



# Country Report

## **Reforms at a Standstill** **for the Taëf Government of Lebanon**

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**ARI Country Reports** provide a comprehensive critical assessment of the state of reform in a specific country, reviewing the pattern and pace process and its various protagonists. They connect social, economic, political, cultural, and security related aspects. They draw on a large community of scholars and mobilize representatives of civil society organizations, advocacy groups, grassroots movements, media, political parties and social movements from across the country.

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## Introduction

On November 5<sup>th</sup> 1989, at Taëf, a “National Reconciliation Accord” was signed with the goal of the civil war that Lebanon had been experiencing for fifteen years. The members of the 1972 parliament approved the text that took force of constitutional law in 1990, being cited in the preamble to the constitution and introducing amendments to the text. The Second Lebanese Republic came into being in this context and with it the project of reconstructing the country and reforming its political system. However, the “Taëf Regime,” born from this document, proved itself to be particularly non-reformist to the point of being anti-reformist in many respects. Twenty years after the official end of the civil war, the reasons for disillusion concerning the capability of the Lebanese political system to truly transform itself in order to foster the civil peace, supported by a social and political pact and with the agreement of Lebanon’s foreign sponsors, are legion.

Very few factors would encourage one to bet that the country will finally bring together the conditions permitting it to undertake the process of stabilization and pacification. The country finds itself plunged into violence that has been increasing since the mandate of Emile Lahoud as President of the Republic was prolonged with the backing of the Syrian government (September 2004), since the UN Resolution 1559, under Franco-American initiative, was adopted in order to disarm Hezbollah, and since the assassination of ex-Prime Minister Rafic el-Hariri (February 2005), which sparked an appalling rash of unsolved political assassinations. There was a short-lived period of hope when the Syrian troops pulled out in May 2005, but it was rapidly followed by profound divisions on the political scene. Nourished by regional and international rivalries that find in Lebanon ideal grounds for confrontation, the polarization of the political landscape has deteriorated between the March 8<sup>th</sup> coalition<sup>2</sup> and the March 14<sup>th</sup> coalition,<sup>3</sup> exemplified by the war waged between Hezbollah and Israel in July and August 2006, followed by armed conflict in May 2008 in several Beirut neighborhoods and other regions in the country, mainly pitting Hezbollah and Amal against the Future Trends Movement and the Progressive Socialist Party.

The Doha Accord<sup>4</sup> (May 21<sup>st</sup>, 2008) put a stop to the hostilities, at least momentarily, after the clashes the same month. The Accord enabled the Lebanese political forces to temporarily transcend the obstructions that had been paralyzing them for several months: from November 2007 until May 2008 they were faced with the impossibility to elect a new president (always a Maronite), and also to replace the Shiite ministers who resigned from the government that was in place from November 2006 to June 2008. One year later, the legislative elections that took place in Lebanon on June 7<sup>th</sup>, 2009 were presented by those who had signed the Doha Accord, and with regional and international consent, as the result of a temporary truce, maybe even as a first step in overhauling the pact between the protagonists on the polarized political scene, who are always quick to take up arms. Comprised of all the actors who established terms and conditions expressly minimal so as not to threaten any of the protagonists still in contention (an electoral law elaborated in Doha<sup>5</sup>), this concluded with a result accepted by all the parties engaged in the electoral battle (the victory of the March 14<sup>th</sup> coalition over that of the March 8<sup>th</sup> coalition<sup>6</sup>). In this sense, it could have contributed to improving the chances for reform and to a pacification of the regime.

However, the conditions under which it was prepared nourished sources of contention, both immediately and in the long term. Far from establishing a climate of appeasement, the approaching June 7<sup>th</sup> date increased the number of people grandstanding and assuming radical positions. Using money for influence, which is difficult to control in spite of new legislative

measures and the creation of a Supervisory Commission on the Electoral Campaign,<sup>7</sup> has been combined with violent campaign themes, reviving wars and conflicts with their share of martyrs, of victims, of rancor and of the spirit of vengeance. The ballot revived cleavages, partially undermining the already slim chances of transforming the political system and reinforcing the communitarian aspect of the vote while at the same time tainting, *a priori*, the future elected members of Parliament with illegitimacy and radicalizing arguments on positions hardly reconcilable.

In this context, questions of *politics*, meaning local and international political games, prevails over questions of *policies* and of reforms. The programs of both groups were neither very well defined nor distinctive for this is not where the competition lies. In their campaign activities, candidates and political leaders granted almost no importance at all to economic and social issues (this was less the case for programs at the party level) even though the country is going through a major economic crisis. The March 8<sup>th</sup> parties accuse the current “majority” of being responsible for the country’s exceptional indebtedness (Lebanon holds the sad record of having the highest debt/GDP ratio in the world for several years now, around 200% in 2006). In protest, they have put up “Beirut is Not For Sale” posters in the streets of the capital. They denounce their adversary’s unilateral management of public affairs, their refusal to share power and responsibilities, as well as their ultraliberal economic and social policies favoring the development of downtown Beirut and unproductive investments. For their part, the March 14<sup>th</sup> coalition brandishes the slogan “Prosperity First,” warning against the excessive cost that their adversary’s victory would entail, namely the danger of recession and of foreign investors, so crucial for the economy, fleeing the country. Yet no debate on the neo-liberal orientation of the country’s economic policies, on its financial system, on its debt management, or on the particularly defective social protection system takes place. To assure that their assorted coalitions endure and to find an *entente* on the smallest common denominator, the various political parties have renounced the main lines of programs that they could have presented previously. Politically and financially supported by their foreign sponsors, the two sides prefer to confront each other on general political issues, namely:

- Lebanon’s place on the regional and international scene. Two conceptions confront each other. On one hand is the that of the March 8<sup>th</sup> coalition which, supported by its powerful neighbors Iran and Syria, refuses to normalize relations with Israel as long as a fair and impartial peace has not come into being in the region, and which continues to recognize the “resistance” that Hezbollah has been carrying out in Southern Lebanon for thirty years as the principal means of leading this struggle. On the other hand is the conception of the March 14<sup>th</sup> coalition which, together with the “Western clan” and Saudi Arabia, looks to get Lebanon out of the front lines of confrontation with Israel and to neutralize the conflict, following the example of “moderate” countries in the region, such as Egypt or Jordan. Behind all this, through the intervention of their Lebanese allies, a latent war is being played out, led by regional and superpowers and notably by the intense balance of power that today opposes the United States – and its Greater Middle East project – with Iran and Syria and the role that they intend to play in this region.
- The national sovereignty problem. Either a cause or a consequence of their regional differences, the two groups are also divided on the role of “resistance” claimed by Hezbollah and that played by the Lebanese armed forces. Those representing the March 8<sup>th</sup> coalition, above all Hezbollah, insist on the intangible nature of the “resistance” cause, which, according to Hezbollah, depends on the cooperation of the

Lebanese Army. The March 14<sup>th</sup> coalition, on the other hand, calls for disarming Hezbollah and integrating its forces into the army, in line with the procedure of dismantling all militia forces, as part of a process of reinforcing the state and its sovereignty.

- The form of power sharing in the “Lebanese consociate”<sup>8</sup> system. The electoral slogans of the Free Patriotic Movement announced the advent of a “Third Republic;” however, beyond a hypothetical revision of the institutions, hardly possible in the short term considering the fragility of the coalitions, this question is not new. The debate concerns the different ways of viewing the political institutions of Lebanon. The Constitutional Council, absent during the 2005 legislative elections following its members’ dismissal because of disagreements regarding seat renewals, was not reconstituted until May 2009, a few weeks before the election. Regardless, it was stripped since its creation of the prerogative to interpret the Constitution. Without an arbitrator, the various parties defend different positions on how to govern, on sharing power and on the nature and the composition of the next government. In the name of the “living together” principle written in the 1943 National Pact and in the Taëf Constitution of 1989, which everyone refers to as an authoritative argument, the Lebanese constitution designates fourteen major issues necessitating a two-thirds majority in the Council of Ministers in order to be adopted. Contrary to the principle of democracy of the majority, this veto principle (or “blocking minority” principle) serves, in theory, to eliminate the risk that a minority party becomes marginalized and excluded *de facto* from decision making, as in the case of Lebanon where political society is profoundly divided among politico-communitarian cleavages. It was this problem that aggravated the tensions in 2006 between the March 14<sup>th</sup> and March 8<sup>th</sup> coalitions and the emergence of two political poles, progressively qualified as “the opposition” and “the majority.” The hopes placed in the 2009 legislative elections, which many people thought would permit the designation of a new, incontestably legitimate majority, were quickly dashed after the voting. Far from prefiguring an institutional change, the opposing parties, again, bitterly negotiated the setting up of a national unity government, reproducing, word for word, the same configuration as before.

Reform in Lebanon seems therefore at a standstill. Certainly, powerful constraints weighed in from the start, as much on policy making, on public action, and the policies of managing collective problems, as on the political game itself. On one hand, the direct Syrian supervision up until 2005 pointedly influenced political logistics, limiting in large part not only the political leaders’ room to maneuver but also the domains of what was considered legitimate and illegitimate, or even the domain of the possible. On the other hand, the partisan scene and its leaders had hardly changed, having largely inherited the militia countryside of the war, with some exceptions: the entrance on the scene of the prime minister and “reconstruction man” Hariri, who opened the route for other businessmen and entrepreneurs, and the fact that, until 2005, two Christian leaders, the ex-interim prime minister and commander-in-chief of the Lebanese Army, Michel Aoun, and the leader of the Lebanese Forces, Samir Geagea, were kept on the sidelines.

Nevertheless, in this prolonged post-war context, there could incontestably be windows of opportunity for reform. This study therefore proposes to envisage this paradox: why has almost every reform project aborted in a context nevertheless calling, *a priori*, for reform? We will first review the reformist project put forward by the Taëf government, the abundance of

discourses and debates on the transformations needed in the society in order to modernize it but also in order to avoid the specter of a new civil war. Then we will show, *a contrario*, the absence on the scene of tangible reformist policies during these last two decades. This will lead us, finally, to reflect on the conditions of reform in the Lebanese context, where public action is practiced more by successively managing recurrent and endemic crises than by reform.<sup>9</sup>

## **The Reformist Ethos of the Taëf Government**

The Taëf Accord concluded a series of previous projects of accord (the 1975 National Movement project, the 1984 Lausanne and Geneva projects, the 1985 Tripartite Accord etc...), which all tried in vain either to avoid or to put a stop to the civil war. The Taëf Accord borrowed from some of their formulas and proposals to end the conflict and reform the system at the same time. The reformist aspect of the National Reconciliation Accord, which has constitutional validity, constituted a matrix for the regime that was established. It responded to the worries of a society that had been searching for the tools of reconciliation during these two decades. It is in this context that we can speak of the reformist ethos of the Taëf Regime. If reforms are heralded as the requisite horizon for the (re)construction of the Lebanese state and of “a culturally, socially, and economically-balanced development”<sup>10</sup> of the society, if they are, as will be shown, wished and hoped for by various groups in the civil society, inevitably, they are also put off *sine die*. This accentuates the gap between policies of talking about something and policies of doing it. This in turn voids all credibility of the call for reform, which often is nothing more than empty words, or is buried in a public agenda that, although it is included therein, shrinks away to nothing or is placed at the very bottom of the scale of priorities.

### **A New Constitution for Rebuilding**

The Lebanese government leaders who reorganized in 1990 explicitly put on the table, *de facto*, the reforms that had to be made to rebuild the country and to reaffirm the desire of a divided nation to live together, a nation fragmented and weakened by 15 years of civil war. Under the rubble of the old system and the failures of previous experiences, it was a question of launching several projects of primary importance.

The institutions of the First Republic, put in place in 1943 in accordance with the National Pact (*el-mithâq el-watanî* الميثاق الوطني), quickly showed their incapacity to regulate the Lebanese political system. Organized according to the consociate formula, in the name of the recognized sectarian communities (which number 18 today), the system was not able to avoid the taking up of arms in 1975.

The civil war also demonstrated the limits of the reformist project that the country experimented with during the 1960s. After the insurrectional troubles of 1958, which some already called the “mini civil war,” President Fouad Chebeh (1958 – 1964) reacted by launching a vast series of reforms, influenced by the modernizing and development ideas of the Institute for Research, Formation and Development (IRFED), which Louis-Joseph Lebret, who worked with François Perroux on reflections on the economy of dependence, had just created. Following the conclusions of an IRFED study and prospecting mission, President Chehab endowed the country with new institutions and tools for public intervention – a

Planning Minister, Office of Social Development, National Public University, public transport network, National Social Security Fund, etc... These reorientations of Lebanese political economy during the turning point in the Sixties paved the way for modern social institutions.

