

## Lebanon at a Tripwire

### I. OVERVIEW

Lebanon has badly lost its balance and is at risk of new collapse, moving ever closer to explosive Sunni-Shiite polarisation with a divided, debilitated Christian community in between. The fragile political and sectarian equilibrium established since the end of its bloody civil war in 1990 was never a panacea and came at heavy cost. It depended on Western and Israeli acquiescence in Syria's tutelage and a domestic system that hindered urgently needed internal reforms, and change was long overdue. But the upsetting of the old equilibrium, due in no small part to a tug-of-war by outsiders over its future, has been chaotic and deeply divisive, pitting one half of the country against the other. Both Lebanon's own politicians and outside players need to recognise the enormous risks of a zero-sum struggle and seek compromises before it is too late.

There is domestic responsibility for the crisis. Profound confessional rifts were never fully healed after the civil war; society is hopelessly fragmented along clan, family, regional, social and ideological lines; there are no genuinely sovereign, credible and strong state institutions; and above all, a corrupt patronage system has created vested interests in perpetuating both sectarianism and a weak central state.

But the principal contributors to today's conflict are foreign. Lebanon is vital to the Bush administration's regional strategy, Israel's security, Tehran's ambitions and the Syrian regime's core interests. As the July war reminded everyone, it is also a surrogate for regional and international conflicts: Syria against Israel; the U.S. administration against the Syrian regime; pro-Western Sunni Arab regimes led by Saudi Arabia against ascendant Iran and Shiite militancy; and, hovering above it all, Washington against Tehran.

Domestic and foreign roots of the crisis are closely intertwined. Lebanon's sectarian fabric, feeble state institutions, reliance on patronage and enmeshment in corruption enable and encourage the outside interference on which so many of its leaders depend. At one end of the political spectrum, a coalition of opposition forces relies on Damascus for political and material assistance and, in Hizbollah's case, military supplies.

But the parliamentary majority – the March 14 alliance that formed in reaction to the 2005 assassination of ex-Prime Minister Hariri – also depends on outsiders, in this case Western countries that provide financial, diplomatic and political support. It is hard even to make out their domestic program. Their agenda essentially boils down to three international initiatives: the forthcoming Paris III conference to increase donor aid; implementation of UN Security Council Resolution 1701 to contain Hizbollah; and an international tribunal to prosecute those responsible for the killing of former Prime Minister Hariri and, implicitly, to deter further Syrian interference.

The confrontation originally centred on Hizbollah's armed status but has since become sharply focused on the tribunal issue and the related matter of government composition. The tribunal is not critical to Hizbollah but is highly threatening to the Syrian regime, which sees it as a political instrument in enemy hands; Hizbollah is not subordinate to Damascus but is sufficiently dependent on its help not to risk antagonising it on a vital matter. Without Syria, there can be no military re-supply and without such re-supply, there cannot be a sustained resistance against Israel (*muqawama*). Consequently, Hizbollah insists on gaining veto power in the government to control the tribunal's fate.

The March 14 alliance banks on its parliamentary majority, cabinet control and – critically – backing from key Western and Arab governments to assert itself and contain Syrian ambitions. Moving swiftly on the tribunal and in effect indicting the Syrian regime is the centrepiece of this strategy.

The political impasse has led both sides to call out their followers. Street politics have replaced institutional politics. Huge demonstrations on one side trigger colossal protests from the other. This is not coup plotters against democrats, or a popular uprising against an illegitimate state. It is one street against the other, one Lebanon against another. Mobilising mass support is how this conflict is being waged: it is not how it will be resolved.

One half of the country cannot rule without, let alone against, the other. The clash over Lebanon's future will have tragic human consequences. A sectarian split in a

context of heavy outside interference will have inevitable and dangerous regional implications. An acceptable compromise will be extraordinarily difficult – at least a half dozen creative proposals, principally by the Arab League, have failed – but it must be found. Any sustainable peace will need to be built upon the following foundations:

**Resolution by consensus of the current hair-trigger issues: the tribunal and government composition.**

With a political and ideological conflict dovetailing with an international and sectarian one, neither side can afford to lose, and neither can govern alone: outside actors must take this into account. The Hizbollah-led opposition demands veto power in a new government that would then consider the tribunal but the March 14 group is certain such a government would never defy Syria. The opposition also calls for early parliamentary elections, claiming the current chamber distorts the real political balance of power. With public opinion strongly supporting both a unity government and the tribunal, there is pressure on both sides. The nub of the problem, and key to its solution, is sequencing. Based on many ideas already mooted, Crisis Group proposes:

- ❑ establishment of a commission based on the Arab League proposal (two representatives of the majority, two of the opposition and two independent judges) to agree on rules for the tribunal;
- ❑ adoption of a draft acceptable to all parties that guarantees the tribunal's independence and non-politicisation, including in particular a revision of Article 3.2 of the tribunal's statutes to clarify – and narrow – the presently very broadly defined circumstances under which a superior can be held responsible for crimes committed by a subordinate;
- ❑ in parallel, consistent with Arab League proposals, agreement by the parties to the composition of a new national unity government (nineteen from the majority; ten from the opposition, and one without the right to vote on sensitive matters: a compromise formula that avoids both a two thirds majority able to impose a decision and a one third plus one minority able to bring down the government);
- ❑ simultaneous approval by the parliament of the tribunal, formation of a new unity government, and a new electoral law based on the recommendations of the Boutros commission;
- ❑ agreement by the parliament on the name of a new president, to take office at the conclusion of President Lahoud's mandate (September 2007);

- ❑ conduct of early parliamentary elections on the basis of the new electoral law; and
- ❑ establishment of a new government based on the electoral results.

**Settling the question of Syria.** Washington's strategy of pressure, isolation and implicit threats of regime change has backfired. Damascus has proved it may destabilise Lebanon if what it considers its vital interests are ignored or if it feels cornered. There can be no stable solution for Lebanon without a viable solution for Syria. Washington and Damascus need to discuss each other's concerns regarding, in particular:

- ❑ *Lebanon:* the accommodation here would include normal diplomatic relations between Damascus and Beirut, with Syria forsaking direct political or military interference and relying on legitimate tools – its historic Lebanese allies and Lebanon's dependence on Syria for trade – to seek to maintain its influence.
- ❑ *The Hariri investigation:* this should continue so as to ascertain responsibility, but with an understanding (assisted by amendments to the tribunal rules of the kind mentioned above) that the objective is not to destabilise the current regime but rather – assuming evidence implicating Syria is produced – to deter it from future malfeasance in Lebanon.
- ❑ *Hizbollah:* Syria will not loosen its ties with one of its few remaining strategic assets, as long as the Golan Heights remain occupied. However, in the context of renewed engagement with the U.S., it should exercise its influence to ensure Hizbollah maintains calm on the border with Israel.
- ❑ *Israel:* The U.S. should cease opposing the unconditional resumption of negotiations between Syria and Israel that President Bashar al-Asad repeatedly has stated he accepts. To condition this on cessation of Syrian support for Hamas or Hizbollah is to ensure negotiations do not take place. An agreement entailing return of the Golan, security arrangements and normal relations between Syria and Israel would represent a strategic shift of enormous consequence for the region as a whole.
- ❑ *Iraq:* The exploration here, as explained in detail in Crisis Group's 19 December report, *After Baker-Hamilton: What to Do in Iraq*, should be whether the U.S. and Syria can agree on an end state that is neither side's preference but violates neither side's redlines.

### **Addressing the structural roots of its predicament.**

While necessarily a longer run objective, this means taking up forgotten elements of the Taif agreement that ended the civil war, notably de-confessionalisation:

- A merit-based appointment system is needed in the public sector, beginning gradually in the executive branch and moving to increasingly senior positions in it, and then similar reforms in the legislative branch, with clear benchmarks all along the way.
- The judiciary and security agencies require reform to strengthen the rule of law and reduce the military's political role. The Supreme Judicial Council should become independent, oversee all courts and make judicial appointments (not the Council of Ministers). The judicial inspection unit on corruption should be empowered to discipline offenders and publicise findings.
- The education system must be de-confessionalised, including by reviewing and unifying the curriculum.

## **II. HOW LEBANON LOST ITS BALANCE**

The precarious balance that kept Lebanon together was destabilised by successive events. In 2000, the collapse of Israeli-Syrian negotiations, Israel's withdrawal from South Lebanon, President Hafez al-Asad's death and President Bush's election fundamentally altered the U.S./Israeli/Syrian triangle. Gradually, a paradigm premised on the primacy of peace negotiations, consent to Syria's military presence in and political hegemony over Lebanon and understanding that Syrian support for Hizbollah would last as long as the occupation of the Golan endured, gave way. In its place, particularly after 11 September and the invasion of Iraq, emerged a paradigm of strategic competition between the U.S. and what it designated as a hostile alliance of Iran, Syria and Hizbollah. Condemning Syrian support for groups it characterises as terrorist and its actions in Palestine, Lebanon and Iraq, Washington promoted isolation of and sanctions against Syria and unobtrusively hinted that, after Baghdad, Damascus might be next. As Syria sought to maintain its power in Lebanon, the U.S., joined by France, tried to reverse it.

Key milestones in this power struggle followed:<sup>1</sup> UN Security Council 1559 (2004), which called for the withdrawal of Syrian troops from Lebanon, as well as disbanding all militias, extension of government control over all Lebanese territory and free and fair elections; Syria's decision to extend Lebanese President Emile Lahoud's tenure in 2004; the 14 February 2005 Hariri assassination and resulting UN probe coupled with efforts to set up an international tribunal; and the electoral victory of an "anti-Syrian" coalition.<sup>2</sup> Far from ending the struggle, Syria's April 2005 forced withdrawal from Lebanon merely altered its contours.

In the immediate aftermath of the July 2006 war, all sides appeared eager for calm. But the moment proved brief and illusory, resulting from recognition of Hizbollah's enhanced standing and homage to the war victims. In reality, the conflict and its outcome exacerbated tensions. March 14 forces<sup>3</sup> argued that Hizbollah's armed status endangered Lebanon's safety by feeding Israel's sense of insecurity;<sup>4</sup> challenged its right to decide unilaterally when and where to fight; and charged it with doing Iran's and Syria's bidding.<sup>5</sup> Hizbollah emerged from the war with huge political capital but on the ground the combination of UNIFIL and Lebanese forces newly deployed in the south narrowed its margin of military manoeuvre. Fearing increased domestic and international pressure, it moved the conflict to Beirut, seeking through a governmental change political guarantees against disarmament. It

<sup>1</sup> For analysis, see Crisis Group Middle East Report N°59, *Israel/Hizbollah/Lebanon: Avoiding Renewed Conflict*, 1 November 2006; Crisis Group Middle East Report N°57, *Israel/Palestine/Lebanon: Climbing out of the Abyss*, 25 July 2006; Crisis Group Middle East Report N°48, *Lebanon: Managing the Gathering Storm*, 5 December 2005; Crisis Group Middle East Report N°39, *Syria After Lebanon, Lebanon After Syria*, 12 April 2005.

