



# POMEAS

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## Lebanon's Political Stalemate: The Failure of the Sectarian Regime

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### Abstract:

Since summer 2015, the Lebanese people have been regularly demonstrating against the political elites of the country. Tens of thousands of people have taken to the streets to show their anger and blame political leaders for their incapacity to solve a garbage crisis, which seems never-ending. This crisis has revealed what the Lebanese have known for a long time but cannot stand anymore: political leaders are not committed to the public good, and their divisions paralyze an already weak state. Indeed, this crisis is a symptom of the dysfunction of the Lebanese state, which is undermined on one side by clientelism and corruption deriving from sectarianism, and, on the other side, by the recurrent blockade of political institutions by political rivals benefiting from a veto power. This situation is clearly a product of the Lebanese political regime: the consociational democracy based on confessionalism. This system seems to have reached its limits in a difficult context, and it has become clearer and clearer that it certainly does not operate to address the basic needs of the Lebanese citizen. Even if the opportunity exists, a change or at least a reform of the political system could prove to be very difficult to achieve in the current circumstances.

Since the end of July, Lebanon has been facing a “garbage” crisis. Indeed, on July 17, waste collection stopped in Beirut and the surrounding region following the closure of its unique landfill and the end of the contract between the state and the private operator in charge of waste management. As a consequence of the lack of state planning, garbage has been piling up in the streets of Beirut and its surroundings for months. This situation has led to the understandable anger of the inhabitants of the area. Tens of thousands of them have begun to demonstrate in downtown Beirut to denounce the lethargy of the government, regardless of religious or political affiliations – a remarkable fact in Lebanon. Unable to solve the crisis, the government (especially the Minister of Environment) has been the main target of the protestors and was called to resign. But more broadly, demonstrators have been blaming a corrupted political class with short views and no interest to serve the public good or develop the country.

Indeed, the Lebanese state has been unable to provide its citizens with efficient and affordable public services since the end of the civil war in 1990. For instance, daily power cuts (ranging from 3 to 12 hours), random water shortages (in a country with significant resources

compared to its neighbors), a “failed and clientelist” healthcare system,<sup>1</sup> and the lack of public transportation are part of daily life in Lebanon. Twenty-four years after the end of the Lebanese civil war, and despite massive spending for the reconstruction of the country generating a huge public debt (134% of the GDP),<sup>2</sup> the state has failed to develop public infrastructure and services. In the context of increasing economic inequality, people who are wealthy enough are relying on expensive private service providers with links to the economic and political elite. Others less fortunate are dependent on the services provided by political parties in exchange for their loyalty, de facto enrolling in a relationship of cronyism. Further, since the outbreak of the war in Syria in 2011, these limited and deficient public services have been put to a severe test by the huge number of Syrian refugees, who represent about one-quarter of the overall population of the country. The failed garbage management, whose cost was already one of the highest in the world, is now the last straw breaking the camel’s back.

For the protestors, it is clear that a weak and inefficient Lebanese state is behind the rampant corruption (including nepotism and clientelism) and confu-

sion between private and public interests that prevail among the public administration, the parliament, and the ministries. Indeed, Lebanon is ranked 136 out of 178 countries in the corruption perceptions index of Transparency International,<sup>3</sup> being in fact one of the fifty most corrupt countries in the world. Thus, very onerous procurement contracts are often opaque and granted to private operators run by shareholders close to ministers, which do not hesitate to overcharge the state. Nepotism and clientelism often skew the process of recruitment in the public administration and ministers.<sup>4</sup> Cases of “disappearance” of public funds have been denounced recently by the Minister of Health, Wael Abou Faour, who launched a media-friendly anti-corruption campaign earlier in 2015;<sup>5</sup> however, this has only been one small effort amidst a sea of politicians laden with clientelism and corruption.