The reformist heritage of the Chehab mandate is therefore often viewed by historians in the light of his failure. His ambitious projects (modernizing the state apparatus, reinforcing public institutions and their missions of integration, consolidating national identity, i.e. (re)building the nation, (re)creating the Lebanese citizen, developing rural zones, reorganizing the economy and distributive justice in the name of “harmonious development”) largely collapsed during the civil war. Nevertheless, the Chehab government and its projects, which the historian Nadine Picaudou qualifies as a “state of technocrats,”<sup>11</sup> left the post-war society with the very institutions that function (or dysfunction) today. In other words, his failure is relative. It seems to us therefore that the history of social politics in the country should consider the civil war not as a major interruption or a rupture but as a moment of inflection and marked increase in previous choices.

Thirty years later, the Taëf Accord set out to settle the scores of this murderous conflict and to again take note of the cleavages that brought about the “uncivil war.”<sup>12</sup> They therefore gave to the new republic, and to its leaders, ambitious ways and means, classifying the reforms to take up, with the support of foreign sponsors:<sup>13</sup>

- Administrative decentralization, reinforcement of the influence and the competence of municipal authorities, administrative division of the territory and the creation of regions with a better community-level mixture, creation of elected assemblies at the *caza* level (sub-prefecture), “balanced” development in the regions on the cultural, social and economic front, etc..
- At the level of the institutionalization of the justice system and the courts, the creation of a High Court to judge presidents and ministers, of a Constitutional Council, a Supreme Council of Justice, etc...
- The creation of an Economic and Social Council for development.
- An electoral law making the *muhafaza* (prefecture) the basic electoral circumscription and the broadening of representation among Lebanese citizens to include “all classes and all generations.”
- The progressive abolition of political sectarianism and the creation of a Senate where all spiritual groups will be represented.

### **The Voices of Reform**

The ups and downs of reform projects in Lebanon, even the disappearance of some of them, plus the absence of frank political initiatives, cannot therefore be explained *a priori* by the absence of projects in the post-war context, or even by purely institutional issues. Even less can it be inferred from this that the society has lost interest or that the intellectuals and the opinion-makers have abdicated. On the contrary, these last two decades have seen debates, controversies, and speeches on the transformation of the political system, including during the period of Syrian domination. The repression of protest movements and the assassination of political personalities and intellectuals have not choked off anti-authority dialectics or calls for reform coming from various activist groups. Moreover, since 2000 Beirut has played the role of platform for debate on the subject of Syrian reform.

These public debates were observed in at least two political arenas – that of the constitution of collective causes and of pressure groups and that of the development of expertise, often militant, at the service of reform and social politics.

### *The Social Movements for Reform*

During these last two decades, the Lebanese “social society” – certain sector-based interest groups or messengers for the collective cause – mobilized on several projects. This has concerned both the demand for the implementation of promised reforms and bringing up new issues and questions in the context of “reconstruction” and “reconciliation.”<sup>14</sup> Post-war Lebanon was thusly punctuated by several mobilization cycles<sup>15</sup> - a civil mobilization (which was dominant between 1995 -2000), a sovereignty mobilization (more or less between 2000 and spring of 2005), and a partisan mobilization (which started from the summer of 2005 and the Syrian withdrawal). These three cycles of mobilization were distinguished by the dominant issue that animated them, that is to say by the way in which they participated in the formation of political identities and in which they played a part in defining the actors, the dominant groups, and the “counter-actors.” They also distinguished themselves by the scope of their reformism, the civil mobilizations having been most articulated around reformist causes.

Notably between 1995-2000, several organizations, initiatives and social movements emanating from the “margins” rather than from the “bottom” presented similar as well as singular particularities. In a context where those in power tended to neutralize any type of opposition coming from within the system, the voices of journalists, academics, and lawyers from the upper-middle class situated on the fringes of the system claimed, on the contrary, to rehabilitate citizen’s actions and to mobilize the Lebanese. While political actions were repudiated by the violence of the war and by practices of the political class at the end of the conflict, they tried to give a politico-juridical and constitutional sense to their involvement in public affairs and to reconcile the citizens with polity. In reaction to the closing off of the political scene, these civil actors organized themselves, for lack of a better option for some, within the associative realm in particular to oppose government policies while not opposing the government itself.<sup>16</sup> Far from being hegemonic during this period, these initiatives continued to be marginal in the political realm structured around Syrian supervision and more stirring traditional political leadership. Openly non-violent, they put forward crucial collective issues for the political society after fifteen years of civil war: how can one carry out a transversal collective action, stressing the watchword “civic,” in a society described before and during the war as a divided, conflicting, and warlike? In other words, how can one mobilize social groups facing this political and social organization particularly dominant and structuralizing? These actors faced three challenges: to call into question religious and communitarian solidarities, to differentiate themselves from military or violent actions or, in this case, militia actions, and to bring forward political demands supporting for example human or political liberties, in a “closed” political system.

This period bears their mark as they brought to light demands for the end of sectarianism in the political system and the development of a pacified mode of solving political issues while at the same time opposing the security service’s interference concerning the general public as well as restrictions imposed on the freedom of expression.

The “civil” mobilization germinated in the intellectual circles and the coterie of the educated Beirut milieu, where they signed and passed around petitions and published articles

denouncing corruption in the government, calling for respect of the laws, and opposing the amending of the constitution for personal profit. This movement grew into civil associations which developed during this period and were organized around various causes such as the defense of human rights, ecology, civil and political rights, and public liberties. They became implicated in placing various laws on the agenda and working on their text, including the electoral law, law on associations, the civil statute issue and the law on the personal statute, as well as questions concerning missing persons during the war, environmental policies, etc...

- The ecological movements conceived their causes as a natural corollary to the process of reconstruction and as a watchword for “well-balanced development.” The associations multiplied, notably on a local scale, to take charge of environmental activities and collectives, whereas the municipalities were paralyzed, until the communal elections of 1998<sup>17</sup> took place. They organized themselves collectively around campaigns against sand quarries for the protection of the coastline, against air pollution, and in favor of saving the country’s ecological patrimony. The fruits of their mobilization and public actions culminated with the creation of the Minister of the Environment in 1993.
- The electoral issue and its reform were equally established as a theme of collective mobilization by civil activists during the post-war period, notably through two main movements. The first was led in 1997, with success, by the Lebanese Association for Democratic Elections (LADE), which had just been created. The militants of this association demanded the organization of municipal elections, which the public authorities of this period had threatened to put off. Their slogan “*baladî, baldatî, baladîyyatî* بلديتي، بلدتي، بلدي” (my country, my village, my municipality) refers to the three steps of political reforms to be carried out.

The second movement, conducted by the LADE along with student and human rights associations, has spoken in favor of lowering the voting age to 18 since the 1990s, thus far without success.

During the current decade (2000-2009), the electoral reform issue has been a central subject in political controversies. A subject of division, notably since 2005, among parliamentary groups, it continues to be the pet subject of associations such as LADE who take charge of observing the elections while at the same time expressing their opinion on the terms of electoral reforms. The nomination, in 2005, of ex-presidents and founders of this association to the National Commission for Electoral Law in Lebanon (known as the “Boutros Commission”), testifies to the important place it has taken in the realm of political reform.

- The reform and eventual abolition of the sectarian system, announced in the National Reconciliation Accord, was quickly understated by political leaders, and relegated to a distant political horizon. However, the issue is not forgotten and is clearly posed in the public arena through the organization of another civil movement, led by student associations, human rights associations, and others.

Since 1998, this movement has demanded that public authorities establish an optional civil code for personal status in a system that entirely entrusts the communitarian jurisdictions with the administration of all personal statute, familial, and succession issues (a project which previously existed during the 1950s). Acting as a go-between,

Elias Hraoui, then president, contributed in inscribing this project for the first time on the public agenda. Despite support by numerous types of associations, it has not, up until now, been brought to Parliament but instead has been confronted with the organization of a considerable social counter-movement, led by a group of defenders of communitarian prerogatives as well as religious and political leaders.

- More recently, the patriarchal nature of the sociopolitical system has come under fire via demands concerning the mode of acquisition of Lebanese citizenship, coming mostly from women's groups.<sup>18</sup> In Lebanon, only men can pass their nationality to their wives and children. Rallying around the slogan, "My nationality is a right for me and my family" (جنسيتي حق لي ولاسرتي), various associations have been campaigning, notably since 2005, behind the Research, Training and Development-Action Collective (CRTD-A), which has campaigned at the regional and now state levels. In spite of their remarkable activism, these feminist positions face resistance from most political leaders. Besides the difficulty that all trans-confessional and civil mobilizations movements encounter in building a collective cause which transcends community interests that structure the political life in the country, this particular campaign is confronted with a considerable double obstacle. On the one hand, it puts into doubt the foundations of the society's patriarchal system, as well as the principle of the male head of household. On the other hand, it awakens old fears concerning sectarian balance. As with debates surrounding the right to vote for Lebanese living abroad or the lowering of the voting age from 21 to 18 years old, the demands of the feminists represent a taboo in this post-war society; for this reason, no population census has been taken since 1932, neither concerning the demographic weight of each denomination nor its evolution. Here, the largely widespread idea is that this kind of reform would bring about naturalization favoring Muslims. In spite of the fact that public opinion has become remarkably sensitive to this issue, and in spite of several legal victories, the feminist campaign has not found political backing to engage the reform.
- Finally, in the domain of the defense of social rights, the unions have mobilized several times but have been weakened by partisan and sectarian interferences. This was again the case in 2008 when demonstrations were organized against the high cost of living and in favor of increasing the minimum wage, raising public workers' salaries, and for measures to be taken in the face of galloping inflation. The same causes had mobilized people in 1991, 1992, and again in 1995, sparking off severe repression on the part of public authorities and notably from the forces of order under command of the Labor Minister, the regulatory authority.

A second cycle of mobilization took shape at the beginning of the current decade. This movement was "sovereignist" in nature as various mobilizations were organized around the principal objective of the "liberation" of the public space and of the national heartland from Syrian domination and the intervention of various Syrian and Lebanese security and intelligence services.<sup>19</sup> The triggering of these events can be more or less situated in the years 2001–2002. They reached their paroxysm with the huge movements of springtime 2005, following the assassination of Hariri and the demonstrations of March 8<sup>th</sup> and 14<sup>th</sup> which saw millions of Lebanese taking to the streets of Beirut. This cycle was sovereignist not only for the position of the March 14<sup>th</sup> political forces and the "anti-Syrian" coalition, but also for that of the March 8<sup>th</sup> forces (particularly Hezbollah and the Amal Movement, the two Shiite movements) which, while affirming their allegiance to Syria, insisted on the independence

and the sovereignty of Lebanon vis-à-vis the interference of certain countries and more exactly that of the United States and France (for whom the most evident expressions of this interference were the U.N. Resolution 1559 and the constitution of a Special Tribunal for Lebanon to judge the guilty among those responsible for terrorist crimes which brought about the death of the Hariri and other persons<sup>20</sup>).

A third cycle of mobilization emerged during the summer of 2005, after the Syrian arbiter troops pulled out.<sup>21</sup> A partisan mobilization in which various political forces confronted each other, and sometimes violently clashed, the cycle came within a hair's breadth of civil war, to the point of engaging in a mini-civil war, lasting several days in May 2008.<sup>22</sup> This mobilization took on earlier forms, resulting in the further marginalization of civil and reformist mobilizations. It confirmed, even reinforced, the political and segmental cleavages in Lebanese society and its public authorities. Indeed, this cycle of mobilization was characterized by intercommunity alliances (the Hezbollah and CPL factions against the government coalition). Nevertheless, these events can be boiled down to the competition between leaders and groups to represent political communities, as was shown during the campaign and at the outcome of the legislative elections of June 2009. The logic of patrons and clans turned out to be the determining factor. Each political patron's objective was to reinforce his position and to maximize his gains on the political scene during these tumultuous times that Lebanon and the region in general were traversing while waiting for a new order to be established, even a new redistribution or restructuring of power, by foreign influences. In this sense, the Doha Accord can only be considered as a temporary pact that reproduces this unstable balance of power: if its terms constitute a short term compromise permitting an exit out of the crisis, they do not respond, at least not directly, to the endemic problems of the political system – political sectarianism and its consensual governing mode, the issue of insecurity, and the incapacity of state authorities to control the totality of the territory and to practice consistent and reformist social politics.

### *The Search for Expertise in the Domain of Public Reforms*

In the vein opened by the social movements of the 1990s and often linked with international development agencies, which claimed a certain monopoly in reflections concerning reform, networks of scientists and experts formed around several ministries – Finance, Economy, Social Services, as well as Administrative Reform– in addition to organizations such as the UNPD or those within the local civil society pole such as the LADE or the Lebanese Transparency Association (LTA). Research centers and consulting firms based on the think tank model were developed with the aim of getting closer to politics both on the Lebanese scene as on the Arab level. This was the case for the Lebanese Center for Policy Studies (LCPS), created in 1989, the Consultation and Research Institute, created in 1977, and recently the Issam Fares Institute for Public Policy and International Affairs at the American University in Beirut.

