

LEBANON: MANAGING THE GATHERING STORM

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LEBANON: MANAGING THE GATHERING STORM

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The shocks Lebanon has experienced in recent months might destabilise even a sturdy country, let alone one polarised along political and sectarian lines. That it has held together is in large part due to memories of the recent civil war. But Lebanon has a history of serving as an arena for proxy struggles, and communal divisions are deepening dangerously. The international community should continue to deal cautiously with Lebanese and related Syrian affairs, bolstering the government of Prime Minister Fouad Siniora and preserving stability, while putting aside more ambitious agendas for Hizbollah's disarmament or regime change in Damascus.

The legislative elections held immediately after Syria's withdrawal showed the scale of the domestic challenge. The opposition, united in desire to force the Syrians out, fragmented once left on its own. Opportunistic new alliances were formed, with so-called pro- and anti-Syrians making common electoral cause to defend entrenched interests. Elections meant as a starting point for reform were a reminder of the power of sectarianism and the status quo, while assassinations and car bombs took more lives.

Decisions have been stalled by a power struggle between the Western-backed alliance of the prime minister and the son of the ex-prime minister, Rafiq al-Hariri, whose assassination started the chain of events, and the Syrian-backed president and his allies. Unsure whose orders to follow, security and civil officials sit on the fence. Fearful for their lives, many leaders have scattered, waiting in exile for the dust to settle.

Even after publication of the UN-sponsored Mehlis report on the Hariri assassination, politics remains in virtual suspension. The report offered a glimpse of an elaborate plan, allegedly involving senior Lebanese and Syrian officials, to murder the former prime minister, but in mid-December it will be followed by a more detailed account that is likely to exacerbate tensions further. All this reminds us that Lebanon's predicaments predated, contributed to, and will outlive Syria's occupation.

Sectarian rivalries bear much of the blame but international actors should recognise that their policies are liable to

worsen the situation. Communal divisions offer rich opportunity for intervention, which in turn awakens the worst fears and instincts of rival groups. There is a potentially explosive combination of renewed sectarian anxiety born of the collapse of the Syrian-sponsored system, intense regional competition, and almost unprecedented foreign involvement – Security Council Resolution 1559 mandating Syrian withdrawal and disarmament of militias; the UN-sponsored Mehlis investigation; Western aid; and Iranian and Syrian support for Hizbollah and Palestinian organisations. Groups are lining up behind competing visions for Lebanon and the region's confessional and ideological future. Domestic politics is being dragged into wider contests while foreign actors are pulled into Lebanon's domestic struggles.

To weather the coming storms, the country needs sustained calm to design and implement reforms of the economy, judiciary, public administration, and security agencies as well as electoral law. For that, it desperately needs both economic and institutional support from the outside world and protection from the struggles in which that world is engaged. This is no easy task, as Iraq's sectarian conflict spills over, the UN turns to Resolution 1559's provisions on disarming Hizbollah and Palestinian militias, and Mehlis's next report threatens to expose more Lebanese and Syrian complicity.

The U.S. and France have shown surprising unity, and have worked within a deliberately multilateral, UN-centred framework. It is a good formula to retain, which means focusing on supporting reforms, allowing the Mehlis investigation to run its independent course, and letting Lebanon deal with Hizbollah's status without undue pressure.

With Syria's withdrawal, Lebanon has turned an important page. But so many of the fundamentals that promoted Damascus's intervention in the first place remain: deep sectarian divisions, widespread corruption, political gridlock, and a tense regional situation. Syria's troops have left, but a stable, democratic transition has yet to begin.

RECOMMENDATIONS

To the Lebanese Government:

1. Work with the UN to organise a third-country trial under Lebanese law of suspects in the Hariri assassination, with the addition of non-Lebanese judges if nationals from another country are prosecuted.
2. Accelerate economic reform by drafting a comprehensive and detailed national development plan and focusing on reconstruction and development for the South in coordination with donors.
3. Hold broad discussions on unimplemented aspects of the Taef Accord and UNSCR 1559, based on the following principles:
 - (a) gradual deconfessionalisation, initially focusing on a merit-based appointments system in accordance with formal recruitment procedures and conducted by the Civil Service Board, and an electoral law that ensures genuine minority representation, promotes intra-sect pluralism, and minimises the ability of broad coalitions to dominate the field;
 - (b) respect for the Blue Line in accordance with UN resolutions, commitment not to attack Israel, including in the Shab'a Farms, and army deployment to the border; and
 - (c) gradual integration of Hizbollah's military wing possibly as an autonomous National Guard unit under army control and full Hizbollah disarmament in the context of progress toward Israeli-Lebanese and Israeli-Syrian peace.
4. Fight corruption in public administration by empowering state watchdog institutions to take punitive action, updating public procurement regulations, and enforcing conflict-of-interest regulations against senior office holders.
5. Reform the security services by prosecuting officers suspected of human rights violations, streamlining and clearly defining their mandates, and ensuring supervision by the Council of Ministers in accordance with the government's July 2005 policy statement.
6. Reform the judicial system by transforming the Supreme Judicial Council into an independent oversight body, empowering the judicial inspection unit to investigate allegations of corruption, discipline offenders, and publicise findings, and

restricting military court jurisdiction to military personnel and security forces.

To the Syrian Government:

7. Cooperate with the UN investigation into the Hariri assassination and halt any undue interference in Lebanese affairs, such as arming and using loyalist groups to threaten political foes.
8. Establish normal diplomatic relations with Lebanon, including exchange of embassies, release Lebanese prisoners and cooperate with Lebanese government and human rights groups to identify all Lebanese missing persons.
9. Ensure smooth passage at borders with Lebanon, tighten curbs on smuggling and conclude talks on border demarcation.

To the United Nations:

10. Continue to support the Mehlis investigation and, if requested, assist in a possible trial by a Lebanese court located in a third-country.
11. Approach the militia disarmament provision of UNSCR 1559 carefully, underscoring the Lebanese responsibility to agree internally on the status of Hizbollah.
12. Provide assistance to Lebanese governance reform.

To the Israeli Government:

13. Avoid intervention in Lebanese affairs, including through statements, and cease intrusive violations of airspace and territorial waters in accordance with UNSCR 425.

To the United States Government and the European Union (EU):

14. Refrain from excessive pressure on the Lebanese government to disarm Hizbollah, maintaining the position that the movement's status is to be resolved by the Lebanese.
15. Exert pressure, particularly through the Lebanese government and warnings to Syria and Iran, to end Hizbollah attacks and Israeli violations of Lebanese airspace and territorial waters pursuant to UNSCR 425, and in the case of the EU, use contacts with Hizbollah to encourage its full integration into the political system.

To Donors, including the EU and its Member States, the U.S., the World Bank and UN Agencies:

16. Encourage and assist the reform process by making aid disbursement gradual and conditioned upon clear implementation of a reform package, and by periodically assessing the implementation of reforms, identifying bottlenecks, and publicising findings.

Amman/Brussels, 5 December 2005

LEBANON: MANAGING THE GATHERING STORM

I. A SYSTEM BETWEEN OLD AND NEW

The 14 February 2005 assassination of former Prime Minister Rafiq al-Hariri – preceded by the decision to extend President Emile Lahoud's term – set off a chain reaction of local and regional events that began with the rapid withdrawal of Syrian troops, proceeded with elections and the formation of a new government, carried on with a UN report produced by German prosecutor Detlev Mehlis on the killing, and continues to this day. The abruptness of Syria's exit unquestionably was a success for the demonstrators who poured into the streets of Beirut on 14 March and for members of the international community – the U.S. and France at their head – who had pushed for it. Paradoxically, however, it also left the country with scant time to prepare an orderly and stable transition, let alone deal with the underlying sectarian tensions the Syrian presence had simultaneously manipulated and kept under wraps. "An old system has collapsed and a new system has yet to be born".¹ Or, as an influential member of parliament put it, "we have moved into a new house. But no one yet knows who will take which room. Everyone wants to get the best one, and it's led to sectarian squabbling. We have to find a way to divide the house in which there is space for all".²

In this unfamiliar interim, groups jockey for position and influence, using foreign actors and being used by them, the most pertinent groups defined by sectarian loyalty rather than ideological or political logic.

A. SETTING THE STAGE: THE ELECTORAL CONTEST

Lebanon is deeply fractured along clan, family, confessional, regional and social lines.³ It still bears the scars of a long and bloody civil war, and its politics still lives by the rhythm of the Taef Accord.⁴ Power, positions and parliamentary seats all are allocated according to specific sectarian criteria that often are at odds with demographic realities. Although the formula helped preserv relative calm for over a decade, it is fragile and covers rather than resolves underlying fractures. While many in Lebanon and, even more so, outside, were quick to seize on the massive, cross-confessional demonstrations in the wake of Hariri's assassination as evidence of different splits – democrats versus non-democrats, pro-Syrians versus anti-Syrians – these coexisted uneasily with persistent divisions of another kind, as the elections of May and June 2005 showed.

Lebanese elections are a curious affair. Citizens do not vote for a single candidate. Rather, they submit a list indicating which candidates they have chosen for all separate, confessionally-identified seats included in the overall electoral district; the candidate for a particular seat who obtains a majority is elected. In principle, candidates can run on an individual basis; in fact, they seldom prevail that way given the voting system and the size of the electoral unit. Instead, broad coalitions are formed that submit a list for a given district, with the requisite number of candidates from each confessional group. Voters are not required to vote for the list as a whole and can cross out the name of a particular candidate and substitute another. But this is not usually done: lists appear on small pieces of paper that are printed by the coalitions themselves and are difficult to modify due to their size. When a voter comes to the polling station, representatives of different

¹ Crisis Group interview with George Nassif, *An-Nahar*, Beirut, 9 October 2005.

² Crisis Group interview with parliamentarian Samir Franjeh, 25 October 2005. Franjeh was a prominent member of the Qurnet Shehwan group of Maronite politicians formed in April 2001 to oppose Syria's military presence in Lebanon.

³ Crisis Group Middle East Report N°39, *Syria After Lebanon, Lebanon After Syria*, 12 April 2005.

⁴ The Taef Accord, brokered in the Saudi city of Taef in November 1989, ended 15 years of Lebanese civil war, transferring power away from the Maronite president, and investing it in a cabinet divided equally between Christians and Muslims. Although it evoked the country's deconfessionalisation, it postponed it into a distant future.

political blocs hand out their preferred list and urge voters simply to drop the ballot – unaltered – in the box.

During parliamentary elections in the 1990s and in 2000, voters for the most part obliged, with only a minority exercising their right to substitute a name or write in an entire list of preferred candidates.⁵ Mostly, large blocs swept all seats in a given district, the key being to have formed broad enough alliances to ensure majority support for the list. Combined with the strongly sectarian nature of politics, this means that in a majority Sunni district, for example, only Christians who joined a Sunni-dominated list had a chance, regardless of popularity within their own constituency. Maverick candidates of any confession – those inclined to challenge the status quo – faced often insurmountable odds. The end result has consistently been that traditional, established forces within the various communities get together, draw up consensus lists, and run their candidates in elections that leave little room for surprises.

The 2000 law presented another characteristic that made it particularly unpopular among Christians. Christian voters constituted the majority in a handful of districts only. As a result, they needed to find places on Muslim (Sunni, Shiite or Druze)-dominated lists and, in reality, to be elected by non-Christian voters.⁶ Muslims complain that the Constitution is inherently discriminatory toward them in a different manner: the allocation of seats does not reflect demographics and over-represents Christians. The result of the two discriminatory features – Christian over-representation coupled with the Muslim role in choosing them – may have helped sustain the deal. But the most significant determinants of the balloting – clan, family, regional and confessional loyalties – play their part far from the limelight, and often well in advance of election day.

The primary mission of former Prime Minister Najib Miqati's cabinet, formed in the aftermath of Hariri's assassination, was to prepare and oversee legislative elections. It had little time to waste. According to constitutional requirements, these had to be held before the end of May 2005, and Lebanon lacked an electoral law.⁷ As political actors wrangled over its content and

battled against a deadline, they ended up settling on the old law, which reinforced the time-honoured characteristics of Lebanese politics – the overwhelming influence of money, traditional families, backroom deals and confessionalism.

The law being what it was, and in light of the heavy influence of traditional families, clans and confessions, the pre-electoral period saw groups haggle over their position on lists, each seeking to be part of a coalition broad enough virtually to guarantee victory. The bartering led to seemingly unnatural alliances that had little if anything to do with common political platforms, agendas or ideology.

At the outset, few observers gave much of a chance to candidates considered pro-Syrian – Hizbollah aside – in light of the sentiment expressed in the massive demonstrations since February.⁸ But circumstances rapidly changed, most importantly as a consequence of the 7 May return of General Michel Aoun, a prominent Christian Maronite opposition leader who had been in exile since 1990, when he forcefully opposed Syrian troops and their then-Christian supporters. Although Aoun's backers actively participated in anti-Syrian demonstrations, his arrival was viewed apprehensively by the Hariri bloc, including most Maronite politicians, concerned that he would both splinter the Christian community and threaten their dominance. With alliances forming between Saad al-Hariri, a Sunni leader and the slain prime minister's son, Walid Jumblatt, leader of the Druze community, and Hizbollah along with other Maronite forces, Aoun performed a remarkable U-turn. He looked for his partners among Syria's closest allies, including Druze leader Talal Arslan, Maronite *za'im* (or local boss) and former ministers Sleiman Franjeh Michel al-Murr and Elias Skaff. The bartering and new alliances arrested the political decline of pro-Syrian politicians.⁹

election, keeping challengers in the dark and limiting their ability to mount a significant campaign. See Crisis Group Report, *Syria After Lebanon, Lebanon After Syria*, op. cit., pp. 13-14.

⁸ Crisis Group interview with Walid Fakhr ad-Din, Lebanese Association for Democratic Elections, Beirut, 1 March 2005.

⁹ This may have been the purpose of allowing Aoun back. A political observer with ties to Karim Pakradouni, a prominent Maronite politician in the pro-Syrian Kata'ib party, confirmed this: "Aoun's return was Pakradouni's idea and a very clever idea at that. All those who went down to Martyr Square to demonstrate thought they were going to win the elections. They were going to oust the remnants of Syria's occupation of Lebanon. And then Lahoud was going to be removed from power [by the new parliament]. So Lahoud was advised to drive a wedge within the opposition, first by sticking to the 2000 law and then by allowing Aoun back in. When a significant number

⁵ According to Lebanese Centre for Policy Studies polls during the recent election, roughly 80 per cent voted without altering a list. LCPS, *al-Istitla' al-Lahiq*, Beirut, May-June 2005.

⁶ According to the Maronite Patriarch Nasrallah Sfeir, the 2000 law resulted in the election of only fifteen Christian parliamentarians in majority-Christian districts as compared to 49 in majority-Muslim districts. Agence France-Presse, 14 May 2005.

⁷ This is no coincidence: an important tactic of the political class to preserve its hegemony is to ensure there is no permanent electoral law and to produce a new one only weeks before the

While Aoun and Jumblatt traded insults, Hizbollah also brokered an alliance with another staunch Syrian ally, the Shiite Speaker of Parliament and Amal leader Nabih Berri. In both the South and the Bekaa Valley, Hizbollah and Amal, together with local figures, drew up lists for all available seats, Shiite and non-Shiite, fielding their own candidates together with other Syrian loyalists. The parties had run on joint tickets before but on this occasion the move gained significance because it saved Berri – severely criticised for supporting Syria and its allies – from predicted political defeat.

Candidates on a single list often had little in common. Designations used to describe particular candidates or lists – e.g., “the opposition”, “pro-” and “anti-”Syrian – became increasingly hollow in the electoral scramble. Because large political groupings and leading local politicians typically came together on unified lists, the elections – held on four Sundays between 29 May and 19 June – yielded few surprises. The Hariri/Jumblatt/Hizbollah alliance, which included Christian politicians such as Solange Gemayel, widow of assassinated former President Bashir al-Gemayel, and Greek Orthodox journalist Jibrán Tuéni, swept all nineteen seats in Beirut’s three sub-districts.¹⁰ Elsewhere, various configurations of a Hariri/Jumblatt/ Qurnet Shehwan coalition prevailed with, at times, support from the Lebanese Forces, a Maronite militia-turned- political party.¹¹ The Hizbollah/ Amal list won overwhelmingly in the South and the Bekaa.

The only surprise came in the three Christian-dominated districts of Kisirwan-Jbeil, the northern Metn and Zahleh. While most observers expected a repeat victory for the Hariri/Jumblatt list, Aoun’s Free Patriotic Movement (FPM), allied with renowned pro-Syrian politicians, took all fourteen seats. Ultimately, horse-trading and opportunistic coalitions produced a heterogeneous, likely transient, majority without a clear direction. Opposition-associated legislators held a much smaller majority than anticipated: 69 out of 128 seats. Parties generally deemed

of pro-Syrian parliamentarians would, therefore, survive, so too would Lahoud”. Crisis Group interview, 18 June 2005. Lahoud, however, said, “I do not understand why the return of Aoun, who represents one of the pillars of the opposition, can divide or undermine the opposition”. Quoted by Associated Press, 12 June 2005.

¹⁰ The official list of winners and losers is at <http://www.dailystar.com.lb/elections05/coverage.asp>. Vote counts and turnout figures in this report are taken from the interior ministry communiqués released one day after each election round and published in *An-Nahar* on 31 May, 7, 14 and 21 June 2005.

