



REPORT ARAB POLITICS BEYOND THE UPRISINGS

Second-Class Citizenship

Lebanese Women Fight to Pass Nationality to Children and Spouses

APRIL 4, 2017 – SIMA GHADDAR

Religiously diverse Lebanon prides itself on being a regional standout when it comes to the status of women. But since the 1920s, Lebanese women's citizenship has been incomplete. Unlike the country's men, Lebanese women do not have the right to pass their citizenship to their children or spouses. The law has broken apart families and denied basic services to children who have never known another country. This report chronicles the struggle of Lebanese women's organizations, beginning nearly two decades ago, to give Lebanese women full citizenship. Their campaign has been one of the most carefully planned of its kind, combining legislative advocacy, litigation, street protests, and awareness raising. Yet it has also been crippled by infighting, and has so far been unable to overcome the blend of sectarianism and misogyny that defines Lebanese politics. With interviews and historical analysis, the report illustrates both the importance of incremental gains, and how effective a state's stalling strategy can be in the face of demands for change.

"If I knew my children and I would be humiliated like this, I wouldn't have gotten married even if he was the richest man on the planet," says "Um Ali," a poor Lebanese mother of three married to an Egyptian construction worker. Her painful admission appears in *All for the Nation*, a film documenting the struggles of Lebanese women married to foreigners.

Um Ali lives under constant fear that her children could be arrested, or detained, and blames herself for denying her loved ones the security, welfare, and safety they deserve. That's because her children lack Lebanese citizenship, even though Um Ali is a citizen. Her children can't attend public schools; private schools are too expensive. In desperation, Um Ali sends her children to an orphanage.

Um Ali's heartbreaking story is hardly singular. Indeed, she is only one of thousands of Lebanese women whose families have had to struggle with numerous social, economic, and psychological obstacles that threaten the survival of their loved ones. That's because unlike their male counterparts, Lebanese women cannot pass their nationality to their children or husbands. Like any other foreigner, their husbands and children have restricted access to public services, including education, and health care. They face restrictions on their rights relating to property ownership, on inheritance, and on working.¹

Such difficulties were once widespread in the Arab world. But in the beginning of the new millennium, a regional alliance of women's advocacy nongovernmental organizations (NGOs) organized to push several Arab governments to grant equal citizenship rights for women.² This report follows the history of the Nationality Campaign in Lebanon as part of that trend. In Lebanon, the Center for Research, Training, and Development-Action (CRTD-A) led the campaign under the umbrella of a coalition known as the Lebanese Women's Network (LWN). The movement took on a novel approach to activism. Rather than completely rejecting the institutions that had thwarted their cause for years, they

engaged and even cooperated with them. In contrast to other reform movements in the region, they focused less on headline gains and street mobilizations, and instead chipped away at the obstacles to their goal of changing the Lebanese citizenship law to make men and women equal. Here they lobbied with a possibly sympathetic legislator, there they would raise awareness about the effects of the citizenship law on individual women and their families. In the process, the activists managed to subvert, resist, challenge, and cooperate with the same state institutions and representatives that continuously halted their progress, along the way challenging sectarian politics and misogyny.

However, they still fell short of their main goal. The nongovernmental organization (NGO) world from which the movement emerged was riddled with personal rivalries due to its growing dependency on foreign funding. The wishes of donors overshadowed the impact of the gains CRTD-A made. And the movement was hamstrung by competing organizational principles and egos, and also by the near impossibility of reaching any common ground or seizing a political opportunity with a corrupt, misogynistic, and sectarian political class unashamed to exploit the movement for its own ends. Prolonged negotiations and governmental stalling were effective in slowing down citizenship advocates.

Much of this report is dedicated to uncovering the failings of the campaign, as well as the Lebanese government's systemic failure to show any genuine regard for women's rights when political interests and sectarian calculations are concerned. Still, it is impossible to simply dismiss the Nationality Campaign of Lebanon as ineffective.

Even though the movement has so far fallen short of its main aim, it still offers lessons and inspiration for activism in Lebanon and elsewhere. As this report shows, activists made significant incremental gains. Though they fell short of their ultimate objective—a broad change to the laws that discriminate against women—the networks they built are far from exhausted. In 2012 they came tantalizingly close to changing the law, but events out of their control—particularly the Syrian refugee crisis—overwhelmed their efforts. It is arguable that they are in a stronger position than when they started. Activists, in fact, do not see themselves as having been defeated—the shelving of the citizenship law is little more than a setback in a fight that they say could take decades. Meanwhile, they count several points of success. The conversation around women's citizenship has fundamentally changed in Lebanon—even elements of the state have tacitly acknowledged the gross unfairness of the current law. And there have been material improvements in the lives of Lebanese women who have had children with foreign husbands, in terms of access to services and a warmer treatment from bureaucracies. Finally, the activists believe their unique campaign offers something of an alternative form for citizens' movements.

Through careful strategizing and organic mobilization, they were at least able to redefine the meaning of citizenship, political work, and protest politics.

In a country with little or no respect for the rule of law, women activist groups also turned legislation into a protest arena, actually bolstering the significance of the legal framework in the process. The Nationality Campaign was one of the first movements in Lebanon to use strategic alliances and legal activism to further a cause. They have proved, in a sense, that even the most corrupt legislative systems are vulnerable to a kind of de-corruption: the system responds, slowly, to an expectation that it should work. As a result, movements like the Nationality Campaign have beneficial spillovers to the political process in general.

To recount the journey of the Lebanese Nationality Campaign, I reflect on the interactions among advocacy organizations, both local and international, and the conditions and consequences of serious disagreements among its members. The campaign's dealings with an uninviting political environment and inept state institutions compelled parliament and powerful decision-makers to be more relevant and responsive to civil society. Members of the Nationality Campaign realized that no change would ensue unless civil society finally decided to play with the big boys—approach sectarian leaders and key party members, and deal with shady parliamentarians and bigoted community bosses—for the sake of incremental rewards.