<sup>2</sup> Use of "pro-Syrian" and "anti-Syrian" labels are overly simplistic. In reality lines are both blurred and shifting. Many currently "anti-Syrian" actors were "pro-Syrian" not long ago and were involved in some of Lebanon's darkest pages. Likewise, it is a distortion to argue that those belonging to the "pro-Syrian" camp wish to see a return to Syrian occupation.

<sup>3</sup> The March 14 forces – named after the huge 2005 demonstration following Hariri's assassination and calling for Syria's ouster – is composed of Sunnis, principally Saad al-Hariri's Future Bloc; Druze, with Walid Jumblatt's Progressive Socialist Party; and Christians, essentially Samir Geagea's Lebanese Forces and the Lebanese Phalanges. The opposition basically involves an alliance of Shiites (Hizbollah and Amal); Christians (the Free Patriotic Movement of General Aoun, a prominent Christian Maronite); and several smaller Sunni groups with close ties to Damascus.

<sup>4</sup> Crisis Group interview, adviser to Prime Minister Siniora, Beirut, 8 December 2006.

<sup>5</sup> *Ibid.*

accused March 14 of having encouraged the Israeli military action, asking the U.S. to delay the ceasefire and acting for the West against Lebanese national interests.

Regional dynamics play a key part. Their eyes firmly on Syria, the U.S., France and pro-Western Arab countries encouraged their March 14 allies to remain steadfast, especially on Security Council Resolution 1701's provisions regarding Hizbollah and on the tribunal. Many in the West also saw the July war as an important component in the confrontation with Iran: fighting in Lebanon, in coordination with Sunni Arab countries, was a way to contain Tehran's ambitions and, eventually, roll them back.

Iran and Syria pressed Hizbollah to capitalise on what they considered its victory in the war. As they saw it, the March 14 forces had banked on a quick Israeli victory; they had lost; they now should be forced to pay a price. Damascus and Tehran made clear their desire for a new government reflecting this reality and bolstering their own regional positions vis-à-vis the U.S.; both also wanted the tribunal to be the first casualty.

### III. THE WAR ABOUT THE WAR

#### A. INTERPRETING THE WAR'S OUTCOME

That the war ended without either side prevailing is about all one can say with relative certainty. Hizbollah's capacity to withstand weeks of heavy Israeli onslaught was interpreted by many as a serious setback for the Jewish state and an important moral victory for the movement, whose status soared throughout the Arab and Muslim worlds. Indeed, if the Lebanese are engaged in a lively debate over the war's outcome, the verdict of Israelis is virtually unanimous, and unanimously negative. Hizbollah goes further, maintaining it has now fully refurbished an arsenal severely depleted during the war,<sup>6</sup> an assertion that is hard to verify.

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<sup>6</sup> Hassan Nasrallah explained: "as I said on 22 September, I confirm that the resistance has restored its full strength.... Basically, over the past six years, we had been preparing and we had been expecting a war to break out one day, a hard, big, and serious war because the Israeli enemy would not swallow its defeat in the year 2000 and would not accept the presence of an honourable, sincere, and serious Lebanese and Arab resistance force close by in Lebanon. The enemy had been planning for a war one day, and we had been prepared for this

Even accepting the claim, however, the balance sheet for the movement is more ambiguous. The costs to Lebanon of the month-long war re-energised the domestic debate about Hizbollah's military autonomy (as many wondered what gave it the right to decide on matters of war and peace) and deterrence (since, whatever else it did, Hizbollah's armament surely did not deter Israel). With thousands of fresh Lebanese and UNFIL troops patrolling the south and greater focus on the Lebanese-Syrian border, Hizbollah's freedom of action has been at the very least significantly curtailed. By its own admission, it lost around 200 fighters;<sup>7</sup> much of the civil infrastructure on which its influence is based was destroyed.

#### 1. March 14's views

Where much of Arab public opinion saw an unambiguous Hizbollah victory, the March 14 forces sensed serious vulnerability. In the midst of the war, Hizbollah quickly accepted Prime Minister Siniora's seven-point plan, even though it included provisions – most notably dispatch of the Lebanese army to the south – the movement had long resisted. Then, reportedly over Syrian and Iranian objection,<sup>8</sup> it signed on to Resolution 1701, which not only called for a bolstered international force and Lebanese army presence in the south, but also reiterated the need for full disarmament of all militias. And it accepted a ceasefire despite the continued presence of Israeli soldiers on Lebanese soil, something it had vowed never to do. For March 14 forces, this left little room for doubt: the movement had suffered considerable losses to its military and civilian infrastructure that required it to sue for a ceasefire whose key terms it opposed.

They pointed to additional evidence of the relative Hizbollah vulnerability. The movement's funds, they claimed, were drying up; there were signs of impatience within the Shiite constituency, dissent among some clerics<sup>9</sup> and tensions with its Shiite ally, Amal; its long-range military arsenal had been partially destroyed; and

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war. Now what we had possessed we still possess", *Al-Manar*, 31 October 2006.

<sup>7</sup> Crisis Group interview, Mahmoud Qumati, Hizbollah political bureau member, 14 November 2006.

<sup>8</sup> That, at least, is the view of some March 14 leaders, who argue that self-preservation forced Hizbollah to accept what its foreign sponsors would have preferred it reject. Crisis Group interviews, Beirut, December 2006.

<sup>9</sup> These include Mohammed Hassan al-Amin, a cleric, Islamic thinker and high-level judge of Shiite Islamic courts; Sayyed Ali al-Amin, mufti of Tyr and Jebel Amel and former member of Amal; Subhi Tufeil, former Hizbollah general secretary and Hani Fahs, cleric, Islamic thinker and former student of Ayatollah Khomeini.

its traditional strongholds, such as Beirut's southern neighbourhoods, had been devastated.<sup>10</sup> In their view, Hizbollah had not won a war it unjustifiably provoked; had illegitimately usurped the right to decide a vital national security matter; had been saved from destruction by the government's international contacts; and had demonstrated the futility of its armed arsenal.

Under the circumstances, March 14 forces were not about to accept Hizbollah claims of entitlement flowing from its alleged victory or acquiesce in a bid to reorient government policies. Instead, they saw its demands chiefly as manifestations of an Iranian/Syrian attempt to promote their influence and bolster their position vis-à-vis the U.S. According to Saad al-Hariri, "what we are witnessing today is the execution of an Iranian and Syrian plan of which Hizbollah is merely an instrument. Their goal is to prevent any forward movement in Lebanon, Palestine and Iraq and to compel the U.S. to negotiate from a position of weakness".<sup>11</sup>

## 2. Hizbollah's view

Hizbollah contended the war vindicated its resistance strategy. Its weapons protected Lebanon from Israel's military operations and salvaged its dignity. The military outcome offered the Lebanese a clear choice: on one side, a "militant society"<sup>12</sup> founded on a "culture of resistance"<sup>13</sup> defined through confrontation with Israel both to defend Lebanon and the Palestinian cause (*muqawama*) and to reject U.S. regional ambitions (*mumanaa*); on the other, a "defeatist" outlook,<sup>14</sup> willing to capitulate to Israel and join the Western-dominated international system.<sup>15</sup>

Hizbollah leaders struck a relatively appealing tone toward the March 14 coalition in the war's immediate aftermath but at rallies before the tombs of Hizbollah "martyrs", militant members openly accused the coalition of treason, exhibiting anger bordering on hatred. Parliamentarians, local leaders, religious figures and political bureau members reflected rank-and-file sentiment more accurately than did national statements. From the Bekaa Valley to Tyre, amid calls for America's and Israel's death, orators emphasised four core points: we will not surrender our weapons; our weapons are our dignity; martyrdom (i.e. armed resistance) is the path to victory; and the state has failed us.<sup>16</sup>

The culture of resistance came out most forcefully on emotional occasions. Opponents were branded as collaborators and expression of opposing views characterised as disloyalty. March 14 forces were castigated as "those who were waging ... the American and Zionist project aimed at disarming Hizbollah. Our triumph is their defeat. They will never achieve anything other than humiliation and debasement. We will hold on to our weapons. The resistance will carry on".<sup>17</sup> In like manner, the resistance had "unmasked the evil of those who are prepared to put our nation for sale, and who, while claiming to want to protect the country, seek to prevent us from enjoying the fruits of our victory".<sup>18</sup>

Hizbollah "expected celebration of its victory, persuaded that whoever dared to refute the notion of victory would be treated as having been vanquished, in other words as a traitor".<sup>19</sup> March 14 forces responded to claims of a "historic resistance to Israel's war" with references to the "no less historic destruction the war brought upon Lebanon".<sup>20</sup> From such clashing perspectives grew conflicting visions of the post-war landscape.

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<sup>10</sup> Crisis Group interviews, March 14 officials, Beirut/Tripoli, September-October 2006.

<sup>11</sup> Crisis Group interview, Saad al-Hariri, Beirut, 8 December 2006.

<sup>12</sup> Crisis Group interview, Nabil Qaouq, Hizbollah official responsible for South, Tyre, 17 October 2006.

<sup>13</sup> The term was used by Naeem Qasem, Hizbollah deputy secretary general, at a meeting attended by Crisis Group, Beirut, 11 October 2006.

<sup>14</sup> As described by Hashem Safieddine, a Hizbollah leader, at a rally attended by Crisis Group, Nabattieh, 20 October 2006.

<sup>15</sup> Mustafa Allouch, a Future Current member of parliament from Tripoli, offered his own contrast between the two visions: "On the one hand is Iran's vision, which is determined to remain in an armed conflict and perpetuate the conflict between Israel and the Muslim world. In that context, Lebanon becomes a battle zone and an arena for a larger struggle with the West. On the other hand, we believe that Lebanon already has paid the price of confronting Israel". Crisis Group interview, Mustafa Allouch, Tripoli, 13 November 2006.

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<sup>16</sup> Crisis Group interviews, Beirut's southern neighbourhoods, 15-20 August 2006. For a sample of funeral speeches (in Arabic), see [http://www.shiaweb.org/hizbulla/waad\\_alsadeq/](http://www.shiaweb.org/hizbulla/waad_alsadeq/).

<sup>17</sup> Mohammed Yâghi, former Hizbollah leader, at [http://www.shiaweb.org/hizbulla/waad\\_alsadeq/20.8.2006](http://www.shiaweb.org/hizbulla/waad_alsadeq/20.8.2006).