¹¹ The Qurnet Shehwan, established in April 2001, is a grouping of what were essentially opposition Maronite organisations as well as independent intellectuals and political activists. It was intended to attract support from leaders of other sectarian communities, but basically failed.

more sympathetic to Syria held on to 35 seats, including fourteen for Hizbollah, fifteen for Amal and six for smaller pro-Syrian parties. 61 legislators were new, 67 incumbents. All sides could more or less justifiably claim victory: anti-Syrian candidates and new legislators because they had gained sizeable ground, pro-Syrian candidates and incumbents because they had fared better than expected.¹²

An analyst noted:

The opposition promised one electoral law, but acquiesced in the passage of another. Leaders championed one set of political slogans, but ended up making electoral alliances that ran counter to them. The opposition itself split in two, and the elections ended up sadly reinforcing confessional divisions.¹³

Significantly, the elections witnessed an intensification of sectarian polarisation at candidate and voter level. To some extent, this was inevitable in a country that allocates legislative seats and key official positions on the basis of confessional affiliation. Still, even by Lebanese standards, the 2005 elections exceeded expectations.

In the highly competitive contests in the north (made even more so by Aoun’s surprise victory a week prior), Sunni Mufti Sheikh Taha Sabonji used his Friday sermon to urge people to vote, with some charging that he instructed them to do so for Hariri’s list.¹⁴ Lower-ranking religious sheikhs and imams reportedly issued similar calls in Tripoli and other Sunni-dominated northern areas.¹⁵ Hariri also allied with Islamists, including members of the Muslim Brotherhood.¹⁶ Aoun asserted that “the Hariri camp worked against me by funding and promoting Muslim religious fanatics in Tripoli”.¹⁷ Both Sunni and Christian

¹² Crisis Group interviews with candidates and representatives, Beirut, May-June 2005. There were losers, of course, including Sleiman Franjeh, a Christian politician allied to Syria who hailed from a powerful family and some members of the Qurnet Shehwan.

¹³ Statement of Paul Salem, “Congressional Foreign Relations Committee Hearing on Lebanon”, 28 July 2005.

¹⁴ Hariri denied the allegation. “[The Mufti] didn’t interfere, he just urged people to vote”. “Statement of MP-elect Saad Rafiq Hariri”, press release, 20 June 2005.

¹⁵ See *As-Safir*, 18 June 2005, which described the elections in the north as “the ugliest form of sectarian campaigning the region has ever witnessed”.

¹⁶ Crisis Group interview with Ahmad Moussalli, political science professor at the American University in Beirut, October 2005.

¹⁷ Crisis Group interview, Beirut, 27 October 2005. Hariri paid \$48,000 in bail for four members of the Dinniyeh Group of 200 to 300 Islamist militants who in January 2000 launched a failed attempt to establish an Islamic “mini-state” in north Lebanon. The insurgents, many of whom were non-Lebanese Arabs and had trained in al-Qaeda camps in Afghanistan, were evicted

political leaders denounced the intermingling of religion and politics, arguing that endorsement of a candidate by a religious figure was tantamount to instructing worshippers how to vote.¹⁸

For reasons of its own, Hizbollah's campaign also had a more confessional hue than usual. Facing calls for its disarmament and with its Syrian ally increasingly isolated, Hizbollah fell back on its Shiite constituency. Sheikh Hassan Nasrallah made plain that a vote for Hizbollah-supported lists was a religious duty, necessary to safeguard the resistance.¹⁹

Maronites also experienced a sectarian revival of sorts. Reasons included the community's sense of political marginalisation resulting from the electoral law (under which, according to the Patriarch and his cardinals, a mere fourteen of 64 Christian parliamentarians would be elected in majority-Christian districts, the remaining 50 effectively to be selected by Muslim voters);²⁰ unease

from dozens of villages they captured in the Dinniyeh district east of Tripoli after several days of clashes with Lebanese troops and 40 deaths. See <http://english.aljazeera.net/NR/exeres/CB7FEEEE2-9463-43DB-8842-F069430A8613.htm>. Hariri described this as "a humanitarian action", in conjunction with an amnesty of Samir Geagea, the Lebanese Forces leader sentenced to life imprisonment in connection with political assassinations, most notably that of former Prime Minister Rashid Karami in 1987. Geagea was the only prominent warlord from the 1975-1990 civil war era still in jail. After the elections, Hariri used his parliamentary majority to secure amnesty for 22 of the Islamists as well as seven militants detained in September 2004 on suspicion of plotting to bomb the Italian and Ukrainian embassies in Beirut. See *Al-Mustaqbal*, *An-Nahar* and *The Daily Star*, 10 June 2005, and below.

¹⁸ Crisis Group interviews with Maronite politicians in Beirut, July 2005. Sunni politician and former Prime Minister Omar Karameh strongly denounced the Mufti's interference, calling on Muslims to depose him. *An-Nahar*, 20 May 2005.

¹⁹ Nasrallah's speech at the commemoration of Israel's withdrawal from south Lebanon, 25 May 2005. *Al-Manar's* coverage is at <http://www.islamicdigest.net/v61/content/view/1753/40/>. Many saw the statement as an attempt to invoke the religious authority of *taklif shari'i* (a commandment in line with Shiite Islamic law), which he exercised in his capacity as personal representative of Iran's Supreme Leader and *Marja' at-Taqlid* (model for emulation) Ali Khamenei. Crisis Group interviews with Shiite political activist and voters, Beirut and south Lebanon, June-July 2005. A Hizbollah official acknowledged that Nasrallah's voting instructions had a religious connotation but stressed they were directed at party members and "everyone committed to Hizbollah's leadership", not Shiites per se. Still, even he acknowledged that the message was "if you don't vote for the resistance, you weaken the community". Crisis Group interview with Hizbollah official, Beirut, 12 July 2005. For more on Hizbollah, see Section III below.

²⁰ Cited by Lebanese National News Agency, 12 May 2005.

at the Sunni-Druze alliance around Hariri and Jumblatt; Jumblatt's manoeuvres to remove Maronite President Emile Lahoud (hardly popular among Maronites, but still viewed as one of their own, and certainly not a matter for a Druze to decide);²¹ and discomfort at the notion that all Muslim confessional groups were lining up behind a strong leader (Hariri, Jumblatt and Nasrallah), without a Maronite counterweight.

Aoun's victory in the predominantly Maronite areas north of Beirut was one result. Ironically, he initially was at pains to present himself as a secular candidate, emphasising cross-confessional issues such as corruption and trying to broaden his appeal beyond the Maronite community.²² Yet, upon his return he rapidly adjusted to the sectarian dynamics, emerging as protector of the Maronites, indeed, their last line of defence. Playing on his co-religionists' anxieties and unease at Jumblatt's unconcealed attempts to unseat Lahoud, he ended his attacks against the president, arguing that impeachment would be a cumbersome and thorny constitutional process, and contesting accusations that Lahoud was responsible for a series of political assassinations on grounds that it defamed the institution of the presidency.²³ Over time, his rhetoric took on an increasingly sectarian undertone. At a rally in Jbeil-Kisirwan, he accused "petro-dollars" of "flooding" the area, a transparent reference to support from Gulf states for their Sunni brethren.²⁴ More generally, his metaphors played on the Maronite sense of encirclement by a Muslim majority.²⁵ By the time he won his fourteen seats, he was viewed as the Maronites' new strongman.²⁶

Sectarianism, of course, is nothing new to Lebanese politics, in many ways its most valued currency. However, that it was so dominant in these elections is a reminder that the apparent popular unity and cross-confessional alliances witnessed in February and March did little to

²¹ Crisis Group interview with newly elected Aounist parliamentarian, Beirut, 4 July 2005.

²² Crisis Group interviews with Lebanese journalist and political activists, Beirut, June 2005. Some Shiites also were attracted to Aoun's reformist outlook, earning them the nickname *shi'awniyyeh* (merging the words "aounists" and "Shiites").

²³ See *An-Nahar*, 18 June 2005 and *As-Safir*, 23 June 2005.

²⁴ See *Al-Mustaqbal*, 31 May 2005.

²⁵ Crisis Group interview with Maronite lawyer, Beirut, 18 June 2005. For Aoun's remarks, see *Al-Mustaqbal*, 24 May 2005.

²⁶ "So now we have a great leader for the Christians too. It's like they are taking their inspiration from the other communities. Ironically, before [in the early 1970s] it was the Maronite leadership that was more centralised, then setting an example to the other sects. But during the war the Maronite leadership began to disintegrate and fragment. Now we are back to where we were before". Crisis Group interview with Hussam Itani, *As-Safir* journalist, 13 June 2005.

alter underlying political and social dynamics. The countless national flags that floated over balconies and atop buildings became a thing of the past. In east Beirut, at Sassine Square, Lebanese flags were replaced by banners of the Maronite Lebanese Forces.²⁷

To those who had marched, this was a painful reawakening. Many saw the demonstrations as about more than removing Syria's presence; they were driven by anger at the role of security and intelligence services, as well as a desire for political reform, a more participatory and less confessional system. They ended up being used by politicians intent on (re)building their legitimacy by riding the anti-Syrian wave but unwilling to relinquish the sectarian logic that had served them well.²⁸ The "Independence Revolution" rearranged the political scene, with forces that asserted their opposition to Syria prevailing; but both "pro-Syrian" and "anti-Syrian" members of the political class quickly reverted to form, establishing tactical alliances and focusing on apportionment of spoils. A popular song on LBC television during the campaign captured the frustration and disillusionment: *Sharshahtuna* (you – the political class – have humiliated us). As an Arab daily put it, "at a record speed, Lebanon's spring has turned into fall".²⁹

B. THE MEHLIS EFFECT

It was the job of Prime Minister Fouad Siniora, who took office on 19 July 2005, to manage the situation and try to cast off unwelcome burdens of the past. So far, a majority of Lebanese believe, he has performed adroitly; Western and UN officials generally agree.³⁰ Hizbollah, the powerful Shiite movement that heretofore had rejected ministerial portfolios, is in the government, and the cabinet has agreed that the issue of its eventual disarmament would be resolved solely by consensus.³¹ The state gradually is

extending its presence to no-go zones, those run by Syrian allies, and in particular those being held by pro-Syrian Palestinian groups. The security system created and controlled by Damascus is being stripped of resources and dismantled.³² Siniora has suggested he will terminate the post-war reconstruction funds widely viewed as subsidies for confessional leaders.³³

The prime minister also is carving out a new foreign policy based chiefly on close relations with the West, especially the U.S., and with Egypt and Saudi Arabia. In a sharp departure with the past, he has met with President Mahmoud Abbas to discuss the status of hundreds of thousands of Palestinian refugees, striving to bolster the roles of both the Palestinian Authority and Fatah at the expense of Syrian-affiliated groups.³⁴

³² The four principal heads of the security system have been changed, Brigadier General Mustafa Hamdan, head of the Presidential Guard; Major General Ali Hajj, the former chief of police; Brigadier General Raymond Azar, the former military intelligence chief; and Major General Jamil al-Sayyid, the former head of General Security. Marwan Hamadeh, the minister of telecommunications and a strong Hariri ally, withdrew thousands of mobile and fixed telephone lines from security officials, explaining, "I have stopped thousands of illegal lines that were used by the presidential lines and the security services. I have just cut them. Now they have to pay through their own budget". Crisis Group interview, Beirut, 28 October 2005.

³³ The Council of the South was overseen by the Shiite speaker of parliament, Nabih Berri, and the Fund for the Displaced Fund by the one-time minister of the displaced, Walid Jumblatt. See Reinoud Leenders, *Divided We Rule: The Politics of Institution Building and Corruption in Post-War Lebanon* (Cambridge, forthcoming). In an interview with Crisis Group, Marwan Iskander estimated their current value at \$100 million and \$800 million respectively.

³⁴ At a meeting in Paris on 18 October 2005, Siniora and Palestinian President Mahmoud Abbas expressed "great concern" about the movements of weapons and armed groups in and out of refugee camps, "which negatively influence the sovereignty and independence of Lebanon", Al-Jazeera.net, 18 October 2005. They agreed to place Palestinian weapons inside the camps under the combined control of the Lebanese Army and Fatah command and remove any weapons outside their boundaries. The agreement is potentially as significant for the refugees as for Lebanon, though pro-Syrian factions have refused to submit to Fatah oversight and tensions remain high. Regularisation of the refugees' status requires extending basic civil rights to them, including removing onerous employment and property restrictions. This is highly controversial, as some Lebanese view it as a start to tilting the demographic balance toward Sunnis and lessening job opportunities. An Amal politburo member explained: "We need to safeguard jobs for Lebanese lawyers, doctors and pharmacists. State employment should be limited to Lebanese citizens". Crisis Group interview with Mohamed Khawaja, Beirut, 10 October 2005.

²⁷ A political activist lamented, "what happened to all the Lebanese flags?" Crisis Group interview with Riyad al-Asaad, unsuccessful Shiite candidate in the South, Beirut, 16 June 2005.

²⁸ Crisis Group interview with newly elected Maronite parliamentarian, Beirut, 4 July 2005.

²⁹ *Al-Quds al-Arabi*, 19 July 2005.

³⁰ UN officials particularly praise Siniora, stressing his management of the Hizbollah, Syrian, Palestinian and Mehlis challenges without becoming too much of a lightning rod. Crisis Group interviews, New York, October 2005. While also full of praise, U.S. officials complained the Lebanese government has been insufficiently proactive. Crisis Group interviews, Washington, October 2005.

³¹ Siniora can cite a history of cross-sectarian relations. As finance minister in 2003, he was barred from the U.S. for donating funds to a Shiite charity organisation that had been blacklisted as a sponsor of terrorism.

But Siniora's room for manoeuvre is heavily constrained. Unsure whose orders to obey, deprived of their senior commanders, and waiting to see who will prevail, officials in the security apparatus often choose the safest path, which is to do nothing.³⁵ "Informers and *mukhabarat* are still present but they no longer work for the government", complained an influential parliamentarian and member of Saad al-Hariri's Future Bloc.³⁶ The judiciary, whose minister is a Lahoud ally, also is disorientated. Despite a string of car bombings and other violent attacks since Hariri's assassination, no arrests were made until U.S. and French detectives helped, and no case has been brought to trial. Among the victims was Samir Kassir, a prominent and widely respected journalist instrumental in organising the February/March demonstrations.³⁷ The only detentions and indictments issued with regard to Hariri's assassination came at the instigation of the Mehlis Commission.

Inaction reflected in part the institutional vacuum resulting from fifteen years of civil war followed by another fifteen years of Syrian hegemony. Orders often emanated from Damascus or its agents and allies in Lebanon. Even the most basic equipment, such as forensic tools required to perform DNA tests, were lacking. According to an Arab diplomat, "when we asked military intelligence what they were doing, they replied they could not do a thing, because Syria used to do everything for them".³⁸

But more than a vacuum is responsible; the paralysis also has reflected institutional gridlock as Hariri and Lahoud allies struggle for influence. Lahoud's competition with Hariri and his camp (which was instrumental in Siniora's appointment) dates back to his first election in 1998 and continues to hamper government action.³⁹ The

appointments of some 30 directors-general and many ambassadors await the president's signature.⁴⁰ The battle is fiercest – with good reason – in the security sector, long a Syrian preserve. The president delayed appointment of new chiefs for two months, with the deadlock broken only in early October.⁴¹ Hamadeh, the minister of telecommunications, complained of continued resistance to government initiatives:

Many ministers are completely under the control of Syrian and Lebanese security officials. As long as President Lahoud is in place, the remnants of the security system will survive.⁴²

In an atmosphere of relative insecurity and fear, ordinary citizens increasingly look to their sectarian communities for succour and protection; meanwhile, many leaders have either withdrawn to mountain-top bases or taken temporary refuge abroad.⁴³ Rumours concerning ongoing rearmament of various factions abound. An Aoun adviser expressed alarm: "People are saying that, if Hizbollah has arms, why shouldn't we? When one side has weapons, others have an excuse for acquiring them. Ultimately, we will have three states in one".⁴⁴ An Amal militiaman alleged that training had resumed in preparation for a potential showdown, and his movement was coordinating with smaller pro-Syrian movements.⁴⁵ In a sign of

Group interview with Fouad Makhzoumi, Sunni politician opposed to Hariri and leader of the National Dialogue Party, Beirut, 28 October 2005.

⁴⁰ Three directors-general have been appointed, two in the Ministry of Telecommunications and one in the Ministry of Economy. Crisis Group telephone interview with Walid Raad, Beirut, November 2005.

⁴¹ According to Walid Kebbe, a former adviser to Rafiq al-Hariri, "we have in the country two mentalities: a military mentality under Lahoud, and a technocratic mentality under Siniora". Crisis Group interview, Beirut, 11 October 2005.

⁴² Crisis Group interview with Marwan Hamadeh, telecommunications minister, 28 October 2005. Hamadeh was the source of many of the telephone records cited in the Mehlis report but says previous ministers, under instruction from the president and Damascus, were reluctant to divulge information.

⁴³ Saad al-Hariri shuttles between Paris and Jeddah; Elias Murr, the defence minister, was until recently in Switzerland, recuperating from an armed attack; claiming to be on a hit-list, Jibrán Tuéni, Greek Orthodox editor of *An-Nahar*, a daily newspaper partially owned by the Hariri family, spent time in Paris; Nabih Berri has cordoned off the neighbourhood surrounding his house in the Beirut suburb of Ain al-Tini, while Michel Aoun and Walid Jumblatt have retreated to their respective mountain tops in Rabieh and Mukhtara.

