament Hadi Abu Al-Hassan (the Progressive Socialist Party) submitted a draft law to grant citizenship, and activists who followed the case considered it one of the most comprehensive drafts and proposals reflecting the demand of civil society. However, it is still neglected in Parliament (Al-Akhbar, 2018).

In addition, it is significant to talk about the clear development in dealing with the issue of nationality and the discrimination taking place in Lebanon. In the past, the issue was forbidden, but today it has become the focus of political, media and popular debate. From a qualitative measurement perspective, Lebanese public opinion’s response to the demands has become stronger than ever before, especially after the remarkable development of societal awareness concerning the issue. Perhaps the most prominent indicators that show that silence about this issue is no longer pleasant is the progress of some opposition politicians with proposals to solve the problem, such as the initiative of Member of Parliament Nematallah Abi Nasr (Free Patriotic Movement), which requires giving a green card similar to the American model, but with an emphasis on the necessity of not granting citizenship, and later the proposal of the Free Patriotic Movement leader Gebran Bassil to grant citizenship to women married to non-Lebanese, except for neighboring countries (Syria and Palestine), but he was rejected by “My Nationality Is A Right For Me And My Family” and the Lebanese Council of Women (An-Nahar, 2018). Abi Nasr and Bassil’s approaches were illogical and rejected with regard to the civil movement because they contradict legislation on the rights of women, children, and human beings. Regardless of the text proposed by Abi Nasr, which aims at preventing a greater number of Muslims from voting, Christians will obtain in all cases half of the parliamentary seats and official institutions in accordance with customs and the Constitution, noting that the only case of resettlement that took place in Lebanon benefited the Armenians. It is an experience that has positive characteristics (Hamza, 2015).

CONCLUSION: LESSONS LEARNED FROM THE EXPERIENCE OF CIVIL SOCIETY IN LINE WITH THE POLITICAL AND LEGISLATIVE SITUATION

In this part of the case study, we shed light on the conclusions

⁷ Even with the implementing these exceptions in the decision during previous years, Lebanese women’s children were not entitled to practice professions related to a union such as medicine, law, pharmacy and engineering, for joining this union requires that the applicant holds the Lebanese nationality.

reached by those working on the issue of nationality in Lebanon, whether associations or individuals and the steps that are believed to lead to the amendment of the law. Despite the long time it took to work on the nationality advocacy campaign, civil society activists are still working at a determinate pace.

It is clear that the campaign that started in Lebanon in 2000 and reached many Arab countries has succeeded in amending the nationality laws in all the countries in which it worked, except for Bahrain, Jordan and Lebanon, which are countries with similar political and security sensitivity to the factor of citizenship or nationality as a potential tool for demographic change (Lebanon and Jordan) or as a political pressure (the case of Bahrain). This indicates that the obstacles in these countries are enormous in terms of political intransigence. In addition to that, the sectarian political reality in Lebanon and the patriarchal system in the laws go beyond the right to a nationality and reach women’s economic and social rights, which makes civil society face more than one challenge in this issue.

On the level of civil society work, the competition among campaigns is evident, which reflects the stalemate within the Lebanese women’s movement. In recent years, many campaigns have operated in the same context, such as the “My Nationality Is My Dignity” Campaign, but coordination has been absent among them, which is evident in the repetition of activities, methods, and even the dates of demonstrations (Hamza, 2015). There are still many internal obstacles that prevent civil society organizations from working together on an issue that needs concerted efforts (Masri, 2010), which brings us back to the question about the priorities in the Lebanese women’s movement and the relationship of civil society to the funder in terms of developing its agenda and relations in light of the presence of many issues that need to be addressed. Based on the work of activists on this issue, it is essential to focus on the issue itself away from personalization or ownership of a specific organization, and focus on campaigning and professional advocacy methods.

Reference

REFERENCES

- المفكرة القانونية، رانيا حمزة (٢٠١٨). "نساء لبنان يهددن: أصواتنا في الانتخابات مقابل الحق في إعطاء أولادنا الجنسية".
- الزهر، وسيم (٢٠١٧). "الفلسطينيون في لبنان: تعداد يخالف التقديرات". موقع الجزيرة الإخباري.
- حمزة، رانيا (٢٠١٥). "حق اللبنانية بإعطاء الجنسية لأولادها: انقسام بوجه طاغوت التوازن الديمغرافي". الأجنحة القانونية.
- جريدة النهار (٢٠١٨). "المجلس النسائي و«جنسيتي» رفضا الفقرة الرابعة من المشروع «الملغوم» لتعديل الجنسية».
- جريدة الأخبار (٢٠١٨). "اقتراح «الاشتراكي» للجنسية: هل «يرقد بسلام» في أدرج المجلس؟" جوزيف، سعاد (٢٠٠٠). "التمييز في الجنسية على أساس النوع الاجتماعي في الشرق الأوسط". إصدارات جامعة سيراكيوز.
- جوزيف، سعاد (٢٠١٠). "المواطنة والنوع الاجتماعي في العالم العربي". مجلة الرائدة.
- دليل حملة «جنسيتي حق لي ولأسرتي»، الإصدار الدوري (٢٠١٨).
- زلزل، ماري روز (٢٠٠٩). "العنف القانوني ضد النساء في لبنان"، دار الفارابي.
- شبو، كريمة (٢٠١٨). "العنف السياسي يحرم النساء اللبنانيات من منح الجنسية لأسرهن". جريدة النهار.
- شرف الدين، فهمية (٢٠٠٥). "أوضاع النساء اللبنانيات المتزوجات من غير لبنانيين: دراسة ميدانية تحليلية".
- شرف الدين، فهمية (٢٠١٠). "حقوق المرأة اللبنانية وقانون الجنسية". مجلة الرائدة.
- مصري، نائلة (٢٠١٠). "لماذا فشلت المنظمات غير الحكومية اللبنانية في إصلاح قانون الجنسية؟". مجلة الرائدة.
- مهداوي، دليلة (٢٠١٠). "قصة سميرة سويدان". مجلة الرائدة.
- موقع «التجمع النسائي الديمقراطي اللبناني»: صفحة الحق في الجنسية (٢٠١٤).
- هيومن رايتس واتش (٢٠١٨). "لبنان: قانون الجنسية تمييزي، امنحوا أطفال وأزواج اللبنانيات الحق بالجنسية».

BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

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The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.

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