

Presidential Choices

1998

Challenges of the Millennium

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Also by the author

Islamic Law and Finance (edited), London: Graham and Trotman, 1988.

Islamic Family Law (edited, with J. Connors), London: Graham and Trotman, 1990.

The Renewal of Islamic Law Cambridge: Cambridge University Press, 1993. Translated in Arabic, with a new introduction, *Tajdid al-Fiqh al-Islami*, Dar al-Nahar, Beirut, 1998.

Islam and Public Law (edited), London: Graham and Trotman, 1993.

Water in the Middle East: Legal, Political and Commercial Implications (edited, with J.A. Allan), London and New York: I.B. Tauris, 1995.

Commercial Law in the Middle East (edited, with H. Lewis Ruttley), London and the Hague: Graham and Trotman for Kluwer Law International, 1995.

Yearbook of Islamic and Middle Eastern Law: Vol.1, 1994 (edited, with E. Cotran), London and the Hague: Kluwer Law International, 1995.

The Palestinian–Israeli Accords: Legal Perspectives (edited, with E. Cotran), London and the Hague: Kluwer Law International, CIMEL series 1, 1996.

Yearbook of Islamic and Middle Eastern Law: Vol.2, 1995 (edited, with E. Cotran), London and the Hague: Kluwer Law International, 1996.

The Middle East into the 21st century, Reading: Garnet, 1996 (Paperback edition 1997)

Yearbook of Islamic and Middle Eastern Law: Vol.3, 1996 (edited, with E. Cotran), London and the Hague: Kluwer Law International, 1997.

Al-Ri'asa al-Lubaniyya baynal-Ams wal-Ghad, Beirut, Dar al-Nahar, 1998.

Yearbook of Islamic and Middle Eastern Law: Vol.4,1997 (edited, with E. Cotran), London and the Hague: Kluwer Law International, in press.

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Presentation

In many ways Lebanon can face the new millennium with confidence.

Never before has the world looked so Lebanese. Globalism, multiculturalism and the growing importance of human ingenuity are forces that will shape the twenty-first century even more than they have characterised the last years of the twentieth. The classical Lebanese virtues of invention, multilingualism, internationalism and flexibility have never before seemed so in tune with the economic, political and cultural realities of the age.

And yet, at a time when the country should be looking forward with optimism and resolve, there is a deep malaise in our national life. Great strides have been made in recovering from the civil war of 1975-90, but there remains a profound lethargy hanging over many aspects of our country.

Nowhere is that lethargy more evident than in our politics. Many citizens - especially the young - have turned their backs entirely on the day-to-day squabbling of the people at the top, who at its worst reduce politics to petulant displays of bad temper and at best convert politics into a matter of sharing out posts and resources.

Behind and below those at the top is an array of institutions and a bureaucracy which are locked in outdated mind-sets and which serve as obstacles to those within our society - in business, culture, and among ordinary citizens - who have the imagination and drive to tackle the country's problems and take their own place in the world of the new millennium. Reform is well overdue.

At the very top of the political system stands the office of the president. Contrary to some popular perception, the presidency remains a powerful institution. Despite regional and domestic constraints, the presidency retains an important leeway for shaping and influencing the destiny of Lebanon.

1998 sees the last election of the president this century. The risk is high for the result to be the product of the malaise which afflicts our politics, rather than the opportunity to begin the process of replacing that malaise with a new sense of national purpose and direction.

But there is no preordained outcome. Discussion and transparency are the life-blood of democracy. They are now essential pre-requisites for success of any sort in the global village that the world is becoming. Changing our institutions is not an optional extra, it is an absolute and crying necessity. And there is nowhere more important to begin than at the top - with the presidency. Simply said, that is why I have written this study, which intends to both register a protest and express a hope: a protest – which I think is not felt by one sole individual; a hope – because I believe this country has much to offer to the world.

At the onset of the new millennium, Lebanon stands at a crossroads: whether the malaise conquers our creativity, or whether our creativity overcomes the malaise will determine the future of our country. The spirit of the new presidency will determine whether Lebanon builds on its very real qualities and achieves lasting success - or whether it sinks into mediocrity and backwardness.

Beirut, 10 September 1998

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Argument, in which this brief study is further summarised

Chapter one, on history, in which argument is made for respecting a unique Lebanese tradition of regular and pacific change at the top.

Chapter two, on constitutionalism, in which argument is made for fully appreciating the key constitutional role of the presidency.

Chapter three, on taking stock, i: the Hrawi presidency, in which argument is made for carrying further the achievements, and leaving behind the shortcomings, of Mr Hrawi's nine years in office.

Chapter four, on taking stock, ii: The Hariri years, in which argument is made for carrying further the achievements, and leaving behind the shortcomings, of Mr Hariri's six years in office.

Chapter five, on process and profile, in which argument is made for enhancing the process and ignoring the vain search for 'presidential qualifications'.

Chapter six, on programmes, i: the economy, in which argument is made for adopting euro conditionalities and anticipating *valeurs de civilisation*.

Chapter seven, on programmes, ii: the environment, in which argument is made for arranging 'the forced marriage of economy and ecology'.

Chapter eight, on programmes, iii: institutional reform, in which argument is made for fighting corruption with the rule of law.

Chapter nine, on programmes, iv: constitutional reform, in which argument is made for moving towards electing those in charge directly by the people.

Chapter ten, on programmes, v: international projections, in which argument is made for providing cultural leadership for the Arab world.

Chapter eleven, on programmes, vi: regional progress, in which argument is made for advancing the peace process on all fronts.

Chapter twelve, epilogue, in which argument is made for a Lebanese presidency capable of responding to the challenges of the global age.