The Legal, Political, and Social backdrop

A Political Obsession with Sect

To truly understand how the seemingly simple subject of equal citizenship for Lebanese women has become such a difficult issue, one must review the fundamentals of political power in Lebanon.

As with so many other issues in the country, one of the most basic factor underlying the citizenship debate is Lebanon's political sectarianism and its obsession with maintaining a sectarian "demographic balance" in which no one sect can assume absolute power—no victor, no vanquished. Out of Lebanon's eighteen officially recognized confessional sects, some are awarded seats in parliament according to their approximate share of the population. The distribution of constitutional powers and administrative positions in government are also divided according to sect. Even more, sectarianism has become so deeply entrenched in Lebanese society that it has become part of the national and collective ethos of its many constituencies, the majority of which owe their loyalties first to their sectarian leaders and political bosses.



BANNER HELD AT A DEMONSTRATION ORGANIZED BY THE NATIONALITY CAMPAIGN. APRIL 2013. PLACE: BEIRUT, RIAD AL SOLH SQUARE. PHOTO CREDIT: THE LEBANESE WOMEN'S RIGHT TO NATIONALITY AND FULL CITIZENSHIP CAMPAIGN FACEBOOK PAGE.

No one knows the real, exact population breakdown of every sect. The last full census was conducted in 1932.³ In the last eighty-five years, Lebanese demographics have changed radically. Most analysts concede that the sectarian apportionment favors Christians disproportionately to their share of the population.⁴ Due to a dramatic increase in Christian immigration and increase in Muslim population following the end of the civil war, in 2010, the number of Lebanese Christians was estimated at 34 percent, down from 65 percent before the war.⁵

Add to this the approximately 1.1 million Syrian refugees who arrived in the last five years, and the approximately 450,000 Palestinians who left their homeland under duress following the creation of Israel, most of whom are Muslim, and the Christian "majority" faces an existential threat to its dominance. As a percentage of the total population, they are clearly now a minority.

Lebanese politicians fear the apportionment of important positions may one day be revised according to more accurate estimates. Many of those who stand to lose are in a state of chronic paranoia, obsessed with maintaining the only-on-paper demographic "balance."

It is smack in the middle of this morass that the Nationality Campaign found itself. And yet, power-hungry and fearmongering politicians are only one of the challenges campaigners faced. To appreciate the full extent of the headwinds confronting the campaign, one must delve more deeply into the social and legal context of Lebanese citizenship.

An Antiquated Nationality Law

It's important to acknowledge that women's second-class citizenship is not an age-old custom in Lebanon. While it's true that Lebanese women face discrimination in many aspects of their lives (as Western women do), their legal status was better in Ottoman times, at least as far as citizenship goes. Ottoman law of the early 1800s made citizenship heritable from both mother and father. It prioritized the relationship of land (*jus soli*). But a Westernized Ottoman citizenship law issued in 1869 (modeled after the French statute) prioritized a patrilineal relationship of blood (*jus sanguinis*).⁶

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This set the stage for Lebanon's 1925 nationality law, issued under the French mandate (which lasted until 1945) and still in effect today. The law states that a person is considered Lebanese if he was "born of a Lebanese father," or "born in the Greater Lebanon territory [modern Lebanon] and did not acquire a foreign nationality upon birth by affiliation," or "born in the Greater Lebanon territory of unknown parents or parents of unknown nationality."⁷

The striking implication of the 1925 law is that not only is a Lebanese mother's citizenship immaterial to her descendants, but "illegitimate" children of Lebanese maternity and unknown paternity actually have greater claims to citizenship than children who can identify both their parents. Over the years, this has had the perverse effect of driving many women married to non-Lebanese men to claim their children were "illegitimate" just to pass on their Lebanese nationality.

In a further twist, the law gives foreign women more advantages than Lebanese women: a foreign woman can become naturalized through her marriage to a Lebanese man, and if that woman outlives her husband, she can grant Lebanese nationality to her minor children.⁸

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The rule that children can only inherit citizenship from their fathers was once common in the Arab world, but since the beginning of the current century, many of the most prominent Arab states have amended their nationality laws, including Algeria, Egypt, Kuwait, Libya, Morocco, Palestine, Saudi Arabia, Tunisia, the United Arab Emirates, and Yemen.⁹ Lebanon stands as a holdout, still beholden to an antiquated, ninety-year-old law.¹⁰

When this already troubled law is crossbred with other problematic Lebanese laws, it produces even more grotesque outcomes than those described above. An example is the treatment of the Palestinians, whose presence in the country figured prominently in the unfolding of the civil war. Lebanese law treats Palestinians harshly, restricting their ability to work, to receive social security and health care, and even to own property.¹¹ A Lebanese woman who marries a Palestinian man residing in Lebanon is thus effectively condemning her children to a lack of meaningful citizenship. (And let's keep in mind that the Palestinian man may not have the right to live in any other country in the world, let alone Palestine.) According to the 1989 Taif Agreement that ended the fifteen-year civil war, naturalizing Palestinians is even unconstitutional in Lebanon.¹² Politicians claim that Palestinians would abuse a reformed nationality law to gain naturalization.¹³

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Such claims are a bald admission of the sectarian and ethnically discriminatory motivations behind politicians' stance on women's citizenship. But they also reveal, less intentionally, that sectarian concerns have their limits—and that limit is an encroachment on male privilege. No one is overly concerned with the demographic imbalance that might ensue when

a Lebanese man gives his nationality to his Palestinian wife and children. His rights rank higher in the minds of the Lebanese patriarchs than even their obsession with demographics.

