

Lebanon's Presidential Vacancy: Is It Really about Filling a Position?

Followed by: Lebanon's Vacuum vs. Syrian Saturation

Islamic theology holds that two kinds of *jihad* exist: large and small. The smaller form is predominantly physical and is focused against external enemies. In contrast, the larger form stipulates that each Muslim must steel himself against committing sins and engaging in other unacceptable actions. Here, an approach that derives from that large/small jihad dictate can be used to help develop some understanding of the many challenges associated with a situation commonly referred to today as Lebanon's *presidential vacuum*.

It came as virtually no surprise to anyone that despite many months of effort, the Lebanese parliament ultimately failed to elect a new president within the period stipulated by the constitution.¹ In a scene patently atypical in the third world—specifically in the Arab world—President Michel Suleiman quietly left the Baabda palace on May 24.² As required by Lebanon's constitution, the responsibilities of the former president will be shouldered by the cabinet headed currently by Tammam Salam. An interesting detail that helps illustrate parliament's

melodramatic failure to elect a successor became evident courtesy of an exceptionally well-timed leak made by an assistant to Parliament Speaker Nabih Berri. During a televised appearance, current Finance Minister Ali Hassan Khalil stated clearly that the negotiations conducted during the previous months were less about electing a new president than finding a way to renew President Suleiman's term. In other words, none of the individuals named as possible candidates ever had a chance of actually being elected!³

If we consider Khalil's statement from a Lebanese perspective, the depth of the problem facing Lebanon today takes on some rather remarkable dimensions. The idea of "renewing" or "extending" a presidential mandate has always been synonymous with the introduction of genuine trauma into Lebanese political life. Examples include the case of Lebanon's first president Bechara al-Khoury in the 1950s and pro-Assad President Emile Lahoud in the early 2000s. Thus, mandate renewal, or even the notion of extending the term of a sitting president, has always been

¹ Article 73 of the Lebanese Constitution stipulates: "One month at least and two months at most before the expiration of the term of office of the President of the Republic, the Chamber shall be convened by its President to elect the new President of the Republic. However, should it not be convened for this purpose, the Chamber shall meet automatically on the tenth day preceding the expiration of the President's term of office."

² Hubbard, Ben. "Lebanon's Political Standoff Leaves Leadership Vacancy." *The New York Times*. 24 May 2014. http://www.nytimes.com/2014/05/25/world/middleeast/lebanons-political-standoff-leaves-leadership-vacancy.html?_r=0

³ See Lebanese newspapers of May 30, 2014.

considered a far more evil alternative than facilitating a political vacuum!⁴

The international community has been “sympathizing” with the Lebanese people in view of this parliamentary failure, and it has “[called] on all political representatives to ensure that a new president is elected without further delay.”⁵ But those same “political representatives” do not hesitate to acknowledge succinctly that there is little point in urging them to elect a new president. Indeed, they continue to wait for the “holy spirit” (Lebanese parlance for instructions from foreign patrons) to inspire—sometimes order—them to take specific actions. When one considers that all of this is happening against the backdrop of a presidential vacuum which exacerbates the exclusion of the country’s Christians from political involvement, and despite the largely theoretical delegation of presidential authority to the cabinet, it becomes readily apparent that the functioning of various state institutions will indeed suffer.⁶ The situation also calls into question any possibility of holding the parliamentary elections scheduled originally for 2013 but which were delayed.⁷ To be sure, the

election of a new president would relieve many diplomacies of the “Lebanese headache,” as everyone involved could finally concentrate on the matters of distinct concern in Lebanon today, particularly the flood of Syrian refugees, the official number of which is approaching 1.5 million.⁸

Amidst these competing considerations, it is worthwhile to review the farewell speech given by departing President Michel Suleiman on May 24. Aside from the requisite pleasantries it included and Suleiman’s appeal to parliament to elect a successor with all due haste, the outgoing president highlighted that “the constitutional exercise [during his six years of office] revealed a certain number of constitutional gaps which constitute the matrix of the [Lebanese] political regime’s malfunctioning and obstruction.” The president added:

[A] committee of constitutional experts studied these gaps, [drew] lessons [from] the experience of the past years and drafted constitutional suggestions which will be handed over to the new president

⁴ Article 49 of the Constitution stipulates: “The President’s term is six years. He may not be reelected until six years after the expiration of his last mandate.”

⁵ Local EU statement on the presidential election in Lebanon. http://www.shiawatch.com/public/uploads/files/Misc_EU_May252014.pdf

⁶ According to article 62 of the Lebanese constitution, “Should there be a vacancy in the Presidency for any reason whatsoever, the Council of Ministers shall exercise the authorities of the President by delegation.” However, the famous provision (J) of the preamble to the constitution states, “There shall be no constitutional legitimacy for any authority which contradicts the ‘pact of mutual existence.’” Consequently, the impasse that has already begun to interfere with the functioning of the cabinet derives from the following consideration: If a council of ministers is delegated to exercise the authorities of the president because of the failure of another State institution, then should the parliament be fully respectful of the “pact of mutual coexistence?” Some opinions go so far as to state that the range of cabinet authorities involved should be restricted to those associated with “caretaker” actions. Of note, it is no coincidence that the last constitutional amendment suggested by the president in his farewell speech focused on “defining the cases in which the cabinet and the parliament lose their legitimacy” based on infringements to provision (j) of the preamble to the constitution.

