

STATES MADE THEM STATELESS?!

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Introduction

The nomadic life of the Bedouins has almost disappeared in the Middle East today. The transition from traditional ways to their settlement in villages and cities started in the late 19th century and continued through the 1950s and 1960s, largely as a result of political and climatic changes. The creation of modern nation states with defined borders as well as a succession of droughts appears to have been the major factors that forced the Bedouins to give up herding and the way of life that went with it. Expanding urbanization with its concomitant construction, being a key feature of modernization, has also played a role in depleting the tracts of land traditionally roamed and controlled by the Bedouins, thereby forcing most of them to become settled “invisible citizens” instead of the stateless free spirits and wandering herdsmen they once were.

The loss of the old social organizational network has been one of the consequences of these changes. The tribe is no longer the center of life for its members in terms of norms and values, as well as political and social structure. The bonds of kinship that run from the nuclear to the extended family through the lineage, and which form the social network and solidarity of the members of the tribe, have been weakened and are in danger of disappearing completely. For example, in previous times as nomads, several nuclear families would travel en masse with their tents. Today they live in houses and do not require such social support and solidarity to survive. Disputes are no longer settled by the sheikh of the tribe, although he does maintain some moral power and influence as its head. Today the sheikh’s principal role appears to be that of mediator between the Bedouins and the state.

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The creation of states with borders has entailed one major consequence for the nomads: restricting their right to freedom of movement between what became modern nation-states. Prior to the creation of a number of states in the region, the Bedouins used to move freely, without any restrictions or legal formalities, from one area to another, whereas today, Bedouins require travel documents and visas to move from one country to another. Yet their legal status did not evolve in line with these external developments that caused them to change their whole way of life. Many of them did not automatically become legal nationals of the newly created states where they settled or were living. They were reduced to being “invisible” and virtual prisoners of these restrictions. Whereas in the past, they were stateless but free to move where they pleased, today, many remain stateless and cannot move within the country they settled in. The romantic 19th century notion of statelessness has become a burden and a violation of a basic and fundamental human right – the right to have a nationality.

The change in the concept of statelessness has meant that today the stateless Bedouin have lost not only their freedom of movement but also access to other basic and fundamental human rights such as employment and social security, health care, free elementary education.

To understand these complex issues, Frontiers looked at the Abu Eid tribe in Hosh Al-Rafika in the Bekaa Valley. Members of the Abu Eid tribe started to settle down in Lebanon in the early 1920s, and others did so in the 1950s and early 1960s. According to members of the tribe, today there are between 40,000 and 50,000 tribe members all over Lebanon, with around 25,000 in the Bekaa alone. Before settling down permanently in Lebanon, the tribe migrated seasonally, mainly between Lebanon and Syria (summer in Lebanon, winter in Syria). The creation of borders between Lebanon and Syria, as well as other economic and social developments, forced them to change their mode of living. Today, although many of them were born in Lebanon, they have no legal status in the country.

This article looks at the perception and understanding of the Abu Eid Bedouins of concepts such as nationality, identity, affiliation, allegiances, focusing mainly on the consequences of the external changes that were imposed on them and that affected their lifestyle and their “positive statelessness.” External changes, such as the creation of states and climate changes, forced the Bedouins to settle down, but they were denied citizenship rights and became vulnerable and marginalized groups. This article analyses the extent to which these changes brought with them the adequate adaptation and understanding of modern notions of ‘belonging’ to a nation through legal recognition and social integration.

The findings and conclusions of this article rely exclusively and heavily on the Bedouins' own narratives and accounts of their perception of the notions of the state, identity, belonging, rights and duties, citizenship, basic and fundamental rights, and nationality. This is not a thorough academic study of the subject, and does not contain a review of existing literature. Frontiers conducted two sets of interviews with a small sample of members of the Abu Eid Tribe in the Bekaa. One was a closed questionnaire and the other was a semi structured one. The closed questionnaire was conducted first. The main objective of this set of data collection was to determine the tribe's legal status in Lebanon and the circumstances that led to such a status. A random sample of 17 households, comprising 123 family members, was interviewed. Thirteen in-depth semi-structured interviews were then conducted, during which we obtained personal statements and subjective perceptions. These interviews enabled us to better understand the Bedouins' subjective feelings, be they political, cultural, social or economic, regarding the changes in their environment. The in-depth interviews probed the questions of identity, sense of belonging, need for nationality, notion of rights and obligations, citizenship and government. The two sets of interviews were carried out between June and September 2009. The data was used for the qualitative analysis and findings.