⁴⁴ Crisis Group interview, Beirut, 10 October 2005. An Amal militiaman told Crisis Group, "if they accuse Syria of killing Hariri without proof, it will destroy Lebanon. There will be war." Crisis Group interview, Beirut, 10 October 2005.

⁴⁵ Crisis Group interview Beirut, 10 October 2005. He cited the groups as Amal, Hizbollah, the Syrian Nationalist Party,

³⁵ In the words of a Western diplomat, "the work of the security forces was frozen after Jamil al-Sayid and Ali al-Hajj resigned. Officials are waiting for orders, as they were wholly dependent on them". Crisis Group interview, Beirut, 8 October 2005. Michel Samaha, a former information minister, added: "Some members of the security forces might side with the pro-Syrian political wing out of fear that if the others prevail, they will be next to go". Crisis Group interview, Beirut, 10 October 2005.

³⁶ Crisis Group interview with Future Bloc parliamentarian Atif Majdalani, Beirut, 10 October 2005.

³⁷ Through his writings in *An-Nahar* and by helping to arrange flags, stickers and other material carrying the logo "Independence 05", Kassir proved a remarkable engine for the movement. He recounted his efforts to Crisis Group on 20 April 2005, expressing satisfaction that intellectuals for the first time had reached a wide audience.

³⁸ Crisis Group interview with Arab diplomat, Beirut, 5 October 2005.

³⁹ During Hariri's premiership, "you had two guys, each thinking he was running the country – one [Lahoud] through the security forces and the Syrians, the other [Hariri] through financial institutions – and neither was ready to compromise". Crisis

growing sectarian divide, Crisis Group witnessed over a dozen armoured personnel carriers rush to disperse fans outside a South Beirut stadium following a scuffle in late October 2005 between supporters of Najma, Amal leader Nabih Berri's soccer team, and Faisali, a Jordanian team, which some Beirut Sunnis had turned out to support.

Prosperous Lebanese confess they now think twice before frequenting public places. Internal and external investment is dwindling. Religious charities claim they recorded their worst Ramadan since the civil war.⁴⁶ Since Hariri's assassination, an economist told Crisis Group, the economy has contracted by 2 to 3 per cent.⁴⁷ The government has been unable to agree on a budget for 2005, let alone 2006. In the words of a Beirut-based manager of the Hariri-owned Oger Liban, "everything is now frozen. I'm not even purchasing a car because I don't know whether we are staying here and whether we will witness war or peace".⁴⁸

The Mehlis report, some hoped, would end the stalemate and give one side a decisive edge. It did neither. A handful of arrests followed its publication,⁴⁹ and a few appointments were made but that was about it. More to the point, it is hard to find a Lebanese (or Arab) who does not entertain conclusive views about the German prosecutor's work – meticulous and unimpeachable evidence for some, politicised and hearsay evidence for others. UN officials interviewed by Crisis Group assert that Mehlis has, in fact, uncovered a "treasure trove" of incriminating evidence.⁵⁰ The first report was, in other

the pro-Syrian wing of the Maronite Kataeb, supporters of Suleiman Franjeh, and the Lebanese Democratic Party of Talal Arsalan.

⁴⁶ Crisis Group interviews at Dar al-Ifta, Beirut, and with Robert Mosrie of the American Near East Refugee Aid, October 2005: "Charities are complaining that this is their worst Ramadan in Lebanon for years. All the big Sunni donors are in Paris". A normally chirpy taxi driver touting for tourists outside a downtown Beirut hotel also bemoaned the downturn: "Everyone is waiting for Mehlis – even Gulf tourists. Several of the hotels I normally serve in Ramadan have closed for the season".

⁴⁷ Crisis Group interview with Marwan Iskander, an economist, Beirut, 28 October 2005. He nevertheless was relatively upbeat about underlying economic trends, citing bank deposits as recovering to the pre-assassination level, and issues on the Beirut stock market as heavily over-subscribed.

⁴⁸ Crisis Group interview, Beirut, 11 October 2005.

⁴⁹ Shortly after issuance of the report, three Lebanese were arrested, including security officials such as General Faisal al-Rashid and several military officers, *The Daily Star*, 24 October 2005. The authorities also made their first arrests in connection with the 25 bombings that followed Hariri's assassination.

⁵⁰ Crisis Group interviews, New York, October-November 2005. Mandate extension was a key Mehlis goal; support was far from assured at the Security Council, and even senior UN

words, a teaser, designed as much as anything to gain Security Council approval for a mandate extension. What will come next, they claim, will be far more damning, and far less vulnerable to attack.

For now, that is of little consequence. While the elections briefly blurred sectarian divisions, leading to odd alliances, the Mehlis investigation quickly reopened old divisions and heightened tensions. Within hours of the formation of the new cabinet on 19 July 2005, Mehlis named as a suspect Mustafa Hamdan, the Presidential Brigade commander and widely viewed as Lahoud's aide-de-camp. On 1 September, the four senior security chiefs were detained and charged with complicity in the assassination.⁵¹ Mehlis widened the investigation to senior Syrian officials, including Damascus's former heads of military intelligence in Lebanon, Rustom Ghazali and Ghazi Kanaan, who became interior minister and, according to Syrian officials, subsequently committed suicide, and President Asad's brother-in-law and intelligence chief, Asef Shawqat. The investigation put Lebanese officials at loggerheads, pitting Hariri allies against pro-Syrian forces, with many in between.

Since the publication of the report, Lebanese cohesion has shown further signs of unravelling. Five Shiite politicians, including Foreign Minister Fawzi Salloukh walked out of a cabinet meeting in early November in a dispute arising from discussion of President Bashar al-Asad's speech, which attacked Siniora; the government has struggled to mollify mainly Shiite protestors against high fuel prices in the border areas of the Bekaa Valley near Syria, after demonstrations encouraged by the Syrian media;⁵² and, underscoring its continued military role, Hizbollah marked Independence Day by launching its first attacks across the UN-demarcated Blue Line with Israel in five months, producing some of the most violent clashes since Israel's withdrawal in 2000.⁵³

In short, Siniora and the country as a whole must now contend with deeply rooted sectarian loyalties and antagonisms in a context of enhanced regional and international stakes. In the absence of direct Syrian control but with active indirect interference, and with the political situation in flux, fractious confessional leaders have struggled to fill the vacuum, eager to protect and

officials were wary of deep involvement. The German prosecutor was intent on showing he had enough to warrant a continued investigation, and he succeeded. *Ibid.*

⁵¹ See footnote 35 above.

⁵² *Tishreen*, the official Syrian newspaper, predicted that the fuel protests could spark an "Orange" protest against the government. *The Daily Star*, 16 November 2005.

⁵³ On 24 November, the UNSC issued a press statement blaming Hizbollah for the border clashes and reiterated its call for the deployment of Lebanese troops to the border.

promote their status, leading to more divisiveness, in the eyes of many, than at any point since the civil war. As always in such circumstances, foreign actors both rush in and are pulled in, while Lebanon inches toward its traditional role as the locale for proxy wars. The level of intermingling between the domestic and the international is conveyed by a statistic: according to an opinion poll, more than 80 per cent of Sunnis and Christians trust Detlev Mehlis's investigation, but two-thirds of Shiites did not.⁵⁴ From a spate of car-bombs to prolonged gun-battles around Palestinian camps, from sectarian suspicion to international stakes, Lebanon abounds with dynamite fuses, all threatening to ignite a conflagration.

II. SECTARIANISM AND INTERNATIONALISATION

One of the more remarkable features of this crisis is the degree of international engagement, and – so far – its uncharacteristic unity. The harmony is best symbolised by Franco-American coordination, but does not end there. There are few if any dissenting Europeans, and even Arab nations traditionally protective of the Baathist regime in Damascus, including Egypt and Saudi Arabia, have joined in pressing for Syria's withdrawal and for the Mehlis investigation to run its course. More surprisingly, they have echoed Western impatience with President Asad, substantially adding to the pressure he faces.

Still, the level of international involvement is not without risk. Lebanon has a sorry history of serving as the surrogate field for battles waged by others. Its sectarian divisions offer rich opportunity for meddling; in turn, foreign interference awakens the worst fears and instincts of rival groups. In this instance, regional polarisation and heightened pressure on the Baathist regime in Syria have further fuelled domestic tensions. Events leading up to and following the Mehlis report provide ample illustration.

A. FROM SYRIAN TUTELAGE TO WESTERN UMBRELLA?

For the Lebanese and Lebanon watchers, increased international interest in the country has been extraordinary. Free from decades of Syrian hegemony, Lebanon today falls under the auspices of a remarkable array of UN senior envoys and resolutions. No fewer than four senior UN envoys are involved: Geir Pedersen, the Secretary General's Personal Representative for Lebanon; Terje Roed-Larsen, his representative for compliance with Security Council Resolution 1559 concerning Syria's withdrawal and the disarmament of militias; Alvaro de Soto, the UN Special Coordinator for the Middle East peace process; and Detlev Mehlis, who is responsible for investigating Hariri's assassination. This is in addition to the multinational forces of UNIFIL (established in 1978 to confirm Israel's withdrawal and help the Lebanese government re-establish its authority in the South).

In addition to UNSCR 1559, Resolution 1595 establishes the Mehlis inquiry, explicitly providing for full international access to the Lebanese government's internal workings;⁵⁵ Resolution 1636 insists that Syria "not

⁵⁴ Crisis Group interview with poll organiser, Abdou Saad of the Beirut Centre for Research and Information, Beirut, 8 October 2005. The poll was conducted on 20 September 2005.

⁵⁵ UN Security Council Resolution 1595 mandates that the Commission "shall enjoy the full cooperation of the Lebanese authorities, including full access to all documentary, testimonial

interfere in Lebanon's internal affairs"; Resolution 1614 warns that UNIFIL will be withdrawn unless Beirut deploys its army on its southern border; and Resolution 1566 lists anti-terrorism measures which potentially could be invoked against Lebanon or Syria should either fail to cooperate with the Mehlis investigation.⁵⁶

International involvement does not end there. A Core Group – the U.S., UK, France, Italy, the European Union, Russia, Egypt, Saudi Arabia, the UN and the World Bank – coordinates Lebanon's political and economic future and reviews a reform program which "will set the stage for international assistance".⁵⁷ Member states and institutions are in the process of defining aid conditionality in advance of a December 2005 meeting. The U.S., France and UK are helping overhaul the security sector.⁵⁸ France is compiling an inventory and audit of security forces, and a blueprint for reconstruction of the security sector of security services; and the UK is helping to streamline multiple and overlapping security agencies under the defence ministry. The U.S. reportedly was asked by the government to assist in securing the mountainous frontier with Syria with physical barriers, lethal platforms and sensors.⁵⁹ Washington and Paris have sent separate teams to investigate the cycle of recent car-bombs,⁶⁰ since June, three FBI teams reportedly have investigated attacks against the journalist Samir Kassir, May Chidiac, a news anchor for the Christian-owned Lebanese Broadcasting Corporation (LBC), and Defence Minister Elias, which cost the first his life.⁶¹ The French criminal investigation department has launched its own investigation into Kassir's murder at his wife's request.⁶²

and physical information and evidence in their possession...; have the authority to...interview all officials and other persons in Lebanon;...enjoy freedom of movement throughout the Lebanese territory; including access to all sites and facilities that the Commission deems relevant to the inquiry".

⁵⁶ Resolution 1566, which was passed pursuant to Chapter VII of the UN Charter, "calls upon States to cooperate fully in the fight against terrorism...in order to...bring to justice, on the basis of the principle to extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens".

⁵⁷ Summary of Final Statement for Core Group Ministerial meeting, 19 September 2005, at http://www.un.org/news/dh/infocus/middle_east/summary_core_final.htm.

⁵⁸ Crisis Group interviews with Western diplomats, Beirut, October 2005.

⁵⁹ Geostategy-Direct, www.geostategy-direct.com, October 11 2005.

⁶⁰ Crisis Group interviews with Western diplomats, Beirut, October 2005.

⁶¹ Ibid.

⁶² Ibid.

International engagement has had undeniably positive effects, providing Lebanon with much needed political, diplomatic and economic support and accelerating the departure of Syrian troops. But its breadth, particularly at a time of rising regional tensions, inevitably is causing discomfort and division; if not handled with caution, it risks jeopardising Lebanon's stability.

UN officials, still under the shock of the 19 August 2003 bombing of their Baghdad headquarters, are unsure how far to go and for how long. Given heightened Arab suspicions, they worry about being perceived as instruments of Western, particularly U.S., designs.⁶³ Mehlis's request for a mandate extension was resisted at UN headquarters and acceded to chiefly on the basis of the strength of his report and pressure from some member states. The institution's continued involvement with Resolution 1559 is also cause for internal debate.⁶⁴ Now that Syria has basically withdrawn, the resolution mandates a focus on highly sensitive – and potentially explosive – issues such as disarmament of the Hizbollah and Palestinian militias. The UN's appetite for this task is questionable.

In the U.S. and France, Lebanon now is near the front of the foreign policy agenda. In Washington, it consumes virtually as much time as any other Middle East issue save Iraq, and Secretary of State Condoleezza Rice in particular is said to have developed a keen interest.⁶⁵ The Bush administration's sudden engagement reflects the belief that a real opportunity exists to achieve three important goals: to undermine Syria's Baathist regime; curb and eventually disarm Hizbollah; and help turn Lebanon into a "democratic model" for the region. Other factors – including the chance to repair ties with France and work cooperatively on a Middle East issue, as well as the personal investment of President Chirac, who enjoyed a particularly close friendship with Rafiq al-Hariri and feels betrayed by Bashar – also are at play.

This has generated mixed emotions in France. There is satisfaction at renewed cooperation and even more so at the sense that Paris is having a genuine influence on Washington. On several occasions, the Bush administration sought to shift international focus to Syrian behaviour regarding Iraq and the Palestinian Occupied Territories. Each time, France reeled it back, stressing the importance of focusing on the Mehlis investigation by arguing there

⁶³ Crisis Group interviews with UN officials, New York, October 2005.

⁶⁴ "The UN should be resolving conflicts, not generating them". Crisis Group interview with UN official, Jerusalem, November 2005.

⁶⁵ Crisis Group interviews with U.S. official, Washington, July-November 2005.

was no better way to both preserve international legitimacy and consensus and to pressure Damascus. "We should let Mehlis speak for itself. This should not be an American or French effort directed at Syria, but an international one. It will produce the same result, but in a far more effective way".⁶⁶

Still, there is palpable concern that excessive proximity between the two countries' positions might taint France's image and effectiveness in the Arab world. There also is a conviction that, sooner or later, the U.S. will turn to its assumed primary objective of regime-change in Syria; for France, whose objective is to ensure Lebanon's independence from Syria and promote its own influence there, this is a recipe for eventual collision. Pressure on the Syrian regime also might increase its incentive to destabilise Lebanon, something Paris is keen to avoid. "We look at Syria through a Lebanese lens; the Americans look at Lebanon through a Syrian one. That is the difference".⁶⁷

With pressure rising from the first Mehlis report and apprehension building in anticipation of the second, Syria views Lebanon chiefly through the prism of U.S.-led efforts to weaken its regime. President Asad made this unambiguous in his speech of 10 November:

The more important consideration is that the Lebanese parliamentary elections, held in May, were not a Lebanese landmark but an international one. That was the start of taking Lebanon out of its Arab role and pushing it towards internationalisation, which means pushing it more towards Israel under an international cover and with instruments which carry the Lebanese nationality.... What we see today is that Lebanon has become a route, a manufacturer and financier for these conspiracies [against Syria].⁶⁸

This blunt diagnosis was coupled with a veiled warning that "patriotic" forces in Lebanon would prevent this outcome, just as, he commented, they had brought down the Israeli-Lebanese treaty of 17 May 1983.⁶⁹ The state-

controlled press accused Saad al-Hariri of "distan[ing] himself from his father's stance. He looks at Syria through an eyeglass that is made in the West. He speaks with a non-Arab tongue, so that we wonder whether we are listening to an Arab or to Condoleezza Rice".⁷⁰

What remains to be seen is whether Syria, fearful of more isolation and pressure, will refrain from provocative action or, convinced of U.S. regime-change designs, will adopt a scorched earth policy. The defiant tone of Bashar's speech gives credence to the latter thesis. As a Syrian official told Crisis Group, "Bashar is being asked to help the chef, while being told he will be next on the menu. He will not assist in his own undoing".⁷¹

Syria certainly possesses a variety of tools to implement a destabilising policy in Lebanon and, in Bashar's words, to "harm or defeat [the enemy]".⁷² Although the last of its forces were seen leaving the country on 26 April 2005, Syria still can rely on powerful allies there. These include political loyalists, such as Hizbollah, Amal, the Syrian Socialist Nationalist Party and the Lebanese Baath party, as well as President Lahoud. It also has a long history of sponsoring Palestinian militant groups with an armed presence in Lebanon, most notably the Popular Front for the Liberation of Palestine – General Command, led by Ahmad Jibril.⁷³ Finally, there are unconfirmed reports of

destroy the national equation...will no doubt fail...through the patriotic Lebanese forces which brought down the [Israeli-Lebanese] May 17 agreement and the era of tutelage associated with it". Ibid. Under intense Syrian pressure and following a spate of bombings and domestic armed skirmishes, President Amin Gemayel abrogated the treaty on 5 March 1984. On Syrian policy vis-à-vis Lebanon, see Crisis Group Report, *Syria After Lebanon, Lebanon After Syria*, op. cit.