<sup>18</sup> Mohammed Yazbeck, Hizbollah leader and personal representative in Lebanon of Iran's Supreme Leader Khamenei, 20 August 2006, at [http://www.shiaweb.org/hizbulla/waad\\_alsadeq](http://www.shiaweb.org/hizbulla/waad_alsadeq).

<sup>19</sup> Crisis Group interview, Abdo Saad, director of the Centre for Research and Information, an institution considered close to Hizbollah, Beirut, 20 November 2006.

<sup>20</sup> Crisis Group interview, Mustafa Allouch, Future Bloc member of parliament, Tripoli, 13 November 2006.

## B. IMPLEMENTING RESOLUTION 1701

### 1. The outlook of March 14 forces

Competing assessments of the war played out in the first instance in how each side regarded implementation of the Security Council resolution that ended it. On 8 September 2006, March 14 forces issued what has become known as the Bristol declaration:<sup>21</sup>

Any armed force that is not part of the state is not a deterrent against Israeli aggression.... Lebanon has become an arena exploited by Iran to consolidate its negotiating position vis-à-vis the international community with regards to its regional role. Syria also is using Lebanon to restore its hegemony over the country and to escape any consequence from the international probe into president Rafik al-Hariri's assassination.

The statement urged "implementation of all international resolutions concerning Lebanon, in particular Resolution 1701, which governs the question of Hizbollah's weapons, as well as prior resolutions". It stressed that it was time to "end the duality of weapons and reaffirm that only the army and legal institutions are entitled to defend Lebanon".<sup>22</sup>

The call was not unanimous. Some members of the March 14 coalition contend that the leadership "underestimated Hizbollah's strength and saw the ceasefire as a triumph of state diplomacy over the movement"; evoking Hizbollah's disarmament so quickly after the ceasefire was the group's "big mistake", provoking its harsh response.<sup>23</sup> In response, others maintain that "it would not have changed anything. Hizbollah cannot be reassured when it comes to its weapons. After the war, our position became non-negotiable: the state must enjoy a monopoly over armed forces".<sup>24</sup>

### 2. Hizbollah's view

Proclaiming it won the war – indeed, convinced that Israel saw things in quite the same way<sup>25</sup> – Hizbollah

maintained that its position had been vindicated: resistance is necessary (witness the Israeli aggression) and effective (witness the war's outcome). It therefore rejected attempts to curb its military autonomy or freedom of manoeuvre. It had agreed to 1701, and therefore to a substantially thickened security presence in its southern stronghold; but it simultaneously refused to alter the military status quo. To maintain its militant outlook and resist Israeli aggression, the movement had to preserve its arsenal and remain an autonomous military actor, at least as long as Lebanon was not in a position to defend itself. Naim Qasem, Hizbollah's second in command, stated:

The basis of every crisis in the region is Israel's presence. To maximize its security, it must exert pressure on its Arab environment. Israel feels a perpetual need to interfere in Lebanese politics, resorting at some times to military at others to political domination. Did it not try to alter the domestic political equation by creating Antoine Lahd's South Lebanese Army, imposing President Bechir Gemayel in 1982 and waging a war this summer? All this makes protecting the resistance project absolutely central.<sup>26</sup>

In this view, deterrence worked: "of course, we suffered, but Israel will think long and hard before seeking to invade us again".<sup>27</sup> Hizbollah's military autonomy is essential since it protected the state. Resistance also is a necessary complement to negotiations. "Israel and the U.S. now know they cannot achieve their objectives through military means. They know they must resort to diplomacy and politics. We too believe a political path is essential. But the resistance will maximise our chances. That is the lesson the resistance taught other Arab countries".<sup>28</sup>

Hizbollah, therefore, argues for a modest, passive interpretation of 1701, stressing that disarmament is not a priority, but should occur only after Israel's

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institutions....Yet despite that, some in Lebanon maintain the contrary. Perhaps they do that in order to sully the image of our victory". Quoted in *al-Safir*, 5 September 2006.

<sup>26</sup> Crisis Group interview, Naim Qasim, Beirut, 8 December 2006.

<sup>27</sup> Crisis Group interview, Ghalib Abu Zeinab, member of Hizbollah political bureau, Beirut, 24 September 2006.

<sup>28</sup> Crisis Group interview, Nawaf al Mussawi, in charge of Hizbollah's foreign relations, Beirut, 16 August 2006. Nasrallah put it as follows: "Yesterday, a group of Arab states went to the Security Council to beg for peace and a settlement. I tell them: I am not speaking to you about removing Israel. I am speaking to you about the settlement you want. How can you obtain an honourable settlement while you announce day and night that you will not fight?" Nasrallah speech, 22 December 2006, Al-Manar Television.

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<sup>21</sup> The name came from the central Beirut hotel where the meeting took place and where the anti-Syrian coalition first came together in 2005.

<sup>22</sup> Quoted in *al-Balad*, 8 September 2006.

<sup>23</sup> Johnny Abdo, former head of army intelligence and March 14 sympathiser, Arabic News Broadcast, 1 October 2006.

<sup>24</sup> Crisis Group interview, Mustapha Allouch, op. cit.

<sup>25</sup> In Nasrallah's words, "in Israel, there is a consensus about their defeat in Lebanon. Even Dan Halutz [chief of staff of the Israeli Defence Forces] has evoked the failures of Israel's military

withdrawal from the Shaba farms, its release of all Lebanese prisoners and the establishment of a strong Lebanese state that is capable of protecting the country.<sup>29</sup> The resolution was sufficiently ambiguous to permit “a kind of accommodation with the requirements of the resistance”.<sup>30</sup> Hizbollah sought to “decouple implementation of 1701 from the disarmament question”<sup>31</sup> and maintain a military status south of the Litani River that included presence of the Lebanese army, a reinforced UNIFIL and withdrawal of its own observation posts, but no laying down or surrendering of arms. Hizbollah argued in effect for a temporary freeze: its fighters would remain at home, and its weapons would remain concealed. Nabil Qaouq, in charge of Hizbollah’s operations in the South, explained:

In confronting Israel, we seek to deter and establish a strategic balance. We therefore are not waging a war of attrition requiring constant resort to low-intensity violence. Our purpose is to defend Lebanon. That’s why we are satisfied simply by being here, and we have no problem with any military deployment in this area.<sup>32</sup>

Under this view, the rough division of labour that prevailed prior to the war should still be in effect. The army would operate as a police force; the resistance would defend the borders by deterring an Israeli attack; and a weak international force lacking genuine coercive ability would supervise a shaky yet durable ceasefire. Mahmoud Qumati, a member of Hizbollah’s political bureau, said:

This situation is likely to continue for a long time. It will not change until the Shaba farms are freed, our prisoners released and our country is safe. We know the international community rejects these conditions, but the situation will last because there is no way to pressure us: a new war is unlikely and imposing an international siege on our movement is an old story for which we are well prepared.<sup>33</sup>

### 3. Third party views

Regional and other international actors held radically differing perspectives on the war. Iran and Syria were quick to celebrate and exploit Hizbollah’s performance. Both were aware of drawbacks. To the extent Iran was counting on Hizbollah’s arsenal to deter a U.S. attack on its nuclear facilities, it had been used prematurely; to the extent UNIFIL’s beefed-up presence and supervision at border crossings impeded efforts to re-supply Hizbollah, 1701 likewise was a relative setback for Syria. Nevertheless, they viewed the balance sheet positively or at least did their best to present it that way. Hizbollah’s resistance was an important achievement in Tehran’s competition with the U.S., validation of its posture and, in light of Hassan Nasrallah’s popularity – most remarkably among Sunni Arabs – a further ideological inroad in the Arab world.<sup>34</sup>

Damascus took satisfaction that its Lebanese allies had emerged strengthened. This increased its own influence at a time when it had concluded that Prime Minister Siniora was irredeemably hostile.<sup>35</sup> In the words of a Syrian official, “the war fundamentally altered Lebanon’s political map. Hizbollah won, and the March 14 forces were exposed. There can be no return to the status quo ante; the March 14 forces cannot act as if nothing happened, as if they hadn’t served the enemy’s agenda. They lost, and Lebanon’s government must reflect the new realities on the ground”.<sup>36</sup>

At the opposite end, the U.S. and its allies seized on 1701’s language to advance their priorities. They concede that Hizbollah’s disarmament is not a realistic short-term prospect,<sup>37</sup> and Washington’s hopes for an overwhelming Israeli victory were not realised. But the

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<sup>29</sup> Crisis Group interview, Mahmoud Qumati, Beirut, 17 December 2006.

<sup>30</sup> Crisis Group interview, Nawaf al-Moussawi, op. cit.

<sup>31</sup> Crisis Group interview, Aly Fayyad, director of the Consultative Centre for Studies and Documentation, a Hezbollah think tank, Beirut, 15 August 2006.

<sup>32</sup> Crisis Group interview, Nabil Qaouq, Tyre, 17 October 2006.

<sup>33</sup> Crisis Group interview, Mahmoud Qumati, Beirut, 16 August 2006. For further analysis of Hizbollahs’ post-war strategy, see Crisis Group Report, *Israel/Hizbollah/Lebanon*, op. cit.

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<sup>34</sup> In President Ahmadi-Nejad’s words, “in the recent experience, we can see that God’s pledges came true in Lebanon. Corrupt powers like America, the criminal Britain and the shameful and humiliated Zionist regime were armed to the teeth with laser bombs, advanced aircraft, tanks, an accurate, wicked and vicious artillery. On the other hand a group of faithful, pure, divine youth stood up against them and with the help of God trusted God’s pledge and resisted against the enemy”. Iranian television, 15 August 2006, quoted and translated by Mideastwire.com, 17 August 2006.

<sup>35</sup> In a 15 August 2006 speech, Bashar al-Asad said: “Lebanese groups failed to implement their plan in the interest of Israel. So they instigate Israel to come and save them militarily from their dilemma, strike at the resistance, and link Lebanon to the Israeli bandwagon”. A Syrian official was more blunt: “Siniora has crossed every redline. He has burned every bridge”. Crisis Group interview, Damascus, December 2006.

<sup>36</sup> Crisis Group interview, Syrian senior official, Damascus, December 2006.