Chapter thirteen, bibliography, in which one is invited to read on.

1. History

One feature has distinguished the Lebanese system over its century-long constitutional life: periodic and regular change at the helm. Change in the presidency has occurred regularly since 1926, even when, as with the late presidents Franjiyyeh and Sarkis, the country was in the midst of civil wars and invasions.

In world perspective, the legacy of change has compared well since the Constitution of 1926 established the six-year pattern of change at the top of the country's official hierarchy. This tradition goes further back than such European countries as Spain, and stands in marked contrast to the slide into dictatorship of Italy and Germany in the 1930s and fifty-year dictatorships in the Iberian peninsula under Salazar and Franco.

The pattern of change at the top may boast an even deeper pedigree, which puts it at par with France. There is in our country a legacy of transitions at the top which antedates the French Third Republic by a dozen years. The *Mutasarrifiyya* was established in 1861 in Mount Lebanon. From then until the first world war, the *mutasarrif* was changed periodically.

It is true that many *mutasarrifs*, as was the case later of many presidents, had their limitations. On one famous occasion, the sycophants were taken on by then judge and Arab poet Tamer Mallat, who is famous for standing up to corruption in the public sphere: "They said: Wasa Basha [the *mutasarrif*] has passed away. I responded, for I knew/ Make coins ring off the marble of his grave, and I can guarantee to you he will come back to life."

Still, the *mutasarrifs*' redeeming characteristic was that they changed, and this was perhaps the major cause of the unique social peace between 1860 and 1914 in the mountain – a period disrupted by the cataclysm of a world war and the collapse of the Ottoman empire. Put in less literary terms, the people did not rise against the *mutasarrif* because they knew he would be leaving soon.

This historical reality puts in perspective today's alleged "clash of civilisations", to which our *mutasarrifiyya* provides one answer: the change at the head of Lebanese destinies was happening before the

establishment of the French Third Republic in 1875, so there is nothing culturally or 'civilisationally' ingrained in the democratic advances of one country over the other, if the crucial criterion of change at the top is adopted. This is not less true in the shorter, but not insignificant, timeframe of the present century.

The late constitutional specialist Professor Edmond Rabbath noted in his seminal commentary on the 1926 Constitution that the Islamic Revolution, by doing away with Iran's 1906 *mashrute* (constitution), had turned our 1926 text into the dean of Middle Eastern constitutions. This is a precious legacy for the continuation of constitutional rule, at the core of which stands the change at the helm at least once every six years.

This is why the constitutional amendment in 1995 to extend the mandate of president Elias Hrawi is exceptionable. Even if it was resisted only by a group of citizens – at a time when ten deputies could not be found in Parliament to constitutionally challenge the “for one and the only time exceptional law” – this change flew in the face of one of Lebanon's most precious legacies: regular change at the top.

This precedent is also grave precisely because it may have set a constitutional precedent. While we have always assumed that we would bid goodbye to our presidents once every six years, whether we like or dislike them, the precedent of 1995 means that uncertainty now mars the entire process. This will weigh heavily in any assessment of President Hrawi's presidency: only his resignation some time in the course of the three-year extension could have saved his record on this score. Three years on, no one could vouch for the normal, constitutional, termination of the incumbent rule. This is a serious shot across the bows of stable democratic institutions.

Of course, democracy is not just a matter of presidential change. It is about due process of law at all levels, all the way from the reduced rights of inmates in the prison system to the vote of confidence in the government. The gamut is as varied as our political and constitutional life, but the regular, open change of the presidency remains one of the important landmarks of the rule of law. The extension of president Hrawi's mandate in 1995 will long weigh on the negative side of Lebanon's democratic scales.

There are other aspects which also need to be addressed. Part of the need for a new president is the need for a new programme for the incoming president. The ways to get to a new president are singularly complex in our country, because he is not elected directly by the people. A country – as de Gaulle knew well – will not come of age democratically unless the head of its executive is elected directly by the people. Considering the regional pressure, and our own history, it is to the credit of President Hrawi that he recently raised the issue. But before dealing with such a fundamental amendment to the system, the change at the helm must take place. How to encourage it against the odds, in a way which makes the best of the country's talents, is the chief question addressed in this booklet.

2. The president in the constitution

Contrary to wide belief, the presidency remains the most important position in Lebanon. And contrary to wide belief, the denting of that position by the institutional amendments of the 1989 Taef agreement was marginal. The importance of the presidency underlines the need to hold elections, and requires decency and transparency in the process.

It has been often suggested that the presidency was weakened by Taef, and, on a number of scores, the margin for manoeuvre of the president may have been formally constrained. Instead of the president being simply the head of executive power, there is now in Art.53 a long list of twelve prerogatives that, for all intents and purposes, formalise the *de facto* work of a president, e.g. carrying on his executive leadership, accrediting ambassadors, presiding over official functions, granting pardons and so forth.

Some argue that the president has become a mere figurehead, but the texts do not support such a conclusion. There is, for example, the infamous right to dissolve parliament - a power which exists even though no constitutional system acknowledging the now basic scheme of separation of powers between the executive, the legislature and the judiciary, can countenance any longer the dissolution of the legislature by the executive.

Even the French have become comfortable with 'cohabitation'. The president, issued from the will of the people in presidential elections, and the prime minister, issued from the people's will in parliamentary elections, have learned to live together. In the Lebanese system, it is wrong to think that the president's power to dissolve parliament has been undermined in Taef. Previously he could not do so without the approval of the council of ministers under the old formulation of Art.55. The Taef amendments did not change much in that power: they simply added some additional formal constraints.