⁷⁰ Quoted at http://www.champress.net/english/index.php?page=show_det&id=795&select_page=1 on 25.

⁷¹ Crisis Group interview, October 2005. In his 10 November speech, Bashar echoed this line of thinking almost verbatim: "the strategy [of our enemy] says, either you kill yourself or I kill you....When you kill yourself, the enemy deprives you of two things: first, the honour of defending yourself; and second, the possibility of harming or defeating him in the end in any area".

⁷² Speech at Damascus University, op. cit.

⁷³ During Syria's military presence in Lebanon, Palestinian groups were – like Hizbollah – spared from the Taef Accord's disarmament requirement. They took charge of seven of Lebanon's twelve Palestinian refugee camps and maintained bases in the Bekaa Valley and south of Beirut. In the largest camp, Ain al-Halwe, Fatah has a dominant though not exclusive presence. On a visit, Crisis Group saw portraits of the late Hamas leader Ahmed Yassin vying for space in alleyways with Yasser Arafat's. Fatah leaders appeared confident of their control, and uniformed Palestinian police patrolled the main thoroughfare. However, plain-clothes gunmen predominated in the back streets, and camp residents said Fatah was challenged

⁶⁶ French diplomats told Crisis Group that in advance of the first Lebanon Contact Group meeting, the U.S. suggested a reference to Syria's support for the Iraq insurgency. The French replied that they should concentrate on Lebanon, and to their surprise, the Americans quickly relented. Crisis Group interviews with French officials, Paris, October 2005.

⁶⁷ Ibid. There also are differences among the French. The President is said to have a far more hard-line position on Syria than many of his diplomats. Ibid.

⁶⁸ SANA, Speech of President Bashar al-Asad at Damascus University, 10 November 2005.

⁶⁹ "If [Lebanon] really wants a brotherly relationship with Syria ...this cannot happen while a large section of it remains hostile to Syria and tries to make Lebanon a base and a route for conspiracies against it....[The Lebanese forces that seek to]

continued Syrian intelligence presence.⁷⁴ The extent to which Syria has brought these actors into play is difficult to assess. Some Lebanese politicians have little doubt. "Syria wants to provoke first a Muslim versus Christian battle, and second a Sunni versus Shiite confrontation in order to prove that Lebanon cannot rule itself – only Syria can".⁷⁵

U.S. claims that Syria is plotting to eliminate Lebanese opponents physically are difficult to substantiate.⁷⁶ So is the allegation that Syria is allowing Palestinian militants and a significant quantity of arms into Lebanon, voiced by senior Palestinian Authority (PA) officials. Israeli, U.S. and PA sources all claim that Bashar has encouraged

politically by Hamas and Islamic Jihad through their social networks and militarily by *jihadi* groups. While observers acknowledge that pro-Syrian groups have hundreds rather than thousands of armed followers, camp residents spoke of their concern that any Lebanese army move against pro-Syrian bases would quickly affect the refugee camps: "All it will take is for ten refugee camp members of the PFLP-GC to go out and shoot at the Lebanese army. The army will shoot back, and then anyone with weapons will go and start fighting. Fatah would not be able to control them". Crisis Group interview with Ghassan Abdullah, Palestinian observer, Mar Elias camp, Beirut, 27 October 2005.

⁷⁴ The second semi-annual report of the Secretary-General to the Security Council on the implementation of Resolution 1559 (2004), issued on 25 October 2005, stated that "the [UN verification] team reported that numerous sources, including ministers, former ministers and security officials, told it that in their view Syrian intelligence activity was taking place in Lebanon. It assessed that there were some credible reports of Syrian intelligence activity, but that most were exaggerated".

⁷⁵ Crisis Group interview with Walid Kebbe, close aide to Prime Minister Siniora, Beirut, 11 October 2005.

⁷⁶ The White House gave particular prominence to rumours that Syria (perhaps in conjunction with pro-Syrian elements of Lebanon's security agencies) had drawn up a "hit list" of hostile Lebanese personalities. Spokesman Scott McClellan said: "there are reports that we have been hearing about for some time about Syrian hit lists, targeting key Lebanese public figures of various political and religious persuasion, for assassination...What we do know is, and we have great concerns about, the continuing presence of Syrian intelligence operatives inside Lebanon". *The Washington Post*, 11 June 2005. A U.S. official said: "We had credible evidence of a hit list. We compared the names with the opposition's list and found it credible enough to make it public". Crisis Group interview, June 2005. A Jumblatt associate claimed that "we got information from an Arab government source that Syrian intelligence agents had drawn up a hit list". Crisis Group interview with Ghazi Aridi, Beirut, 20 June 2005. The second report on implementation of 1559 cited a "number of worrying developments affecting the stability of Lebanon", including "the transfer of arms and people" from Syria. Second semi-annual report of the Secretary-General the implementation of resolution 1559, op. cit.

⁷⁶ See *An-Nahar*, 11 July 2005.

Damascus-based Palestinian groups to step up attacks in order to lessen pressure on Syria.⁷⁷

What is clear is that Syria has been intent on demonstrating its critical importance to Lebanon's well-being. This essentially manifested itself through punitive economic measures. Beginning in early July, Lebanese trucks loaded with perishable food items were stranded at border crossings, a result of unusually slow Syrian customs procedures. Farmers and exporters incurred heavy financial losses, and local politicians and businessmen immediately denounced the de facto blockade.⁷⁸ Varying and conflicting explanations provided by Syrian authorities – alternately invoking new "security measures", alleging ongoing border post upgrading, or simply denying the problem – gave credence to the notion of a punitive step.⁷⁹ Already, in May, unexpected setbacks in inaugurating a \$35 million project linking Lebanon's power plants to cheap Syrian gas similarly were seen as attempts to pressure Beirut economically.⁸⁰

Lebanese politicians and media had spent weeks denouncing Syria, claiming it was pillaging their economy, clamouring for Syria's withdrawal, and heaping abuse on

⁷⁷ Palestinian sources claimed to have seen minutes of the meeting from several Palestinian groups and that in effect Bashar told them Syria was under great pressure, and "you know what to do". Crisis Group interviews, October 2005. Columnists in the Hariri-owned press told Crisis Group that pro-Syrian Palestinians had smuggled weapons into Lebanon, expanded their bases in the Bekaa and Naama, turned Oussiya near Zahla into a fortress, and resumed training in Baalbek. Crisis Group interview with George Nassif, *An-Nahar*, 9 October 2005. See also Geostrategy-Direct, www.geostrategy-direct.com, 11 October 2005. Lebanon's interior minister, Hassan as-Sabaa, first expressed concern about arms smuggling in mid-June. *An-Nahar*, 16 June 2005 and *Al-Mustaqbal*, 18 June 2005.

⁷⁸ See *An-Nahar*, 11 July 2005.

⁷⁹ Ghazi Kana'an, Syria's interior minister, claimed delays were inevitable as border guards had to search all incoming traffic after explosives were found in a truck originating from Lebanon in early July. Reuters, 13 July 2005 and *Al-Mustaqbal*, 13 July 2005. A Syrian border official claimed the delays were caused by the rehabilitation of crossing-points. Syrian Arab National News Agency, 11 July 2005. Another customs official dismissed reports as "baseless propaganda". Ibid, 13 July 2005. U.S. Deputy Assistant of State Elizabeth Dibble characterised Syria's security justification as a "pretext" and called for "a normal and sovereign relationship between [the] two countries". *An-Nahar*, 13 July 2005.

⁸⁰ The pipeline was supposed to be inaugurated on 15 April 2005 "but the Syrians told Lebanese authorities that they lacked the gas metering equipment to allow for the first delivery. It certainly was a Syrian protest against the Lebanese attitude that had become euphoric after the last Syrian soldiers left the country". Crisis Group interview with Lebanese economist, Beirut, 17 June 2005. Figures denoted in dollars (\$) in this report refer to U.S. dollars.

its migrant workers. Now it was Damascus's turn to demonstrate that it was a two-way relationship that also benefited Lebanon.⁸¹

It was an emotional response to weeks of offensive talk and actions emanating from Lebanon. It was our way of saying: you've benefited from this relationship too. We sold you cheaper oil, you got trade, you got business. If you take action against us, we can take action against you too.⁸²

While conditions have eased,⁸³ the message has been sent. Economists estimate bilateral trade at roughly 30 per cent below pre-withdrawal levels;⁸⁴ moreover, Syria plays a key role as a passageway to Iraq and the Gulf that can – and in years past, has been – disrupted.

But it is in Lebanon itself that unease and discord have been greatest, as was made most evident by contrasting reactions to Mehlis's report. While many applauded its findings and welcomed greater international assistance, the ongoing, comprehensive reshuffling of the cards inspires fears even among some who express relief at the end of heavy-handed Syrian control. On the surface, criticism focused on the report itself, which several – among them Lahoud allies, Hizbollah and Amal – castigated as unprofessional and politicised, based on hearsay and unsubstantiated testimony.⁸⁵

⁸¹ Crisis Group interview with Syrian official, July 2005.

⁸² Ibid.

⁸³ Crisis Group interview, Beirut, August 2005.

⁸⁴ Crisis Group interview with Marwan Iskander, 28 October 2005

⁸⁵ In separate press conferences before the report's publication, Suleiman Franjeh, interior minister at the time of Hariri's assassination, Michel Aoun and Nabih Berri echoed this critique, alleging that the investigation was politicised. Hizbollah did likewise: "We want hard evidence, not legally baseless accusations. We fear...the Commission is following in the footsteps of [the UN Special Commission, UNSCOM] committee of Richard Butler, when America and the international community said they had hard evidence that Iraq produces these weapons, and the result was the death of hundreds of thousands and an entire country under occupation". Crisis Group interview with Hizbollah spokesman Mohammed Afif, Beirut, 8 October 2005. Ahmed Jibril, the leader of the pro-Syrian Popular Front for the Liberation of Palestine – General Command, cited in the report as maintaining relations with General Jamil al-Sayyed, claimed that Mehlis had never approached him or his group. He said: "This report is not professional and doesn't include any ethical standard of work nor the objectivity it should have". Quoted in *The Daily Star*, 24 October 2005. Speaking shortly after the report's release, Hizbollah's Nassrallah publicly accused Mehlis of writing "vague phrases that do not even lead to definite conclusions or findings", Jerusalem Day speech, Beirut, 28 October 2005.

At a deeper level, however, anxiety pertains to the broader strategic shifts in play, namely redistribution of domestic power,⁸⁶ establishment of a more subtle form of Western (or Franco-American) patronage over Lebanon, and use of the country as a springboard for intensified pressure on Damascus.

B. SHIFTING ALLIANCES

To many Sunnis, in particular members of Hariri's Future Bloc, which had urged international oversight of any investigation into the former prime minister's murder and then called for an extension of Mehlis's mandate, the report was vindication. "We are thrilled about Mehlis. I love him very much", exclaimed a street peddler in a Sunni district of Beirut as excerpts of the report filtered through the airwaves. Samir Franjeh, a Maronite parliamentarian who backs the new majority, explained:

The report marks the end of a long period of Syrian hegemony from the 1989 assassination of President Muawad to the assassination of Prime Minister Rafiq al-Hariri in 2005. It shows how the Syrian regime worked. For the first time, someone is saying no one in Lebanon is above the law.⁸⁷

Replete with the names of Hariri's political enemies, the report further justified their purge from public life. Armed with its contents, Siniora swiftly made a host of new appointments; in the General Security department alone, sources close to Lahoud claim that some fourteen senior officers were pensioned off while others were suspended with full pay.⁸⁸ Neither the sectarian nor the broader regional dimension was ever far from the surface:

Rafiq Hariri was a Sunni leader, not just in Beirut, but throughout Lebanon and the Arab world. This is our revenge: to put Bashar al-Asad on trial. Maybe we can topple the regime. The Sunnis form the majority in Syria....We cannot continue with the Shiite Alawi regime.⁸⁹

⁸⁶ "Sunnis want Mehlis to deliver them Syria and Lebanon as compensation for Hariri and the loss of Sunni power in Iraq". Crisis Group interview with Ibrahim Amin, *al-Safir* newspaper, Beirut, October 2005.

⁸⁷ Crisis Group interview, Beirut, 25 October 2005.

⁸⁸ Crisis Group interviews with members of Lahoud's inner circle and close aides of former Sureté Generale chief Jamil al-Sayyed, Beirut, October 2005.

⁸⁹ Crisis Group interview with Walid Kebbe, op. cit,

In the words of a prominent Lebanese columnist, “Sunnis want Syria and Lebanon as compensation for Hariri and Iraq”.⁹⁰

Although Siniora is, for now, spared much of the criticism, various groups speak of their anxiety at rising Sunni triumphalism. They note that one of the new parliamentary majority’s first measures was to amnesty dozens of Sunni militants, including seven detained in September 2004 for plotting to bomb the Italian and Ukrainian embassies in Beirut.⁹¹ During the elections, Saad al-Hariri had paid some \$48,000 as bail for four of them, who were welcomed at a celebration attended by Hariri’s ally, the current prime minister, Siniora.⁹²

Finally, there is the matter of Siniora’s and Hariri’s privileged partnership with the West, an important – but double-edged – tool. They stand to gain from diplomatic, political and economic support – a noteworthy shift for a community whose strained relations with the U.S. dates back to 1958, when it resisted American intervention. But tensions are already surfacing. Former Prime Minister Salim al-Hoss voiced the disquiet of some Sunnis, charging: “We are living to some extent under American hegemony. There’s a limit to how far Sunnis will go. U.S. hegemony means they will try to pull us in their direction, and their experience in Iraq does not augur well”.⁹³ Omar Bakri Mohammed, a radical Salafi preacher who returned to Beirut when his UK residency was revoked, echoed the warning: “If Sunnis ally with the U.S. and the UK there will be a problem”.⁹⁴ Dissension also relates to Syria: “Do

we really want to use Lebanon as a springboard to plot a coup d’état in Damascus?”⁹⁵

For Maronites, the rapid succession of events was a mixed blessing, which gave rise, predictably, to mixed reactions. Two leaders, President Lahoud and former Interior Minister Suleiman Franjeh, rallied to Syria’s defence as opponents of Saad al-Hariri’s Future Bloc but the Lebanese Forces led by Samir Ja’ja and ex-Kataib members grouped around Amin Gemayel joined with Hariri. The wide space in between has been adroitly occupied by Aoun, a personality with a strong independent streak, at once charismatic and bullying – characteristics both seen as vital in the re-energised communal competition.⁹⁶

Aoun swiftly capitalised on growing Maronite resentment over Sunni assertiveness in the wake of Hariri’s death. Many reacted angrily to suggestions by Sunni and Druze leaders that Lahoud should resign or be impeached.⁹⁷ The

⁹⁰ Crisis Group interview with Ibrahim Amin, *al-Safir* newspaper, Beirut, October 2005.

⁹¹ See <http://english.aljazeera.net/NR/exeres/CB7FEEE2-9463-43DB-8842-F069430A8613.htm>. Another 26 were being tried for participation in 1999 clashes with the army in north Lebanon in which 40 people were killed. Members of the Future Bloc reject the accusation, pointing out that the amnesty was part of a deal that also saw the amnesty of Samir Geagea, the leader of the Lebanese Forces.

⁹² See footnote 15 above. Fouad Makhzoumi, a Sunni political leader who opposes Hariri, charged that he was playing with fire: “It’s one thing to support these groups when you’re living in Paris, and another when you’re here”. Crisis Group interview, Beirut, 28 October 2005.

⁹³ Crisis Group interview with Salim al-Hoss, Beirut, 5 October 2005. A professor at the American University in Beirut echoed the view: “There’s an over-estimation of Sunni loyalty towards the Hariris. The Sunnis were always pan-Arabist, and are uncomfortable with their new role cozying up to the enemy”. Crisis Group interview with Ahmad Mousalli, Beirut, 28 October 2005.

⁹⁴ Crisis Group interview, Beirut, October 2005. Bakri’s presence was deemed “not conducive to the public good” due to militant preaching; he is known to have praised the 11 September 2001 attackers as the “magnificent 19”. BBC News, 12 August 2005.

⁹⁵ Crisis Group interview with Fouad Makhoumi of the Democratic Dialogue Party, Beirut, 28 October 2005. The status of Islamist militant groups in Lebanon would merit a separate report. After Syrian-led attacks on armed Islamist groups in 2000, they reportedly regrouped inside and on the edges of Palestinian refugee camps, particularly near Badawi and Nahr al-Bared in the north and Ain al-Hilwe in the south. More recently, Sunni Islamists and Palestinian observers in Beirut claimed in interviews with Crisis Group that some *jihadi* groups – including Esbat al-Nour, Esbat al-Ansar and Jund al-Sham – have encouraged followers to join the Iraqi insurgency. Ahmad Moussalli, political science professor at the American University in Beirut, also claimed that Salafi groups in the Tripoli area had used an influx of local and regional funds to establish an institutional basis by rapidly constructing madrassas. Crisis Group interview, Beirut, October 2005. Numerically, Islamists do not appear to be a significant threat. Still, in the words of a Palestinian observer: “Esbat al-Ansar has only 200 members, but they are more powerful and more committed than 2,000 Fatah [Palestinian] fighters. Fatah’s fighters fight for their salary, the Islamists fight for their existence. They will fight to the end”. Crisis Group interview with Ghassan Abdullah, op. cit.