Politicians are aware of the hypocrisy and unfairness of the nationality laws. But they have also used that to their advantage, making gestures toward naturalization that are highly calculated to support their political and sectarian positions but do nothing to fundamentally change the inequity of the law. The precarious legal situation can easily be manipulated to serve political interests to create new electoral blocks.¹⁴ So there have been, over the years, bulk naturalization decrees. For example, the government of prime minister Rafik Hariri (a Sunni, as the Lebanese prime minister always is) signed a decree in 1994 that granted Lebanese nationality to more than eighty-eight thousand people. Although the decree is currently under legal scrutiny, most of those naturalized were Muslims, mainly Syrian nationals.¹⁵ Many accused the government of serving its own interests and favoring the Sunni community.



THE NATIONALITY CAMPAIGN ORGANIZES DEMONSTRATION IN RIAD AL SOLH SQUARE TO PUSH THE NEWLY CREATED GOVERNMENTAL COMMITTEE TO AMEND THE NATIONALITY LAW. NOVEMBER 25, 2013. BEIRUT, LEBANON. PHOTO CREDITS: THE LEBANESE WOMEN'S RIGHT TO NATIONALITY AND FULL CITIZENSHIP CAMPAIGN FACEBOOK PAGE.

And in 2014, before the end of his term, president Michel Suleiman (a Maronite Christian, as the Lebanese president always is) naturalized three hundred individuals, many of them Christian Palestinians. The number was not large, but still significant because it was wholly unconstitutional.¹⁶ The decision did not comment on how these individuals were selected, or on what legal basis the Palestinians were naturalized.

In November 2015, legislators formed an alliance between the two major representative Christian blocs in parliament (the Free Patriotic Movement and the Lebanese Forces) to pass a law that allows emigrants of Lebanese ancestry to attain citizenship. Christian politicians touted it as an opportunity to make demographic and political gains, though the official arguments for the law avoid sectarian language.¹⁷

Families of Lebanese women married to foreigners who have been living in Lebanon have never been the primary target of such decrees, or of any naturalization operation, for that matter.

All of this is but a superficial overview of the complex forces that have kept alive a law that clearly has no place in a modern polity where men and women supposedly have equal rights. The leaders of the Nationality Campaign were experts in all these issues, and set out to design a broad attack on the legal and social barriers to advancement. Their design was clever. But as we shall see, it has not yet been enough to surmount all of these considerable obstacles.

A Very Short History of Lebanese Women's Activism

The roots of women's involvement in modern Lebanon's civil society stretch back at least until 1952, when two charity organizations created the first women's joint committee, known today as the Lebanese Council of Women (LCW). A united campaign won them the right to vote in 1953, along with many other socioeconomic rights.¹⁸ Today, the LCW comprises more than 170 NGOs from service-provision and charity organizations, to professional advocacy organizations, to women's associations, and cooperatives.

Many activists regard the LCW as merely an umbrella that includes all forms of women's organizations, both active and passive ones. Some reflect the sectarianism of Lebanese politics, such as the Kataeb Party Women's Division or Women's Affairs of the Amal Movement, both of which are arms of sectarian political parties. Others are service-based and do not contest mechanisms of exploitation against women in their communities.

Later in the twentieth century, new forms of organizations took advantage of the global trend for women's rights.¹⁹ In 1985, attorney and celebrated women's rights champion Laure Moghaizel introduced the notion of legislative lobbying to activists. Moghaizel founded the Lebanese Association for Human Rights with the mission of committing the state to international standards for women's rights. The effort was successful when, in 1990, the prime minister agreed to include the state's commitment to the Universal Declaration of Human Rights in the Lebanese constitution and, in 1996, to sign the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)—though, crucially, he refrained from the articles on nationality and personal status. In 1995, then-first lady Mona Hrawi created the National Commission for Lebanese Women (NCLW), which became the first governmental body responsible for the implementation of women's rights. The NCLW is today part of the Lebanese prime ministry and only works in a consultative capacity with the Lebanese government. But most activists think of the commission as nothing more than the government's window dressing—a representative of the prime minister to women's groups, but not a representative of women's interests in the prime ministry.²⁰ Traditionally, the first lady has been NCLW's president, while the wives of the prime minister and speaker of parliament sit as vice presidents.²¹

A counterpoint to the milquetoast women's representation of the NCLW and the LCW was the Lebanese Women's Network (LWN), established in 2001 by the late Wadad Chakhtoura, one-time president of the leftist women's rights organization known as the Lebanese Democratic Women's Gathering. The LWN is a coalition of a different nature designed to be more of a think-tank than a network of passive organizations.²² The LWN is made up of independent professional organizations that secure their resources through outside grants and dedicate all their time to the cause. These organizations use "legitimated methods of action" to influence policy and legal reform, and they do so effectively.

The activities of the LWN capped a half-century, beginning with universal suffrage in 1953, in which women had asserted their importance to the social and economic development of Lebanese society. In scholastic circles and professional fields, Lebanese women excelled and became a symbol of liberalism in the Arab world. However, such celebrated modernity did not mirror Lebanese women's true legal status.

The stage was set, and their contributions gave them the authority and confidence to demand their political rights.

The Nationality Campaign

Laying the Foundations

In the new millennium, concern with women's right to bequeath nationality grew throughout the Middle East and North Africa. CRTD-A, along with its partners in Algeria, Bahrain, Egypt, Morocco, Syria, and Tunisia, hosted a series of regional dialogue meetings with gender-based and women's advocacy NGOs on gender equality, citizenship and statelessness in each Arab state. They agreed that the nationality laws had to be addressed, once and for all. This thematic networking initiative around a common cause was unique: temporary and respectful of the independence of each organization yet leaving room for flexibility in short-term goals and campaigning strategies.²³

It was a coming-into-consciousness moment for many gender-based and feminist organizations in the Arab world who had long been excluded from the public sphere. Leading activists decided to resist structural forms of violence in the media, in politics, the workplace, on the streets, and at home. In Lebanon, this meant finding new avenues of political expression. Formal political institutions had proved time and again that they could not accommodate women in powerful decision-making positions. In fact, women in the Lebanese parliament—who make up just 3 percent of all legislators²⁴— are colloquially known as the "women in black dress" because they supposedly only succeed in politics because they are related to a dead male politician.²⁵ In the beginning of the new century, women activists increasingly turned to professional advocacy organizations as a legitimate site of political negotiation.