<sup>37</sup> Crisis Group interviews, U.S. and French officials, Washington, Paris, September-December 2006.

outcome was far from entirely negative. 1701 reiterated core principles they had long pressed and were determined to make reality: it repeated the goal of eventual disarmament; ordered an end to all arms transfers to Hizbollah; and stated that the area south of the Litani should be “entirely controlled by UNIFIL and the Lebanese army”.<sup>38</sup>

## IV. THE INTERNATIONAL TRIBUNAL

### A. BACKGROUND

While differing interpretations of the war’s outcome and implications set the stage for the political confrontation, questions surrounding the international tribunal lent it the sharpest relief. Hizbollah’s disarmament and Lebanon’s political identity are existential questions, but not immediate ones – unlike the establishment of the tribunal charged with determining culpability for Hariri’s murder. On all sides, Lebanese and foreign, that has grown to be the most pressing and vital concern. It is a central reason why the March 14 coalition rejects opposition demands for a blocking minority in a reshuffled cabinet;<sup>39</sup> the principal motivation behind the Shiite ministers’ collective resignation; and the immediate catalyst for the move from political negotiations to street politics.

The tribunal grows out of Security Council Resolution 1644, which in December 2005 charged the UN Secretary-General with acting on the Lebanese government’s request for assistance in bringing to justice those responsible for Hariri’s assassination and related crimes.<sup>40</sup> Though based on Lebanese law, it was to be established through a treaty between the UN and Lebanon and include both Lebanese and international magistrates.

Immediately, the tribunal sparked controversy. On 12 December 2005, following the murder of Gibran Tuéni, a March 14 member of parliament and outspoken Syrian critic, the cabinet voted for it but five Shiite ministers belonging to Hizbollah and Amal suspended their participation, purportedly because the mandate was extended to political assassinations subsequent to

Hariri’s. The crisis momentarily abated as a result of the National Dialogue organised by the president of the chamber and Amal leader, Nabih Berri, at which parties unanimously backed the tribunal principle.

Although the five ministers resumed their participation on 2 February 2006, the reprieve was short-lived. On 10 November 2006, amid rising post-war political tensions and heated negotiations over demands by Hizbollah and its allies for a cabinet reshuffle, the UN commission of inquiry into Hariri’s murder sent the government a draft proposal for the statutes governing the tribunal. Fearing an attempt by the Shiite parties to torpedo the project through delaying tactics and by altering the government’s composition, the March 14 forces insisted on ratification two days later; Hizbollah and Amal, claiming they had not had time to study the text (which was in English, without an Arabic translation) and raising procedural and substantive concerns, unsuccessfully sought a three-day extension. On 13 November, the cabinet adopted the draft text without participation of its five Shiite ministers who, along with Yaqoub Sarraf (a Christian with ties to Damascus), resigned. On 21 November, the Security Council formally approved the text.

According to the constitution, however, treaty ratification requires presidential authorisation (Article 52); moreover, treaties “involving the finances of the state . . . and treaties that cannot be renounced every year are not considered ratified until they have been approved by the Chamber [parliament]”.<sup>41</sup> In its current form, the draft text meets both conditions, meaning that blocking power is held not only by the president, but also by the president of the chamber, who can refuse to convene a session. On 9 December, President Emile Lahoud, whose mandate was unconstitutionally prolonged under Syrian pressure in 2004, rejected the project, claiming that both the government and the text were unconstitutional – the former as a result of the Shiite ministers’ resignation and the latter because he had not taken part in the treaty negotiations.<sup>42</sup> Invoking similar reasons, Berri has refused to convene parliament.<sup>43</sup>

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<sup>38</sup> Statement by French foreign minister before the Senate’s Foreign Relations Commission, 30 August 2006, <http://www.diplomatie.gouv.fr/actu/bulletin.asp?liste=20060905>

<sup>39</sup> See below.

<sup>40</sup> These involve assassinations or assassination attempts committed since October 2004 against such figures as Samir Qasir, Gibran Tuéni, Georges Hawi, May Chidiac, Marwan Hamade and Elias al-Murr.

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<sup>41</sup> Article 52, Lebanon Constitution.

<sup>42</sup> For a discussion, see below. Lahoud also argued that the negotiations were inconsistent with Article 52 of the constitution, which stipulates that “the President of the Republic negotiates international treaties in coordination with the Prime Minister”. Also, Crisis Group interview, Mikhail Dahir, former deputy and jurist, Beirut, 5 December 2006.

<sup>43</sup> The chamber’s vice president (in this case, a March 14 loyalist) can summon a session, but only under specific circumstances that are not currently present. Crisis Group interview, Dahir, op. cit.



## B. THE STRUGGLE OVER THE TRIBUNAL

Though wrapped in procedural and legalistic arguments, the debate is relatively straightforward.

For the Syrian regime, and despite repeated denials of involvement in Hariri's assassination, the tribunal appears more and more to have become a vital matter. Publicly, officials contend they do not fear the investigation, praise Serge Brammertz, the new prosecutor, for his "professionalism" and draw a sharp contrast to his predecessor, Detlev Mehlis, blamed for a partisan, politicised and incompetent job.<sup>44</sup> Nor, they say, do they object to the principle of a tribunal.<sup>45</sup> Rather, they claim it is the blatantly politicised history of the process (immediate fingering of Syria, Mehlis's preconceived judgment and questionable tactics, Washington's and Paris's heavy involvement), the rush to set it up and its extensive mandate that are cause for worry that it will be used by the U.S. and others to further anti-Syrian aims.

One official said: "the investigation has not yet established any international connection; indeed, it has not reached any conclusion at all. On what ground other than an anti-Syrian presumption are they forming an international tribunal?"<sup>46</sup> Officials in Damascus assert that while they will continue cooperating in Brammertz's probe, they "will have nothing to do with the tribunal if it is established".<sup>47</sup>

Beneath the surface is profound nervousness about how far the U.S. is prepared to go in using the tribunal against the regime, how far the tribunal will reach and the potential repercussions of its conclusions. The Syrian regime is not based on the strictly sectarian constituency its critics sometimes depict but at the very top is a highly interdependent group held together by family and geographic ties; if the investigation fingers a senior official and requests his appearance before the tribunal, it would create serious, potentially destabilising strains – a concern heightened by the fact that this is

precisely the Bush administration's aim. An official privately acknowledged: "this is a red-line for the regime. At this stage, there is no compromise possible. They will fight to block a tribunal they do not trust and whose conclusions they fear".<sup>48</sup> Seeking a way out, another suggested that establishment of the tribunal be put off until the investigation is completed.<sup>49</sup>

Washington's keen interest has mirrored Damascus's deep anxiety. With little to show for its policy of isolating Syria, growing European keenness to engage its regime, decreasing confidence in the Lebanese government's ability to survive and concern about an ascendant Iran/Syria/Hizbollah/Hamas axis, the U.S. considers the tribunal its best remaining tool with which to pressure the Baathist regime. Certain of Syria's involvement in Hariri's murder and persuaded it will change policies – if at all – only under strong pressure, the Bush administration believes the tribunal at a minimum will deter Syrian acts of violence in Lebanon and might ideally produce cracks in the regime. "We need to get it in place because once it is set, Syria's calculus will have to change. And that's precisely why they are doing everything in their power to prevent it. The tribunal is their priority, which is why it is ours".<sup>50</sup>

French officials generally echo this, focusing on the need for Syria to turn a page in its dealings with Lebanon and convinced that the tribunal – and the possible resulting ouster of senior members of the political-security establishment – may by now be the best and only way to achieve it.<sup>51</sup>

Insistent on the need to establish the tribunal quickly, Washington and Paris have been exploring ways to overcome institutional obstacles. These include side-stepping the president of Lebanon's parliament and proceeding directly to a parliamentary vote<sup>52</sup> or, more dramatically, imposing the tribunal through a Chapter 7 UN Security Council resolution.<sup>53</sup>

<sup>44</sup> Crisis Group interview, Syrian officials, Damascus, December 2006. Even many non-Syrian observers agree that Mehlis performed poorly and with a seemingly overt political agenda, loudly voicing often unsubstantiated conclusions and relying on unconvincing witnesses. As further evidence Syrian officials point to a Mehlis statement (as a private citizen) after Pierre Gemayel's assassination asserting that the same pro-Syrian forces who killed Hariri had struck again. *Süddeutsche Zeitung*, 23 October 2006.

<sup>45</sup> Ibid.

<sup>46</sup> Crisis Group interview, Syrian official, Damascus, December 2006.

<sup>47</sup> Crisis Group interview, Syrian official, Damascus, December 2006.

<sup>48</sup> Crisis Group interview, Syrian official, Damascus, December 2006.

<sup>49</sup> Crisis Group interview, Syrian official, Damascus, December 2006.

<sup>50</sup> Crisis Group interview, U.S. official, Washington, November 2006.

<sup>51</sup> Crisis Group interview, French official, December 2006.

<sup>52</sup> Views differ as to whether this is a legal option. For favourable arguments, see *L'Hebdo Magazine*, 1 December 2006. Mikhail Dhahir, a Lebanese jurist, takes the opposite view. Crisis Group interview, Beirut, 5 December 2006.

<sup>53</sup> Crisis Group interviews, U.S. and French officials, December 2006. It is unclear whether they could obtain Security Council approval for such a move, given Russian and

The March 14 coalition sees things much the same way. Of course, the demand for justice and accountability resonates most particularly with Saad al-Hariri and his Future Bloc followers, who are determined to shed light on the father's assassination. But, a Lebanese observer said:

We should not kid ourselves. This has less to do with accountability than it does with politics. Most of those pushing for the tribunal have blood on their hands – ample amounts of it. What's at stake here is not to find out who exactly did it, but to make sure that Syria does not do it again. It's not justice. It's deterrence.<sup>54</sup>

For Samir Frangie, a leader of the March 14 coalition, the tribunal is “the only way to end Syria's influence in Lebanon” because it will provoke a “political earthquake”.<sup>55</sup> Conversely, to surrender or compromise would be to send a signal of impunity, embolden Damascus and Tehran and pave the way for a reversal of what had been achieved with Syria's withdrawal. Saad al-Hariri explained: “We are approaching the last 100 metres. Either we implement 1701 and establish the tribunal, in which case we can enjoy 50 years of stability. Or we don't, and we will endure another 30 years of tension”.<sup>56</sup>

### C. HIZBOLLAH'S DILEMMA

The tribunal is, in many ways, the problem Hizbollah wishes would go away. Its distrust of the Siniora government and March 14 forces runs deep, and it is at ease confronting them on any number of issues: their posture during the war, alliance with Washington or plans to disarm the resistance. On each of these, Hizbollah can mobilise beyond its sectarian constituency on a militant, anti-U.S. line; indeed, during the war and its immediate aftermath, a number of more radical, Islamist Sunnis expressed solidarity with the movement.<sup>57</sup>

The tribunal is another matter. Hampering the investigation into the Hariri murder is not a cause behind which one can easily rally Lebanese, let alone members of the Sunni community, who view the tribunal as their cause. Even among Hizbollah cadres and supporters, feelings about Syria are mixed; unlike the ideological alliance with Iran, ties to Syria are

described as political in nature and have suffered serious tensions in the past.<sup>58</sup> Hizbollah never has formally opposed the tribunal – in fact it formally backed its establishment during the National Dialogue<sup>59</sup> – and there is uneasiness within its ranks about appearing to be doing Syria's bidding by refusing to hold its regime accountable. The movement's leaders still swear they have no intention of blocking the tribunal.<sup>60</sup>

Instead, Hizbollah has justified its opposition on three grounds: politicisation of the process, the government's unseemly haste and details of the tribunal's procedures. According to Hizbollah officials, Mehlis's partisan conduct exposed the investigation's bias.<sup>61</sup> Determined to blame Syria, he is said to have immediately discarded other potential leads, seeking through a hurried probe to validate preconceived conclusions.<sup>62</sup> As evidence, they cite the year-long detention without charge of four reputedly pro-Syrian officers.<sup>63</sup> Hizbollah also blames the government majority for its rush to push through measures concerning the tribunal, including the December 2005 extension of the investigative commission's mandate to related crimes and the November 2006 endorsement of the UN text.<sup>64</sup> Finally, and though they have yet to officially

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<sup>58</sup> In the 1980s, during the civil war, Hizbollah and Syrian forces clashed; during the 2005 parliamentary elections, Hizbollah and Amal reached an agreement with the Future Bloc and Walid Jumblatt's party, reportedly over Syrian objections; more recently, Hizbollah agreed both to the international tribunal (in the course of the National Dialogue) and to Resolution 1701, again contradicting the position taken by Damascus. Crisis Group interviews, Hizbollah officials, Beirut, December 2006.