It is true that the former power to appoint and dismiss the ministers at will has been dented, and the council of ministers can be changed only in a limited number of situations under Art. 69 of the Constitution. These include the resignation of a third of the ministers. Although this

new situation never arose in the course of our second republic, it would be indeed a weak and ineffective president who could not force cabinet resignation by persuading a third of its members to resign. But constitutional practice in Lebanon's confessional system has always prevented the president from operating unless he was at one with the prime minister.

The dismissal of individual ministers, which is not vested in the president any longer, and the awkward system of voting in the Cabinet, are the two constitutional aberrations introduced by Taef. These two oddities have in effect ensured that the most mediocre minister could stand up to the president (and the prime minister) without them being able to dismiss him lest the whole cabinet goes under. As it turns out, that may have been the most significant constitutional change introduced by Taef. It is not the most felicitous by any standard. Only by way of a 'mistake' of the type achieved by one unlucky minister since 1990 can one be rid of a cabinet member without dismissing the entire government.

So, the individual minister can only be 'tricked' into losing his position. As for the prime minister and the speaker, constitutional practice has been changed, curiously enough, over position rather than over power. The amendments affecting the speaker's powers have changed little. Where the speaker is no longer at the mercy of the president (and even then, one would wonder how much someone like Kamel al-Asaad and the late Adel Osseiran were indeed at the mercy of the president) is over his annual (re-)election. Now the speaker can rest assured over a period of four years without the Damocles sword which used to hang over him every autumn.

As for the prime minister, he may have been comforted on paper over his 'normal' right to preside over the cabinet, but he is number two in command over the military, after the president, and he continues to defer the first position to the president if the latter so wishes. Twice in the Taef-inspired 1990 amendments to the Constitution it is mentioned that the president is entitled to preside over the council of ministers and to introduce any item he wishes on its agenda at will.

So how does this bear on the need to hold presidential elections, and to hold them in a proper and open way?

Change is a priority because the president holds the most important position in the country, since the most important prerogative of the presidency has remained: the designation of the prime minister. Any necessary consultations he is required to make with Parliament under Art. 53.2 are symbolic, or informative, or perhaps useful. They are constitutionally insignificant. Lawyers know that consultations, like recommendations, are far from binding.

It is true that, whether before or after Taef, the confessional straitjacket in our country makes it impossible for the president to rule without minimal agreement from his prime minister: that does not change the fact that the prime minister is chosen by the president, not the contrary. Any nuances introduced by the prime minister, including stalling presidential legislative proposals, will not alter that basic constitutional fact. A new president in November 1998 is there for changes to occur. Changing the president encourages renewal at all levels, because the top will have been renewed. More pressingly, the Lebanese people should be persuaded that the change in the presidency is crucial for the country. If there is no change, the self-prolongation syndrome will continue. This would reinforce the existing trend in public and semi-public offices at all levels: from the headship of the army, to the ministries of interior and foreign affairs, all the way to the head of the national university and three vice-governors at the Central Bank, which represent the latest episode in our weakened democracy.

This is no reflection on the quality of the individuals. Much as some of these characters may have proven their individual excellence, such practices have dramatic effects on stifling democracy. This is reflected also in 'civil society', most notoriously in the presidency of the press corps – editors-in-chief and publishers have been sitting there, unchanged, for decades. Nor is that inevitable: contrast the presidents of the bar, of the medical profession, and even of the jewelers' union, who have been tempted to stick to power at various sad junctures of their organisations' lives, but are replaced now with healthy regularity.

Regular change at the top is one of Lebanon's most precious legacies, and all spirit of reform will be stifled in the absence of such a change. The lynchpin of both diachrony – the history of our institutions –, and

synchrony – our constitutional law – hinges on constitutionally ordered presidential change.

3. Taking stock, i: the Hrawi presidency

What will remain in the history books of president Elias Hrawi's nine-year mandate? Even without the benefit of the historian's hindsight, it is important for a new president to take stock of what Mr Hrawi has achieved, so that he can improve on the positive side of the balance sheet, and avoid or reverse the mistakes made by his predecessor. Some qualifications might be helpful to start with.

Firstly, it would be appropriate to exclude the foreign dimension from the balance sheet. The president's margin for manoeuvre, regionally and internationally, was dramatically constrained from day one of his effective presidential mandate on October 13, 1990. Without the Gulf War, its resulting upset of the regional balance and the readiness of the Syrian leadership to support Hrawi's bid to assume power, the status quo may have remained for years. There is little gainsaying how disastrous for the very existence of Lebanon the dual power – the cannibalistic 'Lebanonisation' caused by the mediocre legacy of past rulers – might have been.

Coming to power largely on the strength of others, his debt to Syria was bound to be huge. As a consequence, the readiness to tie the interests of Lebanon to those designed in Damascus was both morally and practically irreversible. This will remain true for some time in the country, and Hrawi can hardly be blamed for the excesses of his predecessors in Baabda and for a regional deadlock largely caused by the access of Benjamin Netanyahu to power. This is why we should restrict our assessment to the domestic scene.

A second reason for leaving the regional-international scene out is the larger-than-life stature of Rafic Hariri, which warrants an additional qualifier to the balance sheet. Mr Hariri has accumulated over the years of his successful international business career a network of friends in high places which he is understandably benefiting from as prime minister. Precisely because of Hariri's unique network, the international limelight was taken away from the president, as witnessed in French and American visits to and from official Lebanon. Hariri was clearly calling the shots on both occasions in 1998, and the president was left in the

shade. Short of appointing another foreign minister, there was little Hrawi could have done to change this.