The papers published by such research centers, in accordance with varied formulas of political commissions, directly repeat the reformist *problématiques* brought up by the Taëf government: studies on decentralization, on electoral law, on the reform of the justice system, or on economic development.

The reformist project becomes explicit when it is at the crossroads of activist mobilization, works of expertise, and placement on the political agenda. This was the case for the ecological sector which developed in the 1990s and became institutionalized in 1993 with the creation of

the Ministry of the Environment. Likewise, this was also the case in the mobilization for electoral reform as articulated by LADE and the creation of a National Commission for Electoral Law in Lebanon (the Boutros Commission), in 2005, which we will be referring to later on.

## **The Omissions of the Reform**

The Taëf Republic was therefore constituted around a reformist ethos and was the theater for building reformist causes, often with large media coverage even though fundamental reforms were, in the end, continuously put off. The debate on reform is therefore not at a standstill in post-war Lebanon. It can divide certain actors or groups, less in the formal political arenas than in the realm of protest and demands, which take shape according to how the mobilizations and counter-mobilizations develop. However, the projects-in-work either omit or deliberately ignore crucial issues concerning reconstruction – those of economic and social politics in the country, those of security policies, and finally that of the justice system.

## **The Closure of the Economic and Social Debate**

The policies of post-war reconstruction are based above all on a neo-liberal model, briefly contested but quickly presented as the only way to restart the country's battered economy. In a context where Lebanon no longer plays the role of commercial platform and regional banker, these policies have been revived under a simplified form of the "Merchant Republic" as expressed by Michel Chiha, an economist who inspired the National Pact of 1943,<sup>23</sup> notably brushing aside the question of social citizenship.

### *Paris I, Paris I,I and Paris III – The Limits of Economic Reform*

Lebanon figures today among the world's most indebted countries (having the highest debt/GDP ratio in the world for past several years, around 200% in 2006). The country's level of economic development remains feeble in spite of reconstruction.<sup>24</sup> Moreover, the high rate of consumption among the upper classes is accompanied by an increase in social disparity.<sup>25</sup> The "problem" of the debt "is nothing more than the most visible expression of an indestructible, regulated and stable economic model which permits one to understand the recent history of Lebanon. This model enabled the society to survive the war and to adapt to it, subsequently to profit from the debt, to tame it, but its perpetuation has brought the society to a standstill and has endangered the State."<sup>26</sup>

In the context of reconstruction, the indebtedness of the state could also be a means of boosting the economy and investments. Some economists underline the fact that the effects of this public debt do not necessarily cause directly negative effects on the economic system but rather increase inequality and cause the deterioration of public services and facilities, thereby weakening the legitimacy of the state.<sup>27</sup> But in general, the debates on economic reform, on how to use the public debt, and on the social effects of the development model chosen have been ignored by the public authorities and the main political groups.

At the same time, the post-war economic stimulus plans came up against short term constraints – with the climate of insecurity that characterized this period – and the negative effects of austerity politics starting in 1997, as well as the manner in which they were

launched. While the holders of foreign capital became richer (notably the bankers) during these two decades, poverty in the rest of the Lebanese population increased.

Soon after the end of the war, the brutal devaluation of the Lebanese pound plunged the country into a climate of insurrection that forced the resignation of the Karamé government in 1992. The distributive reconstruction project, which made up the base of the reformist policies of the Chehab government was abandoned.<sup>28</sup> The arrival of Hariri as the head of government marked the beginning of a policy of “entrepreneurial” reconstruction: priority, to a great extent, was given to infrastructure, notably in downtown Beirut, under the pretext of a paradoxical leitmotif of *laissez-faire* without market.<sup>29</sup> Within the context of the Lebanese government’s two plans named “Horizon 2000 for Reconstruction and Development” (1993–2000 and 1995–2007), essentially put in place by the Council for Development and Reconstruction (CDR), reconstruction was carried out through contracts signed with large private companies that had the monopoly of responsibility, as well as profits, that came with rehabilitating telecommunications, fuel importations, the treatment of garbage, airport and sea port activities, etc...

As the economist Charbel Nahas indicated, the debates on these economic policies are defined by two opposing views:

- A movement that some qualify as “sovereignist,”<sup>30</sup> attached to the idea of the Lebanese state recovering its power through fundamental reforms which guarantee for example statewide economic authority.
- A “subsidiarist” movement which expressed itself in the realm of economic policies by “neo-Lebanism,”<sup>31</sup> inclined towards restoration of a state with secure borders and resources via less radical reforms, essentially centered on public finance and local and international investment for reconstruction.

The members of the first movement, associated with economists Georges Corm and Nasser Saïdi, invested themselves heavily into the Hoss government (1998–2000). They were severely critical of the policies of reconstruction in which the second movement put their efforts under the impetus of Hariri, who they accused of being responsible for the disastrous state of the economy.<sup>32</sup> The symbol of this criticism was the exorbitant powers accorded to the Council for Development and Reconstruction (CDR) and the creation of a property trust created to take charge of the reconstruction of downtown Beirut (SOLIDERE). They rose up against the “Republic of continuous financial scandals and corruption flaunted in broad daylight.”<sup>33</sup> They called for a more creative economic revival in the face of state bankruptcy, and for state interventionism, notably concerning social problems. But from the beginning of 2000, their criticisms were muffled (although one can still find glimpses of them in the electoral program of the Free Patriotic Movement).

The debate quickly boiled down to the subject of the standstill in economic reforms,<sup>34</sup> a standstill that the International Conferences for Support for Lebanon – Paris I (February 1991), Paris II (November 2002), and Paris III (January 2007) – proposed to compensate rather than to surmount by contracting more new debts. The 2004 finance law presented by Fouad Siniora, at the time finance minister, in a context of polarization of political tensions, as a project for “a reform budget,” is more a political program than a budget proposal.<sup>35</sup> Moreover, it was never discussed at the Council of Ministers nor brought to Parliament. As for the reform program that the Lebanese government presented at Paris III, recorded in a

document titled “Recovery, Reconstruction, and Reform” that was sponsored by the country’s creditors and annexed to the IMF’s EPCA (Emergency Post-Conflict Aid) program and the World Bank’s “Acting Country Strategy,” it presented virtually no long range reform mechanisms whatsoever. This document, which proposed to continue its neo-liberal reforms in exchange for support from its donors and creditors, was approved by every political formation. Only the General Confederation of Lebanese Workers protested just before the conference.

In other words, no fundamental project seemed to have been put in place to transform the economic politics of the country, even though structural imbalance has been intensifying, manifesting itself particularly in the financial domain. It is in this sense that the debate on economic reform came to a halt, imposed by a hegemonic actor – the public authorities under the leadership of Hariri – relegated to experts and abandoned by political leaders. In the absence of a counter plan, the structural adjustments the country engaged in during 1993, with aid of Bretton Woods institutions, were not questioned, especially during this last period.

### *The Denial of the Social Issue*

This absence of debate is also embodied in the obscurity surrounding the social issue in Lebanon. While political interaction became polarized, social mobilizations were shaking up Lebanese society. Combining with political cleavages, they brought up questions neglected by the politics of reconstruction: salary level, purchasing power, social protection and the extension of collective rights, the retirement system, public service reforms such as the distribution of electricity, national education, etc... In the face of record inflation, one detects signs of a profound and recurrent socio-economic crisis which is hardly perceptible in the mobilizations and in the slogans of the communities, the political patrons, or the political parties.

The Lebanese social system is still in a particularly embryonic state and the level of citizens’ social protection reduced as healthcare and educational costs remain inaccessible for a large number of citizens. Between 40% and 50% of the public workforce is not registered at the National Social Security Fund (NSSF). The most vulnerable populations - the elderly, the handicapped, and the unemployed - have only an extremely modest social security net. Individuals, families, employers, and other organizations are obligated to support most of these costs. This nourishes patron or partisan clientele practices, reinforced by years of civil war where the belligerent militias, accompanying their war effort, put various paralegal systems of collective services and of social assistance in place in their territorial strongholds.

Three questions can be brought up:

#### 1. The contemporary denials of the social issue

Paris III did not change the situation. The social issue remains therefore essentially considered as a residual issue compared to development and economic performance, and does not appear to be a major political preoccupation. The plan presented by the government to donors remains focused on the reduction of public spending and reflationary measures. The difference with previous plans is the addition of a social component included in the financial part; however, this is far from being audacious and is not even part of the structure of the plan. The “Social Action Plan” launched by the Siniora government evoked therefore a social issue in its presentation (شأن اجتماعي). Though the state’s social discourse intensified,<sup>36</sup> the

objectives they paraded remained generous: “reduce poverty, improve the efficiency in social spending, and improve the quality of education and health indicators.”<sup>37</sup> The main lines of the proposed reforms do not affect the system itself; in general, they are concerned with improving the working conditions of the public social protection system, but without reorganizing it, with the exception of retirement pensions which has priority but is highly complicated.

The recurrent problem that Lebanon shares with its neighbors lies in the following question: how to achieve social progress while reducing economic and political risks that cause citizens to be socially vulnerable – risks which can be expressed in the form of political contestation, migration tendencies, etc...– without calling into question the neo-liberal choice? The generic response draws from the tools of neo-liberalism, namely by putting in place or encouraging the development of protection mechanisms like insurance or aid. Such strategies are a means of “discharge”<sup>38</sup> whereby public authorities disengage from direct management of a series of activities through various forms of privatization. As elsewhere, the tendency of dualist politics is exacerbated – an institutional mechanism protects a small number of civil and state employees, for at least a part of their social expenses, and another mechanism, more informal, private or public, is aimed at the rest of the population, either through a form of precarious charitable or *ad hoc* assistance, or under the form of insurance, negotiated on a market-based system.

Meanwhile, this question takes on remarkable singularities in Lebanon’s particular case at the crossroads of a triple economical conjuncture and a double hypothesis:

On the short term side, three factors are intimately tied together:

- First, the singular path that these modern political institutions followed, on the model of the “Merchant Republic,” founded on a strong adhesion to *laissez-faire*.
- Second, the heritage left by fifteen years of civil war in terms of links between social citizenship and national citizenship, the war effort, social ethics, and infra-state institutions.
- And finally, the extreme financial crisis that the country finds itself in.

In this context, government policies in Lebanon have the reputation of being subordinated to Lebanese neo-liberal priorities, and to be uncoordinated and inefficient in terms of the reduction of social risks. Denying social issues constitutes both a brake on and symptom of the expression of solidarity among citizens on a national level. This is far from being insignificant in a shaky society that has just come out of a “civil” conflict and constantly evokes the specter of sinking into it again.

At least two hypotheses reinforce this:

- The first is political. The maintenance of an intense social insecurity favors the practices of clientelism that many political leaders rely on. It also reinforces communitarian and sectarian logics, with groups placing money into a number of social services according to these various logics (the current case of Hezbollah social services is the most scrutinized but not the only one.<sup>39</sup>) The fact that a third of the Lebanese population is living in poverty guarantees appropriate conditions for the continuation of a system of functional precariousness that a number of leading

political bosses benefit from.<sup>40</sup> A system of gift and counter-gift is assumed to be organized around the production of collective services in exchange for buying political loyalty. This evidently puts the brakes on the formation (or the reform) of a social state, in the very heart of public institutions that are misused in a “privatized” manner to lavish different types of protection on certain “clients.” This is all the more striking because social movements, especially the worker’s movements, powerful before and during the war, were broken up, divided and weakened during the post-war period by political proceedings (the creation of rival organizations etc...) and also by the evolution of the labor market (the reduction of industrial activity, the massive arrival of foreign workers with little or no rights.)<sup>41</sup> The question of services rendered being converted into votes or other forms of political loyalty is worth further exploring.

- The second is economic. In a country with a liberal tradition, where public debt reaches record heights, imagining at the same time social redistribution and public spending can turn out to be contradictory. And yet the post-war macro-economic policies chosen were based precisely on incoherence as regards to the liaison between economic and social rights.

## 2. The social state’s fault(s)

Contrary to established discourses, Lebanese state spending for social actions does exist. Indeed, it has even increased during the last decades. According to the World Bank, total social spending in Lebanon amounted to 21% of the country’s GDP, essentially in healthcare, education and social protection domains, which is a relatively high figure.<sup>42</sup> However, the state supports these expenses up to 6% of GDP which is feeble compared to the 15% of GDP supported by private employers, the rest being taken in charge by private individuals and institutions.<sup>43</sup> But, “in spite of the Lebanese spending a lot on social needs, the results are not up to snuff and detailed indicators reflect the meager yields of these expenditures – according to international criteria.”<sup>44</sup>

The state seems to be at the same time lacking something and doing something wrong. Far from being recent as in the other countries of the region, the method of “discharging” public action on private institutions has been in place in Lebanon since the modern social protection institutions were established, essentially during the Chehab regime. This augmented during the civil war when the militias put in place various paralegal public service and social assistance systems to accompany their war effort, in face of the urgency and the need. This method became further established when Lebanon chose the ultra-liberal reconstruction system, marginalizing the social issue.