<sup>59</sup> Participants in the Dialogue endorsed creation of an international tribunal to be located abroad, composed of Lebanese and non-Lebanese judges and responsible for judging suspects in the murder of Hariri and fourteen related crimes committed since October 2004. See Marie-Anne Muller, “Esquisse du futur tribunal Hariri”, *L'Hebdo Magazine*, 17 November 2006.

<sup>60</sup> Crisis Group interview, Hizbollah leaders, Beirut, December 2006.

<sup>61</sup> Michel Aoun and Nabih Berri also criticised the Mehlis probe. See Crisis Group Report, *Lebanon: Managing the Gathering Storm*, op. cit. p. 12.

<sup>62</sup> Crisis Group interviews, Hizbollah leaders, November-December 2006.

<sup>63</sup> Jamil Sayyed, Ali el-Hajj, Raymond Azar and Mustafa Hamdane.

<sup>64</sup> Regarding the most recent controversy, Hizbollah argues that the text was abruptly introduced at the very time when both sides were negotiating a possible overall compromise. As noted above, the Shiite ministers requested a three-day extension to translate and study the text, which was transmitted in English. When the majority rejected this, the five Shiite ministers resigned.

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Chinese wariness about a tribunal that would circumvent national procedures.

<sup>54</sup> Crisis Group interview, Lebanese analyst, December 2006.

<sup>55</sup> Crisis Group interviews, Samir Frangie, Beirut, 19 and 26 November 2006.

<sup>56</sup> Crisis Group interview, Saad al-Hariri, Beirut, 8 December 2006.

<sup>57</sup> Crisis Group Report, *Israel/Palestine/Lebanon*, op. cit. pp. 14-15.

comment on the draft text, Hizbollah officials have criticised specific provisions.<sup>65</sup>

Political misgivings and procedural concerns aside, there is little doubt that Hizbollah is driven principally by Syria's resolute opposition to the tribunal. The movement's relationship to Damascus is far more nuanced than claims of absolute subservience suggest.<sup>66</sup> But on a matter of vital importance to Damascus and at a time of increased pressure on Hizbollah to disarm, it is virtually impossible for the movement not to oblige. Hizbollah's arms supply transits through Syria; during the war, Syria reportedly provided other critical assistance, including shelter for cadres and family. A Lebanese observer noted: "during the war, the U.S., March 14 forces and most European and Arab states sided with Israel, overtly or quietly. Syria did not participate in hostilities against Israel but guaranteed a supply line and territorial breadth. Who can blame Hizbollah for reciprocating?"<sup>67</sup>

Given heightened regional polarisation and Hizbollah's commitment to an ideologically militant stance, any weakening of Syria also inevitably would undermine its own position. To the extent the tribunal is seen as an instrument to destabilise the regime, Hizbollah's opposition also makes political sense.

Loss of its Syrian ally would fundamentally challenge Hizbollah's ability to survive as an armed resistance movement. Protecting Syria is thus an absolute priority for a movement whose regional policy is based on two core principles: confrontation with Israel and with the United States.<sup>68</sup>

Reluctantly, and to some extent against its better judgment, Hizbollah has thus found itself compelled to fight for a cause that is neither its priority, nor an inspiring battle cry for its wider, militant audience. Sensing Hizbollah's discomfort, and determined to

keep the pressure on Syria, March 14 forces and their foreign allies have made every effort to concentrate on and speed up the tribunal, hoping in their own words to "unmask" Hizbollah,<sup>69</sup> expose it as a Syrian stooge and, by driving a wedge between it and Sunni Islamists, reduce it to its core Shiite constituency.

By the second week of September 2006, the issues of disarmament, regional alliances and the international tribunal intertwined, triggering an escalation in the political crisis. This culminated in the mass resignation of Shiite ministers. Just as the March 14 forces had denounced a Syrian-Iranian plot, so Hizbollah now spoke of a "war that had been planned militarily and politically well before we launched operation 'Promise Kept', [the 12 July 2006 abduction of Israeli soldiers]. The plot involved contacts between the West and certain local forces that shared an interest in destroying Hizbollah and never have ceased casting doubt on the purpose of our weapons".<sup>70</sup> Hizbollah's leader in South Lebanon said:

During the war, we were willing to do anything to avoid disunity; then, immediately after the war, we were hoping that our political opponents would take the new situation into account. But anti-Hizbollah attacks never ceased. And so, we had to ask ourselves: were they not merely instruments in America's hands? Then came the Bristol statement [above], which amounted to surrendering Lebanon's sovereignty for the sake of petty, domestic political interests. Their policies endanger our sovereignty and undermine the spirit of resistance. We cannot accept that the government pay more attention to Feltman [the U.S. ambassador] than to us. And so we decided to end this. For that, we need a national unity government that can guarantee and preserve the victories of the resistance.<sup>71</sup>

## V. THE BATTLE FOR THE GOVERNMENT

### A. BACKGROUND: THE CONSTITUTION AND THE CURRENT CRISIS

After the war, Hizbollah's resentment of March 14 forces grew as it discerned efforts to rob it of its self-proclaimed military victory. As the question of

<sup>65</sup> Criticism has focused, inter alia, on the absence of any mechanism to release detained suspects; the inability to dismiss a judge suspected of bias; and resort in some instances to Anglo-American law (notably, the provision holding a superior responsible for his subordinate's crimes). Crisis Group interview, Ghalib Abu Zeinab, member of Hizbollah political bureau, Beirut, 22 November 2006. Abdel-Halim Fadlallah, vice chairman of the Consultative Centre for Studies and Documentation, a Hizbollah think tank, took issue with aspects that, he claimed, were "unconstitutional" and "challenged Lebanon's sovereignty". Crisis Group interview, Beirut, 7 December 2006.

<sup>66</sup> Crisis Group Report, *Israel/Palestine/Lebanon*, op. cit., p. 12.

<sup>67</sup> Crisis Group interview, Lebanese analyst, December 2006.

<sup>68</sup> Crisis Group interview, Ali al-Amine, journalist at *al-Balad*, Beirut, 23 November 2006.

<sup>69</sup> Crisis Group interview, March 14 leader, Beirut, December 2006.

<sup>70</sup> Crisis Group interview, Nabil Qaouq, Tyre, 17 October 2006.

<sup>71</sup> Ibid.

disarmament and of UNIFIL's mandate came to the fore, Hizbollah leaders moved the struggle to Beirut. In our 1 November 2006 report, Crisis Group commented: "to protect its military presence in the south, Hizbollah will fight politically in the capital".<sup>72</sup> Its calls to form a national unity government – in which it, along with Michel Aoun's Free Patriotic Movement<sup>73</sup> and other sympathetic parties would enjoy a larger share – originated at that time. The question of the tribunal lent this demand even greater urgency. At that point, a U.S. official said, it became "a race between our efforts to establish the tribunal and Hizbollah's efforts to bring the government down".<sup>74</sup>

The November resignation of five Shiite and one Christian minister was a critical step. Invoking the constitution's preamble – which states that "there is no constitutional legitimacy for any authority which contradicts the 'pact of communal coexistence'"<sup>75</sup> – President Lahoud and the opposition maintain that decisions taken by a government that does not include Shiite representatives are invalid. The argument is rejected by the March 14 forces, who claim that this provision does not apply to a wilful decision by one community to resign and that the government remains in place unless the parliament passes a vote of no-confidence or either the prime minister or more than a third of the cabinet resigns.<sup>76</sup> Regardless, at least since the 1989 Taif agreement that ended the civil war, Lebanon's political system has operated on the basis of consensus among various communities and sectarian groups. The resignation of all Shiite members may not

legally prevent the government from governing;<sup>77</sup> politically, it almost undoubtedly does.

A principal means by which Taif and the constitution established a power balance was through the so-called two-thirds rule: all decisions touching on "basic national issues" (which include treaty adoption) must be approved by two thirds of the cabinet, and defection by more than one third of the cabinet forces the government to resign. The request by Hizbollah and its allies for what is variously called a "blocking" (by March 14 forces) or "participating" (by Hizbollah) minority of one third plus one is thus intended to enable the opposition not only to prevent passage of sensitive laws, but also to bring the government down at the time of its choosing.

In the 24-member government that was formed in the elections' aftermath, the opposition initially had nine members, giving it a one third plus one blocking minority. However, the defection of two ministers who had been considered close to President Lahoud, Charles Rizq and Elias al-Murr, has deprived them of this power. Given the September 2007 election of a new president by the Chamber of Deputies, granting the opposition this power would be all the more significant, for it would allow it to usher in a comprehensive institutional vacuum by both forcing the cabinet's resignation and blocking the presidential election.<sup>78</sup>

## B. WHAT HIZBOLLAH WANTS

Although Hizbollah first requested a national unity government prior to the war, it did so far more vehemently in its wake. In early September, it publicly articulated the harsh feelings that earlier had been expressed in private, describing Siniora's government as embodying a "culture of defeat".<sup>79</sup> Ali Amar, a Hizbollah member of parliament, asserted: "we will keep our weapons, and whoever wants to negotiate their fate can do it with the shoes of our young martyrs from Qana [location of an Israeli strike that caused the

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<sup>72</sup> Crisis Group Report, *Israel/Hizbollah/Lebanon*, op. cit., p. 11.