CRTD-A LEADS WORKSHOPS TO TRAIN CONCERNED WOMEN ON HOW TO PROMOTE A DEMOCRATIC CULTURE WITHIN THEIR COMMUNITIES. NOVEMBER 2, 2016. MATHAF, BEIRUT, LEBANON. PHOTO CREDITS: THE LEBANESE WOMEN'S RIGHT TO NATIONALITY AND FULL CITIZENSHIP CAMPAIGN FACEBOOK PAGE.

Before embarking on mass mobilization strategies, CRTD-A realized there was a large information gap. Lebanese women themselves did not always realize how the nationality law was shortchanging them. CRTD-A saw that concerned women needed to understand their own conditions of subordination, and to distinguish patriarchal structures and practices—in other words, to become agents of knowledge. They believed that narrating the story of the existing nationality law would highlight its origin in exploitative colonial practices, and its current anti-democratic role. To this end, CRTD-A commissioned a series of studies to review the historical record of the law and investigate its psychological and social implications on the families of women married to foreigners.²⁶ The general public, and even women married to foreigners themselves, did not know they had no right to pass on their citizenship until they had children.²⁷ Advocacy organizations needed the power of information before they could do anything.

In 2002, CRTD-A commissioned a study by Kamal Feghali, director of the Bureau of Statistics and Documentation, on the implications of the law on women's everyday lives, with the support of the United Nations Development Programme

(UNDP). In 2003, a study by attorney Ziad Baroud reviewed the legal framework of the nationality law and proposed a new one. Baroud went on to become the an influential minister of interior from 2008–2011. A longtime pillar of Lebanon's secular, reform, and activist communities, he was a surprise choice for the role. During his term, he introduced a wide array of reforms, some of which passed, and served as a stark contrast to the usual performance of cabinet appointees, especially in "sovereign" positions like the interior ministry. Baroud supported restructuring Lebanon's government, rewriting basic laws, electoral reform, police reform, civil marriage, and many other initiatives of a modernizing, secular or civic nature. This would later prove to be central for the Nationality Campaign's progress. At the same time, CRTD-A assisted university students in their research projects on the nationality law.²⁸ Later research in academic circles, policy institutes, and development organizations added onto that mounting pile of knowledge.

In 2003, the regional network of nationality campaigners prepared the film *My Child the Foreigner* by Christine Garabedian, which featured the hardships of select families of Arab women married to foreigners, especially in Egypt, Lebanon, and Morocco.²⁹ The documentary gave the cause a human face, and is still used today as an educational tool at film festivals, universities and schools. Activists considered the placing of women's experiences at the center of such knowledge production to be of the utmost importance.

The studies and the film worked as intended, initiating a newfound interest in citizenship rights in Lebanon and the Arab world. The scholarship on the nationality law reestablished a correlation between the concept of citizenship and the right of women to pass on their nationality to family members. The topic had entered the public conversation.

It was in this context that Lina Bou Habib, executive director of CRTD-A, held meetings with members of the LWN and expressed her desire to embark on a campaign for women's full citizenship with their joint resources. CRTD-A also gave their moral and symbolic support to the LWN—showing up for the latter's protests, even when they weren't related to nationality, and carefully coordinating their efforts on other issues.³⁰ In 2005, under the representative leadership of CRTD-A, the LWN launched Lebanon's Nationality Campaign: "My Nationality, a Right for Me and My Family."

The network was not a traditionally hierarchal arrangement. It reconciled the need for leadership with the widespread rejection of hierarchy and authority among movement organizations. The campaign resolved to speak under the banner of the "Nationality Campaign," and never in the name of CRTD-A, though CRTD-A became the movement's de facto representative.

Awareness and enthusiasm would not carry the campaign alone, however. Both the CRTD-A and the LWN realized that to deal with Lebanon's many bickering bosses, deeply patriarchal and anxious about the sectarian balance, they would need powerful backers, a solid base of support, and organizational resources.

The Campaign Hits Its Stride

The Nationality Campaign members recognized that their fight would require them to take on multiple roles at once, sometimes in seeming contradiction. For example, CRTD-A became both a challenger to the state and a service provider for concerned women and their families, sometimes in coordination with the state. Their work was at once oriented towards political decision-makers and the daily needs of their own constituency.

The Nationality Campaign developed strategic alliances with supportive organizations, including the Lebanese media, research centers, key activists, and progressive political actors, and revived a culture of protest in the Lebanese public arena. It gave training workshops on citizenship rights and gender equality to a handful of journalists from major Lebanese newspapers; the journalists "remained very faithful to the campaign," recalled Roula El Masri, the coordinator of the Nationality Campaign for CRTD-A at the time of the trainings.

This multifaceted approach gave the activists a good deal of flexibility and ample options for contingencies, if progress became blocked on one path or another. For example, when Lebanon's July 2006 war with Israel took all of the country's political attention, the Nationality Campaign put a halt to its public advocacy activities. But it retained its service-provision, which kept its mission alive. CRTD-A launched a hotline to assist women married to foreigners with their legal dealings with the Ministry of the Interior, the Ministry of Education and Higher Education, and the Ministry of Labor. It helped women with issues as simple as how to get a driver's license, a work or residency permit, or knowing what profession their husbands could occupy or which documents they needed to prepare.³¹ At the time, state agencies were treating the children of Lebanese women and foreign men like any other foreigner. Women were justifiably afraid their families would be persecuted, detained, or deported for lacking the necessary documentation. They simply did not know what to do or where to go. CRTD-A became their guide.