⁷ The current Lebanese parliament was elected in June 2009. Although subsequent elections were scheduled for summer 2013, the chaotic situation that has come to define that body enabled it to extend its mandate unilaterally until November 2014. According to prevailing electoral law, however, elections should be held two months prior to the expiration of the parliament’s mandate. Nevertheless, holding elections also requires the parliament either to agree on a new electoral law or to hold the next elections according to the law and other procedural measures in effect during the last elections. In sum, not only do these conditions contribute to increasing doubts about holding those elections on time, but they also increase the likelihood of a new extension on parliament’s behalf.

⁸ The current number of Syrian refugees in Lebanon can be viewed on the UNHCR website at <https://data.unhcr.org/syrianrefugees/regional.php>

knowing that they have already been sent to the cabinet secretariat.

Without focusing on the details of those constitutional amendments, they relate generally to *restoring* some of the president's pre-Taif prerogatives and guaranteeing him coequal status within the *troika*.⁹

Surprisingly (or possibly not at all), the president's political testimonial garnered little immediate response from either Lebanon's political elite or the public. The first reply of any real note followed several days later from Druze leader Walid Jumblatt. In an interview published in *as-Safir*, Jumblatt observed, "This is a necessity and a need in order to preserve the Christian [presence] in Lebanon and reinforce the president's [powers] so that he can be a mediator in every sense of the word."¹⁰ Indeed, beyond calling for a Lebanese-oriented awakening to the intrinsic shortfalls of the Taif Agreement, Jumblatt's perspective corresponds with his pragmatic concerns as head of the Druze minority. Just a few days before the expiration of Suleiman's mandate on May 25, an article in the *Financial Times* concluded:

Walid Jumblatt, leader of the Druze who has shifted alliances many times in defence of his people, fears for the future of his and other minorities, recalling the Christian exodus from Iraq after the US-led invasion of 2003 rekindled the Sunni-Shia war. "I see a bleak future for the Christians here and in [all] the Middle East," he says. "If they leave, the

pluralism of the region will go with them and we'll be left on our own."¹¹

Thus, not everyone in Lebanon or the region shares these concerns. To the contrary, some would see the "bleak future" of minorities as a good news!

Regarding the "matrix" mentioned above by former President Suleiman, that is certainly not the only lesson he learned during his years in office. The gaps to which he referred succeed in marginalizing (to a large extent) the role that can be played by any Lebanese president—unless he is supported by an external force that enables him to prevail at least periodically over his *troika* peers. At the very least, such support would bestow upon a president the same kind of coequal status within the *troika* enjoyed by former presidents Herawi and Lahoud, both of whom ascended to that high office under the auspices of the father-son Assad regime. Importantly, both of those Lebanese presidents enjoyed mandate extensions. Clearly, the "gaps" Suleiman mentioned are functions of the Taif Agreement, an accord that (where power sharing is concerned) "reduced the Christians' share of parliamentary seats and diminished the power of the president."¹²

Clearly, the constitutional amendments suggested by former President Suleiman are not a call to return to any *status quo ante*. At the same time, however, we cannot dismiss the fact that they harkened politely to the notion of a "strong president," a characteristic mentioned frequently over the last several months when the conversation turned to discussions

⁹ Comprised of the president, the speaker of the parliament and the prime minister.

¹⁰ *As-Safir*, May 30, 2014.

¹¹ Gardner, David. "Lebanon on the brink." *Financial Times*. May 16, 2014. <http://www.ft.com/cms/s/2/66d483fe-dbbd-11e3-b112-00144feabdc0.html#axzz33ls8F0go>

¹² Yacoubian, Mona. "Lebanon's Unstable Equilibrium." USIP Peace Briefing. November 2009.

about who Lebanon's Christian mainstream would like to see as president. Still, since Michel Suleiman is now counted among Lebanon's "former presidents" and his words convey only moral import, the fact that he included such suggestions in his farewell speech implies *at the very least* that any president elected under the same constitutional restrictions will endure the effects of a "malfunctioning" political regime. Moreover, the most the Lebanese can expect from the election of a new president is the endless persistence of Lebanon's *status quo*, which varies between delightful peace and bloody violence.