<sup>73</sup> Aoun is a prominent Christian Maronite who went into exile in 1990, when he forcefully opposed Syrian troops and their then-Christian supporters. Upon his return in 2005, he found partners among Syria's closest allies, including Hizbollah. He capitalised on growing Maronite resentment over Sunni assertiveness after Hariri's death to achieve remarkable success in the 2005 parliamentary elections. He has since been part of the opposition and has concluded a deal with Hassan Nasrallah.

<sup>74</sup> Crisis Group interview, U.S. official, Washington, November 2006.

<sup>75</sup> Lebanon Constitution, Preamble (j). Legally, the argument is a stretch. The constitution does not define "communal coexistence", and a sectarian reading is not the only possible one. The opposition also builds its case on Article 95, which provides that "the confessional groups are to be represented in a just and equitable fashion in the formation of the cabinet".

<sup>76</sup> Crisis Group interview, adviser to Prime Minister Siniora, Beirut, December 2006. As a result of the 2005 elections, the March 14 forces control 71 of the 128 parliamentary seats, the bulk belonging to Saad al-Hariri's and Jumblatt's parties.

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<sup>77</sup> Technically, only parliament can declare a government unconstitutional. Crisis Group interview, Mikhail Dahir, Lebanese jurist, Beirut, 18 December 2006.

<sup>78</sup> Crisis Group interview, adviser to Prime Minister Siniora, Beirut, 8 December 2006. The scenario would be as follows: the government collapses; the president's term expires; there is no agreement on a new presidential candidate because the parliamentary majority lacks the required two-thirds quorum; although in theory the president's powers are to be temporarily transferred to the council of ministers, that body would not exist.

<sup>79</sup> Ali Amar, in *Al-Akhbar*, 12 September 2006.

death of 28 civilians, including sixteen children]!”<sup>80</sup> On 12 September, Hassan Nasrallah announced that the movement was reconsidering its attitude toward the government majority, spelling out as its objective an institutional mechanism to protect Hizbollah’s weapons:

The March 14 forces want to remain in power. Today, that presents us with a real problem because they don’t want power for the sake of exercising power. They want power to fulfil their political and economic commitments [to the U.S. and France]. If we have a blocking third [*thulth muatal*], they no longer will be able to live up to these commitments.<sup>81</sup>

In echo, Hashem Safi Eddine, Nasrallah’s cousin and member of Hizbollah’s Executive Council, explained: “when you win a war, you can ask for anything. But to protect national unity, all we are asking for is to broaden the government”.<sup>82</sup>

“Broadening” the cabinet thus clearly means obtaining a “blocking third”<sup>83</sup> to safeguard it from hostile governmental actions and give it the “option of freezing the decision-making process”<sup>84</sup> – i.e., halting decisions against its weapons or in favour of the international tribunal. It is thus essentially a negative agenda, focused on what the movement and its allies wish to prevent rather than promote, an attitude very much of a piece with Hizbollah’s traditionally ambivalent posture toward the state.

Above all determined to survive as an armed movement, Hizbollah never made a priority of its domestic policy agenda; it has long relinquished the goal of establishing an Islamic state, and acknowledges the need to take into account the nation’s confessional diversity.<sup>85</sup> It has said practically nothing about the policies it would want a national unity government to promote other than protection of the resistance and rejection of U.S. domination. Nasrallah’s claim that Hizbollah need not be included in a new government at all, so long as the opposition has a blocking third, encapsulates this dual

approach to the state: a desire not to make policy but to thwart aspects of it; not to be sullied by governmental decisions but protected from them.

In this sense, Hizbollah acts less as an Islamist party than as a resistance movement for whom relations with the state are only a secondary preoccupation. Virtually all its recent actions – its posture during negotiations over Resolution 1701; growing hostility toward the March 14 forces; attitude toward the tribunal; and, now, its demand for veto power in a new government – are best understood in light of the determination to preserve its armed status and identity as a resistance movement.

More generally, Hizbollah’s growing proximity since 1992 to the centre of power has reflected its shifting calculation of how best to ensure state acquiescence in – and non-obstruction of – these core objectives, rather than any desire to promote a particular domestic agenda. It largely explains its decision to join parliament in 1992 in the wake of the Taif agreement (which called for the dismantling of all militias);<sup>86</sup> its decision to join the government in 2005 following Syria’s withdrawal and adoption of UN Security Council Resolution 1559 (which, again, demanded its disarmament);<sup>87</sup> and, finally, its decision to seek a new national unity government at a time of increased domestic and international pressure against it and its Syrian ally.

Hizbollah’s insistence in this latter case that General Aoun be included in the broadened government – and its statement that its own members need not be included at all – reflects important aspects of its strategy. It does not wish to be suspected of pursuing hidden, sectarian agendas. It does not want protection of the resistance to be viewed as a purely Shiite, sectarian objective. It wants a transconfessional counterweight to the government majority. And it seeks to block hostile decisions rather than promote favourable ones. All this is in the context of what

<sup>80</sup> Ibid.

<sup>81</sup> Interview with Al Jazeera, 12 September 2006.

<sup>82</sup> Speech attended by Crisis Group on the occasion of Jerusalem Day, Nabatiyeh, 20 October 2006.

<sup>83</sup> Hizbollah now prefers to evoke a “participating third”.

<sup>84</sup> Crisis Group interview, Mahmoud Qumati, 11 October 2006.

<sup>85</sup> Hizbollah never officially advocated the establishment of an Islamic state; as it gradually increased its participation in electoral politics, it clarified its position, calling for a “just state” (*dawla adila*) – stressing the need for social justice and an end to corruption. Crisis Group interview, Abdelhamid Fadlallah, deputy director of the Consultative Centre for Studies and Documentation, Beirut, 18 December 2006.

<sup>86</sup> Crisis Group interview, Nabil Qawouq, Hizbollah leader in the south, Tyre, 11 October 2006.

<sup>87</sup> Significantly, and as a result of Hizbollah’s pressure, the cabinet guidelines state: “the government considers that Lebanon’s resistance is a sincere and natural expression of the Lebanese people’s right to defend its land and dignity in the face of Israeli aggression, threats and ambitions, as well as of its right to continue its actions to free Lebanese territory”. The government also asserted its determination to “pursue the issue of prisoners and detainees held in Israeli jails and requests the international community to pressure Israel in order to obtain their release”. Reproduced in *Diary of the Israeli War on Lebanon* (Beirut, 2006), p. 324. Hizbollah invoked these words to justify its July armed operation.

Hizbollah clearly sees as a concerted attempt – by March 14 forces as well as pro-Western Arab regimes that worry about the movement’s wide regional post-war resonance – to cut it down to size and lessen its pan-Arab aura by highlighting and fuelling Sunni-Shiite divides.<sup>88</sup>

### C. DEFINING THE DEADLOCK

The positions taken by the various parties appear hopelessly unbridgeable, despite numerous compromise proposals, most notably by the Lebanese Patriarch and Arab League. While open to a new government in which crucial decisions could not be taken without opposition consent, or even to a temporary technocratic government to be followed by early elections, the majority insists on establishing the tribunal before any cabinet change.<sup>89</sup> Both Hizbollah and Aoun reject the suggestion, arguing they do not trust the majority will keep its word and that only a government that reflects a broad consensus should take action on the tribunal – whose establishment, they both claim to support in principle.<sup>90</sup> Aoun in particular reacted angrily to the implication that the majority does not trust that a new government will endorse the tribunal:

They have my word, and if they don’t trust me then that is their problem. I commit before you that all my ministers in a new government will vote for the tribunal, without even reading the text! With my ministers’ votes, there will be a supra-majority in favour of the tribunal. Why is that not good enough?<sup>91</sup>

To break the impasse on sequencing – which would come first, the tribunal or the new government? – some suggested that majority and opposition should proceed along two parallel negotiation tracks, it being understood that parliament could only ratify the agreement as a package deal. Though couched in different forms, Hizbollah’s refusal appeared to signal rejection of any compromise entailing prior or even simultaneous establishment of the tribunal, at least in its current

form.<sup>92</sup> In conversations with Crisis Group, Hizbollah officials implied that whatever flexibility they might have could not be manifested now: “test us over time. We have said we approve the principle of a tribunal. Set up a new government and see what we do”.<sup>93</sup>

Seeking to bridge the gap, the Arab League suggested that a new government be set up concurrently with the conclusion of an informal, albeit detailed and Arab League-sponsored, agreement on the tribunal and that the parties commit that the government’s first order of business be endorsement of the agreement.<sup>94</sup> (The proposal also involved early presidential and parliamentary elections, a feature of most plans). Accepted in principle by Hizbollah and its allies, it has been rebuffed by the March 14 forces, who counter that an informal agreement – regardless of Arab League sponsorship – offers insufficient guarantees, particularly if the opposition enjoys a blocking third. Any agreement to form a new government prior to the tribunal establishment would be, in Samir Frangié’s words, a “trap”.<sup>95</sup>

While the core of the disagreement clearly involves the tribunal, the government make-up also is controversial. The opposition’s demand for one third plus one membership in the cabinet was turned down by the majority, which fears being held hostage to the perpetual threat of a cabinet collapse – and, as seen, to the possibility of an institutional vacuum at the expiration of President Lahoud’s term. Instead, the March 14 forces offer the idea of a cabinet comprised of nineteen of its members, nine opposition members, plus one each chosen by the two sides. These last two ministers could not vote in the event of a nineteen/nine split on vital matters, thereby ensuring both that the March 14 forces would lack a two-thirds majority to impose a decision and that the opposition would lack

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<sup>88</sup> Crisis Group interviews, Hizbollah officials, Beirut, December 2006.

<sup>89</sup> Crisis Group interview, adviser to Prime Minister Siniora, Beirut, December 2006.

<sup>90</sup> Crisis Group interviews, Hizbollah officials, December 2006.

<sup>91</sup> Crisis Group interview, General Aoun, Beirut, 8 December 2006. March 14 leaders dismissed this idea, claiming that Aoun was now beholden to Hizbollah and would not risk alienating it, regardless of any commitment he might make. Crisis Group interviews, Beirut, December 2006.

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<sup>92</sup> Responding to Hizbollah’s argument that the current government has no authority to endorse the tribunal since the absence of Shiite ministers makes it unconstitutional, it was suggested that the five ministers return for the exclusive purpose of voting on the text. A Hizbollah leader turned down the idea. Crisis Group interview, Mahmoud Qumati, Beirut, 14 December 2006.

<sup>93</sup> Crisis Group interview, Hizbollah leader, Beirut, December 2006.