⁹⁶ Despite his fifteen-year absence from the domestic scene, Aoun captured some 75 per cent of the Maronite vote, five times more than his closest rival. Though Maronite support was diluted in mixed constituencies, he roundly defeated the Future Bloc in the Maronite strongholds of Kisirwan-Jbeil, the northern Metn and Zahleh. The Future Bloc miscalculated in assuming that exile had reduced his relevance. Crisis Group interview with Ghazi Aridi, a Jumblatt associate and current information minister, Beirut, 20 June 2005.

⁹⁷ In an effort to break the political deadlock, Hariri’s camp turned its attention to the presidency. Sunni parliamentarians proposed to impeach Lahoud for high treason on the grounds of consorting with the enemy. Crisis Group interview with Mohammed Qabbani, Future parliamentarian, Beirut, 24 October 2005.

fear was sparked in particular by indications that members of Hariri's bloc were promoting their own Maronite candidates to replace Lahoud and by suggestions that parliament (rather than its Maronite members) should select the president. As Minister Hamadeh put it, "there are many candidates to replace Lahoud. The strongest candidate is the candidate who can gather a majority in the house".⁹⁸

For Maronites, this was a red line. As they see it, selection of the president is their prerogative. Having had to swallow the Taef compromise which did away with the Christian 6-5 inbuilt parliamentary majority, they fear these and other proposals that effectively would turn Lahoud into a figurehead herald longer-term attempts to either marginalise the presidency or move the country from a confessional to a parliamentary democracy. In Aoun's words, "Hariri and his group are acting as if they were in a dictatorial regime. They do not consult on appointments. We live in a confessional system, and right now we are not given our natural share of responsibility".⁹⁹ To which his son-in-law added, "the Hariri group was used to a monopoly of power under the Syrian occupation, and they want to keep the same monopoly, only without the Syrians".¹⁰⁰

Compounding the anxiety of the Maronite community, Lebanon's traditional conduit to the West, has been the Sunni rapprochement with the U.S. and Europe. Interviewed by Crisis Group, Aoun was explicit:

The Americans don't understand the complexity of relations between Sunni and Shiites. The Christians are the only ones who can live together with Sunni, Shiite and Druze. There are no mixed villages with Sunnis and Shiites. Only the Christians live with all. Therefore, if you really want a solution for Lebanon, you have to discuss with the Christians to gain the confidence of all parties. That's the lesson of centuries of experience in Lebanon and Arab history. Sunni and Shiite cannot live together. Christians are needed.¹⁰¹

For good measure, he added ahead of his visit to Washington that he was not "against the Sunni camp making an alliance with the United States, but not at my expense. I have to be a partner in ruling the country. I will not be marginalised".¹⁰² Seeking to highlight Maronite value to the U.S., one of his prominent advisers pointed

out that "we were the main militants against occupation, the only ones who called Syria's presence an occupation, the only movement to press for its withdrawal. We also were the ones who promoted the Syria Accountability Act, the first time Syria was made accountable in front of the whole world and the forerunner to UNSCR 1559".¹⁰³

Against the backdrop of the Mehlis report, the Sunni-Maronite contest became more pronounced. Aoun infuriated the Future Bloc by backing Lahoud's continued tenure (which he most likely will do until they anoint him as Lahoud's successor); he argued that the president was being made a scapegoat for Syria's hegemony and that many other politicians – including some now in the anti-Syrian, pro-Hariri camp – should also be held responsible;¹⁰⁴ he denounced allegations that Lahoud was behind the assassinations, claiming they defamed the presidency;¹⁰⁵ he entered into a tactical alliance with pro-Syrian parties; and, most recently, he joined the chorus of those sowing doubts about the Mehlis report.¹⁰⁶ As he put it:

Lahoud is not as isolated in Lebanon as he may appear. You still have two communities – Christians and Shiites – who support him. Hizbollah is with the president. We still have 60 per cent of the people with us.¹⁰⁷

¹⁰³ Crisis Group interview with Gebran Bassil, op. cit.. Future Bloc members denounce Aoun as a one-man band with a military mindset out of tune with Washington's vision of a democratic Middle East. Crisis Group interview with members of the Future Bloc, Beirut, October 2005. The Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 was approved by President Bush in December 2003. It imposed sanctions on Syria, citing its "occupation of Lebanese territory and its encroachment upon its political independence".

¹⁰⁴ "Our position is to remove everybody associated with the era of Syrian occupation, ... not to only remove one and leave all the others. That's unacceptable. We were the principal militants against occupation, we were the only ones who called Syria's presence an occupation and refused to acquiesce in it". Crisis Group interview with Gebran Bassil, op. cit. The argument that many in the previous security system in fact were Hariri protégés is widely echoed among critics of his son and of the Mehlis report. A lawyer for Jamil al-Sayyid, former chief of General Security, remarked: "They blame all problems on the security system, but the security system was installed by Hariri. Hariri didn't switch sides. He was simply against Lahoud's extension". Crisis Group interview, Beirut, October 2005.

¹⁰⁵ See *An-Nahar*, 18 June 2005 and *As-Safir*, 23 June 2005.

¹⁰⁶ "The environment in which Mehlis works is not clean, and this is why he is discredited. People think he has been bribed by some politicians to undermine Lahoud and Syria. This truth belongs to the whole nation, not a single party", Crisis Group interview with Jibrán Bassil, op. cit.

¹⁰⁷ Crisis Group interview with Michel Aoun, Beirut, 27 October 2005. Hizbollah, of course, also backs Lahoud's

⁹⁸ Crisis Group interview with Minister Hamadeh, Beirut, 28 October 2005.

⁹⁹ Crisis Group interview, Beirut, 27 October 2005.

¹⁰⁰ Crisis Group interview with Gebran Bassil, Aoun's son-in-law and political officer, Beirut, 10 October 2005.

¹⁰¹ Crisis Group interview, Beirut, 27 October 2005.

¹⁰² Ibid.

Aoun also began courting Hizbollah more assiduously, even though on more than one issue – from its future as an armed militia (he has backed the handover of its weapons to the army) to his advocacy of safe return for the remnants of the South Lebanese Army exiled in Israel – their positions sharply diverge.

Aoun opposes Lebanon's rule by the House of Hariri. Hizbollah opposes placing Lebanon under Hariri's international alliance. As a result, there's a new alliance between Aoun and the president, Hizbollah and Syria against Jumblatt, Hariri and Western powers.¹⁰⁸

Aoun's recent visit to Washington and statement he made there appear to have recalibrated his position, and he may now wish to mend fences with the Hariri-Siniora camp. Much of his political posturing should be seen in light of his ultimate goal, which is to become president.¹⁰⁹

Albeit for very different reasons, the Druze leader, Walid Jumblatt, a key Hariri ally, has likewise shown signs of uneasiness at the rapprochement with the West. After having campaigned on a joint ticket with Saad al-Hariri, fiercely denounced Syria's behaviour, and been at the forefront of calls for Lahoud's resignation, he has taken a step back. Known for shifts that are as numerous as they are sudden, he appears to be hedging his bets. His statements on the presidency have become more restrained,¹¹⁰ and he is distancing himself from strong pro-Western, anti-Syrian sentiment:

FBI training is one thing. We need expertise – why not? We need a forensic laboratory. But we don't need an occupation. We don't want to be another Iraq, with a horrible criminal called Bremer. And Lebanon should not be a base against Syrian

continued tenure. "We don't see any justification for changing the president. There are still no accusations, and we see no constitutional reason to remove him", Crisis Group interview with Ali Fayyadh, Beirut, 27 October 2005.

¹⁰⁸ Crisis Group interview with Ibrahim Amin, *al-Safir* newspaper, Beirut, 5 October 2005.

¹⁰⁹ On his return from Washington, Aoun appeared to be slightly recalibrating his position. He reportedly was planning a meeting with both Siniora and Jumblatt and remarked, "We have adopted a policy of openness toward everybody so as to reach a national policy that enables us to overcome the current crisis". *The Daily Star*, 29 November 2005. In contrast, he had not rescheduled the meeting with Lahoud, which he abruptly cancelled prior to his departure.

¹¹⁰ "If Lahoud is directly implicated by Mehlis, it's up to the Christians to decide who they want as president. I hope they will have a president of good conduct. I favour a President who will protect the interests of Taef, and protect Hizbollah, and not be hostile against Syria". Crisis Group interview with Walid Jumblatt, Mukhtara, 11 October 2005.

interests. We were always close to Syria. We were fighting [along] with the Syrians in 1958. We took the side of [Egyptian President] Nasser against [Lebanese President] Chamoun, who sought U.S. military intervention to prevent the unification of Lebanon and Syria.¹¹¹

Lebanese constituencies have also begun to court regional players. The Future Bloc has a tradition of political, diplomatic and economic backing from Sunni states, chiefly Saudi Arabia and Egypt, and these ties appear to have intensified; there is abundant speculation – though little direct evidence – that neither Cairo nor Riyadh would be adverse to restoration of Sunni power in Syria, particularly in light of Sunni defeat in Iraq, and view Lebanon's crisis through that prism.¹¹² In contrast, Hizbollah and Amal are said to have strengthened ties to Iran, which sees the Levant as a potential arena in which to expand its influence.¹¹³

With sectarian hostility spreading alarmingly throughout the region, the possibility of *jihadi* Islamists turning to Lebanon also worries some. Though they may well be exaggerated, reports of increased activism by Sunni Islamists stoke such fears. Omar Bakri Mohammed claims that Zarqawi, the prominent al-Qaeda-connected insurgent in Iraq, is attracting more than a few Lebanese followers.¹¹⁴ Certainly, events in Iraq since Saddam's fall appear to have infected Sunni/Shiite relations in Lebanon, with members of Muslim confessions tending to fall in

¹¹¹ Ibid.

¹¹² French officials advanced this view, as did some Lebanese analysts. Crisis Group interviews, Paris, Beirut, October 2005. The Saudi royal family clearly has distanced itself from the Baathist regime, with which it used to enjoy a close relationship. The assassination of Rafiq al-Hariri, a close friend of the monarchy, and Damascus's purported role in it, appear to have inflicted long-lasting damage. Crisis Group interviews with U.S. and French officials, Washington/Paris, October-November 2005.

¹¹³ Crisis Group interview with Lebanese analyst, November 2005.

¹¹⁴ "If you look at Zarqawi's movement, you will see that he is drawing recruits from Syria but also Lebanon, from Palestinian camps and from the north". Crisis Group interview, Beirut, 5 October. Formerly a member of the Hizb ut-Tahrir, Bakri claims to have switched allegiance to the Salafiyya in 2004. He spoke about Zarqawi's activism: "I no longer believe in the word, but in something more effective. Abu Musab Zarkawi is living by the *Fiqh al-Tawwahun* (the law of the jungle). When anarchy happens, people have to take sides. He's definitely having an impact in Lebanon on the ground". He downplayed Zarqawi's anti-Shiism: "Zarkawi has made it clear that he is not against the Shiites, but against Shiites who support the U.S., just as he's against Sunnis who support the U.S." Ibid.

line behind their respective communities.¹¹⁵ A Western diplomat cautioned: “We can’t exclude the possibility that Zarqawi might do something in Lebanon. We have to closely monitor the influx of Salafi militants as well as the impact of Iraq. The fight could spread here”.¹¹⁶

Sectarian tensions are greater than at any time since 1990. Lebanon has always been a place where Shiites and Sunni coexist. But outside involvement – of Iran with Shiites and of Arab states with Sunnis – is making matters worse.¹¹⁷

An-Nahar’s news editor explained: “We are becoming a proxy for a battle between different states and international agendas. And frankly, no one knows where this is heading”.¹¹⁸

¹¹⁵ Lebanese Sunnis tend to sympathise with Sunni-led resistance against U.S. occupation, while Shiites focus on the heavy civilian toll, particularly among co-religionists. “The intention of the resistance is not clear. We are with any resistance against occupation, but not when it kills civilians”. Crisis Group interview with Amal politburo member, Mohamed Khawaja, Beirut, 10 October 2005.

¹¹⁶ Crisis Group interview, October 2005.

¹¹⁷ Crisis Group interview with Hani Abdullah, political adviser to Ayatollah Hassanein Fadlallah, Beirut, 26 October 2005. Ali Fayyadh, an analyst close to Hizbollah, echoed this view: “The Middle East is unstable, a storm is raging, and Lebanon is at the heart of the storm. The last time Sunni-Shiite tensions were as high was in 1986, during the Camp Wars [when Amal attacked refugee camps controlled by Palestinian Sunnis]”. Crisis Group interview, op. cit. Islamist groups also may be finding fertile soil. Salafi preachers have established schools in Lebanon in recent months, some of which propagate militant anti-Shiism. Salafis interviewed by Crisis Group declined to say whether Ayatollah Ali Sistani of Najaf and Iran’s former leader Ayatollah Ruhollah Khomeini were Muslims; Shiite preachers accused Salafi clerics of exacerbating sectarian tensions through incendiary sermons. Crisis Group interviews, Beirut, October 2005.

¹¹⁸ Crisis Group interview with Nabil Boumancef, Beirut, 9 October 2005.

III. THE HIZBOLLAH QUESTION

From the onset of the Syrian/Lebanese crisis, Hizbollah has received special attention. A beneficiary of important Syrian and Iranian backing yet fundamentally dependent on local support, anti-Syrian protests and heightened international pressure for implementation of Resolution 1559 placed it in an awkward position. The developments sharpened contradictions between its international, national and sectarian identities. During the election period, it engaged in “cautious manoeuvring designed to create some distance from Damascus without breaking ties, preserving its legitimacy and place on the domestic political scene while reminding all of its strength and special status and, therefore, of its continued need to bear arms”.¹¹⁹ It viewed its ultimate safe harbour as lying in the perennial paralysis of Lebanese politics, the tradition of gridlock, the weight of sectarian polarisation, all of which would indefinitely postpone concrete steps to disarm the movement.¹²⁰

Since then, Hizbollah has sought to protect its interests – its relationship to the Shiite community, role as an armed movement and ties to Syria and Iran – by adjusting to the new situation. Paradoxically, it appears to have emerged at least temporarily strengthened – at once Syria’s most dependable ally; in government; the nation’s best organised movement and de facto “king-maker” (contributing to electoral victories by Jumblatt and Hariri, and ensuring the re-election of arch-rival Nabih Berri as parliament speaker);¹²¹ and unrivalled representative of the Shiite community. Mahmoud Ahmadi-Nejad’s election as Iran’s president potentially boosted a strategic relationship: for Hizbollah, Tehran is a critical source of financial and material support; for Iran, it is “the vector of influence in the Levant”.¹²²

¹¹⁹ Crisis Group Report, *Syria After Lebanon, Lebanon after Syria*, op. cit., p. 21.

¹²⁰ Ibid, pp. 21-22.

¹²¹ Crisis Group interview with Lebanese analyst, August 2005.

¹²² Crisis Group interview with European diplomat, Beirut, 7 October 2005. Ahmadi-Nejad’s choice as defence minister, Mostafz Mohammad Najjar, is said to have overseen ties with Hizbollah while in the Islamic Revolutionary Guard Corps. On Ahmadi-Nejad’s election, see Crisis Group Middle East Briefing N°18, *Iran: What Does Ahmadi-Nejad’s Victory Mean?*, 4 August 2005. Western diplomats in Beirut claim Iran gives Hizbollah roughly \$100 million annually. Crisis Group interviews, Beirut, April 2005. In the words of a Lebanese analyst, “the Syrians were Hizbollah’s cover, but now it’s mainly Iran. Iran is giving money and weapons to Hizbollah [and Amal] for good reason. Through Hizbollah, Iran can extend its influence in the area”. Crisis Group interview with Ghassan Abdullah, op. cit.

Shiites have felt imperilled since Hariri's assassination. Although mostly spared by the Mehlis report,¹²³ they do not consider themselves represented by the Hariri bloc, nor are they comfortable with many of its demands. Many view harsh anti-Syrian denunciations as part of an effort to shift the regional balance, curb and ultimately dismantle Hizbollah, strengthen Israel and weaken Shiites.¹²⁴ Grand Ayatollah Fadlallah, an original Hizbollah spiritual leader who became a critic and rival, explained: "We don't think the U.S. is very interested in the assassination of Hariri. Rather, it is interested in putting pressure on Syria. That is why we registered our reservations about the report: we think it has the whiff of politics".¹²⁵

By and large, Hizbollah has sought to dampen sectarian tensions. According to a UN observer, "they will not allow their people to be used in an inter-Lebanese fight. They are very keen to be seen as an inter-Lebanese group, and Nasrallah repeatedly asserts that they have no conflict with the Sunnis".¹²⁶ Still, the question is how Hizbollah would react to greater regional polarisation – intensified pressure on Syria based on Hariri's assassination, on Iran growing out of the nuclear crisis, or on itself as a result of 1559. The relatively large attack against Israeli targets on 21 November may indicate its desire to remind everyone of its remaining nuisance ability; until then it had confined itself to issuing warnings, red-lines and criticism of Western and UN interference. Pressure on it, a source close to Hizbollah said, could lead the movement to withdraw from government.¹²⁷ More directly, a spokesman said:

The FBI is on the ground, Larsen rules through Mehlis, the U.S. and French ambassadors rule this country. There is no government. An international tribunal [the Hariri case] will be just another cycle in this series. We refuse the internationalisation of the Lebanese situation. The Lebanese can solve their problems alone.¹²⁸

¹²³ The sole reference to Hizbollah in the report is the statement that the "four heads of Lebanon's security agencies had met in Hizbollah territory on purpose because it was protected by the most serious militias".

¹²⁴ Crisis Group Report, *Syria After Lebanon, Lebanon After Syria*, op. cit., pp.18-19.