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When in 2008 the Lebanese government was finally formed, the campaign began enlisting some sectors of the political elite, including those that fought against it tooth and nail. According to El Masri, there were two roads to approach the state: either parliament would create a committee to study a draft law and then transfer it to the cabinet once approved, or a minister would propose a draft law for study directly at a cabinet meeting. CRTD-A decided to vigorously pursue

both roads in anticipation of the right window of opportunity. Meanwhile, they kept a close eye on explicitly discriminatory politicians. "We would highlight those names on the board [in our office] in capitalized letters to remember their names, faces, and statements," explained El Masri. "But we also started studying the configurations of political blocs, seeing what each politician's position was within the same bloc."

CRTD-A wagered that even within sectarian blocs, not all politicians shared the same opinion on the nationality law and they were right. For example, members of the Change and Reform bloc, led by Michel Aoun, founder of the Christian Free Patriotic Movement, have raised some of the most racist objections to the nationality law.³² Still, Ghassan Moukheiber, member of the same bloc, was and still is one of the few members of parliament who have continuously called for reform of the nationality law. The campaign sustained close ties to key official figures such as the minister of state, Mona Ofeish, the minister of justice, Ibrahim Najjar, and the minister of the interior, Baroud, who had long sought to modernize legislation.

CRTD-A also worked to make their constituent's travails visible to state institutions and became women's go-to agency for questions about their legal status. This proved one of the most fruitful avenues for activism, creating marked improvements in the state's treatment of women and children. For example, two years after CRTD-A succeeded in getting a 2012 ministerial decision that granted children equal access to public education, women informed the legal unit at CRTD-A that the Ministry of Education was denying their children access to public schools. CRTD-A immediately sent a petition to the ministry and privately pressed the minister to solve the misunderstanding. The ministry relented, and the children were enrolled. CRTD-A was grabbing the state by the hand and telling it how to do its job, and state institutions now knew they'd be held accountable for their poor performance.



THE NATIONALITY CAMPAIGN ORGANIZE ONE OF THEIR LATEST DEMONSTRATIONS AGAINST THE NATIONALITY LAW NEAR THE FRENCH EMBASSY IN BEIRUT. NOVEMBER 20, 2016. THE BANNERS READ, "MANDATE LAWS IN THE TIME OF THE REPUBLIC" AND "MY NATIONALITY A RIGHT FOR ME AND MY FAMILY." PHOTO CREDIT: THE LEBANESE WOMEN'S RIGHT TO NATIONALITY AND FULL CITIZENSHIP CAMPAIGN FACEBOOK PAGE.

The activists also made gains on some of the most odious regulations that derived from the nationality law. Many of the restrictions placed on residency and work permits were lifted. In 2010, decree no. 4186 gave foreign husbands and their children three-year courtesy residency permits without any fees, or proof of work. In 2011, Minister of Labor Charbel Nahhas, under the new labor regulations No.122/1, granted "work permits without the need of a sponsor to non-Lebanese spouses of Lebanese women, effectively making it easier for employers to hire non-nationals."³³ The latest 2012 ministerial committee decision granted those families an indefinite residency permit, equal access to education in public schools and state universities, and the right to public healthcare.³⁴

On the legal front, the Nationality Campaign's outreach gained headway, but it depended heavily on the political will, effort, and window of opportunity that individual politicians and lawmakers presented. In 2009, the campaign persuaded Baroud to propose a draft amendment to the nationality law to the cabinet. The draft proposed two possible formulations to Article 4, which deals with the nationality of children: (1) "likewise, a Lebanese woman married to a foreign man has the right to grant her children Lebanese nationality," or (2) "cancelling all other legal texts on the matter, any [person] born of a Lebanese mother shall be considered Lebanese on the condition that the father's nationality is accredited by a recognized state and is not in conflict with constitutional rulings concerning the rejection of naturalization."³⁵

Baroud intentionally avoided proposing an Amendment to Article 1, which would have affected husbands' citizenship and thus give full citizenship rights to Lebanese women. That omission was due to the fact that the issue of Palestinian naturalization was still too controversial to touch.

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But here, the campaign's progress met a wall. The amendment was promptly rejected. Then-Prime Minister Fouad Siniora refused to support an approach that treated Lebanese women married to foreigners "exceptionally" just so that they could give the nationality to their children. There was irony in this reasoning: the state that had denied women full citizenship for so long was citing a concern with giving it to them piecemeal ("exceptionally") to reject an amendment that would have at least offered an incremental improvement.

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But the setback only galvanized the campaign, even as it was a reality check. All women's advocacy organizationsjoined forces once again and staged their first batch of demonstrations.³⁶

Schisms and Stumbles

The problems with changing the law occurred against a background of increasing problems within the campaign, which may have affected its efficacy.

There had been early signs of disagreements. Before the campaign even gained speed, it suffered from its first coalition fall-out in 2005 when two leftist Lebanese women's organizations, the Women's Democratic Gathering and the League of Lebanese Women's Rights, launched a separate campaign. Led by Linda Mattar (currently the president of the League), the campaign was called "My Nationality, a Right for Me and My Children." Mattar apparently also wanted to avoid the question of naturalization of husbands, which had become a touchier subject than ever in the atmosphere of nationalist hysteria sparked by the February 2005 assassination in central Beirut of Rafik Hariri and eight members of his entourage. They considered the focus on children's citizenship a more realistic, achievable demand, even if the Gathering and the League ultimately wanted women to also be able to pass citizenship to spouses, as Lebanese men were already able to do.

For its part, CRTD-A saw this minimalist approach as a recipe for ultimate failure. A piecemeal campaign would

jeopardize unity among the movement's members. Women married to Palestinians, for example, had a much more urgent interest in gaining citizenship for their husbands (who had few rights in Lebanon) than women married to foreigners of other nationalities. Further, CRTD-A reasoned that Lebanese politicians would bargain back anything the activists requested, anyway. It was better to set the bar high and demand, from the outset, the right of women to give their nationality to their children and husbands, without any exceptions.