<sup>94</sup> Under the proposal of Secretary General Amre Moussa, a committee comprising two judges, two opposition members and two members of the 14 March forces would negotiate an agreement on the tribunal, which would then be “informally” adopted by the parties and await the establishment of a new national unity government for formal approval.

<sup>95</sup> Crisis Group interview, Samir Frangié, Beirut, 26 November 2006.

the one third plus one minority to bring down the government.<sup>96</sup>

A proposal under which the majority would have nineteen ministers, the opposition ten, with a final minister chosen by the opposition but approved by the majority and without the right to vote on sensitive matters, was being seriously considered by both sides.

## VI. LEBANON AT A TRIPWIRE

### A. A DANGEROUS RE-CONFESSONALISATION

During the war and as long as the predominant issue was seen to be the fate of the resistance, Hizbollah enjoyed support from important Sunni Islamist groups, the most significant being Jamaa Islamiya. As Ibrahim al-Masri, Jamaa Islamiya's deputy secretary general, put it at the time, "every Hizbollah martyr is our martyr because a Hizbollah defeat is a Zionist victory. If the resistance loses, Palestine loses".<sup>97</sup> But increased focus on the international tribunal and the shape of the government has reconfigured the political scene. Hizbollah's ambivalent attitude toward the tribunal came at an important domestic cost, as Sunnis virtually unanimously support it. In the words of a Sunni sheikh, "in the battle between Israel and Hizbollah, I am with Hizbollah. But in the battle between Hizbollah and the government, I am with the government".<sup>98</sup>

The sight of large numbers of Shiites taking to Beirut's streets – a city still broadly divided along sectarian lines – alarmed many among the Sunni community who considered this a graphic display of a confessional power-play designed to weaken them. The presence of a largely Shiite crowd in downtown Beirut – as opposed to their stronghold in the southern suburbs – was particularly striking, seen by many Sunnis as the geographic manifestation of their political ambitions. As fears spread, so did the most alarmist interpretations of Hizbollah's motivations. According to a member of Hariri's Future Bloc, Hizbollah's attempt to stifle activity in the capital "also aims at suffocating Sunnis and Christians. Everyone knows that Shiites for the most part invest abroad and in the banking sector,

whereas Christian and Sunni investments are domestic".<sup>99</sup> A young Sunni businessman from Tripoli with ties to the Islamists added: "we know Hizbollah wants to marginalise political expressions of Sunni Islam".<sup>100</sup>

As plainly manifested in the massive 10 December demonstration – arguably the largest in the nation's history – Hizbollah retains unmatched capacity to mobilise its power base. But that constituency is becoming less diverse – essentially narrowing down to the vast majority of Shiites, Aoun's disciplined and loyal Christian followers and a handful of smaller groups that are close to Syria – and the causes around which it rallies are becoming less clear-cut. A leader of Jamaa Islamiya, the most important Sunni Islamist group, commented: "Hizbollah is waging a struggle against its own self-interests. Its real cause is and should remain the resistance. But today it is defending other parties' interests, which is turning this into a confessional conflict".<sup>101</sup>

Hizbollah retains some trans-confessional support, but it is fragile and principally rooted in narrow political considerations rather than genuine solidarity with its militant ideological stance. Aoun is motivated at least in part by his presidential ambitions.<sup>102</sup> His traditional opposition to Syrian dominance and support for UN Security Council Resolution 1559 and the disarming of militias, as well as his desire for good relations with the West, at the very least suggest possible future discord with the movement.<sup>103</sup> Hizbollah's few other remaining non-Shiite allies appear driven by political calculations based on Syrian backing, as well as intra-Sunni and intra-Druze rivalries.

Among Sunnis in particular, Hizbollah backers are fewer, more marginalised and increasingly run the risk of losing local support. This is particularly true in March 14 Sunni strongholds such as Saida, the Akkar region and Tripoli, which has witnessed strong pro-Siniora rallies. Mounting tensions between Hizbollah and Saudi Arabia, coupled with the Kingdom's increased support for Lebanon's Sunnis and more overtly sectarian regional strategy,<sup>104</sup> also contributed

<sup>96</sup> Crisis Group interview, adviser to Prime Minister Siniora, Beirut, December 2006.

<sup>97</sup> Crisis Group interview, Ibrahim al-Masri, Beirut, 28 July 2006.

<sup>98</sup> Abdelghani Emad, a professor at the Lebanese University, heard this from a Sunni sheikh. Crisis Group interview, Tripoli, 5 November 2006.

<sup>99</sup> Crisis Group interview, member of Futur Bloc, Tripoli, 2 December 2006.

<sup>100</sup> Crisis Group interview, Tripoli, 18 November 2006.

<sup>101</sup> Crisis Group interview, Ibrahim al-Masri, deputy secretary general of Jamaa Islamiya, Beirut, 5 December 2006.

<sup>102</sup> Crisis Group interview, Lebanese observer, December 2006.

<sup>103</sup> Crisis Group interview, General Aoun, Beirut, 8 December 2006.

<sup>104</sup> Saudi officials are increasingly blunt about their opposition to Iranian policies and support for Iraq's Sunnis. See Crisis Group Middle East Report N°60, *After Baker-Hamilton: What to do in Iraq*, 19 December 2006.

to salafi hostility toward the Shiite movement.<sup>105</sup> According to a Sunni Islamist militant, “the reaction of the Sunni street, especially in the north, took even us by surprise. The Sunni street is ready to confront the Shiite street”.<sup>106</sup> Since Hizbollah’s decision to launch vast demonstrations in the middle of Beirut, a number of essentially Sunni counter-demonstrations have been organised in other areas; Siniora, increasingly, is being portrayed as leader of the Sunni community – a status his partisans laud and his opponents fear. Omar Karamé, a former prime minister and influential Sunni leader in the north, cancelled his planned speech at Hizbollah’s 10 December rally, reportedly for this reason. “The confrontation has become so intense that Karamé’s national agenda no longer is compatible with his local support base in Tripoli, which is now lining up behind Siniora”.<sup>107</sup>

Like the opposition, the coalition surrounding the prime minister is a heterogeneous assortment of often contradictory ideologies and agendas that run the gamut from radical salafists to pro-Western secular Sunnis. Their unity is founded on “a platform of defending Sunnis, not promoting a political project”.<sup>108</sup> On any number of political issues, they find themselves at opposite ends of the spectrum. But the sectarian pull, today, is strongest. In response, Hizbollah has highlighted what Sunni backing it still enjoys, for instance by inviting a Sunni imam, Fathi Yakan – who founded Jamaa Islamiyya but has since split from the group – to lead its Friday prayers on 8 December. But such symbolic gestures are unlikely to reverse the sectarian trend which every casualty or clash strengthens.

Tensions run highest at the border-lines where confessional groups meet, most notably in Beirut and particularly when demonstrators from one community venture into neighbourhoods dominated by another. Since the initial clashes that followed the assassination of Pierre Gemayel, a prominent March 14 leader, industry minister and son of a former president, these neighbourhoods have witnessed clashes. So far, dozens have been wounded and one killed. The situation is especially tense at the crossroads between the Shiite

neighbourhood of Shiah and the Maronite neighbourhood of Ayn el-Roummaneh, the place where the 1975 civil war began, well known for its high concentration of drugs, weapons and delinquents.<sup>109</sup> Elsewhere, Shiites reacted to insults directed at them and Narsrallah, throwing stones at a Sunni mosque and at the tomb of Saeb Salâm, a historic Sunni leader.

## B. THE ERA OF STREET POLITICS

One of the more striking aspects of the unfolding crisis has been the prominent role of street politics. This is not entirely new. Four times already since independence in 1943 political changes have come about through popular protests rather than elections, the most recent being the 2005 so-called Cedar Revolution that forced Prime Minister Karamé’s resignation.<sup>110</sup> But recent developments suggest it is becoming a routine political instrument favoured by all sides, a substitute for institutional, constitutional procedures. Hizbollah may not be able to mobilise large crowds on a daily basis, as the declining number of protesters attests; but it undeniably retains the capacity to bring out huge crowds at regular intervals and to find other ways to disrupt normal life, as it is giving every indication it intends to do. As one mass uprising follows another, Lebanon appears to be experiencing a permanent revolution.

The 2005 uprising was compared to Ukraine’s Orange Revolution; today, General Aoun proudly proclaims this affiliation. In his 10 December speech before hundreds of thousands, he threatened to march on the prime minister’s office, invoking the Ukrainian and Serb cases that, at the time, the West had applauded. Taking a page from those precedents, he called for the establishment of a transitional government and then early elections. Even some of the protest rituals are similar: the occupation of important symbolic locations, setting up of tents and largely playful atmosphere.

Unlike Ukraine, however, Lebanon does not pit the street against the government, but one street against another. The demonstrations, notably, always go in pairs: 8 March 2005 versus 14 March 2005; 23 November 2006 (support for Siniora government) versus 1 December 2006 (anti-government); and, on 10 December, Hizbollah’s massive gathering in Beirut

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<sup>105</sup> In Tripoli, Sunnis displayed Saudi flags and thanked the Kingdom for its post-war financial largesse. A poster first spotted in a poor Tripoli neighbourhood but that made its way to Beirut read: “Oh Saad [Hariri], you are our eyes. Give us weapons, and we will do the rest”. October 2006.

<sup>106</sup> Crisis Group interview, member of Jamaa Islamiyya, Beirut, 4 December 2006.

<sup>107</sup> Crisis Group interview, Abdelghani Emad, Lebanese University professor, Tripoli, 11 December 2006.

<sup>108</sup> Crisis Group interview, Asad Harmouche head of Jamaa Islamiyya political bureau, Beirut, 16 June 2006.

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<sup>109</sup> According to some witnesses, residents of Shiah prepared their weapons the night Gemayel was assassinated, fearing reprisals from their Ayn al-Remayné neighbours. Hizbollah and Amal officials pressed them to remain inside their homes. Crisis Group interviews, 28 November 2006.

<sup>110</sup> The other occurrences were in 1950, 1958, and 1992.



versus the impressive pro-government rallies in Tripoli. As each side counts its partisans and inflates its numbers, the competition, inevitably, ends in a draw. Lebanon is cut almost precisely down its confessional middle. It is unlikely that either side can win; impossible that either will win for long.

