

(أ) لبنانُ وطنٌ سيّد حرٌّ مُستقلٌّ، وطنٌ نهائيٌّ لجميع أبنائه، واحدٌ أرضاً وشعباً ومؤسسات في حدوده المنصوص عنها في هذا الدستور والمُعترف بها دولياً | (ب) لبنانُ عربيُّ الهوية والانتماء وهو عضو مؤسس في جامعة الدول العربية، ما هو

عضو مؤسس في جامعة الدول العربية، والإعلان العالمي لحقوق الإنسان، وتُجسّد الدولة هذه المبادئ في جميع المجالات السياسية والاقتصادية والاجتماعية والبيئية، ديمقراطية برلمانية، تقوم على احترام الحريات العامة، وفي طبيعتها حرية الرأي والمعتقد،

Open Letter to His Excellency the President of the Republic from a Group of Lebanese (Shia) Citizens

January 24, 2014

الحرية والرأي والمعتقد، الحقوق والواجبات بين جميع المواطنين دون تمايز أو تفضيل | (د) الشعب مصدر السلطات وصاحب السيادة يُمارسها عبر المؤسسات الدستورية | (هـ) النظام قائم على مبدأ الفصل بين السلطات وتوازنها وتعاونها | (و) النظام الاقتصادي حرٌّ يكفل المبادرة الفردية والملكية الخاصة | (ز) الإنماء المتوازن للمناطق ثقافياً واجتماعياً واقتصادياً ركن أساسي من أركان وحدة الدولة واستقرار النظام |

(ح) إلغاء الطائفية السياسية هدفٌ وطنيٌّ يقتضي العمل على تحقيق خطة مرحلية | (ط) أ (ي) لا شرعيةٌ لأيّ سلطةٍ تُناقضُ به في ظل سيادة القانون، فلا فرز للشعب على أساس أي انتماء كان، ولا تجزئة ولا تقسيم ولا توطين | (ي) لا شرعيةٌ لأيّ سلطةٍ تُناقضُ



Lebanese Democratic Coalition

هيا بنا



Issue 14
Hayya Bina's Log

ميثاق العيش المُشترك

No Authority That Overlooks Lebanon's Political Diversity Shall Be Legitimate

Open Letter to His Excellency the President of the
Republic from a Group of Lebanese (Shia) Citizens

January 24, 2014



Lebanese Democratic Coalition

هيا بنا



Issue 14

Hayya Bina's Log



a supplement to **KHITAT LOUBNANIYA**

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The open letter to the president was released on January 24, 2014 and was reproduced in the Lebanese press the following day. The introduction to the letter, "Political Diversity vs. Sectarian Cohesion," does not necessarily reflect the views of all its signatories. Rather, it crystallizes those held by Hayya Bina and the Lebanese Democratic Coalition.

Political Diversity vs. Sectarian Cohesion

The "national pact" (referred to also as the "national covenant" or *al-mithaq al-watani*) refers to the unwritten "gentlemen's agreement" concluded in 1943 between Lebanon's leaders.

That accord, which coincided with Lebanon's independence from France, stipulated inter alia that the country's three primary political offices would be distributed among its three largest religious confessions.

Thus, the President of the Republic is elected from the Maronite community, the Presidency of the National Assembly (parliament) from the Shia community and the Prime Minister from the Sunni community. Further, while the Christian party to the national pact agreed that Lebanon would have a distinctly "Arab face," the Muslim representatives acknowledged that they would resist any

temptation to merge with Syria's Muslim majority.

One of the features of the 1989 Taif Agreement that was ultimately incorporated into the Lebanese constitution is written reference to the concept of the national pact. Notably, before the reference became formalized in the law, it was a verbal construct intended to help organize Lebanon's political system. Although inherently ambiguous, that provision, conveyed originally in Arabic, reads, "There is no constitutional legitimacy (*shar'iyya*) for any authority which contradicts the 'pact of communal coexistence' (*mithaq al-'aish al-moushtaraq*). Since adoption of the Taif Agreement as Lebanon's constitution, the text of that final principle has typically been applied

according to conditions imposed by the extant political situation.

For instance, as described in the Lebanese vernacular, the early 1990s was known as the period of “Christian frustration.” During that time, the national pact was interpreted loosely, which marginalized Lebanon's traditional Christian political entities. The effects of that exclusion became particularly evident in 1992, when mainstream Christian voters—responding to calls by leading Christian politicians and church figures of the time—staged a general boycott of the parliamentary elections. Following those elections, Christian representation in parliament was limited to candidates elected either completely unopposed or by the narrowest of margins. In general, that outcome exemplifies the broad exclusions that can be orchestrated through the creative establishment of standards intended to ensure confessional balance and guarantee respect for the national pact.

Yet another blatant example of a “liberal” interpretation of the national pact dates to 2006. On November 11 of that year, the government's five Shia ministers—all of whom were affiliated with the “Shia duo” of Hezbollah-Amal—resigned their positions. The situation was prompted by the duo's refusal to allow the government (led at the time by Future Movement prominent figure Fouad Siniora) to move forward with a UN draft document related to the Special Tribunal for Lebanon, the primary mandate for which “is to hold trials for the people accused of carrying out the attack of 14 February 2005 which killed 22 people, including the former prime minister of Lebanon, Rafik Hariri, and injured many others.”