BANNER AT ONE OF THE NATIONALITY CAMPAIGN'S PROTESTS. THE BANNER READS, "DO NOT LET THE NATIONALITY LAW END UP IN THE GRAVEYARD OF GOVERNMENTAL COMMITTEES." DATE: JUNE 21, 2010. PLACE: A MARCH FROM THE INTERIOR MINISTRY IN BEIRUT TO THE CORNICHE IN AIN EL MREISEH, BEIRUT. PHOTO CREDITS: THE LEBANESE WOMEN'S RIGHT TO NATIONALITY AND FULL CITIZENSHIP CAMPAIGN FACEBOOK PAGE.

"Do you go to them with your basket half empty and make their job easier?" said Karima Chebbo, CRTD-A's campaign coordinator. It was also a matter of principle. "How can I, a champion of gender equality and a human rights advocate for yet another form of exclusion? We know that legal reform is not a miraculous process. It takes time," she said. "If [the politicians] want to exclude husbands or Palestinian husbands, let them do the exclusion. I speak of the right of a Lebanese woman. Period. A right is a right. It is indivisible. And when you insist on framing it that way, the more irrational and unjust the law becomes to the general public."³⁷

The disagreement of the scope on demands, which was never meaningfully resolved, was a harbinger of troubles to come.

The campaign soon faced another organizational schism. In 2007, UNDP invited several gender-based advocacy NGOs including CRTD-A to a coordination meeting to propose a \$270,000 project to reform the nationality law in Lebanon.³⁸ The project, drawn up by UNDP, included the following goals: to formulate a mapping study of the impact of the nationality law, to train NGOs on advocacy and networking, to launch a nationality campaign, and to introduce a proposal to parliament of a draft law to amend the current law.

CRTD-A refused to take part in the project. Bou Habib said the project was a duplication of all that CRTD-A had done in the last seven years—as though none of their local efforts mattered.³⁹ "As a civil society organization, we set our own criteria and project plan in a grant proposal, not the other way round," Chebbo said.⁴⁰

The National Committee for the Follow-up on Women's Issues (CFUWI) was appointed as UNDP's local coordinating partner, with its current president, Fahmia Charafeddine, as lead researcher on the case.⁴¹ CFUWI withdrew from the Nationality Campaign coalition and went on to launch the UNDP's campaign, with the slightly different title, "My Nationality, A Right For Me and *Them*" (emphasis added). With the UNDP's intervention, there were now two almost identical advocacy groups pursuing the same goal.

Accusations of petty territoriality flew around. The UNDP governance program manager, Hassan Krayem, said CRTD-A considered the Nationality Campaign to be its territory and didn't want anyone else to step on it.⁴² Chebbo, on the other hand, argued that UNDP had suddenly appeared on the Lebanese national stage, and wanted everyone to start again from ground zero. CRTD-A was offended UNDP would insinuate that the proposed project was one of a kind, when CRTD-A was the expert organization on the nationality cause.

El Masri acknowledges that CRTD-A was very rigid on matters of principle—perhaps to a fault. It did not like to be tied down with large funds and projects imposed by international organizations that had done little local coordination on the nationality issue. CRTD-A refused to attach any logos to the UNDP campaign and developed a sense of ownership and responsibility towards their own efforts. "To tell you the truth, there was also this issue with CRTD-A that 'this is my baby," El Masri admitted. "I have the utmost respect for these principles, but I now think we should have compromised, at least for the sake of the cause."⁴³

An even larger dispute arose surrounding the methodology and discourse of a mapping study that UNDP commissioned, which was published in 2009. The household selection criteria categorized husbands according to nationality and Lebanese wives according to sect (Shia, Sunni, Druze) and religion (Muslim, Christian). The report's authors wanted "to better know the different nationalities recurrent with every religion" and "to understand the different trends resulting from religious and cultural influences on these options."⁴⁴

From eighteen thousand marriages of Lebanese women and foreign men, the study found that in 88 percent the woman was Muslim (some 52 percent Sunni and 34 percent Shiite). Less than 13 percent of the marriages involved Christian women.⁴⁵

In a political vacuum, this information might have simply been useful scholarship. But in the atmosphere of Lebanese sectarianism, it was easy to infer that the naturalization of foreign husbands would be a direct boon to Muslim blocs at the expense of Christians (assuming that most of the surveyed women married men from their own sect, as is most common in Lebanon). CRTD-A was angry: the data played right into politicians' phobias, and the framing of results diverted the debate away from the human rights and citizenship perspective they had been working on for so long. Many other NGOs were also disconcerted with UNDP's findings and feared they could be used to harm the Nationality Campaign. (The fact that the study also showed that relatively few Lebanese women married Palestinians and Syrians, which might have softened some of the Nationality Campaign's most reactionary opponents, failed to make much of a splash.)⁴⁶

To top it off, UNDP allowed its own nationality project to expire after two years and did not extend it, leaving CFUWI to pick up the slack. Krayem of the UNDP acknowledged in hindsight that CRTD-A might have been a better partner because they were "the number one organization, consistently, and continuously working on the nationality law."⁴⁷

All these schisms affected the continuity of the campaign's work, and harmed its momentum. They also caused something of a boom and bust in public and organizational interest in the cause, which soured activists like El Masri and Chebbo on the usefulness of big publicity, protests, and grand campaigns. CRTD-A felt that it could have provided better continuity and complementarity with behind-the-scenes action. "National excitement doesn't scare me, but neither does it impress me," Chebbo said. "If you keep on protesting and set up tents and all, who is going to listen to you then? You become part of the façade. There is a time for everything: a time to hit the streets and billboards and a time to stay home."⁴⁸ El Masri, for her part, felt that protests continued to be overused, to the point that they watered down the campaign's effectiveness.