In this sense, the reform of social politics in Lebanon can hardly be articulated around a discourse of the state “withdrawing,” as can be the case in other contexts.

## 3. The current reforms

The state of current social reforms demonstrates that the issue is in an impasse in the country.

- The extremely slow reform of the National Social Security Fund (NSSF)

The necessity to reform the National Social Security Fund, along with the social protection system in general including other funds (notably government workers fund and military personnel fund), is regularly brought up. Created in 1963, the NSSF is the

cornerstone of the social protection system. Inspired by the Bismarckian approach, it has however never been expanded to include the entire salaried class. The problem is therefore to widen Social Security coverage and to halt the ever increasing cost of healthcare. Numerous studies have pored over this question and that of reinforcing the capabilities of the Minister of Health, and of how to transform the NSSF, in addition to technical commissions that have looked into this question. But in the present state, reform of the healthcare system is at a standstill, despite the introduction of the Health Card (being tested), the cleaning up of the NSSF, and the beginnings of reform of the retirement system.

The three existing insurance systems (for government workers, for security forces, and for private wage-earners) covers only one fourth of the working population.<sup>45</sup> Put another way, the elderly population is particularly vulnerable, all the more so because at the age of retirement the contributor loses his social security benefits. Several projects for reforming the retirement system have been put forth during this last decade, with support from the World Bank.<sup>46</sup> A “retirement fund” (ضمان الشيخوخة) would be introduced, a system of old age insurance, along with the end-of-service compensation, which is unfair for employees and which runs over the NSSF budget.<sup>47</sup> These three systems would be combined into one unique system founded on taxation. The reform of the retirement system is extremely tied in with a structural problem: the existing funds, notably the pension funds, are invested to reimburse the public debt and to make up for deficits in other branches of the NSSF, which is contrary to its governing law.<sup>48</sup> But in any case, the project defended by the government and at Paris III constitutes progressive privatization of the retirement system, which proposed at first to reduce the end-of-service indemnities and then, in the face of union protests, to entrust the management of the subscriber’s monthly payments to a private banking system. Up until now, however, the reform projects and propositions are dead, shoved into the back of locked-up drawers by the parliament president or the council president, with the key thrown away.

- The disengagement of the state – privatizing public services and reducing subsidies for consumption.

Policies of privatization are also in the works for the few public services left in the hands of state-owned companies. It was clearly demonstrated during recent social movements that the demands of the Lebanese people for better everyday living conditions and equal access to public services were politically crucial. The case of electricity in Lebanon, reputed to be one of the sources of the Lebanese budget deficit, and at the heart of current social protests, is interesting on several accounts,<sup>49</sup> as is the water issue.

Another issue relative to transformations of the social state lies in policies geared towards assisting consumer spending: in the face of worldwide price increases of fuel and grain, Lebanese inflation has raced out of control, especially since the July 2006 war. Even if the available figures are difficult to verify, the most recent data testifies to excess, notably on the price of foodstuffs during the first semester 2008. However, the inflationist crisis is also marked by subsidy policies and their misappropriation. The dispute between millers and the baker’s union since 2007 is a case in point. The flour used in bread making is heavily subsidized. With the augmentation of the price of raw materials on the international market, the Minister of the Economy granted in August 2007 an equal augmentation of bakers’ subsidies in order to continue to sell their bread at the same price. It seems that this agreement accelerated widespread practices of misappropriation which

caused the confrontation between the two groups. In this way, bread in Lebanon during 2007 and 2008 became an “emblem and primary element of the social problem in Lebanon.”<sup>50</sup> The CGTL and the Lebanese Consumer’s Union have complained several times about these practices, but when confronted with social troubles caused by the bakers’ decision to raise the price of bread, as they threatened to do in January 2008, the Lebanese government gave in to pressure of the millers who, at this moment, created an artificial shortage of flour, all the while changing their subsidy mechanism three times in one year.

### **Ignoring Security and Foreign Issues**

In spite of the insecurity that reigns in most of the country, debate on the reform of security issues has not yet, as with other issues, really taken place. The question seems to have caught the public authorities unprepared over the last several years. In 2007, the army managed several times to come between opposing sides during numerous sporadic clashes. But as was shown with the fierceness and the length of the war carried out at in Nahr el-Bared that year, the Lebanese Army is constrained by its own limits. This episode revealed the armed forces’ lack of equipment and also the flimsy foundation on which its ideology is established as a result of its fragmented sociologic and communal makeup, the very image of Lebanese society. After thirty years of conflict and submission to Syrian armed forces, which directly took charge of security issues and of remodeling the country’s security forces, the Lebanese Army was enjoined to reorganize itself. This was especially true in the aftermath of the summer 2006 war when the army found itself in charge of a territory – South Lebanon – where it had been absent for at least four decades. The Nahr el-Bared episode raised the question of the army’s ability to control the borders of the country and put back on the table its interdiction to intervene in Palestinian camps. At the outcome of this war, the question of weapons in the hands of certain groups, outside and inside these camps, is still not resolved, and the regular security forces refrain from entering into other camps. Up until now, no consistent support has yet been given to the Lebanese Army to help it in the application of UN Resolutions 1559<sup>51</sup> and 1701.<sup>52</sup> As such, the actual resources of the Lebanese Army remain a subject of controversy, in the context where the disarmament of the militias is advocated and where two commanders-in-chief of the armed forces successively became president of the republic. Moreover, the elaboration of a national defense strategy was one of the principal subjects of discord in the discussions to bring the country out of its crisis<sup>53</sup> during the National Conference for Dialogue between the main political leaders begun in 2006.

The observers explain this paradox thusly:

“In the fifteen years following the end of civil war (1990), the reform of Lebanon’s defense and security sector took two opposite directions. On the one hand, the military and security forces were reconstructed according to the already obsolete model of the national Arab army,<sup>1</sup> with security strategies closely linked to Syrian priorities. On the other hand, change was occurring in a post-bipolar era and in a fluid political environment marked by looming regional insecurity and growing Western and regional intervention. Such a hazardous environment contributed to a “post-modern” renewal of security priorities and military options, and played against the state’s official military doctrine inspired as it was by its Syrian patrons.”<sup>55</sup>

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<sup>1</sup> Especially in term of numbers and social influence as the Lebanese military grew eight times from 10,000 to 80,000. See K. Pollack, *Arabs at war: military effectiveness, 1948-1991*. Lincoln: University of Nebraska Press, 2002.

Regarding foreign relations, the debate was moreover avoided or over-politicized<sup>56</sup> and the recent decision (August 2008) to establish diplomatic relations with Syria does not clarify it. Three challenges are left, hardly debated in public:

- Firstly, the capacity for a *Lebanese foreign policy to emerge* which would be neither “unity of process” between Syria and Lebanon, as consecrated since the Madrid Conference in 1991, nor the “foreign policy of others,” to use the expression of Ghassan Tuéni.<sup>57</sup>
- Secondly, the *development of a foreign affairs administration* able to take decisions and to draw its own conclusions. Lebanon’s foreign policy remains extremely informal. It continues to be determined by politicians, including politicians not presently in the government, more than by the ministry. This is all the more crucial as political society is particularly split in terms of foreign strategy, each group and each leader counting on its “foreign” partners. Because of this, the Lebanese government does not have the monopoly on the country’s foreign policies, as indicated in the adoption and the divergent interpretations of UN Resolution 1559, which comments not only on security issues but also on foreign policy aspects in the country. This is illustrated today in the conflict for power between the March 8<sup>th</sup> and March 14<sup>th</sup> political groups. After the failure of numerous attempts at negotiation and national consultation, the Lebanese political elites turned more than ever towards external arbitrage, reinforcing the exposure of the internal political scene to regional conflicts. The international or foreign arbiters help in certain cases to resolve standstills in the consociate system. This was the case for the Taëf Accord in Saudi Arabia (1989) and for the Doha Accords in Qatar (2008). But these arbiters often fail or even exacerbate the conflicts. They bring to the Lebanese territory the terms of different thorny regional issues, notably the competition for regional leadership and the tensions provoked between vague Iranian desires and American exigencies.
- Finally, an *active foreign policy*, based on expert studies. One wonders if, considering what has been said up to now, the Lebanese administration has prepared a technical project for the issues concerning contentious problems with which it is confronted – the borderlines, the statute of the Shebaa farms, the access to hydraulic resources, etc...

### **The Bungled Justice System Reforms<sup>58</sup>**

Finally, justice is another domain where the absence of a reformist process is telling. This is a particularly preoccupying issue because creating mechanisms of transitional justice was a clear issue following the civil war. The subject is even more intriguing today as the question of constitutional law and justice are brought up concretely by the creation of the Special Tribunal for Lebanon to judge Hariri’s assailants (March 2009). Since 1991, efforts to reform the justice system have failed or have been reduced to nothing, in spite of key ideas reiterated not only by foreign partners but also by first-rate political personalities – for example, after the call for reconstruction launched by Hariri, Lahoud arrived at the presidency in 1998 assuming the mission to reestablish rule-of-law, for the “powerful as well as for the common man.”

## *Passing Over the War in Silence and the Failure of a Transitional Justice System*<sup>59</sup>

A primary factor in comprehending the absence of reform in the justice system lies in the ambivalent relations that the Taëf regime formed with the previous regime and the civil conflict.

The Taëf Accord gave the impression of laying the foundations of transitional justice during the post-war years. The amnesty was presented as a necessity in order to turn the page, and was supposed to indicate at the same time the impulse of sovereign justice which set a time limit on impunity to which all citizens would be subject.<sup>60</sup> The National Reconciliation Accord planned the founding of a Supreme Court for judging presidents and ministers, a Constitutional Council for interpreting the constitution and judging the constitutionality of laws and cases of electoral litigation, and the election of a certain number of judges to the Supreme Court of the Magistrate by peers.

Nevertheless, without executing legal proceedings on responsibilities of the war, nor writing memoirs of the war (historians today evoke the relevance of doing a “history of the war on the history of the war”<sup>61</sup>), in shared silence today’s public authorities hold forth univocally or “unanimously” on reconstruction and reconciliation. As for means of post-war reconciliation, they marginalized the role of the justice system, paying no heeds to the independence of the institution and neutralizing any and all reform of the apparatus. No mechanism whatsoever has been put in place up till now to provide Lebanese society with the tools needed for reconciliation, as was done in South American and South African contexts. Some even evoke the implementation of a “transitional injustice,” in the name of “all victims, all guilty.”

The Lebanese parliament in fact adopted a law of amnesty on August 26<sup>th</sup>, 1991, which covers crimes committed up until March 28<sup>th</sup>, 1991, with the exception of assassinations of political, religious or diplomatic personalities and betrayal of national security. This law ignores the question of the kidnapped and the missing, one of the principal unsolved issues of the war until now. The militias have been disbanded and those that desired to be incorporated into the army have been.

This rapid reconciliation has not only contributed to a process of amnesia but has also skewed the logics of transitional justice:

- To one extent, the amnesty law denied the rights of citizens and civil workers by not providing for penal procedures unless they were committed against political leaders.
- To another extent, law 434 passed in May 1995 by the government, the “law of silence,” allows persons who went missing during the war to be declared dead. However, “this law does not at all provide for opening an investigation into what really became of the missing person. The vast majority of families consider that this law is a way of buying their silence by facilitating the material aspects of the disappearance (heritage, pension, remarriage).”<sup>62</sup>

Three commissions have successively been instituted in this vein (2000, 2001, and 2005), but doomed to immediate failure, lacking specialists, funds, and mandates. After six months of investigation, the first commission, made up of representatives from all Lebanese security and intelligence services, declared dead in July 2000 “any person missing more than four years for which the body has not been found.” They

invited parents to take appropriate legal steps for inheritance, pension, etc... The second commission was constituted several months later, after Syria liberated prisoners who had previously been considered “deceased” by the first commission. Its report was never rendered public. Finally, the third, a joint Lebanese-Syrian commission, was constituted in 2005 and charged with deciding on the lot of the missing Lebanese in Syria and the missing Syrians in Lebanon. The associations of families of the missing remain skeptical about the means and the openness of its workings, especially since twenty years after the end of the war they have not had the right to the truth nor to justice, and even less to compensation.<sup>63</sup>

- Finally, in terms of compensation for the victims, the Funds for Displaced Persons instituted in 1991 as well as the Ministry of Displaced Persons were placed under the responsibility of some of the principal protagonists of the war. The right to return existed but depended on reconciliations and arrangements negotiated *ad hoc* in the regions and the villages of origin. In spite of the sums of money spent, the rate of returnees was variable, and largely determined by three institutions – the Ministry of Displaced Persons, controlled by Walid Joumblatt, the leader of the Druze Mountain Community and of the Progressive Socialist Party, the Funds for Displaced Persons, which was dominated by key figures close to the family of Hariri, and by the Southern Council (CDS), under the leadership of Nabih Berri, the Shiite leader of the Amal Party and president of the National Assembly since 1992.