### **A Permanent Political Crisis in Lebanon**

This garbage crisis has also been an opportunity for the Lebanese to show their indignation towards the never-ending political crisis in which Lebanon is stuck, which is indeed paralyzing the political institutions in the Land of Cedars. The Parliament has failed to elect a new president since the end of Michel Sleiman's term in May 2014, and the first vote held in the parliament to elect a new president ended with no candidate receiving a majority. Since then, Nabih Berri, speaker of the Parliament, has summoned more than thirty sessions, none of which have actually taken place: the quorum of 86 out of 125 deputies requiring the election of a president has so far not been reached. In fact, as no agreement on a consensual candidate has been concluded between the two main political rivals, the parties decided to boycott the sessions. Even if the president of the Lebanese Republic (chosen among the Maronite community) has no significant power and the government assumes presidential prerogatives in case of a vacuum, the unwritten “National Pact” is broken. Indeed, the Lebanese political leaders decided in 1943 that the three largest sects would share the main positions of power in the Republic: the president must be a Maronite Christian, the Prime Minister a Sunni Muslim, and the speaker of the Parliament a Shia Muslim. But, as a result of the presidential vacuum, Christians are not represented anymore in positions of power in the state, and the normal functioning of the Republic has been disrupted. This is not an unprecedented situation. A similar situation occurred at the end of the civil war between 1988 and 1989 for 408 days and more recently between 2007 and 2008 for 184 days.<sup>6</sup> The

country also went through ten months without a government between April 2013 and February 2014 due to a disagreement on its composition between rival political blocs. Meanwhile, the Parliament has twice auto-extended its term since 2009, alluding to “extraordinary circumstances” related with the war in Syria and the jihadi threat.<sup>7</sup> This move has been considered undemocratic or even unconstitutional by a number of citizens

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and political parties.<sup>8</sup> The political crisis would not be complete without mentioning the inertia of the national unity government, blocked by rival political groups benefiting from a veto power. Therefore, the executive is unable to make decisions on issues such as the nomination of new senior security and military officials or the garbage crisis. As a matter of fact, Lebanon has the fourth least efficient government according to the World Economic Forum.<sup>9</sup>

Thus, during the demonstrations denouncing the garbage crisis, while most of the protestors' slogans were focused on demands of accountability from the politicians, others were clearly blaming the Lebanese sectarian system for leading the country into a serious deadlock. In fact, this highlights the common root of both the dysfunction and corruption of the state and the permanent political crisis: the consociational democracy and its experience in Lebanon.

Indeed, Lebanon is one of the very few countries that have adopted a consociational democracy as a political regime. One of the reasons that lie behind the adoption of such a rare system is the extraordinary religious diversity of the Lebanese population. In fact, there are a total of seventeen officially recognized religious communities in the country, of which seven carry significant political weight: Sunni Muslims, Shia Muslims, Maronite Christians, Greek Orthodox Christians, Greek Catholic Christians, Druzes, and Armenians (ethnic community). From the second part of the 19th century under Ottoman rule through the French mandate (1920-1943), political sectarianism was little by little institutionalized

by foreign powers. These powers used confessionalism to spread their influence and to secure a pacifistic coexistence after conflicts broke out between Maronites and Druzes due to foreign interference and various internal factors. As a result of this heritage, in the aftermath of the independence from the French mandate in 1943, Muslim and Christian leaders agreed for the consociational democracy formula as a political system to safeguard the political participation of all the different Lebanese communities. Theoretically, and as implemented in Lebanon, this model is based on four great principles, which can be stated briefly: 1) the need for a grand coalition government including representatives of the different communities; 2) a proportional political and administrative representation of the different communities; 3) a segmental autonomy conferred to these communities regarding the management of personal

### ***This sectarian system reinforces differences between the Lebanese people instead of establishing a unified national identity.***

status (marriage, divorce, and inheritance); 4) a mutual veto right conferred to these communities.<sup>10</sup> Mainly designed to prevent conflict in highly heterogeneous societies,<sup>11</sup> this model failed to serve its fundamental purpose as Lebanon engaged in a devastating civil war from 1975-1990. As the peace was restored in the country, the Lebanese political leaders and warlords decided to renew their faith in consociationalism by establishing an equal representation of Muslims and Christians instead of the previous 6/5 majority in favor of Christians by enacting the Taif Agreement. However, the new version of the sectarian regime has not succeeded in giving Lebanon political stability. The country has rather gone through much political tension, which has led to violence in May 2008, political paralysis, and increasing clientelism and corruption undermining the role of the state.