The Fight in the Courts: the Case of Samira Soueidan

On a parallel track to the rest of its activism, the Nationality Campaign also pursued strategic litigation, which it viewed as one of the many fronts of a tactical war. They used charged individual cases to highlight wider social conflicts. While their efforts have not yet led to the core changes in the law that they still seek, they did materially improve the lives of Lebanese women married to foreigners and their children. Activists also believe that they have pried open a way for further advances in the courts. The most notable of these actions involved the case of Samira Soueidan, a Lebanese widow who had four children with her late Egyptian husband. In June 2009, a Lebanese First Instance Court in Jdeideh-Metn headed by Judge John Azzi issued a landmark decision in the case, granting Soueidan's children the Lebanese nationality based on the following legal principle: "If the legal rule is ambiguous or incomplete, the judge's essential mission consists in varying upon the rule or finding a new solution through legal interpretation in order to reach a just and humane solution in conformity with justice and equity to the extent possible."⁴⁹ Judge Azzi based his judgment on portions of the Lebanese constitution and of the nationality law. If the nationality law grants that same right to a naturalized woman from her deceased Lebanese husband under the guise of protecting family unity, he reasoned, then the law must also apply to the case of a Lebanese woman.

The victory was fleeting: the Lebanese Public Prosecutor's Office, presided by three female judges, overturned the judgment in 2010.⁵⁰ But it still provided an opportunity for activists to expand the social, political, and legal space for the treatment of such cases.



THE NATIONALITY CAMPAIGN ORGANIZE ONE OF THEIR LATEST DEMONSTRATIONS AGAINST THE NATIONALITY LAW NEAR THE FRENCH EMBASSY IN BEIRUT. NOVEMBER 20, 2016. THE BANNERS READ, "MANDATE LAWS IN THE TIME OF THE REPUBLIC" AND "MY NATIONALITY A RIGHT FOR ME AND MY FAMILY." PHOTO CREDIT: THE LEBANESE WOMEN'S RIGHT TO NATIONALITY AND FULL CITIZENSHIP CAMPAIGN FACEBOOK PAGE.

Right after issuing his judgment, Judge Azzi called CRTD-A to ask whether the organization could take up the case and make it a matter of public concern, according to El Masri.⁵¹ The campaign met up with Soueidan multiple times to provide her with psychological and social support, protested outside the Mount Lebanon Appeals Court and the First Instance Court in Jdeideh-Metn, and attended the court hearing.⁵² Public officials, politicians, and parliamentarians

panicked over Judge Azzi's decision and expressed their discontent with him.⁵³ The Supreme Judicial Council, the disciplinary and administrative body of the judiciary, reprimanded Judge Azzi and transferred him to a consultancy position.⁵⁴

The political pressure had ultimately succeeded in reversing the decision, but it also put the independence of the judiciary under scrutiny and again highlighted the human cost of the nationality law and the hypocrisy of its defenders.⁵⁵ As such, the judgment and the events that preceded it proved beneficial to the world of activism in Lebanon. And Soueidan's case allowed the women's movement to connect with the judiciary as it had with the media before that. A movement for the reform of the judiciary arose and gained allies in civil society. Cause lawyering and individual judges became alternative avenues of activism.⁵⁶

Change to the Law Remains Elusive

In March 2012, for the first time in Lebanese political history, the government of Najib Mikati, the prime minister at the time, established a ministerial committee to review a draft law to amend the final paragraph of Article 4 of Decree $15.^{57}$

From March until the committee's first meeting in July, CRTD-A held local coordination meetings all over Lebanon with concerned women and their families to lay down a strategy for the coming months. The Nationality Campaign protested in the streets for the law change they sought, calling on the state to fulfill its minimum responsibility to citizens. Meanwhile, the NCLW—which, we recall, is essentially a mouthpiece of the prime ministry—presented the cabinet with a draft law to recognize the right of women to pass their nationality on to their children and foreign husbands, excluding women married to Palestinians.⁵⁸

The committee invited Nationality Campaign representatives for a closed discussion. Committee members felt they needed to include the Nationality Campaign, even if merely for the sake of showing off their good intentions.⁵⁹ Campaign representatives left feeling hopeful, and were invited to a follow-up meeting in January 2013 for further discussions.

But it all turned out to be a ruse. Halfway through December 2012, the ministerial committee secretly filed to Mikati's cabinet its final recommendation: the nationality law, they said, should not be amended in any way. The committee invoked legal precedent protecting "the higher interest of the state."⁶⁰ The prime minister approved their recommendation before the end of the year,⁶¹ though the verdict was not leaked to CRTD-A until after their January meeting.

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The Nationality Campaign was blindsided by the ministry's about-face, but the committee's reasoning was depressingly familiar. It had once again couched the issue of the law as being fundamentally about foreigners obtaining Lebanese nationality. Again, these political concerns had superseded women's right to the same citizenship as their male counterparts, which the committee didn't even mention.⁶²

There was some very cold comfort in the fact that the immediate cause for the rejection of the amendment—which was shelved indefinitely—was not just the existing anxieties about Lebanese demographics, but also a new variable that had changed the equation. Syrian refugees had begun streaming into the country. They account for nearly one in five people residing on Lebanese soil, and those numbers only include those registered with the United Nations High Commission for Refugees (UNHCR). Even much of the public had lost their appetite for returning to the debate around the nationality law. Lawmakers who had long opposed changes to the nationality law now saw a chance to exploit the flagging public interest.

The file on the law was sealed for the time being. These facts, however, in no way invalidated the basic claims of the Nationality Campaign. It must be acknowledged that the activists fought a battle that may have been waged at the right pace and with the right tactics for Lebanon as it was before the Syrian civil war unleashed chaos on the region. It's impossible to know what might have transpired without the effects of the war, but the activists can hardly be blamed for not anticipating it.

Conclusion

The defeat that the prime minister dealt the Nationality Campaign left it in a critical condition. If the campaign is measured by the sole benchmark of fundamental legal change, it might fairly be called, thus far, a failure. Even by less specific metrics, the results of the campaign leave much to be desired. Women's advocacy organizations still have no

decision-making power in key government institutions, or proportional representation in formal political circles. They remain dependent on individual politicians in the hope that, when a political opportunity arises, they will be prepared enough to seize it. Further, the results were an object lesson in how effective a state's stalling strategy can be.