Through these institutions, large sums of money were redistributed with little or no public control. Thus, in the list of foreign donations allocated by sector between 1997-2007, aid for displaced persons, financed essentially by Arab donations, is by far the best provided for (668 million dollars, versus 380 million for roads and highways, 330 million for various other allocations, and 240 million for “management and realization”).<sup>64</sup> The CDS and the Funds for Displaced Persons extended as well the area of intervention of the High Relief Committee, created in 1976 to aid “disaster victims of natural catastrophes and victims of war.” Originally under the Ministry of Social Affairs, it was then placed under the direct supervision of the council president, only to return to the previous minister.

In other words, the post-war mechanisms did not leave any place for the development of reformist reflections on the rule-of-law in the country. Indeed, the logic of justice sector reform itself exacerbated them.

### *Absence of Judicial Reform and Lack of Independence in the Justice System*<sup>65</sup>

Those analyzing of the Lebanese judicial arena deplore the successive failures of justice system reforms. They regret that the question is so marginalized in the context where, paradoxically, the issue of rule-of-law has been in the forefront of public debate since 2005. The working document of Paris III does not mention the justice sector, even less the question of independence of the justice system. It merely includes a short passage on the importance of training judges. The Constitutional Council was paralyzed in 2005 when its members, appointed under Syrian supervision, were dismissed; the Council members have only recently been replaced, in May 2009. At Doha, in June 2008, the different parties agreed on a position paper and on the electoral law, without the role of the Constitutional Council being called on, despite its responsibility over electoral litigation. In other words, the reforms of the Lebanese justice system are not included, or not anymore, in the state’s discourse even though the

thematic of “the judge’s dignity” had been upheld by those who hold today the highest posts of responsibility. However, since 1993, a report submitted to the Minister of Justice has underlined the fact that “the justice system crisis is a structural, endemic and existential crisis, independent of exterior interventions.”<sup>66</sup>

Four factors are underlined to explain the difficulties that a reform of the judicial apparatus comes up against.<sup>67</sup>

- The domination of the executive on the judicial: the dependence of the judges

The discourse on justice reform has not only been discussed at length – before being cleared away – by the executive authorities, which have given themselves through the successive governments the mission of saving the justice system, but the very careers of the members of the judiciary remain dependant on these same executive authorities. Thus, for two years now, a hundred or so judges have been waiting to be appointed by the Minister of Justice. Even though one of the members of the Council of the Magistrate resigned in protest of situation, which is contradictory to the urgency of reinforcing rule-of-law, neither the press nor the public authorities seized the occasion to bring up the problem, which was relegated to the back pages of the newspapers.

- The so-called reforms of the justice system

The question of institutional independence for the justice system is not settled either. All of the reform initiatives, taken with the aid of foreign investors, ignore this question or rather they initially subordinate it to a reform of the apparatus. The successive reforms are therefore above all cosmetic reforms, with very little means to guarantee more independence or even to enlarge the domains of competence of the justice system. They are limited to technical aspects and to the domains of training and equipment. What’s more, they’re intended more for the Ministry of Justice than for professionals, judges, lawyers and courts: reform of court statutes, computerization of the administration, restoration or edification of Palaces of Justice, organization of training courses for judges (the Hoss and Siniora governments), etc....

- Weak social influence of the judicial reforms

In the end, in spite of the effects of publicity, the question of reform of the justice system has remained secondary for the present political forces as well as for the media to the point where, in the successive crises that Lebanon has gone through since 1991, the justice system has never played a determining role. This is demonstrated by the inability of justice professionals to organize themselves into a pressure group, and also to have weight in the reform process of the justice system, in spite of punctual individual or collective interventions to reclaim more independence (for example, the petition signed by 300 judges in July 1997).

- The questions posed by the Special Tribunal for Lebanon

These problems became exacerbated with the creation of an international tribunal to judge Hariri’s assailants and those responsible for other crimes of the same nature. After the assassination of the ex-prime minister (in February 2005) and the series of

assassinations that followed, the establishment of the Special Tribunal for Lebanon was the object of major political cleavages.

In February 2007, the United Nations signed an accord with Prime Minister Siniora concerning the establishment of a special tribunal. In the absence of the six ministers who had resigned, the Lebanese government approved this accord. This was not the case for the parliament, which must in any case ratify treaties before they can be put into law. As such, it was under Chapter VII of the United Nations Charter that Resolution 1757 was adopted in May 2007 by the Security Council, which decided it would take effect the following month. Beyond the violent political divisions that it incited, this affair also weakened the rule-of-law in Lebanon. In this controversial context of its adoption, the tribunal's intended reinforcing effect on the justice sector instead cast doubt on the capability of the system and its institutions to guarantee rule-of-law.

## Obstacles to Reform

In spite of the discourses on reforms constituting its establishment, the Taëf regime turned out to be a poor reforming force in the central domains of public actions: the economy and social domains, security and foreign affairs, justice and rule-of-law. This can be partially explained by the fact that the rules of the game and political competition were subjected to constraints at the end of the war. If the rate of turnover in parliament was high in 1992, it was essentially due to the fact that the election cycle had been interrupted almost 20 years before. But, the post-conflict political scene is very much heir to the war years. Straight away, rather than reforming the mechanisms of power already in place, they adapted them to their own shared interests, and renewed a mode of governing by consensus, founded more on searching for compromises than on confronting the expression of divergent social considerations. The system of community representation around leaders (*zu'ama* زعماء) became reinforced, to the detriment of a reflection on the transformations of Lebanese consociativism.

“After so many ideological disasters and costly fantasies, from then on all that counted was tangible realities – the *de facto* forces (the militias) and the *fa'aliyyat* (the new elites stemming from the war), and it was with them that the country had to be rebuilt. Seeing as the community was shown to be a resilient social unit of the Lebanese social structure, and also the most immediately operational, the constitutional system reflected this structure and organized the functioning of its elements.”<sup>68</sup> It is in this context that a sentiment of *ihbât* (إحباط), of despondency, giving up, disillusion,<sup>69</sup> even of a loss of the sense of State, was expressed several times: the call for a boycott of the legislative elections in 1992 by a majority of Christian politicians is a prime example. The Shiite ministers resigning in November 2006 brought up another facet of this badly expressed problem on the political scene, namely that of power sharing and of the logics of Lebanese consociativism.

In other words, even though the Taëf Accord announced profound reforms, the taboos resulting from when the war ended served as instruments in political power struggles, greatly contributing to dodging reflections on reforms. As a result, there is a project of elimination of sectarianism in politics inscribed in the constitution, in which no political authority has taken interest during these last two decades; a project of decentralization, which arouses vague desires of federalism; as well as reforms concerning the rule-of-law, which would shed light

on certain episodes of the conflict; and finally, a project of “a well-balanced development” thwarted by the means of reconstruction implemented by the successive governments. The same situation holds true for reform of the justice system.

More than the intrinsic limits of the consociativist system that could, in other contexts, turn out to be favorable for putting in place reforms in a consensual manner,<sup>70</sup> these failures of reform in post-war Lebanon bring to the forefront at least two questions: that of the capacity of the state and of its very regime; and that of the instruments used for public action in the service of reform.

### **Reforms in a Weak State**

The Chehab experience enables one to examine under new light the correlations between the weaknesses of the Lebanese State and its incapacity to reform. The literature on political changes – and on economic reform – brought about, notably in the Arab countries, discourses on “authoritarian reforms,” taking the opposite view of teleological and often deductive analyses of “democratization.” A centralized and not very pluralist regime – backed by a “powerful” state – disposes of political, and even repressive, tools to impose reform and to minimize the uncertainties tied in with them. But Lebanese political history displaces this problem to show that a state reputed to be weak can “strengthen itself” by reforming. In this case, during the 1960s, the state became reformist at the same time as its institutions were reinforced.

#### *Limiting the reforms by “compromise”?*

In spite of the elimination of political sectarianism inscribed in the National Reconciliation Accord, the political regime as it was set up in the post-war period confirmed instead the principles of the 1926 Constitution, then the 1943 National Pact, which organized Lebanese “consensual democracy.” Power sharing among community representatives and political leaders became institutionalized to nurture a double process:

- On one hand, the reinforcing of a government “by compromise,” including while under Syrian supervision;
- On the other hand, an exacerbation of sectarian cleavages and conflicts – the “new look of communitarism”<sup>71</sup> feeding the conflicts and contributing to a paralyzing of public actions.

This mode of governing, which is not based on the expression of the will of the majority but on the “consensus” between political elites representing the principle “communities” and partisan formations, has shown to what extent it is difficult to eliminate the consociational system. In the case of Lebanon, this mode has, above all, anchored itself around managing the successive crises, but it hinders the realization of reforms:

- Such a mode of governing brushes aside any possibility of a renewal of the elites and political programs. It eliminates the risks of breaking the terms of political balance that reform projects put forward by social movements could embody. This is illustrated by the dropped project for an optional civil code for personal status, which was nevertheless supported by President Hraoui.

- In addition, by organizing around the search for the smallest common denominator, it empties the bulk of the reform projects of all substance, even diverts the spirit of them.

This is illustrated for example in the project for the reform of the electoral law. In September 2008, the members of parliament voted in favor of a new electoral law for the 2009 elections. The regime had been in crisis for eighteen months. This vote followed armed conflicts that the country had been going through in the spring of 2008. The specter of the conflict between the militias of the “opposition” and the militias of the “majority” was put off by the intervention of the Arab League. Invited to Doha to take up the Conference for National Dialogue, begun in March 2006, the Lebanese leaders were able to come to an agreement stipulating a ban on using firearms or violence in order to achieve political ends; a plan to intensify the role of the state, of its institutions and its sovereignty; the election of the commander-in-chief of the army as president of the republic; the formation of a national unity government, reserving one third of the seats for the opposition; and, finally, the adoption of a an electoral law based on a small district area, the *caza*. If the terms of the Doha Accord constitute a short-term compromise permitting a way out of the crisis, they do not, nevertheless, respond to the endemic problems of the political system and its reforms.

### *Institutional obstacles*

- The absence of an arbiter

Within a context of rigid political cleavages and competition over control of institutions representing the state, the political leaders since 1990 have engaged in contradictory interpretations of juridical texts and of the constitution. Whether an irony of history or tangible illustration of the dysfunction of the system, it is in fact because of a lack of consensus that the principle institution for controlling these debates, the Constitutional Council, was not re-elected after the 2005 legislative elections and cannot therefore play its role of arbiter.

This same constitutional dispute took place at the election of General Sleimane to the presidency on the 25<sup>th</sup> May, 2008, when several members of parliament emitted, on the benches of the Assembly, reserves about the constitutional process adopted to elect a commander-in-chief of the still active army.<sup>72</sup> The president of parliament closed the matter, giving his personal interpretation founded on several articles of the constitution, to justify this election.

- The logics of election and representation

This failure of institutional arbitrage is added to other weaknesses affecting many other institutions, be they representative or executive. The electoral system does not produce a majority. Founded on the representation of denominational communities and territorial strongholds, it creates several discrepancies between electoral representation and true power. It therefore penalizes transversal political mobilizations, which are neither localized nor communitarian, minimizing the impact of political programs – and of reform projects.

The difficulty of agreeing on the adoption of a new electoral law, to replace those tailor-made for Syrian supervision since 1992, shows its crucial character for the principle political leaders of the country. At Doha, the political leaders finally agreed

on a reestablishment of the 1960 law – with some adjustments: those that favor circumscriptions that are homogeneous on the communal level and go against electoral reform projects put forward by the social movements cited above and against the spirit of constitutional reforms of the Taëf Accord.

The present polarization of the political scene feeds on this system. Far from confronting antagonistic reform projects, the “majority” and “opposition” groups confront each other above all on gaining power.

- Power sharing

In addition, power sharing according to communitarian criterions – and looking for compromise – expands to the executive.<sup>73</sup> The presidential troika limits the power of each president – the president of the republic, that of parliament, and that of the Council. This forced them, between 1990-2004, to initiate a system of personal negotiations, under the supervision and the arbitrage of the Syrian regime, which assured continuity and equilibrium. This mode of distribution of power imposed also the formation of “national entente” governments, respecting, according to the Taëf National Reconciliation Accord, “living together” and “confessional equality,” independent of the balance of political power expressed during a vote. Each one can exercise his right to veto and find his legitimacy more in his own community’s representation than in the electorate that brought him to power. Because of this, it is difficult to name government members without the agreement of political and religious representatives of the same religion; it is likewise difficult to name them without respecting a subtle balance between the different political groups, in order to guarantee the conditions of “national entente” in the government. In this sense, real power does not reside just in the representative institutions of parliament and the government, but also in a body of deciders much larger and more complex.