#### **The Root Cause: A Dysfunctional Consociational Democracy**

Indeed, the consociationalism system with an emphasis on sectarianism as experienced in Lebanon appears to be the source of the ills affecting the country. The power-sharing formula as designed for the country

in 1943 and in particular the one renewed in 1989 has led de facto to a competition between the different religious communities for state resources, mainly political and economic powers. Further, a "distribution of benefits"<sup>12</sup> is currently taking place inside the community. This can be seen through the principle of proportionality that governs the confessionalism system: political positions inside the government and the administration are distributed according to choices made on a sectarian basis rather than on merits and qualifications, with no incentives for accountability, and leading predictably to favoritism and clientelism. In his work on Lebanon, Reinoud Leenders argues that "clientelistic networks" govern the "distributional issues" in contradiction with the country's needs rather than through "bureaucratically organized institutions,"<sup>13</sup> thus, leading to nepotism and corruption.

Moreover, as consociational democracy establishes the religious community as the basis of political representation, it drives all political parties to be organized on a confessional basis (or ethnic for Armenians). Each political party claims to embody a religious community and adopts a defensive discourse against what is believed to be existential threats coming from other communities. They claim to promote and safeguard the group's particular political and economic interests. Thus, it is hardly surprising that little room is left in their political agenda for the common good and the Lebanese nation. As previously mentioned, instead of addressing the failures of the state regarding the public services provision, political parties are also established as kind of parallel states providing public services and developing philanthropic activities inside the community they claim to represent, reinforcing the clientelist relationship among the population. Most Lebanese political parties are led by traditional leaders (or za'im): some are warlords (Samir Geagea, Michel Aoun, Walid Joumblatt), others businessmen (Rafic Hariri, Najib Mikati), often members of political dynasties (the Joumblatt, Gemayel, Hariri and Frangieh families), who ensure their political support by favoring the greatest part of their clientele.<sup>14</sup> Hence, the Lebanese system is likely to produce a lack of political accountability.<sup>15</sup>

Last but not least, this sectarian system reinforces differences between the Lebanese people instead of establishing a unified national identity. Indeed, it leads people to be identified as members of the religious community in which they are socialized rather than Lebanese citizens.<sup>16</sup> As a result, the commitment to a

national public good is likely to be weaker than in fully-fledged democracies.

Thus, the features of consociational democracy in Lebanon not only explain the existence of a weak, inefficient state with no vision to develop the country but also the recurrent blockades and the inertia of the executive power. Indeed, consensus is the key word in Lebanese consociational democracy, especially within the Taif Agreement (1989) and the Doha Agreement (2008). This is particularly true regarding the functioning of the executive power. Article 65 of the Lebanese Constitution, modified by the Taif Agreement,<sup>17</sup> mentions that the Council of Ministers “shall make its decisions by consensus.”<sup>18</sup> If this cannot be possible, the Council adopts decisions by the vote of the majority. Moreover, “basic issues shall require the approval of two-thirds of the members of the government,” which is equally divided between Muslims and Christians. In other words, these religious groups benefit from a veto power regarding important decisions such as the “the appointment of employees of grade one and its equivalent” (senior security and military officials for instance) or “electoral laws.” A legal quorum of two-thirds is also required by the fundamental Law for the cabinet

### ***The Lebanese consociational democracy appears to be a failed political system in need of a deep overhaul.***

to meet. Yet, the Doha Agreement (2008),<sup>19</sup> which was enacted to resolve an 18-month violent political crisis, has introduced new practices in the Lebanese political system: a third of the members of a national unity cabinet must be guaranteed to the opposition. In light of the Constitution, this means that the Agreement grants the opposition a veto power in the cabinet. If the views of the opposition are not accepted by the cabinet, it can hamper the decision-making process, preventing the cabinet from gathering and leading to the resignation of its members. So, a government by consensus strongly prevails over the rule of the majority. Additionally, the Doha Agreement institutionalized the practice of appointing the president of the Republic by reaching a consensus among the sectarian leaders before pro-

ceeding to his election by the Parliament, whose role becomes insignificant.