In brief, the findings show that the situation of the Abu Eid tribe in the Bekaa is like that of many Bedouin tribes who found themselves stripped of their nomadic way of living and survival as a result of modernization, as well as political and climatic changes, and who were not immediately and fully integrated into the societies where they settled. The report concludes that there is a need to recognize this reality and for the political will to acknowledge the right to full citizenship of Bedouins born and living in Lebanon. Today, the old social networks based on tribal organization are no longer working; the sheikh of the tribe no longer has the leading role in maintaining law and order; tribal norms and behaviour are disappearing, and the once tightly-knit kinship ties running from the nuclear family through the extended family to the whole tribe are slowly but inexorably eroding.

What rights? What obligations?

The identity card and travel documents are one of the direct consequences of the creation of modern nation states. Traditionally, the Bedouins did not have a system of documentation and registration of births, deaths and marriage. These matters were handled by the sheikh of the tribe, said one interviewee. Tribe members

simply knew one another and orally recorded changes in their families from generation to generation. Many were illiterate and did not know their date of birth or how old they were. Not having an identity card or birth certificate did not matter to them.

Today everything revolves around the identity card. Important rights are linked to the status of the identity. Without an identity, a person is considered non-existent. For that reason, and since they settled in Lebanon, members of the Abu Eid tribe went through certain procedures to obtain Lebanese nationality. Some succeeded; others are still waiting and hoping for the exercise of political will that would put an end to their plight.

The process for obtaining identity documentation started with the early settlements. Many of the Bedouin were not included in the population survey of 1948; many of them, in their ignorance, did not want to be included in it, said another interviewee. He continued to explain that in 1963, the Lebanese government decided to resolve the problem of the Bedouins and other stateless persons, and asked them to register themselves, with a view to studying the possibility of giving them citizenship. Those who registered obtained a card with the designation "Under Study". Others continued to carry the special attestation for Arab nomads entitled "Attestation of Residence" issued by the mayor of the town they settled in (on which only the name of the tribe is specified, in this case "Abu Eid"), and others had no documents whatsoever.

Another interviewee explained what happened in 1994. The Lebanese government naturalized thousands of persons. Many of the Abu Eid tribe were among them: today these individuals experience a sense of "normal life," security and stability. He said that others regret that they did get naturalized when they were young and healthy. "I do not need it now. I am old and cannot move. What shall I do with it?"

But many members of the tribe were not naturalized. Some did not apply because they did not want to serve in the army and others because they did not believe they had anything to gain. Many did not believe that the Lebanese government was serious about naturalization of the Bedouin population.

There are also those members of the Abu Eid tribe who were married but who did not declare their marital status when they applied for Lebanese nationality, and thus the members of their family were not naturalized. We therefore found, for example, that a father has been naturalized while his wife and children have not. It is not clear what prompted this attitude, but it could have been ignorance, lack of

proper counseling, or lack of proper documentation such as marriage and birth certificates. It would appear that some Bedouins were misled by local authorities, probably as a means of reducing the number of applicants.

Immediately after the 1994 decree, many Bedouin applied to obtain Lebanese nationality. Today, they are still waiting for the promised Annex naturalization decree which will grant them Lebanese nationality. Also, some families are trying to rectify this anomalous situation through legal channels, a cumbersome, time consuming and costly process. As a result of a variety of factors, today a number of the Abu Eid tribe remains “illegal” residents in Lebanon, while others are completely undocumented. Of those with legal documentation of their status, some have an “Attestation of Residency” issued by local mayors, while others hold an “Under Study” identity document. However, these two forms of legal status do not automatically pass to their children if, as is often the case, their births are not registered. Many Abu Eid members feel guilty getting married and bringing stateless children into this world, said one Lebanese woman married to a stateless Bedouin. Many wish they could go to any country that would give them the citizenship they need in order to live in dignity.

Their status as non-citizens, stateless persons, or illegal residents amounts to the denial of basic and fundamental human rights. This reality is clear in their minds. *“In order to be able to practice my rights, I need the nationality,”* said one interviewee.

Many of the interviewees complained that they were born and have lived all their lives in Lebanon and yet cannot express their political opinion through voting in legislative or municipal elections. *“I am denied the right to express and participate in the legislative elections”* has clearly put it one interviewee.