Thus, the reforms approved by the Taëf government, which could have initiated structural change in the political system, remain in abeyance. At the level of institutional reforms, the new institutions, guarantors of the rule-of-law, were either put in place without real and effective power (the Constitutional Council, the Economic and Social Council, etc...), or have yet to be created (the Senate, the Commission for Abolition of Political Sectarianism, etc...). The creation of these institutions remains a source of debate and of discord on sharing and influence between different political powers.

### **Ineffective Tools for Reforms**

Visionaries of modernization, the reformers experimented, at different periods of time, with new tools and engineering methods devoted to the service of hoped-for social transformations. This was the case of the Chehab period in Lebanon, where under the impetus of the Lebret Mission, public authorities planned, mapped, measured, and endowed themselves with new institutions to administer and to “develop” Lebanese society. However, in the context of reconstruction, the tools for reform assembled were modest and, in the end, failed the public authorities.

## *The Lack of Social Indicators*

The fragility of the Lebanese statistical apparatus is often given as the reason to explain the difficulties confronted by the reform projects. This is very well illustrated in the domain of social action where the absence of reform is manifest.

The weakness of social reform in Lebanon can be read thus by the state of (un)available statistics. Grave blank areas skew the figured analyses of the “state of the social system” in a country classed by the UNDP as one of the front runners among the those with only average human development, classed 88 out of 177 countries, with an index of 0.722 against an average of 0.699 for the Arab states. The education and healthcare services, although expensive, can be considered as remarkable in terms of quality. The degree of literacy is 88.3%, the percentage of children in full-time education 84.6% (which places Lebanon in 44<sup>th</sup> place worldwide), and the life expectancy is 71.5 years. The overall rate of poverty would also seem to place the country among the least affected of those in the region.

But it is difficult to use these figures, as much for politicians and reformers as for the analysts. Besides political reasons (no national census has been taken since 1932, for reasons of parity among communities and political balance), the fragmentary and imprecise state of figures concerning Lebanese society can be attributed to technical problems. It was not until 1996, for example, that the census of housing buildings, dwellings, and establishments in all Lebanon was taken.<sup>74</sup> In any case, it was with the aid of international backers that all recent surveys were conducted. This highlights the correlation between the absence of a national autonomous statistical apparatus permitting analyses of the society and the ability of the state to take political and administrative measures in the light of valuable statistics.

In addition, the data produced by various institutions indicate large distortions, usage of different nomenclatures, usually do not go further than the *caza* level, and of course are contested. Measuring migratory flows, the living conditions of foreigners in the country, and also the Palestinian population in general poses serious problems. And yet, Lebanon presents the particularity of being, at the same time, an important importer and exporter of labor.<sup>75</sup> The absence of valuable data on this subject is even more detrimental as it is the labor market crisis in the region – along with the accompanying migration trends – that increase the feeling of “social insecurity” and cause public authorities as well as development agencies to reconsider the relationship between the state and the labor market.

Statistical averages taken at the national level or even the level of large districts present another disadvantage as they efface the considerable geographical and social disparities that characterize Lebanese society. Already in 1960, the IRFED mission report had underlined the extreme inequality of Lebanese society profiting the rich and well-developed center of Beirut to the detriment of the abandoned outskirts where, during the 1970s, extensive social protests germinated. “The difficulties that come with the development of a sense of civic responsibility and the institution of strong national cohesion can only be vanquished little by little and only if the various elements of the population feel that they benefit widely from national economic solidarity,” wrote the authors of the report<sup>76</sup> during the 1960s. And in spite of the Taëf Accord and new constitution of 1990 establishing “culturally, socially, and economically-balanced development” as a constitutional principle, every report today underlines the persistence, even the reinforcement, of extreme inequalities almost 20 years after exiting from the civil war. Nonetheless, the available data can only paint a broad picture of Lebanese social transformation.

Social gaps widened during the civil war partially because of sizable displacements of the population but also because of the division of the territory into militia strongholds. With the territories becoming more “sectarian,” the middle classes declined markedly. However, a “re-equilibrium” of the distribution of wealth was observed between Christians and Muslims.<sup>77</sup> It is in the central regions of Beirut and Mount Lebanon today that households have the highest revenues and that the middle class is relatively the largest. On the other hand, the outskirts of South Lebanon, Akkar, and North Bekaa (Hermel) are the most affected by extreme poverty (more than 15% of these households live below the poverty level). These are nevertheless the least densely populated regions.

Geographers insist as well on the extreme mixture of wealth and poverty<sup>78</sup> that renders the representation of wealth distribution in the country difficult. In the urban area of Greater Beirut, the disparity between the rich and the poor is striking. The economic elite is concentrated here (close to 10% of households have superior revenues), but the capital’s neighborhoods are also characterized by an immense poverty.<sup>79</sup> The enormous differences in revenues are also accompanied by striking inequalities in terms of job access, access to education (illiteracy is high in the north regions of the country, namely the *caza* of Akkar, and in the extreme southern regions), and access to public services (the potable water system, waste disposal, electricity, and healthcare services).

Over the last several years, public authorities have deplored this data deficit and a recent series of studies is starting to give up-to-date data and to quantitatively and qualitatively document reflections on the state of the social system in Lebanon.<sup>80</sup> Some regret that this proliferation of investigations has only a marginal effect on the public agenda and on the nature of the reforms undertaken. This could be because of “the lack of a global perspective and a clear and precise political willingness concerning social transformation on the part of all the politicians who have succeeded each other in the government.”<sup>81</sup>

### *Resorting to International Expertise*

Almost all the reformist mechanisms put in place during the post-war period depended on the importation of tools or of “international” expertise. This brought up two problems remarked by several observers:<sup>82</sup>

- On the one hand, the top-down approach the reform projects take leaves very little place for local mobilizations on reform, despite the fact that these mobilizations often find go-betweens and resources on an international level. This is notably the case in the orientations of Lebanese political economy, where the international call for structural adjustments and liberalization of sectors, reaffirmed during the Paris III conference, reinforced the choices implemented by the Lebanese public authorities to the detriment of improving public services, developing collective assets, sharing resources, etc... In some sectors, an international expert becomes a fully-fledged local actor, endowed with considerable resources but released from all direct responsibility and/or accountability towards the Lebanese citizen.

It is advisable nevertheless to qualify the impact of international injunctions. For example the project of decentralization, announced in the Taëf National Reconciliation Accord, remains today at a standstill even though the UNPD’s ART-GOLD Program (reinforcing territorial networks), the ARAL Program (Assistance for the Rehabilitation of the Lebanese Administration) launched by the European Union

during the 2000s, the USAID initiatives, and the World Bank all encourage local development and “improving local governance,” among others.

- On the other hand, resorting to international expertise contributes to project-driven policies rather than strategy-driven policies, or those inscribed in the general view of reform. This essentially amounts to the opposite of what was, at another epoch, the document produced by the IRFED mission, which was itself discussed and even criticized by Lebanese economists.<sup>83</sup>

Diagnostics follow one another or superimpose each other following missions of investigation carried out sector by sector on a short term basis. The documents pile up without necessarily taking into account previous ones and are produced by organizations or institutions whose objectives in Lebanon are not always clear. Nor are they particularly concerned with the results produced by their interventions.

### *A More or Less Reformist Parliament*

Parallel to the reliance on expertise, especially international expertise, the political debate remains silent on the reform issue in spite of often violent cleavages which have been traversing the political scene since 1990 and which have polarized it since 2005. Partisan programs remain unclear about the political orientations that they defend and no political group has come forward with a reformist discourse.

Very few fundamental debates on the orientation of policies have been held in parliament either. The members of parliament are above all spokesmen for their electorate, their clients, and their local district, whose grievances they defend at the Assembly. Thus, concerning political reforms, in running through the list of decisions taken by the members of parliament, one can see that they have essentially:

1. Validated the decisions taken by others, by the presidential Troika – the Prime Minister, the President of the Republic, and the President of the Assembly – or indirectly, by the Syrian authorities up till 2005 at least. This is the case for the three presidential elections voted in parliament but concocted outside of its framework, often at the price of a constitutional amendment and going against the very spirit of the constitution – the extension of Hraoui’s mandate for two more years in 1996; the election of Lahoud, commander-in-chief of the Lebanese Army (and ineligible) in 1998 and the extension of his mandate from 2004 to 2006; the election of Sleimane, also commander-in-chief of the Lebanese Army and also ineligible in 2008.

2. Set aside or neglected projects for reformist laws such the adoption of an optional civil code for personal status or the reform of the retirement system.

3. Emptied the voted reform projects of their initial content.

- This is the case notably in the creation of the Constitutional Council in 1993, for which the prerogative “to interpret the Constitution” was immediately taken away, even though it was inscribed in the National Reconciliation Accord.

- This is likewise the case for the creation in 2000 of the Economic and Social Council. The negotiations on the nomination of its members, the mistrust concerning its role- even if only

consultative- and its ability to obstruct the functioning of parliament or the economic reconstruction projects of the Prime Minister, distorted the representation of the functions of the ESC. In a period of extreme economic crisis, the institution is marginalized and nearly absent from public debate.

- This is also the case for the successive electoral laws. They do not take into account the orientations provided for by the Taëf Accord and supported by the associations for the democratization of political life. Since 1986, civil society activists have put forward this cause notably within the LADE and LTA. Their presence in the electoral process is regularized, institutionalized, and serves as a go-between with international experts. For the 2009 elections, the LADE prepared several thousand volunteers to cover the observation of the elections. Indeed, one of the “experts recognized in the domain of elections”<sup>84</sup> in the Supervisory Commission on the Electoral Campaign (SCEC) is the ex-executive co-director of the LTA. And the Minister of the Interior himself, Ziad Baroud, is one of the founding members of the LADE and was its secretary-general in 2005.

As their activities developed, these associations established, this last decade, the terms and conditions for electoral reform which are organized around two issues: one relating to the type of ballot system, the other to procedures and techniques of the vote.<sup>85</sup> Concerning the ballot, the activists have been demanding since the Taëf Accord to change the voting regulations according to the consociate nature of the Lebanese political system. To assure the representation of all political forces in contention in the most mixed and equal way possible (in terms of communities, political forces, and on the basis of the number of seats and the number of electors), they mobilize for using a system of proportional representation and large districts. These are the two main leitmotifs. They call also for lowering the voting age from 21 to 18 years old, the right to vote for a large number of Lebanese living out of the country, and the introduction of a type of quota for women’s representation. On the subject of electoral procedures, their list of demands is also long.

The Boutros Commission, named in 2005 by Prime Minister Siniora and his National Entente Government in order to draw up a project for a reformist law, concerned the repartition of communities: besides the representatives of the major political leaders, it was made up of three representatives of these associations – Baroud, Paul Salem, and Nawaf Salam, all three founding members and successive presidents or executive committee members of the LADE. The proposed legal project prepared by the Commission again took up the essentials of this platform, with three important exceptions or nuances:

- First, it renounced permitting a change in the voting premises.
- Second, it proposed a system of proportional representation for the large districts and a system of majority representation for the small ones.
- Finally, it introduced a complex system of quotas for the candidature of women (but not a quota for the reserved seats).

However, law 25/2008, adopted just after the Doha Accord, retained almost nothing from these proposals regarding either the balloting methods or the procedural terms. In place of the Independent Control Commission provided by the Boutros Commission, a “Supervisory Commission on Electoral Campaign” was created with a reduced mandate (essentially to control media coverage and expenses, in a context where this is almost impossible), and which has very little autonomy because of its supervision by the Minister of the Interior who presides over the commission (without participating in the vote). It was hoped that the

commission could be reformed “later,” but the manner in which it was created set a precedent: far from being an independent commission, it is composed of members designated by several political leaders, in accordance with their concern for a denominational balance, to the detriment of criteria of quality or competence.

Only political deals that added up to nothing permitted the adoption of two decisions postponed to the next elections – the authorization for Lebanese living out of the country to vote (Chapter 10 of electoral law 25/2008, “the vote for non-resident Lebanese”<sup>86</sup>) and the proposal for a law to lower the voting age from 21 to 18 years of age (registered in parliament on March 19<sup>th</sup> 2009), a sort of give-and-take compromise between Christian and Muslim representatives, the Christians hoping to inflate their electorate with the Diaspora, the Muslims betting on the advantage that the demographic pyramid gives them.