¹²⁵ Crisis Group interview, Beirut, 26 October 2005.

¹²⁶ Crisis Group interview with UN diplomat, Beirut, October 2005.

¹²⁷ "We agreed on a cabinet statement that said that the resistance remains an essential element of defence as long as there is no resolution of the Arab-Israeli conflict. But if they change their attitude or their political behaviour, the cabinet consensus would be ruptured. If Hizbollah bows out, the government will be weak and deficient. It would lack a national consensus." Crisis Group interview, Ali Fayyadh, op. cit.

¹²⁸ Crisis Group interview with Mohammed Afif, Hizbollah spokesman, Beirut, 8 October 2005.

Even more ominously, a prominent Hizbollah thinker explained:

The resistance is part of the equilibrium for Lebanon's stability. For Larsen to say it is illegitimate is explosive. If there is international pressure to erode the resistance, Lebanon will pay the price of chaos. If the army tries to intervene, it will be divided because a majority of the army is Shiite, and Hizbollah will be forced to defend itself. If the U.S. attacks Syria, this would be a strategic threat to Lebanon, and we would be sandwiched between Israel's and America's armies, and we would have a duty to deploy the resistance.¹²⁹

A. "A NEW PHASE OF CONFRONTATION"

From the perspective of Hizbollah's leadership, the most momentous recent development has been U.S. efforts – epitomised by the Iraq war – to promote Israel's and its own regional interests.¹³⁰ In the words of General Secretary Hassan Nasrallah, Washington's "pre-emptive war against what it describes as terrorism resulted in the occupation of Afghanistan and Iraq, and now finally caused an internal [Lebanese] turmoil....The U.S. is benefiting from this disturbance as it forcefully seeks to tighten its exclusive grip over the entire Middle East".¹³¹ Hariri's assassination followed by Syria's withdrawal in effect created a "vacuum in the political scene" exploited by outside powers to "impose their tutelage over Lebanon".¹³²

Efforts have turned to "the U.S. part"¹³³ of 1559: Hizbollah disarmament. In his second report on Resolution 1559 implementation, Roed-Larsen forcefully rejected Hizbollah's claim to embody legitimate resistance, given Israel's withdrawal.¹³⁴ Movement leaders accused him

¹²⁹ Crisis Group interview with Ali Fayyadh, op. cit.

¹³⁰ See Crisis Group Middle East Briefing N°7, *Hizbollah: Rebel Without A Cause?*, 30 July 2003, pp. 9-10.

¹³¹ Open letter by Nasrallah published in *As-Safir*, 13 April 2005.

¹³² Hizbollah politburo member Nawwaf al-Mussawi, cited in the *The Daily Star*, 18 June 2005. Nasrallah asserted: "Now Lebanon has entered the circle of foreign interference in general and U.S. interference in particular. I do not believe that there is anyone in Lebanon who needs proof of the level, depth and detailed nature of the interference in our country by foreign embassies", "Resistance Day" speech, 25 May 2005 broadcast on *Al-Manar*.

¹³³ Open letter by Nasrallah, op. cit.

¹³⁴ "It should be noted that operating as a political party and as a militia is contradictory. The carrying of arms outside the official armed forces is impossible to reconcile with the participation in power and in government in a democracy". The report rejected claims that the Shab'a Farms were Lebanese, and "therefore,

of sowing “discord” (*fitna*) to weaken the “Resistance Society”. As in Iraq, the U.S. and its agents were said to be seeking to stir “organised chaos” (*fawda munazama*). Nasrallah denounced the second Larsen report as “full of poisonous incitement aimed at ruining relations between various Lebanese factions”.¹³⁵

While much of this may sound like familiar rhetoric, there is a shift. Hizbollah had typically depicted Lebanese society as flawed, overly consumed by sectarian divisions, corrupt, yet basically dependable. National aspirations for independence merged with Hizbollah’s goals, and it sought to achieve “popular legitimisation across all sectors of Lebanese society”.¹³⁶ By referring to Lebanon now as the arena for “a new phase of confrontations”,¹³⁷ Hizbollah is signalling growing domestic rifts and, potentially, the opening of an internal front or, at a minimum, the presence of home-based hostile elements. Queried by Crisis Group, a Hizbollah official said the movement still regarded Lebanon as a “homeland” (*al-watan*) not an “arena” (*saha*).¹³⁸ But, he added, “until [Israeli withdrawal in] 2000, Hizbollah’s success was embraced by all Lebanese ... after this date the continuation of the Resistance depends on the [vanguard] team of the Resistance” (*fariq al-Muqawama*).¹³⁹

In this vein, Hizbollah leaders have criticised citizens who make common cause with intervening third parties.¹⁴⁰ The

references have become increasingly explicit and hostile. Anti-Syrian demonstrators¹⁴¹ and members and leaders of the Sunni community (notably after Saad al-Hariri’s comments about disarming Hizbollah)¹⁴² were specifically targeted. On 25 May 2005, commemorating Israel’s withdrawal from south Lebanon, Nasrallah noted: “if anyone, anyone, thinks of disarming the Resistance, we will fight them like the martyrs of Karbala [and] cut off any hand that reaches out to grab our weapons because it is an Israeli hand”. Asked to whom this warning was directed, a Hizbollah official said: “With such a statement you scare everybody. Now there is not a single Lebanese who is going to come to us and tell us to disarm. Sometimes you just need to be tough”.¹⁴³ In his 28 October Jerusalem Day speech, Nasrallah, warned that Resolution 1559 was driving a wedge between confessions and accused UN envoys of stoking “Sunni-Shiite tensions”. Nasrallah subsequently challenged domestic critics to prove loyalty. “We will ask, who are you, and what have you done for Lebanon?... And what are your relations with Israel and Western countries?”¹⁴⁴

More recently, Hizbollah officials have voiced concern that politicians speak to them in one way and to Western and UN interlocutors in another, implicitly criticising 1559¹⁴⁵ while simultaneously assuring the UN it will be implemented.¹⁴⁶ Nasrallah’s verdict on the Larsen report is unambiguous: “The [second] report is full of poisonous incitement aimed at ruining the relations between the various Lebanese factions”.¹⁴⁷

any Lebanese ‘resistance’ to ‘liberate’ the area from continued Israeli occupation cannot be considered legitimate”. Second UN Report on Implementation of Resolution 1559, op. cit.

¹³⁵ Nasrallah at al-Quds day rally, southern Beirut, 28 October 2005; also Crisis Group interview with Hizbollah spokesperson Hussein Nabulsi, Beirut, 14 June 2005. “The U.S. doesn’t want us to relax. There will always be something, an explosion here or there. They want us to suffer all the time”. Ibid. Nasrallah added: “The U.S. wants to keep Lebanon balancing between two poles. They don’t want Lebanon to slide down into civil war, because then it would become an open field for all and the conflict with the [Israeli] enemy would re-ignite. But neither do they want stability in Lebanon”. *As-Safir*, 11 June 2005.

¹³⁶ Naim Qassem, *Hizbullah, The Story from Within* (London, 2005), p. 82. He is Hizbollah’s Deputy Secretary General.

¹³⁷ Crisis Group interview with Hizbollah spokesperson, Beirut, 14 June 2005.

¹³⁸ Crisis Group interview with Hizbollah official, Beirut, 12 July 2005.

¹³⁹ “For example, in the period 1982-1990, the resistance [also] took place without a broad Lebanese consensus. Today [again] we can’t say there is a consensus even when the polls indicate that most Lebanese still support us.” Ibid.

¹⁴⁰ Na’im Qassem noted: “I believe that the opposition must reply to the question about the resistance becoming the next target of foreign interference in Lebanon. Will they facilitate this interference? When the opposition moves to just hold the legislative elections and forgets about all the other controversial issues [it] does not help establish a nation.... We ask these

people not to be the channel through which [U.S.] pressures [for disarmament] are exercised”. Quoted in *An-Nahar*, 4 April 2005. See also Crisis Group Report, *Syria After Lebanon, Lebanon after Syria*, op. cit., p. 22.

¹⁴¹ “These people in their tents at Martyrs’ Square, who brought them all their food? What was [U.S. envoy] Satterfield doing at the same time in Lebanon? What were they planning?” Crisis Group interview with Hizbollah spokesperson Hussein Nabulsi, Beirut, 14 June 2005.

¹⁴² See *The Washington Post*, 29 May 2005.

¹⁴³ Crisis Group interview with Hussein Nabulsi, Beirut, 14 June 2005.

¹⁴⁴ SANA, Syrian News Agency, 26 November 2005.

¹⁴⁵ Reacting to the UN report, Information Minister Ghazi Aridi said, “they have their own point of view, and we have ours”. The cabinet called Hizbollah “an internal matter”, *The Daily Star*, 28 October 2005.

¹⁴⁶ “The Government of Lebanon has assured me that it remains committed to the implementation of all provisions of resolution 1559 (2004), but that it requires time. Prime Minister Siniora has informed me in particular that the provision of the resolution relating to the disarming and disbanding of militias is subject to an internal dialogue, which he has recently initiated and is committed to lead to its successful conclusion”, Second UN report on the implementation of Resolution 1559, op. cit.

¹⁴⁷ Nasrallah at the Jerusalem Day rally, quoted in *The Daily Star*, 29 October 2005.

B. HIZBOLLAH AS THE SHIITE GUARDIAN?

As a corollary to the view that Lebanon may no longer be a secure haven, Hizbollah appears to be falling back on the Shiite community as its insurance policy, both presenting itself as its best defender and invoking it as a political shield against disarmament attempts.¹⁴⁸

Evidence surfaced during the elections, which the leadership depicted as a “referendum on the Islamic resistance”, implicitly appealing to the loyalty of Shiite voters and invoking Nasrallah’s authority of *taklif shari’* (the issuance of a commandment based on religious law) to instruct followers to vote for lists it endorsed. The message was straightforward: “If the people from the South are firm and decisive enough, no one will dare discuss the weapons of the Resistance”.¹⁴⁹ In what arguably signalled heightened reliance on loyalists, candidates chosen by Hizbollah were all drawn from its apparatus in contrast to past elections, when candidates more loosely affiliated with the resistance had been included.¹⁵⁰

Hizbollah also insinuated that its right to bear arms compensated for the community’s relative political¹⁵¹ and socio-economic deprivation. In repeated statements, it also justified its arms by citing specifically Shiite grievances.¹⁵² Party officials claimed the community’s under-representation – which they did not challenge – was a major concession made in order to preserve the resistance.¹⁵³ More explicitly, Hussein Hajj Hassan, a

Hizbollah member of parliament, said: “Not once were [our] weapons used domestically at a time when Hizbollah may have been wronged a great deal as far as employment opportunities and economic development in its areas were concerned”.¹⁵⁴ To some Lebanese, this was an implicit threat: come after the weapons, and Hizbollah will go after the fragile political balance.¹⁵⁵ A Lebanese expert on Hizbollah explained:

The message is, if you seriously consider disarming Hizbollah, you will have a potentially explosive situation, as the focus will return to the issue of representation. Shiites may demand a majoritarian system and Hizbollah would be at the forefront of this demand. So in a way, and in terms of domestic politics, Hizbollah without arms would be much more dangerous than Hizbollah with arms.¹⁵⁶

How far Hizbollah is prepared to play this card is uncertain. It has carefully maintained its image as a national movement, whose resistance activities benefit the country as a whole. To fall back on the Shiite community is a risky gambit that could jeopardise the claim to national status and enhance calls for disarming what could be seen as a sectarian militia. Although initially welcomed by Shiites, over time the tendency to make the resistance sectarian/partisan could stir resentment among those who feel Hizbollah cannot be both political party and embodiment of national armed struggle. Ibrahim Shams ad-Din, whose late father was a highly respected Islamic scholar and Lebanon’s pre-eminent Shiite authority, argues that by undermining the resistance’s national status, Hizbollah may be weakening it:

Non-partisans are in a far better position to protect the resistance because they have better and wider networks among the people. If [Maronite Patriarch] Sfeir defends the resistance, that says a lot more than if a Hizbollah member does. The resistance needs to be protected by a variety of people across communities. If there is no such broad belief in the resistance, Hizbollah will become a militia. Remember that before 1982 there was [Palestinian] resistance against the Israelis. But it was exposed and weak because they were at odds with and separated from the

¹⁴⁸ Amal Saad-Ghorayeb, “Lebanon: Shiites express political identity”, *Arab Reform Bulletin*, May 2005.

¹⁴⁹ Na’im Qassem cited in *Al-Balad*, 31 May 2005.

¹⁵⁰ Among relatively new and unknown candidates were Amin Shirri, Muhammad Haydar and Hassan Fadlallah. Better known Shiite politicians who were merely Hizbollah “sympathisers” had been elected in 2000. Crisis Group interview with Shiite activist, Beirut, 10 June 2005.

¹⁵¹ Shiites are estimated at nearly 30 per cent of the population but have only 21 percent of parliament seats.

¹⁵² “Arms restore the balance between Lebanon’s three major sects. Historically the Shiites were not empowered by an army, and the result was that their rights were universally trampled over by others”, Crisis Group interview with Ali Fayyadh, op. cit.

¹⁵³ “If you look at who is registered as a Lebanese citizen . . . it would be a few more Muslims . . . than Christians. However, 30 per cent of the registered Christians are outside the country. . . Yes, the Christians are afraid of having a one-person-one-vote system here. That’s why we don’t have one yet, even though Taef called explicitly for an ending of the ‘confessional’ system of government”. Hizbollah Politburo member Ghaleb Abu Zeinab cited in Helana Cobban, “Hizbollah’s New Face”, *Boston Review*, April/May 2005. Another Hizbollah official stressed the need to “modernise the Lebanese state” by, inter alia, “implementing the stipulations of Taef aimed at political

deconfessionalisation”. Crisis Group interview, Beirut, 12 July 2005.

¹⁵⁴ Hajj Hassan, LBC Television, 17 June 2005.

¹⁵⁵ Similar ambivalence was expressed by Hizbollah parliamentarian Muhammad Ra’ad: “If the Lebanese approach towards 1559 is leading to accepting this UN resolution, then this will undermine stability in Lebanon and cause an internal confrontation”. Cited in *As-Safir*, 25 July 2005.

¹⁵⁶ Crisis Group interview with Amal Saad-Ghorayeb, Beirut, 16 June 2005.

Lebanese people. So it caused a military conflict with the Lebanese people.¹⁵⁷

His message is clear: Hizbollah ought not have the right to make unilateral decisions on matters of armed struggle.¹⁵⁸

Nasrallah's resort to *at-taklif as-shari'i* also was controversial among Shiites. Grand Ayatollah Muhammad Hussein Fadlallah, whom many Lebanese Shiites consider their "model for emulation" (*marja' at-taqlid*), publicly denounced such use of religious authority for electoral purposes.¹⁵⁹ A Fadlallah political adviser told Crisis Group that religiously-inspired instructions are acceptable only when pertaining to the "strategic", not "organisational or tactical" level:

God granted the individual...reason. A man of religious learning can advise Muslims, for example, 'not to vote for corrupt candidates'. But it is still up to the individual himself to decide who is corrupt and who isn't. Hizbollah violated this principle.... Shiites were made to feel endangered, so they felt compelled to vote. And that's dangerous, as now the Shiites think the resistance's weapons are theirs.¹⁶⁰

Some Shiite observers also wondered how many more times Hizbollah would successfully mobilise community voters on a plebiscite to prevent disarmament.¹⁶¹ Interestingly, a not insignificant number of Shiites voted for non-endorsed lists, an outcome that reportedly infuriated Nasrallah and led him to castigate supporters for lack of discipline.¹⁶²

Although Prime Minister Siniora insists that Hizbollah is "an honest and natural expression" of resistance against Israeli aggression,¹⁶³ his advisers have not hesitated to voice concern that it has become a thinly disguised cover for a Shiite militia. "Before they used to say that the arms were required to get rid of the Israeli occupation. Now they say they must keep their arms as long as Israel threatens Lebanon. It's their new language. But the Lebanese don't agree. The Sunnis are saying Lebanon has had enough of war".¹⁶⁴

C. THE PARTY OF GOD TURNS PARTY OF GOVERNMENT

The most visible change by Hizbollah came on 10 June 2005 when Nasrallah announced that "from now on we are prepared to take full responsibility at all levels of state institutions",¹⁶⁵ breaking with a tradition of non-participation.¹⁶⁶ The new government includes a Hizbollah member, Muhammad Fneish, as minister of electricity and water resources; Trad Hamadeh, the minister of labour, is a close Hizbollah ally.

This shift, which sparked controversy within party ranks,¹⁶⁷ should be read in the overall domestic and international context. With Syria out and pressure for disarmament growing, Hizbollah seeks alternative forms of protection. Retreating to its natural constituency is one; having a role in government is another.¹⁶⁸ As a first line of defence, it

¹⁵⁷ Crisis Group interview, Beirut, 10 June 2005.

¹⁵⁸ "Hizbollah is now saying that it is ready to negotiate behind closed doors about its arms after Shab'a is liberated. These are not just their arms. I as a Lebanese own these arms too. And I haven't given anyone a mandate to give our weapons away. It's not up to Hizbollah to decide whether to disarm or not. There should be a clear separation between Hizbollah and the resistance. Hizbollah is not, and has never been, *the* resistance". Ibid.

¹⁵⁹ According to Fadlallah, such practices "exploit Islamic concepts by turning them into a commodity on the political market in order to boast the image of politicians". Sayyid Fadlallah's "Weekly Stand", at <http://www.bayynat.org/www/english/standthisweek/stand14062005.htm>.