Another qualification in Hrawi's balance sheet is the economy. Hariri has succeeded in organising and putting his close friends in charge of some of the most powerful local ministries and institutions. On this level, the mandate of the prime minister deserves an assessment of its own, which includes the economy on the domestic level. So one is left, in reviewing nine years of the presidential mandate, with a strictly domestic dimension which does not include the economy.

On the positive side, civil peace has been restored and strengthened. This is no small achievement. One may have wished that the quality of peace could be based more on the rule of law and informed consensus and less on various forms of coercion, some bordering on thuggery. The two parliamentary elections left much to be desired, whether in the coerced structuring of lists or the poor use of executive power in some precincts. It was in any case a serious mistake to follow blindly a French model of an omnipotent ministry of interior. Moreover, a major success for electoral rights and freedoms will be achieved when the Lebanese government invites respectable international observers to cast their views on electoral campaigns and bless voting day with the seal of international standards.

But history books will remember Hrawi's presidency mainly in contrast to the preceding fifteen years of turmoil. Peace against war; the contrast is as simple as it is powerful. Some may reject this conclusion on the premise that any other president would have done the same. I am not so certain, and the common sense manifested by Hrawi, together with good judgement and a felicitous political instinct in times of adversity, have allowed the country to ride roughshod over the most difficult waves, including the Israeli onslaught of 1996.

Alas, the very same basic political instinct of the president may loom large on the negative side of history's balance sheet. Hrawi was unable to rise to a position where the mere importance of the president's constitutional position warrants a different style of governance. No office holder can afford to lose his temper in public. Less dramatically, the president should have avoided at all costs being drawn into trivially local politics by detaching himself completely from the most dangerous

political temptation of all: friends and family cronyism. He should have never appointed a close relative as foreign minister, which was an early slip. He should have always kept a distance from electoral fights, whether they were parliamentary or municipal. He would then have avoided weakening the position of the presidency which stooping down to acrimonious hearsay elicited by such occasions makes inevitable. And last but not least, he should have preserved the remarkable record of slowly institutionalised peace by refraining from indulging in a second term.

Taking stock then, one hopes for a new president to carry on the real achievement of civil peace under Hrawi – a fundamentally benign ruler – while shunning nepotistic tendencies and damaging public outbursts. If the president does not leave in November, the record of family and personal nepotism will deteriorate and social peace, the greatest achievement of the current presidency, will be put at risk. If the president does leave in November, the history books will be unfortunately laden by the self-prolongation of October 1995. This is sad, considering the stability achieved, against difficult odds, in the first six years.

4. Taking stock, ii: The Hariri years

How will history books assess Hariri's prime ministership since he took over on October 31, 1992 ?

Rafic Hariri's unusual stature warrants an assessment of its own because he pulled the rug from under the presidency in two important ways. To recap: on the international front, many more people know of Hariri than of Elias Hrawi. This, despite the fact that he is constitutionally second to the president, in addition to his open disregard to the whole apparatus of the foreign ministry, which should normally be at the forefront of the country's international projections.

On the domestic side, Hariri's control of key ministries through personal appointees, and his own business background, crucial in the major reconstruction drive in Lebanon, have also ensured that the country will go up or down in direct proportion to his personal fortunes. This is a heavy legacy, and the balance sheet of the Hariri years is particularly difficult to appreciate, because the very successes of the prime minister include an inbuilt downside. The fact that our prime minister is quite an international celebrity is an achievement on its own merits. Witness the number of times president Jacques Chirac has visited Lebanon, and his immediate willingness to meet with a prime minister whose protocol rank would not otherwise warrant such a red-carpet treatment. This is true, with nuances, of the US president's readiness to meet with the prime minister, as well as Hariri's regular meetings with the Pope and other dignitaries. This is a fact, and it is positive.

However, it is also a fact that there is, outside a business relationship, little to explain such openness on the part of world leaders. One senses that president Jacques Chirac's friendship and admiration may have resulted from Rafic Hariri's material support over several years. There is nothing wrong in supporting a political party with funds, so long as these contributions are public.

To take an example which will loom large on the Middle East, one hopes that, in the impending questioning of the American-Israel Public Affairs Committee's (AIPAC) finance, the US Supreme Court will rise to its role of the historic bearer of democratic values by making it a

constitutional duty for Israel's main US lobby to submit to financial transparency. In an age where transparency is essential to the quality of public office, Hariri and Chirac likewise owe it to their respective peoples and constituencies to know how much of Hariri's personal gratifications has gone into the French Rassemblement Pour la République's (RPR) budget over the past decade, in direct or indirect support. Financial support to political causes and parties is an inevitable prolongation of political freedoms, but money must talk in public. This is basic good governance.

Still, even publicity is not always sufficient when it comes to money. The buck, whether internationally or domestically, does not seem to ever stop with Hariri or the recipients of his largesse. Witness the recent cheque to the Arab federation of journalists. While the principle of a private individual supporting their fund for liberties is admirable, one wonders which Arab newspaper won't hesitate to assess Lebanon's prime minister severely after the cheque, when the role of newspapers must essentially be a critical one of those in power? Surely there are other ways, including financial ones, to support the battered press in our region. This goes to the heart of the assessment of our prime minister's performance. We had in 1983 one sole occasion, which then businessman Hariri will probably not remember, to tell him a common reservation about what people perceived as his backing of a ruler in Baabda who was selling the country's honour down the drain to Ariel Sharon's May 17 agreement. The overall style has not changed: one solves problems which are not, in their essence, financial, by injecting as much money as needed seemingly to ease the problem away. This is not a style fit for 21st century good governance.