So, on paper at least, the 2008 law renounced the reformist project. Voted unanimously, it was nevertheless criticized by the entire political class and notably by those who voted in favor and who participated in its adoption. The reform having been postponed and kept in *status quo* is not necessarily surprising given that the high-level platform of the activists’ demands disrupted the principles of the political scene.

#### *The Creation of Appropriate Institutions and Organisms*

Lastly, reforms as practiced in Lebanon are often confided to organisms or institutions created just for them. If, by the very fact of their creation, they acknowledge the fact that a public problem has been addressed, they contribute to treating this problem outside of regular institutions dealing with politics. Reforms are often therefore played out in institutions for whom the action, even if it is central, is not, or barely, controlled by parliament or other political institutions. Examples include the Southern Council, created in 1970 when Israel began its incursions in the South, the Council for Development and Reconstruction (CDR), created in 1977, and with a different optic, in 2005, the National Commission for Electoral Law in Lebanon, known as the Boutros Commission.

- The Southern Council, benefiting from large financial and administrative autonomy, has as mission to take charge of the reconstruction of infrastructure, the rehabilitation of public services, and the development of the southern regions affected by the conflicts with Israel. It was a privileged instrument for the militia, and then for the Amal Party, led by Berri, to be “grafted” to the state<sup>87</sup> and to redistribute public resources, even international aid.
- The Council of Development and Reconstruction is a central public organism in the political economy of post-war Lebanon. Attached to the Council of Ministers, it has as mission to establish plans and programs of reconstruction and development, but also to obtain the necessary financing and to supervise the accomplishment of projects. It centralizes therefore most of the national programs concerning aid for development, for infrastructure, and generally for reforms embarked upon. It has the exclusive rights to manage all state projects financed by international loans. In conformity with Lebanese law, only projects that do not entail sizable financing can be carried out by municipalities or different organizations without the authorization of an organism controlled by central power authorities. With an extremely ambiguous and vague mandate, the principle social and development programs transit therefore through the CDR which, during the 1990s, fell under the responsibility and the supervision of

Hariri. It was in fact endowed with a new administration in 1991, with one of his closest collaborators heading it, despite fierce opposition from members of parliament and political personalities. Throughout these two decades, the CDR, which occasionally served as a shadow cabinet, remained extremely closely tied to the political pole constituted around Hariri.

- The Boutros Commission was instituted in 2005, just after the assassination of ex-Prime Minister Hariri, the withdrawal of Syrian forces and the “spring of independence,” to propose a project for an electoral law replacing the one that had functioned under Syrian supervision up until June 2005. The creation of this commission was first greeted as the recognition by public authorities of the necessity to reform electoral methods, a key theme of various civil campaigns for democratic elections. Presided by an ex-foreign affairs minister, it is composed of 12 members, chosen by the Council of Ministers. These experts, chosen for their juridical competence, their associative activism, and their knowledge of political sociology, are supposed to contribute to de-politicizing the discussions in order to achieve the reform. They presented their proposal to the Council of Ministers in June 2006. In the end, the opportunity that the creation of this commission offered turned out to be disappointing as far as reforms are concerned, as mentioned above. Indeed, the project was not discussed within the Council of Ministers and the law that was finally adopted in September 2008 by the Lebanese parliament does not take into account the reforms brought about by the commission. Thus the mechanism put in place, splashed across the media and bearer of an extensive reform project, did not produce a result equal to the ambitions exhibited.
- In the same line of thinking, it is also possible to cite the creation of a National Commission for Lebanese Women, created in 1996, under the initiative of feminist associations. The members, named by the Council of Ministers, confirm *de facto* the recognition of the feminist cause and the need for political processes in favor of improving the conditions of women. However, the commission does not engage in any reformist activities and is intimately tied in with executive and parliamentary powers (it has been presided by the wives of Lahoud and Sleimane; likewise, the vice-presidency is held by the wife of the president of the Assembly). Even though the feminist associations pleaded, after the Beijing Conference, for the creation of this institution, in practice, they are pushed aside, along with their demands.

In sum, the reform projects of the 1960s – that should not be over-estimated – were accompanied by the instauration of new tools, at the service of the development of the country. The Chehab administration, moreover, endowed itself with a new bureaucracy of technocrats to carry out projects for the society. Conversely, during the two decades of reconstruction, the promised tools were either market-based institutions, institutions made-to-order with a badly defined scope of activities and with problematic relations with the state, or commissions such as the Boutros Commission that register the reform project but find themselves without the resources needed to achieve them.

## Conclusion

To analysis of reform in post-war Lebanon brings to light three strains of logic:

1. First, discourses on reform do exist, as do the construction of causes and movements to accompany them in various sectors of public action.
2. Second, the tools conceived and put into service for the reforms fall well short of the objectives proclaimed. Worse, in some cases they run counter to the project, empty it of its sense or confine it to the fringes.
3. Third, the paths that the reforms take in Lebanon highlight interactions between state formation and public actions. Behind the cosmetic aspect of these reforms, it is the competence of the Taëf regime that is put in the hot seat. Instead of the intrinsic weakness of the state or the logic of predation that surrounds public action in Lebanon, it seems to us that the unforeseen or disappointing aspects that the reforms take reside in the fact that the state itself is unconsidered. Just after the war ended, the reforms announced aimed at rebuilding the state around a new national pact – under the ordeal of reforms, the state and its institutions would be transformed, even reinforced. In this sense, the absence of reforms these last twenty years seems be largely explained by the fact that the Lebanese state was so rarely considered during this period. In this sense, this study calls for the state to be brought back into the analysis and into the reformist process, the state being understood not as an omnipotent and autonomous “Big Brother” vis-à-vis the society, but on the contrary, as a social and historic institution, inspired by social interests and, in return, participating, by more or less coercive means, in the fabrication of social interests.

<sup>1</sup> Dr. K. Karam is a project director at the Lebanese Center for Policy Studies; Dr. Mrs. Catusse is a research scientist for the CNRS at the *Institut Français du Proche Orient*.

<sup>2</sup> This coalition is led by the Hezbollah, the Amal Movement and the Free Patriotic Movement of Michel Aoun.

<sup>3</sup> This coalition is led by the Future Movement of Saâd el-Hariri, the Progressive Socialist Party of Druze Chief Walid Jumblatt, and by other leaders and Christian groups including the Lebanese Forces of Samir Geagea and the Kataëb of Amin Gemayel.

<sup>4</sup> After the uprising broke out in May 2008, the leaders of Lebanon were invited to Doha to resume the “National Dialogue Conference”, begun in March 2006. At the end of five tumultuous days of negotiations, they agreed on an accord stipulating a ban on using firearms or violence in order to achieve political ends; to intensify the role of the State, of its institutions and its sovereignty; the election of the commander-in-chief of the Army as President of the Republic; the formation of a national union government, reserving one third of the seats for the opposition; and, finally, the adoption of a an electoral law based on a small district area, the *caza*.

<sup>5</sup> The decision by those who signed the Doha Accord to return, with a few corrections, to the 1960 electoral law, appreciably modified the distribution of constituencies. The new districts, designed on the *caza* scale (with several exceptions), equalized votes on the community level. Furthermore, this law does not include demands brought forth by the civil society, which could have contributed to changes in the political landscape, such as the introduction of a proportional voting system, a form of feminine representation quota, reducing the voting age from 21 to 18 years old, or the right to vote for the many

Lebanese living abroad. See International Crisis Group, 2009, *The Lebanese Elections – Towards Another Cycle of Confrontation?*, Middle East Report, n° 87, June 4<sup>th</sup>.

- <sup>6</sup> With a large participation considering the number of electors not being able to vote because they're living outside of the country (54.08%), the 14<sup>th</sup> of March Coalition took 71 seats out of 128 (they have had 70 since the precedent elections).
- <sup>7</sup> A “Supervisory Commission on the Electoral campaign” was created, for a short mandate (essentially to control media coverage and expenses, in a context where this is almost impossible), and with very little autonomy because it's placed under the supervision of the Minister of the Interior who can preside over it (without participating in the vote). It was hoped that it could be reformed “later”, but the way in which it was created caused a precedent – far from being an independent commission, it is composed of members designated by several political leaders, in accordance with their concern for a denominational balance, to the detriment of criterions of quality or competence.
- <sup>8</sup> For a theory of consociation, see Lijphart A., 1997, *Democracy in Plural Societies. A Comparative Exploration*, New Haven, Yale University Press; and for a critical approach to the paradigm in the Lebanese case, see the works of É. Picard. Notably Picard É 2001, “Can the consociate system be reformed?”, a communication at *The Lebanese System: a Critical Reassessment* colloquium, Beirut, AUB, May 18<sup>th</sup> & 19<sup>th</sup> and Picard É., 1997, “Le communautarisme politique et la question de la démocratie au Liban”, *Revue Internationale de Politique Comparée*, vol. 4, n° 3, pp 639 – 657.
- <sup>9</sup> This report uses some parts of the reports prepared in 2008 within the framework of the Lebanese Center for Policy Studies (LCPS) : R. Abushakra, M. Allami, 2008, *Lebanon's Foreign Policy Since 2005* ; M. Catusse, *Le Liban : la réforme sociale en panne ?* ; N. Saghieh , قراءة نقدية لخطاب الإصلاح القضائي , [Discours sur la Réforme judiciaire au Liban], Beirut, LCPS, working paper, 63 p. (unpublished) ; J. Chaaban, 2008, *Public Finance Reform in Lebanon : An Overview*, Beirut, LCPS, (unpublished); Z. Baroud, الحالة الدستورية في لبنان: مكامن الخلل وملامح الإصلاح [The constitutional situation in Lebanon – where the anomalies are and the characteristics of the reform].
- <sup>10</sup> The seventh point in the General Principles of the Taëf Accord stipulates that “culturally, socially, and economically-balanced development is a mainstay of the state's unity and of the system's stability”.
- <sup>11</sup> N. Picaudou, 1989, *La déchirure libanaise*, Paris, Complexe.
- <sup>12</sup> Beydoun, 1993, *Liban. Itinéraire dans une guerre incivile*, Paris, Beyrouth, Karthala/CERMOC.
- <sup>13</sup> For a top-level discussion (in French) on the various institutional options presented at the end of the war, the forces behind the choices made and the reactivation of community politics, see J. Maïla, 1990, « le “document d'entente nationale”, un commentaire », *Les cahiers de l'Orient*, Paris, pp. 135-217 ; 'I. Sleiman 1994, « Équilibre interconfessionnel et équilibre institutionnel au Liban », in F. Kiwan (dir.), 1994, *Le Liban aujourd'hui*, Beyrouth, Paris, CERMOC, CNRS, p. 73-87..
- <sup>14</sup> For a detailed analysis (in French) of the history of these “civil” social movements, see K. Karam, 2006, *Le mouvement civil au Liban. Revendications, protestations et mobilisations associatives dans l'après guerre*, Paris, Karthala.
- <sup>15</sup> K. Karam, 2009, “An Analysis of Political Change in Lebanon in the Light of Recent Mobilization Cycles”, in L. Guazzone et D. Pioppi (eds.), *The Arab State and Neo-liberal Globalization. The Restructuring of State Power in the Middle East*, Reading, Ithaca Press, pp. 47-73
- <sup>16</sup> K. Karam, 2006, *The Civil Movement in Lebanon*, op. cit..
- <sup>17</sup> Having failed to renew their mandate for 36 years (the last elections had taken place in 1962), the existing town councils had not stood the test of time, either did nothing or were directly led by devolved authorities.
- <sup>18</sup> See notably S. Joseph, 2000, “Civic Myths, Citizenship and Gender in Lebanon”, in S. Joseph (ed.), *Gender and Citizenship in the Middle East*, New York, Syracuse University Press.