The en masse resignation was intended to strip the cabinet of its multi-community representation *vis-à-vis the national pact*. In addition, that abdication was accompanied by a fatwa issued by Sheikh Afif Naboulsi, (a senior cleric known for his pro-Hezbollah sentiment), which threatened to *excommunicate* any Shia who agreed to fill

the “Shia vacancies.”¹ Notably, the impact of that episode on contemporary Lebanese politics was that it effectively surrendered representation of an entire *community* to an alliance comprised of those two political entities. Thus, all Lebanese Shia who were ideologically opposed to the duo were excluded from participation in governmental affairs.²

This latter case exemplifies another improvised interpretation of the national

pact in which political entities can conspire to monopolize (and therefore inhibit) the political representation of entire communities—regardless of the political diversity organic to those communities. Clearly, the concept behind Lebanon’s national pact urgently requires review, reinterpretation and a more specific definition. The following memorandum, which was sent to the President of the Republic by a group of Shia citizens, seeks to initiate such change....

¹ In response, Lebanese Shia lawyer Mohamad Matar (an affiliate of the STL legal team representing the families of the victims) and several others filed suit against Sheik Afif Naboulsi for having intimidated Lebanese citizens and causing sectarian rifts.

² Interestingly, the serving prime minister (Prime Minister Siniora) did not attempt to fill the vacancies; he simply refused to accept the resignations. While Siniora’s response may seem incomprehensible from a *political* perspective, it is easily understood from the perspective

of *power sharing*. Indeed, efforts made by the Future Movement (FM) to act as the sole representative of Lebanon’s Sunni community mimicked those of the “Shia duo,” which was positioning itself to become the sole representative of Lebanon’s Shia community. Had the prime minister acknowledged that Shia representation could come from an entity other than the duo, the outcome would have had an immediate and profoundly negative effect on the FM’s attempts to monopolize the Sunni community.

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His Excellency President Michel Suleiman,

As you are certified per the Lebanese constitution as "the head of the state and the symbol of the nation's unity," and the individual charged with safeguarding the constitution and Lebanon's independence, unity, and territorial integrity;

And as the preamble to that constitution stipulates, "There shall be no legitimacy for any authority which contradicts the pact of mutual existence" [among the Lebanese];

And as the spirit and intent of the Lebanese constitution is to broaden public participation in the management of their affairs rather than constrain such participation to a narrow range of political entities that purport to represent the various Lebanese communities;

And as implementation of the "pact of mutual existence," which became part of the Lebanese constitution, [via the Taif Agreement], played a role in hindering Lebanese diversity—by alternately excluding majorities and minorities—exacerbating confessional and sectarian polarization, encouraging Lebanese communities to assert virtual identities and turning Lebanese politics into something tantamount

to “mutual deterrence” among the different components of the Lebanese polity;

And as you have sought throughout your mandate to promote the role played by the “living forces” that now move freely within the Lebanese society—an observation you made in your speech of August 1, 2013;

During the remaining few months of your mandate, and within the ongoing debate over the formation of a new government, we call upon you to enhance your mandate by adding a new interpretation of the national pact to the Lebanese political lexicon. In addition to preventing that concept from being monopolized by political entities that assert de facto representation of the various components of Lebanese society, this new definition should *broaden* the scope of that representation to ensure that it welcomes all of those “living forces” to society.

Lebanon was forced to pay a particularly high price when the national pact yielded to entente between some political entities. One such cost was that the pact became a tool used to constrain political life in Lebanon. Among many other deleterious effects, the usurpation of that concept relegated the state and its resources to rule by those entities.

Your Excellency,

The signatories to this memo—a group comprised deliberately of Lebanese who perchance were born Shia—urge that during your efforts to form a new government, you broaden the concept that

informs the national pact. More specifically, we entreat you to restore that concept to its original, constitutional interpretation. We call upon you to withstand any pressure and reject any tendency toward complaisance to ensure that the emerging government reflects the degree of political diversity appropriate to Lebanon's various communities, particularly its Shia community.

Rest assured, Mr. President, that the Lebanese Shia signatories to this correspondence are urging you to take exactly the same action being advocated by other Lebanese who, together, represent the entire spectrum of communities in our country. It has now become more than evident that substantial portions of the Lebanese population are being suffocated by the systematic suppression of their aspirations and their will. That outcome is being facilitated by an interpretation of the national pact that constrains rather than expands the breadth of Lebanon's living forces.

Mr. President,

In view of the prerogatives and responsibilities granted to you by the constitution, and in consideration of the oath to which you swore on the day you originally took office,

And based on the long-held desire of the Lebanese to be governed by a fair, decent and equitable political system that reflects and respects inclusive and equal citizenship,

We call upon you to assert your presidential

and constitutional responsibilities to set, prior to your leaving office, a precedent which will ensure that political diversity becomes and remains an integral component of our national "pact of mutual existence."

The signatories to this letter
listed alphabetically according to family name:

Mohammad Abi Raad	Khalil al-Khalil
Ali Abou al-Hassan	Hussein al-Khatib
Nidal Abou Shahin	Imad Koumeiha
Ali al-Ameen	Akram Mahmoud
Ghassan al-Ameen	Ahmad Matar
Racha al-Ameen	Majeed Matar
Racha al-Ameer	Malek Mrowa
Zeina Assaf	Hussein Nasser
Ali al-Attar	Mohammad al-Okasha
Ibrahim Badreddin	Hassan Oneissi
Habib Bzei'	Ali Saad
Assaad Daher	Mohammad Saad
Nada ad-Dirani	Abdallah as-Salman
Ali Mohammad Eid	Faten Salman
Ali Faqih	Youssef Shamas
Ahmad Faraj	Ibrahim Shamseddin
Mounif Faraj	Ismaeil Sharafeddin
Abbass Hadla	Hussein Slaiby
Rashed Hamadeh	Lokman Slim
Mohammad Joumaa	Harith Suleiman
Mounib Kanj	Ghaleb Yaghi
Moussa Kashkoush	Sheikh Abbass Yazbeck
Hazem al-Khalil	Ahmad Zeineddin