Recent examples are legion, and I will mention three, which have serious implications for the quality of Lebanon's institutions. In answer to protests against Hariri's sidestepping the foreign ministry, an all too common response has been that the prime minister personally finances his trips, including his advisors'... Good governance is incompatible with money buying constitutional prerogatives. A high-ranking civil servant in today's Lebanon cannot earn a sufficiently decent salary for him and his family. If one wishes to be in such a position, on which the whole state is supposedly built, he should be independently wealthy,

unless of course he is bent on corruption. I believe the prime minister is a generous man, and that his personal economic interests are second to his perception of the country's welfare. This is to his immense credit, and the remarkable stability of the currency could not have been possible otherwise. Also noteworthy is the simplicity in the prime minister's language, away from the traditional *langue-de-bois*, and his sense of achievement. He appreciates good and competent advice, and some of his appointees may be commendable.

The problem is that, owing to an oil-rentier style, he believes he can put advisors and ministers in place by supplementing the state's ridiculous salary by his own, immense, private means. This turns a public official at any level into someone indebted, at the end of the month, not to the state, but to the persona of the prime minister. This, surely, cannot be good governance.

A third example, which is also one of transparency, relates to the prime minister's income. He is immensely rich. This he admits himself, and ascribes it, modestly and gracefully, to the bounties of the Lord. Fair enough, but Hariri's income should be a public matter in a democratic state. How can the prime minister, also officially Lebanon's minister of finance, expect the ordinary citizen to account for his taxes openly and naturally, when the leaders' income (and wealth) is not, as is the case for all the leaders of the advanced world, made public once a year? These three examples bring up the question of style: Hariri is a political maverick, who, almost single-handedly, has put the country high on the international map. This was at cost to good governance, which was undermined by his unusual style. This is all the more serious since the country's debt, despite a remarkable stabilisation of the currency, has increased dramatically since he took over in 1992. With or without Rafic Hariri, the new president will have to deal with the prime minister's contrastive legacy.

5. Process and profile

Public discussion of the qualities needed in a presidential candidate is a hallmark of a democratic system. Yet without an open process, it is highly frustrating.

Curiously for a position which is key to our constitutional system, there is no formal requirement for candidacy, making the French word in fashion, 'présidentiable', a more accurate description of the state of affairs in the run-up to the election.

There lay the first, significant flaw in the system. The word 'présidentiable' was adopted in France only around 1970, according to French etymological dictionaries. It was current in Lebanon long before that.

While an argument might be made in favour of the potential elegance of such a process, whereby members of parliament may elect someone who is not even asking to be voted in – a dream worthy of Plato's Republic; but the reality is more prosaic, and is firmly rooted in the history of our republic of notables. For our constitutional forebears, as for the French moneyed elite of the Third Republic and the early American constituents, the people could not possibly be responsible enough to vote directly for their president.

As a result, the lack of a formal candidacy has led to a system which strips the country from knowing, up to the very last days of the presidential vote, whom the head of state will be for the following six years, and whom we might have missed in his place. Worse. In the absence of formal candidates, both parliament and the general public remain in total darkness about the *présidentiables'* programme.

Hope springs eternal. The current study was started with a view to *présidentiables* coming out seriously and forcefully on programmes, so that two minimal conditions for democracy are fulfilled: (i) that some debate, within and outside Parliament, take place between contestants for the supreme position, their supporters, and those parliamentarians who will vote for them, and (ii) and that, on the longer run, the successful candidates and their teams be made minimally accountable for what they promised to do and did, or did not fulfil.

Similarly, those who are unsuccessful in their presidential bid would have a chance to pursue, in opposition or otherwise, a constructive political role based on their programme rather than on their persona. In other words, an open programme would start a minimal process of accountability without which no democracy can flourish.

Talk of programmes underlines the mediocrity of the current presidential contest. With few exceptions, the contest is all rumours, which, in the absence of a programme leading to debate, will be carrying on to the last minute.

Once programmes replace rumours as the topic of debate, the circle of democracy gets constantly enriched. Not only do programmes need to be articulated by the *présidentiabiles* in the first place. We can trust our media, which are uniquely skilled at subjecting talk guests to excruciating and intelligent questioning, to thrive, together with their avid audiences, on putting the candidates to the test. This would mean, for the first time since the republic came into being, a higher quality debate in the broad light of day.

The alternative is to remain in the dark world of rumours. And with rumours come the inevitable buy-offs, financial and otherwise, which take place in the dark corridors of parliament and in the hidden corners of powerhouses all the way from Tehran to Langley, and culminate in the repeat of Lebanon's ingenious but corrupt use of the infamous electoral 'keys' on D-day.

Let us, instead of profile, insist on process. For beyond the basic requirements under the law, including those confessional by virtue of our constitutional customs, there is simply no way to tailor the ideal profile to the needs of the country. Of course, to take up Plato again, we would all love to have a philosopher-king up there, at once detached, learned, experienced and weighty. It is a weakness of human nature to believe that one's candidate fulfils these criteria, and it is an even more natural projection of the *présidentiable* himself to believe he is better entitled to the job because of his uniquely superior credentials. Unfortunately, the Woodrow Wilsons, Mandelas and Khatamis of this world are few and far between.

The search for the ideal president and the characteristics which might generate him or her can end only in platitudes. One should

encourage our commentators to steer clear from their insistent look for the ideal profile of our next president, and work to force a programme out of those who wish to assume the supreme position in the country.

So, the message was straightforward all along: *présidentiabiles* and/or their supporters (if you are too modest to announce your candidacy), please come forward with an articulate programme, and be ready to defend it. That will be a privileged entry to doing away with the nefarious presidency-by-rumour and the vacuous presidency-by-profile.