- <sup>19</sup> K. Karam, 2009, “An Analysis of Political Change in Lebanon in the Light of Recent Mobilization Cycles”, *op. cit.*
- <sup>20</sup> The U.N. Resolution 1757 which contains the statutes of this court specifies that “the Special Tribunal for Lebanon to prosecute persons responsible for the attack of 14 February 2005 resulting in the death of former Lebanese Prime Minister Rafiq Hariri and in the death or injury of other persons. If the tribunal finds that other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005, or any later date decided by the Parties and with the consent of the Security Council, are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005, it shall also have jurisdiction over persons responsible for such attacks. This connection includes but is not limited to a combination of the following elements: criminal intent (motive), the purpose behind the attacks, the nature of the victims targeted, the pattern of the attacks (modus operandi) and the perpetrators”.
- <sup>21</sup> K. Karam, 2009, “An Analysis of Political Change in Lebanon in the Light of Recent Mobilization Cycles”, *op. cit.*
- <sup>22</sup> K. Karam, 2008, « Liban : de Charybde en Scylla », *Ramses 2009*, Paris, IFRI, pp. 246-249
- <sup>23</sup> C. Gates, 1998, *The Mercant Republic of Lebanon: Rise of an Open Economy*, London, I.B. Tauris ; T. Gaspard, 2004, *A Political Economy of Lebanon, 1948-2002. The limits of Laissez-faire*, Leiden, Brill.
- <sup>24</sup> J.-Cl. Berthélemy, S. Dessus, Ch. Nahas: “Exploring Lebanon’s Growth Prospects”, Policy Research Working Paper 4332, the World bank, August 2007.
- <sup>25</sup> Ch. Nahas, 2009, “The Lebanese socio-economic system. 1985-2005”, in D. Pioppi et L. Guazzone (dir.), *The Arab State and Neo-Liberal Globalization: The Restructuring of State Power in the Middle East*, Reading, Ithaca Press.
- <sup>26</sup> Ch. Nahas, 2006, *A Socio-economic Program for Lebanon*, Beirut, LCPS, p. 9.
- <sup>27</sup> *Idem*, p. 50
- <sup>28</sup> F. Débié, D. Peter, 2003, *La Paix et la crise : le Liban reconstruit ?*, Paris, PUF, p. 116.
- <sup>29</sup> R. Leenders, 2004, “Nobody Having Too Much to Answer For: Laissez-Faire, Networks and Postwar Reconstruction in Lebanon”, in S. Heydemann (ed), *Networks of Privilege in the Middle East: The Politics of Economic Reform Revisited*, Palgrave/Macmillan, pp. 172 et ss. T. Gaspard, 2004, *A Political Economy of Lebanon, 1948-2002. op. cit.*.
- <sup>30</sup> *Idem*.
- <sup>31</sup> G. Corm, 1994, « Ruptures et continuités dans la pensée et les politiques de développement et de reconstruction au Liban depuis l’indépendance », in *Proche orient, Etudes économiques*, n°43, pp. 29-42.
- <sup>32</sup> G. Corm, 2003, *Le Liban contemporain*, Paris, la Découverte, pp. 249 et ss.
- <sup>33</sup> *Idem*, p. 234.
- <sup>34</sup> Ch. Nahas, 2006, *A Socio-economic Program for Lebanon*, *op. cit.*, p. 36.
- <sup>35</sup> *Idem*.
- <sup>36</sup> K. Hamdan, 2007, حول ازمة المواطنة الاجتماعية ونظام الطوائف في لبنان, [The subject of the “social citizenship” crisis and of the confessional system in Lebanon], paper for UNDP/CDR; *Toward the Citizen State نحو دولة المواطن*, December, p. 8.
- <sup>37</sup> Lebanese Republic, 2007, *Social Action Plan Toward Strengthening Social Safety Nets and Access to Basic Social Services*, January. <http://www.economy.gov.lb>

- <sup>38</sup> B. Hibou (dir.), 1999, *La Privatisation des États*, Paris, Karthala.
- <sup>39</sup> M. Catusse et J. Alagha, 2008, « Les services sociaux du Hezbollah. Effort de guerre, ethos religieux et ressources politiques », in S. Mervin (dir.), *Hezbollah. Etat des lieux*, Paris, Actes Sud, 2008, pp. 123-146.
- <sup>40</sup> R. Jawad, 2002, « A Profile of Social Welfare in Lebanon: Assessing the Implications for Social Development Policy », *Global Social Policy*, Vol. 2, No. 3, 319-342 ; et par T. Kochuyt, 2004, « La misère au Liban : une population appauvrie, peu d'État et plusieurs solidarités souterraines », *Revue Tiers Monde*, t. XLV, n°179, juillet-sept., pp. 515-537.
- <sup>41</sup> Ch. Nahas, 2008, « The Lebanese socio-economic system. 1985-2005 », *op. cit.*
- <sup>42</sup> R. Nasnas, 2007, *Le Liban de demain. Vers une vision économique et sociale*, Beyrouth, Editions Dar an-Nahar p. 297.
- <sup>43</sup> *Ibidem.*
- <sup>44</sup> *Ibidem.*
- <sup>45</sup> R. Nasnas *et alii*, *op. cit.*, p. 311.
- <sup>46</sup> Notably, two bills have been deposited at the Parliament for the creation of a pension regime by capitalization – on September 23<sup>rd</sup> 2003 and on January 12<sup>th</sup> 2005.
- <sup>47</sup> R. Melki, 2000, “La protection sociale au Liban : entre réflexe d’assistance et logique d’assurance”, *UNDP conférence on linking economic growth and social development*, Beyrouth, UNDP.
- <sup>48</sup> Ch. Nahas Ch., 2009, « The Lebanese socio-economic system. 1985-2005 », in L. Guazzone et D. Pioppi (ed.), *The Arab State and Neo-liberal Globalization. The Restructuring of State Power in the Middle East*, Reading, Ithaca Press, pp. 125-157, 2008, *op. cit.*.
- <sup>49</sup> E. Verdeil, 2009, « Électricité et territoire : un regard sur la crise libanaise », *Revue Tiers Monde*, n°198, avril-juin, pp. 421-436,
- <sup>50</sup> M. Harb, « Boulangeries et minoteries se disputent la manne étatique », *L'Orient le jour*, 4 avril 2008, p. 8.
- <sup>51</sup> The Resolution n°1559, adopted on September 2<sup>nd</sup> 2004, just before the prorogation of the mandate of the President of the Republic E. Lahoud, by the United Nations Security Council, “Gravely concerned at the continued presence of armed militias in Lebanon, which prevent the Lebanese Government from exercising its full sovereignty over all Lebanese territory”, the resolution “calls for the disbanding and disarmament of all Lebanese and non-Lebanese militias”.
- <sup>52</sup> The Resolution n° 1701 of the U.N. Security Council, adopted on August 11<sup>th</sup> 2006, after the war between Israel and the Hezbollah, issued a call in favor of “the cessation of all hostilities”. It does not call for disarming the Hezbollah by force, in spite of the reinforcement of the FINUL forces in place; for the first time in three decades the Lebanese Army took control of all the country’s borders and deployed forces in the south of Lebanon.
- <sup>53</sup> K. Karam, 2008, “Lebanon 2009. Lebanon – Jumping out of the Frying Pan into the Fire”, *op. cit.*.
- <sup>54</sup> K. Pollack, 2002, *Arabs at war: military effectiveness, 1948-1991*. Lincoln: University of Nebraska Press, 2002.
- <sup>55</sup> E. Picard, 2009, “The security sector in Lebanon”, in D. Pioppi et L. Guazzone (dir.), *The Arab State and Neo-Liberal Globalization: The Restructuring of State Power in the Middle East*, Reading, Ithaca Press.

- <sup>56</sup> For this subject, we refer to M. Allami and to R. Abushakra, Aboushakra, M. Allami, 2008, “*Lebanon’s Foreign Policy Since 2005*, in the reports submitted to”, Beirut, LCPS in 2008, *working paper* (unpublished).
- <sup>57</sup> Gh. Tuéni, 2001, « Anatomie d’une politique étrangère otage », in K. Bitar, *Le Liban à la croisée des chemins*, numéros hors série de la revue ENA ([www.karimbitar.org/tueni](http://www.karimbitar.org/tueni)).
- <sup>58</sup> N. Saghieh, 2008, قراءة نقدية لخطاب الإصلاح القضائي في دولة ما بعد الطائف, [Speech on Judiciary Reform in Lebanon], *op. cit.*
- <sup>59</sup> For this section, we refer to L. Maalouf, “Transitional Justice in Lebanon”, Symposium “Victims of Conflicts and Selective Memory”, IFPO/USJ, 11-12 Dec. 2008.
- <sup>60</sup> N. Saghieh, 2008, *op. cit.*
- <sup>61</sup> Seminary “Memoirs of Civilians and Combatants (Lebanon)”, IFPO/USJ, 12 Dec. 2008.
- <sup>62</sup> *Lebanon – Forced Disappearances and Secret Detentions*, (Report), Beirut, Lebanese Human Rights Center, February 21<sup>st</sup> 2008, [http://www.solida.org/rapports/CLDH\\_DF\\_2008.pdf](http://www.solida.org/rapports/CLDH_DF_2008.pdf), p. 29.
- <sup>63</sup> *Idem.* pp. 28 and following.
- <sup>64</sup> CDR, *Operational Report 2007*, pp. 145 and following.
- <sup>65</sup> For this section, we refer to N. Saghieh, 2008, *op. cit.*
- <sup>66</sup> Cited by N. Saghieh, 2008, *op. cit.* p. 9.
- <sup>67</sup> *Idem.*
- <sup>68</sup> E. Picard 1994, « Les habits neufs du communautarisme libanais », *Cultures et Conflits*, n° 15-16, automne-hiver, pp. 53-54.
- <sup>69</sup> S. Kassir, 2000, « Dix ans après, comment ne pas réconcilier une société divisée ? », *Maghreb-Machrek*, n° 169, juillet-septembre, p. 16.
- <sup>70</sup> E. Picard, 2001, « Le système consociatif est-il réformable ? », *op. cit.*.
- <sup>71</sup> E. Picard, 1994, “Les habits neufs du communautarisme libanais”, *op. cit.*, pp. 49-70.
- <sup>72</sup> Article 49 of the Constitution does not permit the election of high-ranking functionaries or of the Commander-in-Chief of the Army if they have not submitted their resignation two years previously. This same article was amended in 1998 so that the Commander-in-Chief of the Army, E. Lahoud, could be eligible during the exercise of his functions.
- <sup>73</sup> On the plan of power sharing and of the balance between the institutions and the communities, the Taëf Accord first transferred the executive power of the president of the Republic, mentioned in Article 17 of the 1926 Constitution, to the Council of Ministers, as a sort of collegial power. Then, while specifying the confessional identity of the three presidencies (the office of president of the Republic is reserved to Maronites, that of the Council of Ministers to Sunnites and that of Parliament to Shiites), it adopted parity at the national representation level between Christian and Muslim members of Parliament.
- <sup>74</sup> E. Verdeil, G. Faour et S. Velut, 2007, *Atlas du Liban*, Beyrouth, IFPO/CNRS, pp. 66-67.
- <sup>75</sup> L. Brand, 2006, *Citizens Abroad: Emigration and the State in the Middle East and North Africa*,. New York: Cambridge University Press.
- <sup>76</sup> Cited by G. Corm, 2003, *Contemporary Lebanon*, *op. cit.*, p. 106.

- <sup>77</sup> S. Nasr, 2003, « The new social map », in Th. Hanf et N. Salam (coord.), *Lebanon in Limbo. Post war society and State in an uncertain regional environment*, Baden Baden, ed. Momos Verlagsgesellschaft, p. 143-158.
- <sup>78</sup> F. Debié, D. Pieter, 2003, *La paix et la crise : le Liban reconstruit ?*, Paris, PUF, p. 157 ; E. Verdeil, G. Faour et S. Velut, 2007, *op. cit.*, p. 138 et ss..
- <sup>79</sup> E. Verdeil, G. Faour et S. Velut, 2007, *op. cit.* pp. 138-140.
- <sup>80</sup> This is particularly the case in the “multi-purpose” investigation on household living conditions undertaken in collaboration between the Social Affairs Minister (MoSA) and the UNPD (1998, 2004).
- <sup>81</sup> K. Hamdan, 2007, “ حول أزمة المواطنة الاجتماعية ونظام الطوائف في لبنان ” “On the Subject of the “Social Citizenship” Crisis and the confessional system in Lebanon”, paper for UNDP/CDR; *Toward the Citizen State نحو دولة المواطن*, December, p. 4.
- <sup>82</sup> S. Nasr, 2004, « الإصلاحي الإداري بين التعجيز والتمكين » [« La réforme administrative entre impotence et renforcement »], in (عمل جماعي) *الدولة والتنمية والإصلاح الإداري في لبنان*, Beyrouth, LCPS, pp. 7-12.
- <sup>83</sup> G. CORM, 1964, *Economic Policies and Planning in Lebanon 1954 – 1964*, Universal Printers, Beirut.
- <sup>84</sup> Article 12 of Chapter 3 of the Law n° 25/2008.
- <sup>85</sup> For a summary see Nizar et Rana Saghieh, *اقتراحات من أجل الإصلاح الانتخابي في لبنان* [*Propositions for the reform of the electoral system in Lebanon*,], Beyrouth, LADE, Sijalat al el Nahar, Dar el Nahar. See also Richard Chambers, *Electoral Reform Needs in Lebanon in the Light of the Recommendations of the 2005 EU Election Observation Mission*, Paper for the Foreign Affairs Committee of the European Parliament, May 28<sup>th</sup> 2008.
- <sup>86</sup> For a French version of the electoral law cf. <http://www.elections.gov.lb/Legal-Framework/Election-Law.aspx>.
- <sup>87</sup> M. Harb, *Action publique et système politique pluricommunautaire : les mouvements politiques chiïtes dans le Liban de l'après-guerre*, Thèse de science politique, IEP, Aix-en-provence.