Of course, former President Suleiman's remarks cannot be considered on their literal and technical merits alone. In fact, his observations represent a timely yet urgent call to consider seriously the idea of revisiting the Taif Agreement. Of course, such a suggestion is absolutely taboo for many Lebanese leaders (primarily Christians affiliated with March 14) and a veritable sin for others. A landmark in this debate is a speech given June 1, 2012 by Hezbollah Secretary General Hassan Nasrallah. In that presentation, Nasrallah stated that his organization would not oppose a "national convention" in which the Lebanese could discuss a new "societal contract."¹³ To this day, reference is made frequently to that speech as having provided the basis for reshuffling the power-sharing formula advanced by the Taif Agreement. If such an overhaul was conducted according to Nasrallah's specifications, Lebanon's power-sharing formula would not be

divided equally between Christians and Muslims, regardless of the real demographic involved. Instead, that revamp would allocate a larger slice of the country's power-sharing "pie" to the Shia community at the expense of Lebanon's Sunni and Christian communities. Stated otherwise, any amendment made to the Taif Agreement could result in other, possibly undesirable changes.

Virtually everyone involved with Lebanese issues is now focused on the Syrian refugee crisis, desirous of preserving Lebanon's so-called stability and motivated to continue portraying the country as a fully functional state entity—albeit one without a sitting president. Nevertheless, despite the country's anemic system and infrastructure, coupled with the immense (and still growing) fear that now defines and polarizes its communities, it is indeed useful to recognize that the presidential vacancy in Lebanon (and the political vacuum it spawned) carries far more weight than the administrative burden associated with simply filling a government position. In that sense, we must concede to the presence of not one, but two unique vacuums. The first, somewhat smaller, is represented by the void in the office of the president. The second, distinctly larger vacuum is exemplified by the fact that the Taif Agreement, which became an ersatz "constitution" during the years of "tutelage" under the Assad regime used to moderate the Lebanese political game, today seems ineffective. Thus, concentrating the country's resources on filling the smaller of the two vacuums ignores completely the impact of the larger one!

¹³ In the interest of accuracy, we must acknowledge that the first use of the phrase "new societal contract" was not made by Hezbollah SG Hassan Nasrallah. Instead, Maronite Patriarch Bechara al-Rahi mentioned it during a social function in November 2011: "[In] these difficult times when Lebanon is experiencing a political, economic and social crisis, we look for real statesmen willing to take the daring step of creating a new societal contract based on the national pact...." *Al-Mustaqbal*, November 22, 2011.

Lebanon's Vacuum vs. Syrian Saturation



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On Wednesday, May 28, tens of thousands of Syrians who fled to Lebanon to escape the fighting at home converged on the streets of Beirut and other Lebanese areas. They were en route to the Syrian Embassy to cast their votes in the ongoing Syrian presidential elections. The presence of such large numbers of people in the streets caused suffocating traffic jams which all but paralyzed daily life throughout the country. Interestingly, the Syrian Embassy located in east Beirut is situated very near other embassies as well as the Baabda presidential palace.

The scene unfolded with many of those involved heading to their Embassy on foot, as passengers on microbuses or clinging to huge trucks. Scores of them were clutching banners extolling Assad and Nasrallah or waving Syrian and Hezbollah flags, and it was those actions that belied the so-called "spontaneity" of the tumult to disclose the intensive logistical preparations that went into the event. Firsthand information gathered by ShiaWatch and supplemented by several reports published in the Lebanese press indicated that planning for the event had actually begun several weeks before the elections were to take place.

Unsurprisingly, the choreographers included militants from Hezbollah and other pro-Assad Lebanese entities, and operatives from those organizations advised members of the Syrian refugee community that they would be well advised to heed "the call [to participate in] the election." Other means were also used to "convince" refugees to participate, including collecting IDs before election day and warning people, especially those located in rural areas, that they would be dismissed from the villages that have become their temporary homes if they failed to join the disturbance.

In general, the spectacle reminds us that Hezbollah has indeed mastered the art of hiding behind the "ahali" (e.g., civilians; the general public) when it seeks to advance a certain action without shouldering any responsibility for doing so—such as attacking soldiers affiliated with UNIFIL, bullying STL investigation team members or applying undue pressure to dissident Shia. In other words, what we saw taking place in the streets on May 28 was an unprecedented expansion of the use of ahali.

Remarkably, the event made Lebanon the showcase for promoting and "selling" the commitment of the Syrian regime and its allies to ensuring that the so-called democratic electoral process indeed garners Bashar al-Assad seven more years in office. Despite critical comments by several Western countries about the Syrian elections, we must acknowledge that the regime and its allies pulled off an entirely successful public relations coup in Beirut. If further proof of that outcome is necessary, it was available based on the overwhelming amount of media coverage the event attracted!

Of course, the paralyzation of Beirut's streets can also be interpreted in distinctly Lebanese terms, such that the road to the Baabda presidential palace leads not only through the parliament, but also through those very same streets. Critically, that Wednesday, Hezbollah proved yet again that it controls the road to Baabda. Moreover, it reminded everyone who believes that its participation in the Syrian war is confined to Syrian theaters of operation that its contribution to that effort includes "policing" large swaths of the Syrian refugee community in Lebanon.