But the activists don't see things in these stark terms, and in the wake of the ruling, they continued their activities, focusing on service delivery and advancing the significant gains they had made in the interpretation and application of the existing law. Women can now much more easily access state public services such as education and residency, because the Nationality Campaign made it impossible for politicians to completely ignore the unfair effects of the law. Even more noteworthy is the change in attitude of governmental agencies toward concerned women and their families. "If you need to process your papers, you are no longer treated as a 'foreigner' if your mother is Lebanese," explained Ghida Frangieh, a lawyer at Nizar Saghieh Law Firm and writer for its Legal Agenda. "Even if your papers are not all in check, they will let it slide. They will not detain you, because they see you as an unfairly persecuted Lebanese who does not have the Lebanese nationality."

There have been other, less quantifiable effects from the campaign, as well. What the Nationality Campaign lost in strict legal reform, it gained in social attitude. The movement also reconfigured the relationship of the state with civil society and reestablished a formal link with state representatives that had been missing—not just when it came to the nationality law and its application, but for other issues as well. Even as the Nationality Campaign suffered a blow, other advocacy organizations that were part of the LNW scored historic legal successes.⁶³ Since the Nationality Campaign, women's advocacy organizations have ventured into alternative fields of activism. Youth organizations, student clubs, legal activist associations, universities, grassroots groupings and professional syndicates all joined in on the same fight. Advocacy organizations concerned with domestic violence, marital rape, and other personal status law matters expanded their reform efforts to include state security apparatuses, religious and sectarian institutions, and the NGO sector as a whole.

It may also, through its insistence in working with the state, have dealt a hard-to-measure blow against corruption. Civil society can be both a challenger and auditor of the state. In a country where politics is only possible if you know the right people, are owed the right favors, and sell the right principles, the Nationality Campaign decided to do everything by the book and go through all the right channels. The campaigners' professionalism and respect for the rule of law allowed many to empathize with their struggle—even cynical representatives of the state itself.

And finally, activists simply refuse to accept that the 2012 amendment rejection represented a definitive defeat. Like civil rights strugglers the world over, they are in it for the long haul, and imagine that change will come, even if it takes a decade or more. They measure their success as much in steps moved forward as they do in goals achieved. Some activists

worry that the moderate gains they have made so far make the fundamental legal change less likely—the can might be forever kicked down the road. But most cannot help but view setbacks as taken-for-granted, and as opportunities for further mobilization. There may be things they would have done differently in the last decade and a half—less infighting, for sure—but they hardly see their efforts as wasted. They are moving forward, and the UNDP-induced schism is water under the bridge. No doubt, the obstacles in their path are considerable, not least the rising xenophobia in the country directed at Syrians.

The women's Nationality Campaign has also taught us a broader lesson: social and political change does not have one universal scale. The transformative potential of advocacy organizations travels well beyond their immediate sphere of work, all the more so when that work is well-organized and energized—even when its headline goals remain out of reach.

About This Project

This policy report is part of "Arab Politics beyond the Uprisings: Experiments in an Era of Resurgent Authoritarianism," a multi-year TCF project supported by the Carnegie Corporation of New York. Studies in this series explore attempts to build institutions and ideologies during a period of resurgent authoritarianism, and at times amidst violent conflict and state collapse. The project documents some of the spaces where change is still emerging, as well as the dynamic forces arrayed against it. The collected essays will be published by TCF Press in June 2017.

Notes

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7. Decree no. 15 on Lebanese Nationality including Amendments[Lebanon], January 19, 1925.

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9. See Freedom House, "Gender and Citizenship in the Arab World," *Al-Raida Journal* 129–130 (Spring/Summer 2010): 64–73.

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19. See Rita Stephan, "Four Waves of Lebanese Feminism," E-International Relations, November 7, 2014.

20. Fahmia Charafeddine (president of CFUWI), interview with the author, August 18, 2016.

21. Journana Moufarrege (administrative director at NCLW), interview with the author, August 3, 2016.

22. Roula El Masri, interview with the author, August 17, 2016; Charafeddine, interview.

23. El Masri, interview.

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27. Karima Chebbo (coordinator of the Nationality Campaign at CRTD-A), interview with the author, August 23, 2016.

28. CRTD-A, *Qitaf Jinsiyati News Forecast* Issue 5 (2015).

29. In 2012, CRTD-A did another documentary with filmmaker and activist Carole Mansour, called *All for the Nation*, discussed in the beginning of this report.

30. El Masri, interview.

31. Chebbo, interview with the author, August 4, 2016.

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34. Copy of the original ministerial committee decision provided to the author by CRTD-A.

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38. Hassan Krayem (UNDP governance program), interview with the author author, August 16, 2016; El Masri, Chebbo, and Charafeddine, interviews.

39. Bassam Al Quntar , "\$270,000 from the United Nations to Implement Implemented Projects,"*Al-Akhbar*, October 10, 2008.

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- 43. El Masri, interview.

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- 45. Ibid., 17-19.
- 46. Ibid., 19.
- 47. Krayem, interview.
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57. See Moufarrege and Karam, "Higher Interest."

58. Ibid.

59. All information on the series of events of this period was provided by CRTD-A documents and multiple interviews with Karima Chebbo, the campaign coordinator at the time, who was present at those meetings.

- 60. Specifically, it invoked ruling 2/2001 of the Constitutional Council.
- 61. Original Copy of the ministerial committee, provided by CRTD-A.
- 62. Moufarrege and Karam, "Higher Interest."
- 63. In 2014, a local advocacy group, KAFA Enough Violence and Exploitation, succeeded in amending the domestic violence law in Lebanon, after nine years of work. See "Annual Report," KAFA, 2014.



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