As for the electoral process itself, the articulation of programmes and the active and open work of *présidentiabiles* should be an occasion to expect from our parliamentarians a course of openness from which their predecessors have tended to shy away on such occasions. That, in turn, will make parliamentarians more accountable to their constituents than ever before, in a further enrichment of our democratic legacy.

Naturally, if there are no presidential elections, there is little point in discussing presidential programmes. Naturally, if the presidency is unimportant constitutionally, or marginal politically, the programme of a new president is meaningless. Naturally, if one has to take past practice as a yardstick, the *présidentiabiles'* least worry is presenting the country with a programme. Maybe the answer is to stick to the achievable: change for the sake of the country's institutions, and some courage from the *présidentiabiles* to come out of their closet, which are the minimal conditions lucidly set out in a published commentary by Michael Young on an earlier published section of the present study.

Accordingly, maybe it is time to take a break and close the presidential debate in the hope that we shall have an honest person to lead the country on November 24. Period. That would not be a bad start. Considering the circumstances, it would indeed be quite an achievement. Still, our people deserve better. A programme is not the be-all and end-all of the Lebanese presidency, but it is needed, and it is an important start.

6. Programmes, i: the economy

On November 24, 1998, the new Lebanese president will not start, economically, from scratch. The country has a history whose benefits are worth keeping and enlarging. We need to conserve the drive of Rafic Hariri's economic leadership and his command of international interests, especially in investors' circles. On the other hand, some of the Hariri style must be abandoned or resisted, either because it is simply wrong, as in the use of money to smooth out problems which are political or institutional, or because it makes us fall behind countries which are positioning themselves in a more forward manner.

Let us start, in the economy, with basics. There is a convincing model to emulate in the European Union. This appears reachable if only because of a lifestyle that we share with all the meridional member-states of Europe - Japan's economic culture, by contrast, is fundamentally alien. Considering Asia's recent failures, and the ups-and-downs in America's economic fortunes since the collapse of the Bretton Woods standards, Europe is a useful model.

There is a pressing argument to consider the European example with the debate over the Euro-Med agreement that has been taking place in our country over the past four years. This treaty is fundamental for our economy because of the introduction, as its major framework of reference, of Europe's so-called *acquis communautaire*. Since most of this *acquis* is economic-legal, a tidal wave will be reaching our institutions in central economic matters: tax, tariff, and trade. More specifically, one of the remarkable achievements of Europe, which is the direct projection of its common-market might worldwide, vests in the new currency. The euro is born, with a huge European central bank to regulate its flow, on January 1, 1999. Nothing will be the same after that date, for the European states themselves, of course, but also for those who trade heavily with the EU, as is the case of Lebanon, which imports over 50 per cent of its goods from EU countries, a share that will increase to over 75 per cent within the next decade.

Under which economic criteria is the euro to be established? The answer lies in Article 109 j of the 1992 Maastricht Treaty, which

premised the creation of the euro on "the achievement of a high degree of sustainable convergence by reference to the fulfilment by each Member State of [four] criteria: (i) a high degree of price stability", which will be apparent from "a low rate of inflation"; (ii) "a government budgetary position without a deficit that is excessive"; (iii) "the stability of the currency", specifically "the absence of devaluation", and (iv) "long-term interest levels [underpinning] the durability of convergence achieved by the Member States".

How does Lebanon fare on these four economic fundamentals, chosen by the European Union as the most significant criteria for its economic growth? On (i) and (iii), much has been achieved under the government of Rafic Hariri. The Lebanese pound has been consistently stable against world currencies, and a relatively low inflation has ensued. Figures vary on inflation, but in contrast to the hyperinflation of the war years, Lebanon has known an average, over the years 1992-98, in single digit figures. Current estimates put it at around seven per cent in 1996-97, and at around four per cent in 1997-98. Well done.

In contrast, the failure is patent on the other two criteria. The long-term interest rates constitute one basic problem, as we simply do not have long-term credit. Lending is mostly short-term, and banks thrive on unproductive Treasury bills. To compound the crisis, T-bills are massively used to finance the deficit, and the financial structuring of the credit offered by our banking system has been geared towards rapid profit eating up, in times of crisis, the central bank's reserves. It is now commonly admitted by Lebanese economists that the budget deficit, including the servicing of the debt, has reached alarming levels. Whereas it stands, in the eleven European states poised to join the Euro, at an average of three per cent of GDP, it is estimated in Lebanon to be over the twenty per cent mark. Total debt stands at some 17 billion usd, as against less than 4 billion usd in 1992. This has been accompanied, even more dramatically, by a collapse in growth, bringing it to an estimated low three per cent this year, as against seven to eight per cent when the first Hariri government took over. Shame.

There are no easy solutions, but one could suggest three avenues to consider exploring in seeking a healthy economy.

First, we have no dearth of good Lebanese economists, and no want of friendly foreign advice from European neighbours if we ask. There is much to gain by opening up the debate as widely as possible. The Lebanese, who are asked to make inevitable sacrifices to level the deficit, would be the more willing if they have been properly advised, and if they are asked to participate in an informed and well-structured national consultation on the matter. The country needs a British-style white paper on the economy.

Secondly, we can venture the following principle on the basis of the odd consensus which emerged from the conflict of Thatcherite capitalism and Marxist socialism: the need for a state minus. In other words, the least the state eats up from the economy, the better for the country. A lean and effective bureaucracy, and the intelligent spread of state disengagement by a mixture of participation and denationalization, will in itself offer a tremendous boost away from the monstrous deficit, as well as build on a worthy international trend.