However, the formula of government by consensus is difficult to apply in a country so deeply divided. Indeed, since 2005, Lebanon is experiencing a deep polarization between two antagonistic political coalitions. The 14 March Alliance, named after the great popular demonstration on this date in 2005 demanding the end to the Syrian occupation, and the 8 March Alliance, supporting the Syrian presence, were created as a consequence of the regional context and Lebanese relations with its neighborhood. In fact, Lebanon is considered as a buffer state by international and regional powers. Political parties and coalitions are sponsored by foreign countries, partially along sectarian lines: the 8 March Alliance led by Hezbollah is supported by Iran and Syria and has adopted an anti-imperialist stance, while the 14 March Alliance led by the Future Movement (Sunni) is most notably backed by Saudi Arabia and the West. As a consequence, foreign powers have a substantial say in the Lebanese political game, determine the political divide, and interfere in domestic politics to solve periodical crises (Taif in 1989, Doha in 2008). This has been truer than ever since the war broke out in Syria. The bordering war has deepened existing polarization and exacerbated tensions, and the two Lebanese coalitions appear to be local reflections of the ongoing regional cold war between Iran and Saudi Arabia. As a consequence, a consensus on issues such as the election of a president proves to be difficult to reach, and the institutions of the Republic are paralyzed by rival coalitions.

Thus, the Lebanese consociational democracy appears to be a failed political system in need of a deep overhaul. Throughout the successive protests in the second half of 2015, some segments of Lebanese society, especially young people with different religious backgrounds, have expressed their willingness for change. While most of the protestors were demanding accountability from the politicians, slogans calling for the end of the sectarian regime could also be heard in the surroundings of the Martyrs' Square in Beirut. It is not the first time that the consociational regime has been challenged and publicly blamed by Lebanese activists and intellectuals. As a matter of fact, a conference was held in Beirut in 2013 to “save Lebanon and reform the Republic.”<sup>20</sup> It seems now more than ever it is important to attempt to assess possible scenarios of change and policy options to reform this “agonizing

political system"<sup>21</sup> or, at least, make it work better.

#### Scenarios of Change in a Difficult Lebanese Context

In consonance with the Arab revolutions, thousands of Lebanese marched through the streets in the main cities to "topple the sectarian regime"<sup>22</sup> in the first months of 2011. But the protestors did not succeed as the mobilization quickly lost support. Nevertheless, as increasing economic inequalities, corruption, and political deadlock has engendered a growing frustration among the Lebanese society, tens of thousands of people have returned to the streets in 2015 to express their rejection of the "system." Some of their slogans were again echoing those of the Arab Spring in 2011: "revolution" (thawra), "the people want to topple the regime."<sup>23</sup> So, the question here remains: can a popular pacific mobilization bring down the sectarian political system in Lebanon? This scenario appears to be highly unlikely in the short-term for various reasons.

First, the sectarian system is deeply rooted in Lebanese society. Indeed, sects are recognized as the "only legitimate unit of political representation" and "distributors of the states' resources."<sup>24</sup> Sectarian political leaders regularly play on the fears of their community: for instance, Christian leaders warn about a presumed existential threat to the community and the loss of privileges in favor of an alleged Muslim majority, and Sunni leaders play on the fears of a Shia domination. They argue that the sectarian regime erects barriers against the hegemony of a community over the others. Thus, they maintain the strong capacity to mobilize supporters. However, in spite of political leaders' critique of sectarianism, the system is also attractive to a certain extent because it offers moderation and freedoms (such as the freedom of speech), making it impossible for a strong autocratic state (such as the Arab states before 2011) to rule over the Lebanese people.<sup>25</sup> As a result, it seems that most of the people know what they can lose and are uncertain about establishing viable alternatives. It explains a certain preference for the status quo. The sectarian system also receives wide external support from foreign powers (Iran, Syria, Saudi Arabia, United States, France, etc.) interested in keeping Lebanon as a buffer state, wherein they can maintain their influence through sectarian politics.