¹⁶⁰ Crisis Group interview, Beirut, 28 June 2005. He added that relations between Nasrallah and Fadlallah are strained, and they have met only once since Hariri's assassination. On this issue in particular, Fadlallah appeared to be seeking to curb efforts by Hizbollah to assert a hegemonic position among Shiites.

¹⁶¹ "We can't have again a referendum about the resistance every time the country has parliamentary elections", Crisis Group interview with Shiite observer, Beirut, June 2005.

¹⁶² Crisis Group interviews with Shiite politicians and observers, Beirut, June-July 2005.

¹⁶³ Associated Press, 29 July 2005.

¹⁶⁴ Crisis Group interview with Walid Kebbe, op. cit. Fouad Makhzoumi, chairman of the Sunni-led National Dialogue Party, voiced similar concern: "Do we want to be a Shiite-dominated country? No. But Hizbollah's mission is to establish a Shiite Islamic government". Crisis Group interview, Beirut, October 2005.

¹⁶⁵ Cited in *As-Safir*, 11 June 2005.

¹⁶⁶ In the Miqati cabinet, the labour minister was a Hizbollah sympathiser but not member. He remains in Siniora's government.

¹⁶⁷ "Some say that Hizbollah shouldn't participate in the government and give in to dirty politics and corruption. Others argue the opposite, that Hizbollah taking part in the government will help fight corruption", Crisis Group interview with Hizbollah official, Beirut, 12 July 2005. Earlier in 2005 Nasrallah explained to followers in the South that government participation was religiously permissible (*halal*), and referred to Islamic movements in the Middle East who had made similar moves. Nasrallah speech broadcast by *al-Manar*, 19 February 2005.

¹⁶⁸ Crisis Group interview with Hussein Nabulsi, Beirut, 14 June 2005. Asked why Hizbollah had shifted on government participation, deputy leader Na'im Qassem referred to Syria's withdrawal: "What has changed are issues related to Lebanese developments, which made us directly responsible for providing

counts on political gridlock and natural rivalry among politicians to preclude a dramatic move.¹⁶⁹ It is building alliances with unnatural partners, including members of the anti-Syrian front, Aoun and other Maronites who not long ago were allied with Israel, and erstwhile rival Nabih Berri.¹⁷⁰ Electoral backing for rival confessional leaders has paid off with strong statements of support. Jumblatt, who owed Hizbollah his success in Baabda-Aley, was effusive:

I'm side-by-side with Hizbollah. It's a big asset against any Israeli aggression. I oppose 1559 because it was designed to serve Israel. As long as Israel won't abide by international law, the Lebanese Army and Hizbollah should both survive in the South.¹⁷¹

Participation in government adds several layers of protection. First, it bolsters Hizbollah's image as a legitimate national player, complicating efforts to put it on the EU terrorism list, for example. With Syria no longer as able to shape domestic politics and act as guarantor, Hizbollah also is intent on having a direct say, putting itself in a stronger position to shape internal debates on 1559 and pre-empt potentially harmful developments.¹⁷²

domestic protection more effectively than before", interview on *Al-Manar*, 14 June 2005.

¹⁶⁹ Hizbollah also is capitalising on a pledge Rafiq al-Hariri reportedly made to Nasrallah that the resistance would not be forcibly disarmed, holding his son to this. According to some reports, he had told Nasrallah: "Under no circumstances will I be amenable to the use of force to disarm Hizbollah, including resolution 1559". Cited in *An-Nahar*, 26 June 2005. French officials confirmed to Crisis Group that the late prime minister conveyed the same message to Paris, Crisis Group interview, Paris, March 2005. "This is their way of saying, 'we are expecting this from you, too, Sa'ad'. Hizbollah wants Saad and Jumblatt to resume Hariri's alleged mission of protecting the Resistance", Crisis Group interview with Lebanese journalist, Beirut, 30 June 2005.

¹⁷⁰ Berri's re-election as speaker on 28 June reportedly reflected a deal between Hizbollah, Amal and other legislators sympathetic to Syria on the one hand, and legislators aligned with Hariri and Jumblatt on the other who had benefited from Shia electoral support. Crisis Group interviews with Lebanese politicians and journalists, Beirut, 28-30 June 2005.

¹⁷¹ Crisis Group interview, 11 October 2005.

¹⁷² Na'im Qassem, Hizbollah deputy leader, pointed out "Hizbollah will be able to know what is happening inside the government and participate with others in setting the Lebanese direction", *al-Mustaqbal*, 7 July 2005. Hizbollah leaders have commented that had it not been for U.S. and French pressure to oust Syria, it would not be in the cabinet, Crisis Group interview, July 2005. A government statement on the heels of Secretary Rice's visit is apparent evidence that Hizbollah's interests will be protected, at least for now. It mentions "Lebanon's respect for international legitimacy in the framework of sovereignty and national unity", but not 1559 and insists:

Discussions of Hizbollah's status may well take place, but disarmament will remain a red-line, with the focus instead on how the "national resistance" can be strengthened, perhaps through some degree of integration into the army. Lebanese officials told Crisis Group talks had begun on possible formula to integrate the resistance into the security apparatus, including a proposal to recruit militiamen as one component among many of a National Border Guard.¹⁷³ Hizbollah has said it is willing to listen to other opinions¹⁷⁴. UN monitors say UNIFIL is also ready to help facilitate an increased army role patrolling the border. "The Lebanese army is very cautious, but they could start to stagger patrols with UNIFIL", said a senior UN official.¹⁷⁵

But Hizbollah will insist as a pre-requisite to any change in status that alternatives be found to protect the country from putative Israeli threats. As Muhammad Ra'ad, a Hizbollah parliamentarian, put it, "I believe any dialogue on the resistance's arms should be governed by what it intends to accomplish. The acceptable dialogue is one

"National resistance is a true and sincere expression of the national right of the Lebanese to liberate their land and face Israel's threats and aggressions", *The Daily Star*, 27 July 2005. Since the 21 November attacks the cabinet has struggled to speak in a single voice on the issue of Hizbollah's resistance, with some ministers displaying increasing discomfort at the movement's unilateral operations across the southern border. Crisis Group interview with UN observer, Beirut, 2 December 2005.

¹⁷³ Resolution 1559 "requires Hizbollah to reduce its weapons and find a formula with the army. Hizbollah could become part of a national or border guard. But it couldn't be the only National Guard", Crisis Group interview with Minister Hamadeh, Beirut, 28 October 2005. Former Prime Minister Salim al-Hoss, who has long defended Hizbollah's right to arms and resistance, suggested three steps short of decommissioning to hold Hizbollah accountable to the state for military action: (1) a "consultative council" (former parliamentarians, heads of state and ministers) to "involve all Lebanese groups in the way [Hizbollah's] weapons are used"; (2) having a "national committee" look into recruitment for "the resistance" to guarantee participation by all sectarian groups; and (3) "a higher joint coordination committee between the resistance and the Lebanese army to ensure that the resistance remains directed only against Israeli threats to Lebanon". See *As-Safir*, 31 May 2005. Minister Hamadeh told Crisis Group of the National Border Guard proposal, Crisis Group interview, Beirut, 28 October 2005.

¹⁷⁴ Prior to his ministerial appointment, Fneish said Hizbollah might not object to "a reserve army for the resistance" but would not hand its weapons over even if Israel withdrew from Shab'a, *an-Nahar*, 6 April 2005. A Hizbollah theorist said it was open to dialogue: "We have said we are ready to listen to other voices on how to organise the resistance and hear what they suggest, and we've said we have to define our strategy vis-à-vis sovereignty, national defence, and confrontation with Israel. Our reply is through the resistance, but the discussion is serious". Crisis Group interview, Ali Fayyadh, op. cit.

¹⁷⁵ Crisis Group interview, October 2005.

on raising the efficacy of the arms of the Resistance in confronting the Israeli enemy".¹⁷⁶ Ultimately, in the words of Saad Ghorayeb, an Hizbollah expert:

Their attitude [on joining the government] is a dramatic change from the past. But they are going to instrumentalise the state to protect the resistance. They know how difficult it will be for the U.S. and Israel to mess with them. The party is not becoming "Lebanonised"; rather it is "Hizbollah-ising" the state.¹⁷⁷

IV. CONCLUSION

*Can we return to normal after Mehlis and with the explosive issues shaking this part of the world? Can we immunize ourselves from blowback from the Middle East? We can, but for that we need a strong state, a solid economy, and genuine security. We cannot if our domestic issues become tactical instruments in a confessional struggle, and if the outside world uses this as an opportunity for manipulation.*¹⁷⁸

Lebanon has navigated the assassination of a larger-than-life former prime minister, several political murders, a governmental crisis, elections, Syria's withdrawal, and extraordinary international involvement with remarkable poise – partly a tribute to the maturity of its leadership, largely a testament to the cautionary memories of a bloody civil war. But there will be more to come, including the next Mehlis report, further pressure to implement Resolution 1559, and growing U.S.-Syrian antagonism, all of which could endanger a brittle situation. To minimize the risks of instability and shelter Lebanon from regional tensions as much as possible, it is important to proceed with governance reforms while managing the unresolved aspects of Taef and 1559 – deconfessionalisation and militia disarmament.

An immediate concern relates to the presidency. Lahoud is contested by a wide spectrum of the political class, his rivalry with Siniora is paralysing the country, and his term's extension under Syrian pressure precipitated the crisis. At the same time, reducing his authority or replacing him present problems of their own, as Maronites suspect an effort to fundamentally redraw the political map in the Sunnis' favour. As it stands, the two thirds parliamentary majority required to unseat Lahoud is lacking. Unless a broad consensus on his replacement can be reached, the current dysfunctional cohabitation will endure.

A. A BROAD INTERNATIONAL COALITION FOR A NARROW AGENDA

In a region where foreign involvement of late has been half-hearted, ineffective, or highly costly, Lebanon is a potential counter-model. Armed with Resolution 1559, the international community wisely focused on Syria's withdrawal and timely EU-monitored elections, leaving other issues – chiefly Hizbollah's status – both to Lebanon and to another day.

¹⁷⁶ Cited by Lebanese National News Agency, 6 June 2005.

¹⁷⁷ Crisis group interview, Beirut, 23 June 2005. See also "Report of the Secretary-General on the United Nations Interim Force in Lebanon (for 21 January 2005 to 20 July 2005)", 21 July 2005.

¹⁷⁸ Crisis Group interview with Michel Samaha, former minister of information, Beirut, October 2005.

Building on this precedent, mindful of the desirability of preserving a broad, legitimate coalition that includes Arab countries, and aware of the risks of excessive interference in a volatile domestic and regional environment, the international community should focus narrowly on stabilising Lebanon by assisting Siniora's political and economic reform agenda and allowing the Mehlis investigation to run its course. That means, first, resisting any U.S. temptation to destabilise the Syrian regime; secondly, allowing Hizbollah to be dealt with by the Lebanese through a consensual process. For the U.S. or others to press for its short-term disarmament would require strong diplomatic and economic pressure (stringent aid conditionality, refusing to deal with a government including Hizbollah ministers, or putting Lebanon on the list of state sponsors of terrorism) that would at best thwart any possibility of domestic reform and weaken the government, and at worst destabilise the country.

Hizbollah would need to do little more than play on existing political fault-lines and manipulate one political/confessional group against another, while capitalising on its government presence and strong position within the Shiite community. Reform without full Hizbollah participation likely would be still-born, both because of its ability to oppose significant change – assuming political will otherwise existed – and because, paradoxically, it is one of the most important potential forces for political and social reform.¹⁷⁹ Should it fear international pressure, Hizbollah could threaten to unravel the delicate confessional balance and demand redistribution of political and economic resources.¹⁸⁰

There are indications Washington is prepared to postpone a showdown as counterproductive. In carefully worded statements, officials publicly and privately stick to the line

that they will not deal with Hizbollah or its ministers; insist on full implementation of 1559, in particular disarmament of militias; stress that what counts is the onset of a genuine process leading to Hizbollah's eventual disarmament; and say they are patient and understand this will be dealt with above all by the Lebanese.¹⁸¹ As Secretary Rice said during her recent visit, "the U.S. has a long-standing policy toward Hizbollah that has a history to it, that has a history of blood to it, and that has not changed. But what I am here to do is to support the new Lebanon....It is a Lebanon in which Lebanese should make decisions for the Lebanese, and it is one that does have international obligations that we fully expect to be carried out"¹⁸².

Two principal goals should be pursued: to limit the potential for confrontation along the Israeli-Lebanese border, and begin a process that, gradually, will lead to Hizbollah's full integration into the political arena. The movement's inclusion in the new government, disquieting as it may be to Washington, is one step in that direction. The more it is answerable to citizens' welfare, the more it will hesitate before attacks against Israel.¹⁸³

Economic reconstruction in the South is another important tool for accomplishing these objectives since it also would increase the cost of military escalation for Hizbollah's natural constituency.¹⁸⁴ As donors consider another aid package, this should be a central consideration. Political, particularly electoral, reform also can help. The electoral system has sheltered Amal and Hizbollah from genuine competition with independent Shiites in the South. Proportional representation instead of the first-past-the-post system might allow new voices to be heard from the Shiite community.

¹⁷⁹ Since it began participating in local government in 1998, it has worked diligently to provide effective public services, especially in municipal work in Beirut's southern suburbs as a result of which the UN gave its Best Practices Award to the Ghubeiri municipality. See Economic and Social Council for West Asia, "Sustainable Urban Development: a regional perspective on good urban governance", Beirut, 2001, p.28. Hizbollah is one of few parties that has drafted a detailed proposal for a new electoral system and a national development plan. Even prior to Fneish's appointment, it had approached local experts on electricity problems. Crisis Group interviews, Hizbollah official and Lebanese policy consultants, Beirut, July 2005.

¹⁸⁰ Referring to donor conditionality, Hizbollah deputy leader Na'im Qassem said, "they are trying to blackmail Lebanon with political demands so they get politically what they failed to get through military means. We tell them: we won't accept any political concessions in return for some aid and services, and we won't accept that Lebanon be blackmailed into making concessions concerning its sovereignty and resistance". Quoted in *Al-Liwa'*, 24 June 2005.

¹⁸¹ *Ibid.* There is not unanimity within the U.S. administration concerning this line. Some – particularly counter-terrorism experts – fear too much is being sacrificed to bolster the new government, and Hizbollah needs to remain the priority. Crisis Group interviews, Washington, July 2005.

¹⁸² U.S. Department of State, 22 July 2005. The U.S. will have close contacts with the new government, despite the Hizbollah member (Fneish). Rice met with Labour Minister Trad Hamad, widely considered close to (albeit not a member of) Hizbollah. U.S. officials told Crisis Group they would not meet with Fneish, even though the U.S. Agency for International Development runs a major program at the electricity ministry, but would deal with ministry officials at director general level. Crisis Group interviews, Beirut, June-July 2005. The U.S. and Hizbollah may well adopt an approach similar to their interaction in the South where USAID and U.S. NGOs support municipalities staffed by Hizbollah members

¹⁸³ Crisis Group Middle East Report N°7, *Old Games, New Rules: Conflict on the Israel-Lebanon Border*, 18 November 2002, pp. 28, 30.

¹⁸⁴ *Ibid.*, p. 29.

Moreover, and as efforts are made to prevent Hizbollah cross-border attacks, the international community, and the U.S. in particular, should give greater emphasis to calls on Israel to stop its air incursions into Lebanon, which are characterised by UNIFIL as the most frequent violations of the Blue Line and used by Hizbollah to justify more violations of its own.¹⁸⁵

Ultimately, a political package needs to be devised within which Hizbollah gradually relinquishes its autonomous military role. In a recent report, Crisis Group suggested a process whereby, as a part of Syrian/Lebanese border demarcation talks, Damascus formally states that the Shab'a farms are Lebanese; Hizbollah turns over its rockets to the Lebanese army and redeploys 20 to 30 kilometres north; the Lebanese army moves toward the Israeli border; and Israel withdraws from Shab'a.¹⁸⁶ While Israeli officials dismissed the suggestion – pointing out in particular that Hizbollah likely would invoke other pretexts to continue the struggle, even after a Shab'a withdrawal¹⁸⁷ – UN officials expressed some interest.¹⁸⁸ Combined with continued pressure for full implementation of 1559, this or an equivalent approach may offer the most promising avenue toward Hizbollah's eventual integration into the Lebanese armed forces.

B. A LEBANESE COURT ON FOREIGN SOIL FOR THE HARIRI CASE

Once Mehlis completes his investigation, focus will shift to a trial. Opinions are sharply divided over its format, in particular the international role. Several considerations need to be weighed: security risks if the

trial were in Lebanon; the poor state of the country's judicial institutions;¹⁸⁹ UN reluctance to play a leading part; the concern of Hariri supporters that a domestic trial would be vulnerable to intimidation; and concern of detractors that an international tribunal would be a political instrument to promote Western interests.

Political forces close to Lahoud or Syria tend to support a purely local tribunal for Lebanese defendants;¹⁹⁰ the Future Bloc and its allies favour international involvement – particularly if Syrian officials are to be judged. Walid Jumblatt told Crisis Group: "If Syria is indicted we have to have a special court. It's too risky for a Lebanese court to try Syrian officials".¹⁹¹ An international or joint Lebanese/international tribunal applying international law would be roundly condemned by some as surrender of national sovereignty.¹⁹² But the degree of intimidation on judges and witnesses alike,¹⁹³ coupled with overall lack of confidence in the judicial system¹⁹⁴, militates against a trial in Lebanon.