Thirdly, and beyond the four criteria of the euro model, there is a specificity of Lebanon which could be enhanced by relying on some of the most sophisticated new economic thinking in the world today. This is in reference to what the great French economist and banker Robert Fossaert, the individual author of an eight-volume *summa* on *La Société*, has indicated to his audience in a lecture given in Beirut in March 1998: let us position ourselves at the centre of the 21st century Middle East, by turning into a world centre for petroleum accounts, and by designing a new concept of the habitat for the construction industry.

The world is eager for new lifestyle values, which Fossaert calls in his books *Valeur de Développement* (VD, or in a different version, VC – *Valeur de Civilisation*, since development is inevitable, while civilised development responds to an idea of common weal which must be actively pursued by society). VD/VC includes a new concept of labour. We should endeavour to compute new economic categories to fit into values of civilisation, in as scientific and precise a way as the great economists of the 1930s achieved with GDP and GNP. We would then discover, as a priority of the new age, an economic value for time ranging from active production to leisure and old-age retirement. VD/VC allows the national economy to take into account time which has

been so far considered fallow, such as the one contributed by women working at home, the time spent by retired and unemployed individuals, and more generally, the time accumulating economically in education, training and leisure.

It would be good if the elaboration and implementation of such forward civilisation values were to start in Lebanon on November 24.

7. Programmes, ii: the environment

The environment is, in the final analysis, an economic issue. Lebanon should be a model experimental ground for “the forced marriage of economy and ecology” – to borrow the title of a chapter in one of Robert Fossaert's books (*Le Monde au 21ème Siècle*, Paris, 1991). In more technical terms, the development of Valeur d'Echange (VE, transforming products into merchandise), which has dominated the logic of production from the Italian *trecento* to the late 20th century, is giving way to a new economic logic for the next millennium, one which Fossaert calls VD (*Valeur de Développement*, or in my preferred rendering, VC – *Valeur de Civilisation*), where labour has a wider meaning than in a factory or at the office, and where production of goods and services includes lifestyle values. How to make the smoothest passage from VE to VC is the ultimate challenge of the new millennium, and no economic sector is more fit for the implementation of VC than the environment.

New environmental values are being sought worldwide to complement a different concept of labour, which includes the time units so far disregarded by economists. In an environmental programme, the direction to be taken by our economy next century, partly in tune with and partly in anticipation of a world trend, is best illustrated in the inclusion of ecology as a central economic indicator.

This does not mean treating the environment as a sacred cow, nor making economic development its nemesis. It does mean taking environmental values into a new logic of economic production and profit-and-loss accounting. As an example, Switzerland's clean air and green pastures are not included in its GDP, even if it is an added value by cutting health costs (diminishing pollution), improving the habitat of the labour force (by increasing its efficiency), and adding significant attraction for tourism. So we must be attentive to a concept of production which factors in environmental values as indicia of economic growth with a mathematical coefficient. This is the essence of VC, when the economy is happily, scientifically wedded to the environment.

Lebanon has a poor environmental record. When a new environment minister took office in 1997, I wrote about a list of priorities and an overall mechanism to encourage reform. The fundamentals mentioned in these articles were reinforced in a summary programme put together last year by the energetic representative of Greenpeace. The summary report delineated the priorities as follows: reforestation and regulation of quarrying, cleaning the sea and water affluents, reducing and treating waste (toxic and otherwise), and implementing urban regulations. As for policy, it was summarised as an enhancement of the environment ministry and the pursuit of a wide and sustained awareness campaign.

It is hard to disagree with those premises, which should be appreciated against the available international expertise in this domain. With a view to making a presidential programme for the environment more effective, one may add or qualify the Greenpeace programme with a number of remarks drawn from a close observation of the present government at work.

First, the establishment of priorities. The Lebanese ministry of the environment is starved of funds. Reformers need to examine ways of encouraging the participation of the private sector, and of the population at large, mostly through the newly elected municipal councils, in an exciting and profitable manner. However ugly Lebanese quarrying has been, the wall of money and interests which quarry owners have built make it extremely difficult to close them down. Most of the territorial sea, however, can be cleaned without having to overcome established and obstructive financial interests.

It would therefore be more useful to invest whatever meagre resources the country has in a systematic campaign which improves the sea shore and the cleanliness of our water. Both Italy and the riparian states of the Bodensee in Europe have succeeded in recent years in similar efforts, and the countries involved produce much more industrial waste than Lebanon.

Reforestation is another success story in waiting. Green Lebanon is no more, and various private and public endeavours, coming mostly from non-governmental organisations (NGOs), have started registering some success in a few areas. One problem is the resistance of private owners, but the immense *masha'* (communal) land in the Lebanon and

the Ante-Lebanon mountain chains, in Akkar and in the various *jurd* (remote, deserts areas) could be the theatre of a unique experience we can offer to the world. Independent Eritrea has planted five million trees in less than six years, and the beautiful forests east of Lattaqia, all the way to the Turkish border, are a nearby model which deserves replication. Imagine driving from Beirut to the Bekaa in six years with a double range of greening mountains across our skyline.

These are two examples in which the president could show, at the end of his/her six-year term, a physically radical change for the better. There are other hard pressing issues, including toxic and non-toxic waste, and the president should accept the suggestion of Greenpeace to add a technology unit to the ministry of the environment. The new president should also develop the ministry in various directions which have hitherto remained hampered by environment-oblivious bureaucracies in the interior, foreign affairs, and defence sectors. Anticipating on a nation wide discussion on the environment, which would bring in, for the first time, contributions to the environment by these three key components of old-style government, one can foresee how the use of large units in the army and in the security forces as a part-time 'green brigade' could give an immense boost both to these forces and to the country. Rather than wiling away inside the boredom of their barracks, the mobilisation of tens of thousands of able men on various environmental campaigns could provide a quantum change in our landscape. The army seems willing, never hesitating to help when natural disasters strike. Man-made environmental damage over the past three decades is no less of a disaster clamouring for redress.