Many, if not all, expressed their deep frustration because they are treated like foreigners when it comes to legal status. Because they do not have Lebanese nationality, those with the **“Under Study”** card issued by the Lebanese General Security have to bear the heavy cost of renewing the residency card for each member of the family each year (around US\$ 300 per person). For this reason many do not register their marriages and/or the birth of their children. Thus, in order to avoid the cost of the registration, which would bring the issuance of a legal card that could protect them from arrest; they put themselves in the worst situation of vulnerability and marginalization.

Stateless persons are treated as illegal migrants and as such are subject to harassment, arrest and imprisonment for lack of documentation. However, many

of the stateless Bedouin interviewees have ambivalent feelings about the right to freedom of movement that they would gain by naturalization.

All interviewees agree that the fear of being arrested is always there. *“It is very difficult for my children to move freely. Their movement is limited. They try to avoid passing near a police or army checkpoint, and they don’t go to the capital city. When they pass by a police or army checkpoint, they show them the mayor’s attestation”* Explained a stateless Bedouin mother.

The police and army officers are acquainted with the presence of the Arab Bedouins in the Bekaa. Statements such as *“They [the checkpoint] let us go but they ask a lot of questions; at first, the army officers seemed surprised to see this [mayor’s] attestation, but later on, they get used to it and only when the police are new, do they ask many questions”* are common. Most of the accounts of the interviewees indicate that they do not feel **“at home”**. As one put it, *“I try to avoid the checkpoints and do not drive a car.”* Another interviewee stated *“My son was arrested and later released after the General Security Forces verified that he was not Syrian or Iraqi but ‘maktoum al-kaid’.”* Another said *“I was arrested in the street at a checkpoint. I showed the Mayor’s attestation letter. They did not accept it. I was taken to the “Interrogation Department” of the Internal Security Forces where I was interrogated about my identity. I was later released but was not given any document that proves I was arrested and released.”* A number of the interviewees expressed their deep feeling of being in a big prison. One of them said *“I would love to have a travel document to go on the Haj.”*

Many interviewees stated that they want to obtain Lebanese nationality basically to be able to move freely and not to feel threatened with expulsion from Lebanon. They believe that the old way of moving freely between countries was better *“we did not need any identification papers to show when crossing border. As a matter of fact there were no borders.”* Many of them remember the days when they used to put their tent wherever they thought convenient without the need for any permission. This has changed and the owners of the land are no longer tolerant and are not ready to accept them to put their tents and their animals.

With the border control and need for travel document, stateless Bedouins are having difficulty moving between neighboring countries. The nomads never understood the notion of borders. However, as borders were created and most of them held the “Under Study” card that did not allow them to cross the border, though these may obtain a laissez-passer valid for return.

For those who were naturalized and obtained Lebanese nationality, they feel that the most important gain was their right to freedom of movement. *“Before I obtained the nationality, I could not move inside or outside the country. We were not allowed to travel to any country. Now, I move freely”* said one interviewee.

The discrimination against the stateless Bedouins reaches its peak when a Lebanese national marries a stateless person. The individual is punished with a denial of rights he or she enjoyed before marriage. *“I was denied some of my rights when I married a non-Lebanese,”* said a Lebanese woman. She continued *“I cannot benefit from the social benefits because my husband does not have proper documentation and therefore cannot be registered with the social security.”* Another one said *“I have no social security. As a matter of fact, I do not know what social security means. Here in this village we do know of the social security.”*

Many of the non-naturalized Bedouins affirmed that they have to bear the cost of their medical treatment because they do not have any documentation and are treated like illegal foreigners. But as the cost of medical care is extremely high in Lebanon, not many of them can afford adequate medical treatment. *“I needed an operation but could not afford it. The only way was for me to be admitted under the Ministry of Health scheme. For that I was admitted and operated on not in my name but in the name of one of my relatives who has Lebanese nationality.”* Few members of the tribe are so fortunate. Many are denied adequate and necessary medical care because of cost and lack of documentation: *“I had a car accident and no hospital accepted to admit me for treatment because I do not have an identity document.”* Another interviewee recalled: *“I had an infection and needed surgery. No hospital would admit me because I have no identity document. In the end I gave up and did not have the operation though I still suffer from [the effects of the untreated] infection.”* And another stated: *“My daughter needed to have dialysis treatment for her kidneys. We did not have the money for the treatment. We went to the Al Hariri State Hospital. She was admitted. But when they discovered she did not have identity documents they asked her to leave. My daughter was very ill, almost dying. We left the hospital and she died at home. She was only 24 years old.”* Another interviewee said *“My cousin had a heart attack and died at the front door of a hospital. No hospital would admit her because she did not have the money or citizenship.”* Even children of a Lebanese mother married to a stateless person cannot get state medical care. *“My children, who are the children of a Lebanese woman, cannot benefit from the Lebanese Ministry of Health.”* The policy of discrimination and denial of rights as a result of lack of documentation affects mixed couples. *“I often cry because I am maktoumat al-kaid. I married a*

man who had social security. But because I am stateless I do not benefit from his social security.”