Secondly, another difficulty results from the current regional context. Lebanon has been dramatically affected by the war in Syria. Indeed, Lebanon has to deal with a huge humanitarian crisis and with jihad-

ists threatening its borders and carrying out terrorist attacks fueling sectarian strife. The conflict with Israel must not be forgotten as episodically violent clashes have erupted between Hezbollah and the Israeli army. Despite all this, it must be recognized that Lebanon has been particularly resilient to these regional threats. So, it is not difficult to imagine how dangerous the destabilization of the country, political chaos, or a dramatic vacuum of power could be if the last remaining functioning political institutions were to collapse. Some of the activists involved in the late protests are aware of this and have restrained their demands to the garbage crisis for this reason, causing the protest movement to split into several different organizations with different claims. As a consequence, it has become more complicated for political activists to attract unified crowds with a clear message. Today, the movement is clearly waning. Thus, popular mobilization against the sectarian regime in Lebanon proves to be difficult in view of the "inhospitable social structure"<sup>26</sup> with foreign sponsors and the current difficult context.

Alternatively, a reform of the Lebanese consociational democracy could lead to a smooth and medium/long-term transition to a "fully-fledged"<sup>27</sup> democracy. In fact, the consociational formula was designed as a transition towards a fully-fledged democracy. Indeed, the National Pact in 1943 was "designed to be an interim stage toward the emergence of a unified nation, the elimination of the confessional system, and the secularization of the state."<sup>28</sup> The Taif Agreement (1989) is more explicit as it provides a roadmap to abolish political confessionality. It claims that "abolishing political sectarianism is a fundamental national objective." The steps of this transitional phase are even included in the Lebanese Constitution (Art. 95): the formation of a national committee "to study and propose the means to ensure the abolition of confessionality" and the "[cancellation] of the principle of confessional representation in public service jobs, in the judiciary, in the military and security institutions, and in public and mixed agencies (...) replaced by the principle of expertise and competence."<sup>29</sup> The Taif Agreement also specifies that "an election law free of sectarian restrictions" should be implemented as well as bicameralism with the creation of a Senate where "all the spiritual families should be represented." Then, the Chamber of Deputies would be elected on "a national, not sectarian, basis."<sup>30</sup> Finally, the agreement suggests that the mention of sect and denomination on the identity card should be abolished. The tools for the transition towards a non-sectarian regime are already

formulated in the fundamental law of the Republic but have not been enforced so far.

A reform of the sectarian system from “above” is unlikely, however, as the political elite is united in perpetuating the consociational formula from which they are benefiting: a deconfessionalized and competitive democracy would challenge their current hold on the different sects of the country and make them accountable for their acts. So, it seems necessary that demands for reforms emanate from “the bottom,” with pressure from the public to apply the constitution and the Taif Agreement in order to abolish confessionalism. But, as we have already mentioned before, the system is deeply entrenched in a society that is hardly able to mobilize massively on this issue. Nevertheless, as the frustrations engendered by the political system are increasing, larger popular mobilizations are to be expected. A change in the political culture of Lebanese society is also critical and could be achieved through the establishment of a truly national education in order to overcome the sectarian identity and to emphasize a national Lebanese identity. The instauration of civil marriage may be an interesting path towards the abolition of confessionalism as well. Since 2010, this has been a popular demand of thousands of Lebanese people, as this matter is regulated by religious personal status laws. Activists have called for the right to interreligious unions and to raise their children in a non-sectarian setting. They argue that this would create a breach inside the confessional system that would lead to its collapse as deregulation would create a new generation of non-sectarian Lebanese citizens.<sup>31</sup> But, as expected, this demand is often met with strong religious opposition, and there is no immediate solution in sight. A successful transition to a full democracy would definitely take time to be achieved.