### C. CIVIL WAR: STILL UNLIKELY, NO LONGER UNTHINKABLE

Until now, most Lebanese have summarily brushed aside the threat of civil war,<sup>111</sup> citing four principal reasons: the memory of the last such conflict; the fact that only one side possesses weapons; the army's neutrality; and the fact that the leaders on all sides are aware they stand to lose more than to gain from violence. Yet, while a large number of Lebanese have no desire to relive the devastation of the past, many are too young to remember; as passions flare up, one increasingly hears of a willingness to die as martyrs.<sup>112</sup>

Likewise, although Hizbollah clearly possesses by far the most formidable arsenal and the only (private) strategic ones (such as long range rockets), individual weapons adapted to urban combat are plentiful, spanning all confessional groups. "True, the militias were disarmed. But that does not mean that their weapons have been turned in. Many families are still armed, and there are many caches in the mountains".<sup>113</sup> Relatively affordable weapons are available on the black market, a Kalashnikov costing between \$100 and \$200 and a rocket-propelled grenade going for roughly the same.<sup>114</sup> Rumours concerning a broad rearmament effort are rampant; true or not, they add tension and might precipitate a dangerous arms race.<sup>115</sup>

The military's non-partisanship so far has helped guarantee stability, and it arguably is the most credible and popular state institution. From the time it refused to take action against the 14 March demonstrators, it has maintained strict neutrality, protecting both the presidential and prime minister's headquarters. Michel Soleiman, the highly respected head of the army, who is viewed by most political parties as independent, recently said: "in contrast to the situation on the eve of the outbreak of the civil war in 1975, where the army was neutralised by political divisions, ... today it stands united and enjoys the trust of the people".<sup>116</sup> Yet here, too, circumstances could change. Neither the army nor the security services is above sectarian loyalties and divisions: the army traditionally is a Maronite stronghold; the officer corps reportedly counts a large number of Hizbollah loyalists;<sup>117</sup> Internal Security is considered close to the March 14 forces.<sup>118</sup> Should more extensive and violent clashes erupt, rifts could well spread to the security sector.

There is little doubt that both Hizbollah and March 14 leaders wish to avoid an all-out war that neither side would win. While Hizbollah is stronger, its participation in a confessional conflict would grievously harm its reputation as a militant, pan-Arab movement; reduce its regional stature; and put the disarmament question at the top of the national agenda. But the convergence of a seemingly intractable political dispute, widening distrust, paralysed state institutions, increased resort to street politics, rampant re-confessionalisation and a highly polarised regional context has created the most volatile crisis since the end of the country's fifteen-year internal confrontation. As a Lebanese analyst put

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<sup>111</sup> March 14 sympathisers told Crisis Group that merely evoking the danger of a civil war played into Hizbollah's hands by putting more pressure on the government to compromise on the key stumbling bloc, the tribunal. "Hizbollah cannot afford a civil war, and we will not allow Lebanon to be dragged into one. But they use the fear of one to intensify their pressure". Crisis Group interview, Lebanese analyst and March 14 sympathiser, Beirut, December 2006.

<sup>112</sup> For a good sample, see the *Los Angeles Times*, 30 November 2006.

<sup>113</sup> Crisis Group interview, Sunni Shaykh from the Tripoli region, November 2006.

<sup>114</sup> Crisis Group interview, Lebanese journalist, Beirut, 5 December 2006.

<sup>115</sup> Hizbollah officials claim to have seized a large quantity of weapons that were being delivered to Walid Jumblatt and to have used them during the war – leading them to quip that "in that respect, Jumblatt participated in the resistance". Crisis Group interview, Hizbollah official, Beirut, 26 November

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2006. They also maintain that foreign parties recently sent weapons to both Jumblatt's party and Geagea's Lebanese Forces. Interior ministry officials told Crisis Group that some political leaders were significantly boosting their personal protection units, turning them into quasi-militias. Crisis Group interviews, Beirut, 20 August 2006.

<sup>116</sup> Agence France-Presse, 29 November 2006.

<sup>117</sup> A March 14 official contends that Nasrallah "controls" some 160 officers. Crisis Group interview, Beirut, 12 November 2006.

<sup>118</sup> During Syria's military presence, the internal security forces were significantly under-equipped. They have since been progressively strengthened; the army's deployment to the south pursuant to Resolution 1701 has made it all the more important to bolster their capacity. Crisis Group interview, Ashraf Rifi, director general of Internal Security, Beirut, 12 September 2006. Abdo Saad, managing director of the Beirut Centre for Research and Information, accused them of acting like a pro-March 14 "militia". Crisis Group interview, Beirut, 15 October 2006. While some have accused the internal security forces of being dominated by Sunnis, statistics provided by them suggest otherwise.

it, reflecting on Iraq's catastrophe, "civil wars are rarely organised, planned, or wanted. They happen".<sup>119</sup>

## VII. CONCLUSION

As rejection of one compromise follows rejection of another, it is becoming ever more plain that the question of the tribunal – of central importance to Syria, the March 14 forces and the U.S. – lies at the core of the problem, that the problem has no immediate solution and that the crisis is splitting the country in two. Establishing the tribunal, determining responsibility for Hariri's murder and ensuring accountability are legitimate goals. But these need to be pursued intelligently – indeed, more intelligently than they have been so far – if additional Lebanese lives are not to be lost.

The question of the tribunal cannot be viewed in isolation from broader inter-Lebanese and international dynamics. Syria is looking for credible guarantees that it will not be used as an instrument against the regime, whereas the U.S. sees the tribunal precisely as an ideal means of isolating, pressuring and destabilising Syria. For France and many among the March 14 forces, the tribunal should serve to consolidate what was achieved with Resolution 1559 by forcing the ouster of one or more key regime figures and dissuading Syria from reasserting its hegemony over Lebanon. Finally, and at a more personal level, both French President Chirac and Saad al-Hariri are determined on revenge against those believed to have murdered a friend and a father. In short, the tribunal's partisans have an interest in holding accountable senior Syrian officials, which is precisely what Damascus cannot accept.

As it unfolds, the crisis has every chance of harming many and helping virtually no one. Lebanon's independence and sovereignty need to be defended and strengthened. But to choose it as the arena for a full-fledged confrontation with Syria is a misguided and dangerous strategy – one that is likely to destabilise Lebanon well before it destabilises Syria. Instead, the objective should be to uncover responsibility for Hariri's murder, deter future Syrian illegitimate interference in Lebanese affairs, promote regional stability through a new U.S.-Syrian relationship and, in Lebanon, peacefully resolve the political and institutional impasse.

This suggests that any sustainable solution must rest on several important building blocs:

**The need for consensus.** Lebanon cannot be governed without the agreement of all its principal constituents. Outside actors in particular must realise there can be no clear-cut victory for either side and should not push their allies to take uncompromising positions. For the U.S., that means refraining from pushing Siniora into a confrontation with Hizbollah as well as acquiescing in the need for a unity government. For Syria, it means realising that a vast majority of Lebanese support the tribunal, a quasi-unanimity reflected in the fact that no party has formally rejected its principle. (Indeed, Syria itself has implicitly accepted the principle of an international probe by cooperating with it, challenging its politicisation or legal irregularities rather than its legitimacy.) The opposition's objections notwithstanding, the tribunal must be part of any deal if it is to be credible. For Hizbollah, getting beyond this matter offers at least two significant benefits: extrication from its current predicament and help in regaining its trans-confessional appeal as a militant, anti-imperialist standard-bearer.

**Addressing concerns about the tribunal's impartiality and politicisation.** While technical concerns voiced by Syria and the Lebanese opposition likely conceal more fundamental objections to the tribunal, these nonetheless ought to be taken seriously, especially given questionable aspects of the investigation and legitimate fears that the process is designed to undermine the Syrian regime. To alleviate some of these fears, the tribunal's statutes should be re-examined and redrafted by a commission made of up judges and members of both the majority and the opposition, in order to maximise guarantees of independence and non-politicisation.

In conversations with Crisis Group, Syrian officials and members of the Lebanese opposition have focused their criticism on Article 3.2 of the tribunal's statutes, which provides that a superior will be held responsible for crimes committed by a subordinate "under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates" – a clause that some fear could implicate senior officials with no direct responsibility for the murder.<sup>120</sup> The article should be amended to tighten the necessary link between superior and subordinate, without, of course, exonerating any superior directly involved in the crime. Members of the March 14

<sup>119</sup> Crisis Group interview, Lebanese analyst, Beirut, December 2006.

<sup>120</sup> Hizbollah raised this issue early on. Crisis Group interviews, Hizbollah officials, Beirut, November-December 2006.

coalition have indicated some openness toward this idea, if it could resolve the deadlock.<sup>121</sup>

**Strengthening Lebanon's institutions.** In the short term, this entails presidential and parliamentary elections. Just as the majority challenges the president's legitimacy (insofar as his mandate was only extended under Syrian pressure to amend the constitution), so too does the opposition question the credibility of a parliament elected on the basis of a disputed electoral law.<sup>122</sup> Resolving the current crisis will require a broader package deal involving revision of the electoral law and elections for a new president and parliament.

Although neither majority nor opposition has clearly indicated what kind of electoral law it backs, significant progress has been made by the independent and widely respected Boutros Commission, which gave its recommendations to the government on 1 June 2006. Its proposal would more fairly apportion power between various confessional groups and promote competition through a mix of majoritarian and proportional representation.<sup>123</sup> No political party has rejected its conclusions.

In the longer term, Lebanon's dysfunctional political system must be more thoroughly rectified, including through gradual de-confessionalisation and reform of the justice and security systems, since the current mix of sectarianism and weak central government invites both paralysis and foreign intervention.

Crisis Group, therefore, proposes the following compromise plan, which draws on several currently mooted:

- establishment of a joint committee (independent judges, members of majority and of opposition) to agree on revisions to the tribunal's statutes, focusing in particular on Article 3.2;
- endorsement by parliament of a broad package deal including the tribunal, a new national unity government (nineteen members of the majority; ten belonging to the opposition, and one without the right to vote on sensitive matters, a compromise designed to ensure neither a dominating two thirds nor a government-destroying one third plus one) and a new electoral law; and

- choice of a new president to assume office at the expiration of Lahoud's term and early parliamentary elections.

Ultimately, however, there can be no sustainable resolution of the Lebanese crisis without a broader, regional resolution. This must begin with immediate U.S.-Syrian engagement. The U.S. strategy of isolation and pressure has not only failed, it has backfired. As Crisis Group has argued, Syria cannot be expected to cooperate with a U.S. administration that has made no secret of its goal to undermine it.<sup>124</sup>

**Beirut/Brussels, 21 December 2006**

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<sup>121</sup> Crisis Group interview, March 14 member, Beirut, 20 December 2006.

<sup>122</sup> For a discussion of the electoral law, see Crisis Group Report, *Lebanon: Managing the Gathering Storm*, op. cit.

<sup>123</sup> Crisis Group interviews, three members of the Boutros Commission, Beirut, 20-21 December 2006.

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<sup>124</sup> Crisis Group Report, *After Baker-Hamilton*, op. cit.



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