A number of tribe members argue that the Lebanese official health policy ought to be more humanitarian. Their statement *“The Ministry of Health should extend its services to all needy human beings in Lebanon and not only to the Lebanese.”* *“I should not need to have a piece of documentation to be treated like a human being”*, said one interviewee. *“Doctors and hospitals leave us aside because we do not have citizenship”*, said another.

As to schooling, undocumented children of the Abu Eid Tribe can go to school but they cannot sit for public exams. Yet some stated that they could sit for public exams (*Brevet* and *Baccalaureate*) and obtain a diploma from a technical institute based on the mayor’s attestation, but they could not go on to university. For these young people discrimination and marginalization are part of the childhood experience: *“At school, I was registered as a foreigner and teachers insisted on saying that I was Syrian though I was born here in Lebanon.”* *“The day I had to sit for the public exams, I was not allowed entry immediately. I had to wait for more than half an hour until the guard verified the “attestation” of the mayor. I was afraid I would not be able to sit for the exams.”* The difficulties of attaining higher education are discouraging the undocumented youth from even trying to pursue that path. Children are quoted as telling their parents that they see no point in education as they would never be employed, or even if they did get a job in the private sector, they would not benefit from the social security, because they lack documentation and are considered foreigners.

The notion of an independent and impartial judiciary has entered into the vocabulary of the Abu Eid, as evidenced by statements such as *“If a crime is committed among the tribe, the police and judiciary are involved”*, and *“If anyone attacks me, I seek protection from the state.”* However, the relationship between the Bedouins and the state is not straightforward. Like many Lebanese, they do not believe that the law and judiciary protect the poor. They strongly believe that the judiciary is highly politicized. *“I do not feel equal before the law, because I do not know how to defend myself and I do not have the means to assign a lawyer to defend me.”* The Bedouins believe that in the past they had more protection, when the sheikh of the tribe was equally accessible to all its members. Many believe that the tribal legal system was fair and adequate. Today, the sheikh continues to have the role of settling certain categories of disputes, and to be consulted in civil status matters such as marriage and divorce. This traditional system is considered to be quicker and more efficient.

Being stateless also means that the Bedouin have no property rights. Because they lack proper documentation they cannot own property or assets. When they need to buy a car or a piece of land, for example, the purchase is registered in the name of a naturalized member of the tribe or it is kept in the name of the previous owner with a promise to register it if and when it becomes possible. Those who are married to a Lebanese national feel they are lucky because their property can be registered in the name of their spouses.

Conclusion

In general, the livelihood of the members of the Abu Eid tribe underwent inevitable and major changes once they settled. They used to move their herds between pastures, depending on the availability of resources. The new system of nation states, changes in climate, as well as the scarcity of land, have made their traditional livelihood difficult to sustain, while the expansion of agriculture, including the cultivation of potatoes, grapes, grain, and vegetables has reduced grazing land. Today, tribal members are mainly employed in manual and unskilled jobs as bus drivers or builders, while some work on the land as peasants. They would like to be civil servants or join the army if they had Lebanese nationality. Nevertheless, some have developed and modernized their traditional way of earning their living by, for instance, building factories to produce dairy products, and their living standards have much improved. For these individuals, the old times were hard and they do not wish to go back to them. However, this improved standard of living is restricted to certain skilled jobs

The lack of nationality makes stateless persons an extremely vulnerable social group. They are denied basic and fundamental human rights, among them freedom of movement, education, public health services and employment. Not only are these individuals unable to access the legal system, they live in fear of being arrested and detained indefinitely for lack of documentation. Moreover, the problem of statelessness can only continue to grow since the marriages and children of stateless persons are also not registered.

Nationality is a legal relationship between an individual and a certain state, or a relationship that refers to the individual's affiliation to a certain state. This relationship is based on the premise of protection of the individual by the state and on compliance from the individual. The phenomenon of statelessness in Lebanon continues to pass from one generation to another while nationality laws, lacking essential elements and containing many ambiguous provisions, undergo little

change. The Lebanese state should recognize its responsibility in resolving the dilemma of statelessness in Lebanon. To do this it should amend the laws in order to bring them into compliance with internationally recognized human rights standards.