Finally, it is likely that a focus on immediate and achievable reforms is more realistic in the short-term. First, it is necessary to solve the garbage crisis and the dysfunction of public services. Then, reforms must be made to the Lebanese consociational democracy allowing it to function more openly and efficiently. These reforms would focus on the need to hold the political elite accountable for public management. Accountability is fundamental to fighting corruption and ensuring good public services. Thus, a reform to strengthen the independence of the judiciary in Lebanon is needed to ensure that corrupted politicians would not remain above the laws. Currently, the judiciary in Lebanon suf-

fers from a lack of financial autonomy, a lack of transparency, and the interference of the executive power.<sup>32</sup> As a matter of fact, half of the members of the Constitutional Council are appointed by the government and the other half by the Parliament. The Court of Accounts is not independent from the executive either and lacks the resources to achieve its mission.<sup>33</sup> New laws should be adopted to reinforce anti-corruption safeguards and integrity mechanisms, especially regarding conflicts of interest, the protection of whistleblowers, and access to information.<sup>34</sup>

Decentralization of powers is another means to make the political system more accountable. By giving more powers to locally elected bodies and municipalities, this would definitely “consolidate democracy, improve local participation and ensure better service delivery.”<sup>35</sup> Indeed, it would create a closer relationship between citizens and politicians, who would in turn be held more accountable in public management. This is one of the key demands of the protestors in solving the garbage crisis: they suggest greater municipal control over waste management.

Last but not least, a new electoral law is essential to making the Lebanese consociational democracy work better. The current one, designed in 1960, is characterized by electoral gerrymandering and a simple majority rule that basically favors the “recycling of political elites who have monopolized the affairs of their sectarian groups.” Moreover, in the last elections, the coalition that received the most votes had obtained less parliamentary seats than the coalition with the least amount of popular support.<sup>36</sup> A civil movement has advocated for a reform that would introduce a proportional rule, allowing all political forces to be represented according to their political support, new constituencies, gender quotas, lowering the legal age to 18, pre-printed ballots, and the independence of the election commission. It would most likely pave the way for the emergence of a new generation of politicians, stimulate the political landscape, and make it definitely more democratic. Approximately 82% of the Lebanese population claims to be in favor of a new law, and 50% stated they were in favor of the proportional formula according to a survey conducted by the Carnegie Endowment for International Peace.<sup>37</sup> Despite the fact that the reform of the electoral law has been repeatedly on the political agenda over the past years, no agreement has been reached in the parliament. Some political parties disadvantaged by the present law support the introduction of propor-

tionality, but they have met with opposition from parties benefiting from the status quo (for example, the Future Movement led by Saad Hariri and the Progressive Socialist Party led by Walid Joumblatt). For the umpteenth time, a legislative commission has been appointed in November 2015 to draft a new law partially introducing the proportional rule. But nothing has so far indicated a successful outcome this time either.

It will not be an easy task to get the new political class to endorse such reforms. Nevertheless, for these policy measures to be implemented, the trans-sectarian pacific protest movement born in summer 2015 needs to keep putting pressure on the political establishment, resist attempts by political parties to hijack their demands, and unify their claims to keep the hope for change alive. As the democratic system has been fro-

zen, accountability of the political elite and incentives to reform the sectarian regime can only come from the mobilization of the Lebanese civil society. The continuation of the political deadlock and the dysfunction of the state are likely to remain unchanged in the short-term. Such a swift change would probably lead to more discontent among the population towards politicians and the sectarian regime and produce more fertile ground for mobilization. Yet, the fall of the sectarian regime is certainly not entirely imminent. But, with the Lebanese people in the streets and the outcomes of the Arab revolutions in mind, the ruling politicians would have to take actions and endorse reforms if they want to restore trust and legitimacy.

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