The most promising option appears to be a Lebanese court applying Lebanese law, but sitting outside the country. It could be reinforced by an advisory panel of international (including Arab) judges should non-Lebanese (e.g., Syrians) be prosecuted.

¹⁸⁵ Violations of the Blue Line have continued since Israel's withdrawal. Various reports, including from UNIFIL, estimate there have been roughly 150 to 200 Israeli airspace violations since mid-March 2005. *The Daily Star*, 28 July 2005, 5 and 29 August 2005.

¹⁸⁶ Crisis Group Report, *Syria After Lebanon*, op. cit, p. 38. With ongoing Syrian/Lebanese border demarcation talks, the possibility that Damascus agree that Shab'a are Lebanese cannot be dismissed; this would present a quandary for the international community which has taken the clear position that Israel's occupation of Lebanon has ended. Crisis Group interview with U.S. official, Washington, November 2005.

¹⁸⁷ Israel can point to statements by Hizbollah leaders, such as Naim Qassem: "If the Israelis withdraw from the Shab'a Farms, it would be the third victory [withdrawal from the south in 2000 and withdrawal Israel from Gaza] in five years, But this would not change anything; the resistance is there to protect Lebanon and is a defence force in Lebanon's hands to confront Israeli threats which are not limited to the Shab'a Farms". *An-Nahar*, 17 August 2005

¹⁸⁸ Crisis Group interviews, Jerusalem and New York, June-July 2005.

¹⁸⁹ "We want the trial to serve as a trigger for rebuilding Lebanon's institutions", Crisis Group interview with Nabil Boumoncef, political editor at *An-Nahar*, Beirut, 9 October 2005.

¹⁹⁰ Naji Bustani, a lawyer for two of the indicted Lebanese generals, explained: "In principle we don't fear an international court, but I call on the international community to let our judicial institutions act on this case. We have very competent, impartial and transparent judges, and to give Lebanese justice the chance to prove itself in this case will be of great help in allowing Lebanon to assume its sovereign powers", Crisis Group interview, Deir al Qamar, 8 October 2005.

¹⁹¹ Crisis Group interview, Mukhtara, Lebanon, 11 October 2005. A UN official agreed: "If the court is going to judge Syrians, it will need a strong international presence", Crisis Group interview, Beirut, October 2005.

¹⁹² See Crisis Group interview with Mohammed Afif, op. cit.

¹⁹³ UN officials also expect that were Lebanon to take ownership of the court, "judges and witnesses would be constantly intimidated". Crisis Group interview, Beirut, 7 October 2005. Western diplomats and some Lebanese lawyers are equally concerned. Crisis Group interviews, Beirut, October 2005.

¹⁹⁴ "I prefer a trial outside Lebanon, because the judges here remain weak and subject to pressure from the old regime and from Syria", Crisis Group interview with George Nassif, *An-Nahar* columnist, Beirut, 9 October 2005.

C. DECONFESSIONALISATION AND ELECTORAL REFORM

Although sectarianism is deeply entrenched and deconfessionalisation is a Taef objective, rapid change would carry significant risks. Lebanon should pursue a gradual, bottom-up approach that first addresses the civil service and begins to modify its dysfunctional electoral system. Siniora's government has made electoral reform a priority and receives international assistance in this.¹⁹⁵ The following principles ought to guide reform efforts:

- ❑ Enforcing a merit-based appointment system. In principle, the 1990 Constitution (Article 95) abolished sectarian allocation of public service jobs, except for senior (grade one) positions, which are supposed to be selected from a pool of candidates who have passed the Civil Service Board exam. In practice, both stipulations have been ignored or overruled.¹⁹⁶
- ❑ Sectarian allocation of parliament seats should be kept for now. Altering Taef, the one consensual national document, would have political costs and could trigger instability.
- ❑ Any new law should promote intra-sect pluralism and competition and cross-sectarian alliances. While in practice this likely means moving toward larger districts, or *muhafazat*, there are obvious downsides, for these tend to give more weight to sectarian lords and to financial resources.
- ❑ There should be genuine minority representation in each district. Groups must feel properly represented, not, for example, that Muslims select most Christian legislators.
- ❑ The law should minimise the ability of broad coalitions to dominate, as they do under the first-past-the-post system. This would promote greater diversity within confessional groups and reduce monopolistic tendencies.

Abdo Sa'ad, an election expert, has suggested an option with some of these criteria.¹⁹⁷ It would adopt the *muhafaza* as the electoral district (because smaller constituencies discourage cross-confessional alliances

and emphasise narrow interests) and use proportional representation to foster pluralism and minimise opportunistic alliances. He proposes that voters be able to cast a "preferential vote" (*sawt tafdili*), giving minority confessional groups further assurance their preferred candidate can win.¹⁹⁸

D. REFORMING THE JUDICIARY AND SECURITY AGENCIES

Of all the issues raised by Hariri's assassination, few were as important as the status of security and intelligence services and the judiciary. Demonstrations denounced their performance prior to the crime and during its investigation but also, and more generally, their lack of integrity and unaccountability. The Fitzgerald report – born of the initial fact-finding mission into the murder – described a bewildering situation in which security agencies had overlapping purposes, undefined or vague mandates, ambiguous lines of authority, and ability to infringe on civil rights without judicial oversight.¹⁹⁹ It confirmed widespread suspicion they were answerable and more loyal to individuals rather than political institutions, in clear violation of constitutional and legal requirements.²⁰⁰ With such impunity and the prevalence of informal, unsupervised arrangements, security agencies regularly violated human rights.²⁰¹

¹⁹⁸ Each list would have a number of seats proportional to its vote share. Candidates would then be ranked on the number of preferential votes received. After that, "we look at each candidate in order of rank, grant him a seat provided there is still one available for his sectarian affiliation and provided his list still has seats left to be filled". Crisis Group interview, Abdu Sa'ad, Beirut, 18 July 2005. Sa'ad says his proposal would have produced higher voter participation, especially in Beirut where Christian voters would have had a genuine opportunity to elect their representatives; there would have been no uncontested seats; and power would not have been concentrated in one leader in each confessional group. Ibid, 24 June 2005.

¹⁹⁹ See "Report of the Fact-Finding Mission to Lebanon inquiring into the causes, circumstances and consequences of the assassination of former Prime Minister Rafik Hariri, 25 February - 24 March 2005". The mission was headed by Irish deputy police commissioner Peter Fitzgerald.

²⁰⁰ See *ibid*. According to the Constitution (Art. 65), the Council of Ministers "supervises the security apparatus without exception". The same article also requires monthly coordination between security agencies at a Central Security Council chaired by the interior minister.

²⁰¹ Abuses include arbitrary arrest, incommunicado detention in secret prison centres, torture and death in custody, intimidation and harassment of families of political detainees, and use of excessive force. Amnesty International, "Report 2005, Lebanon", Samir Gea'ga and Jirjis al-Khoury: "Torture and Unfair Trial", 23 November 2004, and "Lebanon: Torture and Unfair Trial of the Dhinniyah Detainees", 7 May 2003.

¹⁹⁵ Immediately following the June elections, Siniora appointed the Commission for Electoral Law Reform.

¹⁹⁶ See Leenders, *Divided We Rule*, *op. cit.*

¹⁹⁷ He also is head of the Beirut Centre for Research and Information; Crisis Group interviews, Beirut, 15, 21-24 June 2005. See also Beirut Centre for Research and Information, "Aaliyyat Tatbiq an-Nizam an-Nisbi fi Lubnan", Beirut 2005; "Waqa'i Mu'tamar bi-'Anwan Nahwa 'Itimad an-Nisbiyya fi-l-Intikhabat al-'Ama", in *Abhath fi al-Qanun al'Am*, vol. 1, 2005.

Six months on, the government has largely focused on changing persons rather than improving institutions. More structural, systemic and durable changes are needed. The call for an international committee to uncover “the truth” (*al-haqiqa*) about the assassination was symptomatic of the pervasive lack of faith in a justice system seen as riddled with corruption and cronyism.²⁰² Judges complain of undue political pressure and interference.²⁰³ Internal investigations into allegations of corruption and judicial abuse are not made public and seldom result in sanctions, let alone prosecutions.²⁰⁴ Military courts routinely overstep their jurisdiction – in principle restricted to crimes committed by military personnel and members of the security forces – by indicting civilians.²⁰⁵

Human rights activists and lawyers have put together detailed judicial reform plans,²⁰⁶ as have international organisations, including the World Bank and the United Nations Development Program.²⁰⁷ Common themes include:

- transforming the Supreme Judicial Council into an independent and authoritative body that oversees all courts as well as judicial appointments and promotions, responsibility for which would be removed from the Council of Ministers;
- empowering the judicial inspection unit investigating corruption to discipline offenders and publicise findings; and
- restricting military tribunals to crimes involving military personnel and security forces.

²⁰² 60 per cent of respondents in a UN-commissioned poll said the judiciary lacked independence. Cited in World Bank, “Lebanon, Legal and Judicial Sector Assessment”, January 2005, p. 32.

²⁰³ In February 1998, the Higher Judicial Council and the Bar of Beirut and Tripoli issued a joint statement deploring increased intervention by political leaders and urging them to stay out of the legal process. See *Le Commerce du Levant*, 12 March 1998.

²⁰⁴ See UNDP, “The Judiciary in the Lebanese Republic”, Beirut, January 2005.

²⁰⁵ See “Campaign for Good Governance in Lebanon”, Centre for Democracy and the Rule of Law, “Special Report on the Independence of the Judiciary and the Role of the Prosecutors and the Military Justice System in Lebanon”, Beirut, 1 July 2004.

²⁰⁶ See for example *Muqtarahat li-Islah Nizam Mahna al-Muhama wa an-Nizam al-Qadha'i* (Beirut 2001); Mohammad Mugarby, “Reform of the judicial system is an absolute priority”, *The Daily Star*, 5 July 2005.

²⁰⁷ See The World Bank, “Lebanon”, op. cit., and UNDP, “The Judiciary”, op. cit.

E. ECONOMIC AND FINANCIAL REFORM

Lebanon lives well beyond its means. Its sovereign debt tops \$40 billion (nearly twice its GDP);²⁰⁸ government spending exceeds revenue;²⁰⁹ economic growth has been stagnant since 2000; and government borrowing puts pressure on interest rates. Combined with burdensome red tape, this is so discouraging that despite a relatively liberal and open economy, investment rates are lower than in most economies of the region.²¹⁰ Exports of goods and services account for barely 13 per cent of GDP,²¹¹ while the traditional balance of payments surplus (largely due to remittances from the diaspora) shows signs of strain since 2003.²¹² There is 20 to 30 per cent unemployment while thousands of well-trained youths emigrate each year in search of jobs.²¹³ The industrial and agricultural sectors are stagnant, a consequence of high production costs and shrinking comparative advantages.²¹⁴ Added to this are significant income disparities, on both a per capita and regional basis.²¹⁵

The broad reform package agreed – but still largely unimplemented – at the November 2002 Paris II donors conference as a condition for debt rescheduling remains relevant. It includes fiscal adjustment (making income tax more progressive and strengthening tax collection), restructuring and privatising public enterprises, promoting investment, cutting red tape and enhancing accountability, transparency and predictability.²¹⁶ The government needs

²⁰⁸ Figures provided by Lebanon’s Central Bank (June 2005) and IMF, “2004 Article II Consultation”, 7 July 2004. For discussion, see *As-Safir*, 10 June 2005.

²⁰⁹ For recent figures see Marwan Iskander, *The Lebanese Economy 2004-2005 and Hariri’s Legacy* (Beirut, 2005), p. 49.

²¹⁰ Recent comparative estimates are unavailable. In the late 1990s, Lebanon’s foreign direct investment was 3.45 per cent of GDP, lower than Syria’s (nearly 8 per cent) or Jordan’s (16.53 per cent). See A.T. Sadik and A.A. Bolbol, *Mobilizing International Capital for Arab Economic Development With Special reference to the Role of FDI* (Abu Dhabi, 2000), p. 67.

²¹¹ According to the Central Bank, the balance of trade deficit reached 32.2 per cent in March 2005, *An-Nahar*, 11 June 2005. In 2004, however, exports increased by 14.6 per cent, mainly due to growing trade with Iraq and the U.S. currency’s depreciation. See Iskander, op. cit., pp. 70-71.

²¹² *Ibid.*, p. 14, also figures from the Central Bank in *The Daily Star*, 16 May 2005.

²¹³ Crisis Group interviews with Lebanese economist and bankers, Beirut, June 2005.

²¹⁴ Iskander, op. cit., pp. 188 ff, Lebanese Ministry of Agriculture, *Istratijiyyah at-Tanmiyyah az-Zira’iyya 2005-2009*.

²¹⁵ See UNDP, “Millennium Development Goals, Lebanon Report”, September 2003. <http://www.undp.org.lb/communication/publications/mdgr/MDG%20Eng.pdf>, pp. 7-8.

²¹⁶ For an overview of the modest achievements since Paris II, see Iskander, op. cit., pp. 257-280.

to fashion, in coordination with donors, an overdue development policy for the South, which, as noted, would also reduce the risks of conflict with Israel.²¹⁷

Rampant corruption, from high-level malfeasance to petty graft, has deterred foreign investment, deepened the national debt, undermined public confidence, and encouraged capital flight. On Transparency International's perceptions of corruption index, Lebanon is 97th, behind Syria, Egypt and China.²¹⁸ Past anti-corruption campaigns (such as Prime Minister Salim al-Hoss' in 1998-2000) have been ineffective, politically motivated (in that instance, by an attempt to undermine Hariri and his patronage network after he was pushed out of his premiership) typically involving dismissal and prosecution but not conviction of senior public servants and leaving administrative structures intact. Most importantly, they failed to address the political roots of corruption.

If the new government is to pursue a genuine anti-corruption policy, it should consider, in addition to enforcing strictly existing measures:

- ensuring the independence of state watchdog institutions, including the Central Inspection Board, the Court of Audit and the Civil Service Board, empowering them to take punitive action and publish their findings;
- reviewing and implementing procurement and conflict-of-interest legislation. Aoun has proposed inviting international auditors, an interesting idea but not a substitute for local mechanisms, including new public procurement regulations.²¹⁹ Clear and enforceable conflict-of-interest guidelines are

needed, at a minimum compelling senior officials to disclose their assets;²²⁰ and

- examining and learning from successes under comparable conditions elsewhere.²²¹

Major donors such as the U.S. and France are willing to help with economic reform, in particular by rescheduling debt but the offer is guarded. Informed by the unsatisfactory results of the Paris II agreement – pursuant to which debt rescheduling and financial assistance were offered in exchange for promised but not implemented reforms – donors insist that any “Paris III” aid be conditioned on concrete steps.²²² The World Bank has urged Lebanese politicians and civil society to hold debates to identify challenges, priorities and tradeoffs and to reach internal consensus on a broad reform package, in other words “to hold a Beirut I before a Paris III”.²²³ Although this would improve on Paris II, no technical fixes will suffice without profound structural changes. Through a combination of technical aid, advice and pressure, donors should also encourage steps to limit corruption, sectarianism and allocation of resources and positions on confessional grounds.²²⁴

Amman/Brussels, 5 December 2005

²¹⁷ Crisis Group Report, *Old Games, New Rules*, op. cit., pp. 28-29.

²¹⁸ Transparency International, “Global Corruption Report 2005”, London 2005, pp. 233-241.

²¹⁹ Aoun called for an independent audit by an international firm to investigate state corruption. See Associated Press, 9 June 2005. However, such international audits and assessments have been conducted in the past, to little effect. See, for example (on customs fraud), P. Kimberley, *Trade Efficiency for Lebanon, Debrief on the World Bank Funded Project* (Beirut, 1999) and (on public works) The World Bank, “Staff Appraisal Report Lebanese Republic National Roads Project”, Washington, 13 June 1996. In 1991, a report prepared by Coopers & Lybrand-Deloitte identified a host of procedural and regulatory problems within the Council for Development and Reconstruction. Excerpts can be found in International Bechtel Inc. & Dar al-Handasah Consultants (Shair & Partners), “Recovery Planning for the Reconstruction and Development of Lebanon”, phase I summary report, vol. 3, “Program Implementation and Monitoring Procedures”, Beirut, December 1991, pp. 2-15.

²²⁰ The Civil Service Code bars public servants from accepting additional employment and/or obtaining stakes in private sector companies.

²²¹ Anti-corruption measures in post-conflict situations should be of particular relevance. See Transparency International, op. cit., dedicated to “corruption in construction and post-conflict reconstruction”.

²²² Crisis Group interviews with European, U.S. and World Bank officials, Brussels and Beirut, May-July 2005. “We don’t want to be unhelpful, to the contrary. Staggering aid while reforms are being implemented may also have the effect of unblocking the political stalemate”, Crisis Group interview with foreign economist, Beirut, 19 July 2005.

²²³ Crisis Group interview with World Bank official, Beirut, 19 July 2005.

²²⁴ This also means that an effort should be made to adapt Paris III and conventional reform proposals to Lebanon’s particular political/confessional arrangements. Privatisation, for example, may well be necessary in many areas. But in others, it risks exacerbating sectarian tensions insofar as the private sector essentially is made up of “confessional entrepreneurs” – businessmen who use their economic clout to ally with or become politicians. This applies specifically to the health sector. Crisis Group interview with Lebanese economist, Beirut, 19 July 2005.

APPENDIX B

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