As for the foreign ministry, rather than waste their time in diplomatic functions which a small country like ours can ill afford, it would be enriching both intellectually and materially to use our diplomats' talents differently. For instance, in identifying international donors, investors and models which can be put to task for an ambitious programme aiming at restoring green Lebanon.

A national debate on the environment would also examine ways to integrate the efforts of NGOs, industrial concerns, and the new municipalities under a principle of subsidiarity which would require the central government to intervene only when entities and interests which

are closer to the ground are not strong or effective enough to take on the environmental challenge.

The state would remain the overall administrative and economic overseer for inevitable conflicts of interests, especially with regard to industrial development. The government would act as a coordinator of such efforts, and as a supporter of various municipal and national competitions which will make the environment a key economic component for a new, vibrant Lebanon. Nothing fires the imagination better than well-deserved environmental awards – the prettiest municipality of the year, the cleanest beach, the greenest building façade, the most environment-friendly industrial company, the most effective NGO, the best environmental media investigation, and so forth, with financial support at boot where appropriate.

8. Programmes, iii: institutional reform

There is some arbitrariness in constructing any presidential programme. Even in a secluded and self-sustained economic and political vacuum, unexpected events have a knack of driving a country's politics. Nor has Lebanon ever enjoyed seclusion or self-sufficiency. So the president will have a hard time fulfilling a fixed programme drawn up in advance as he will have to adapt to a regional agenda where he is not in the driving seat. In addition, a president is perforce acting on several fronts at a time.

Paradoxically, these factors make it more essential to have careful ordering of priorities and intelligent delegation to competent ministers and aides. Anticipation is essential in any programme, and we have so far briefly addressed the two issues which appear, in the present circumstances, as most pressing for the next presidency: the economy and the environment.

Two other matters which must be considered by a new president as the heart of his domestic agenda are examined next. The more immediate one is the restoration of healthier institutions by a determined fight against corruption and by bolstering the rule of law. The new president will also have to consider enhancing our fragile democracy with a long-term approach which involves reforming some of Lebanon's constitution.

Alas, the new president will not be starting from a clean slate here either. Indeed, while the system is not, as during most of the civil war, a simple synonym for kakistocracy, the combination of confessional deadlocks and the fragile regional equilibrium have prevented the emergence of a more promising body politic.

The regional pressure is self-explanatory. As for the confessional deadlock, it is more difficult to appreciate since, contrary to widespread belief in Lebanon and elsewhere, confessionalism is a scourge as well as a blessing. This conclusion we will have to reappraise in the long term in terms of constitutional reform in the next chapter, for on its correct formulation depends the future of the country.

For our day-to-day well-being, the confessional deadlock has been a disaster, because it has commanded a practice which encourages the political leaders to prioritize the interests of courtiers and friends – disguised as community members – over those of the country at large.

The carving up of the spoils of state in the infamous *fromage* of Fouad Chehab's telling image, which our governing elite has inherited, is as harmful to the economy as it is to the entire social fabric. It means people in government dispensing to their cronies the very benefits which should make a country richer by gratifying sound and competitive investment. As a result, undeserving parties benefit unduly, and the price of all economic investment gets severely marked-up in terms of value and time. In one serious assessment, the increase in overall indebtedness of the country over the last six years – some 13 billion usd – has gone to investment only in a proportion of one to six, about 2 billion usd only. In addition, the equivalent of half that amount was sunk in funds with little or no accountability, and the latest complaints of the World Bank have exposed the extent to which money earmarked to pressing needs, such as the 50 million usd allocated to cleaning the seashore, sits in international coffers without being drawn upon.

In the chapter on the economy, one conclusion was that a “state minus” should be considered seriously. Instead, even as traditionally efficient an institution as our central bank has doubled its staff since 1990. Surely it is not doing double the work.

The money which goes to defence and security has been calculated, in the above study, to be far higher than all the monies invested over the past six years. And we all know to which new low our once academic flagship – the Lebanese University – sank last year with the creation of a new deanship just to satisfy the *fromagistes*. One way out, therefore, is the state minus, including such bastions of the 20th-century state as education and defence. The state must steer clear from running and/or owning educational institutions, as it should from all sectors, from the national airline to the production of culture. A good starting point would be to stop the ridiculous “patronage” of everything from music festivals and academic congresses to the local celebration of a new

building. There is really no need to have "under the patronage of his excellency such and such" at each and every public gathering.

No doubt there is a minimal role of regulation that the state, any state, must enforce. The state will remain, for the foreseeable future, in control of a third or more of the GNP. For that inevitable third, the appropriate taxation and a few and well conceived directives should be carefully put in place.

Improving on fiscal policy aside, how should we confront the problem forced upon us by the confessional system? Here again, there is no miracle solution, although the basic departing point is one which enhances the rule of law against the prevailing corruption. Our administration and our public servants, who are the mainstay of our government still function almost a decade after the war stopped in a permanent ambience of illegality: *la shar'iyya*. *La shar'iyya* is the very word used in one of the reports produced by no less central a public servant than the head of its overarching council, *majlis al-khidma al-madaniyya*.

In this damning account, he concluded that "the inflation in the cost of living which the increase in salaries ought to address is an issue which one cannot defend or ignore in any way. Unless it is addressed, the public servant is put before two options only: either go hungry or become a thief, and these are options which we don't think anyone can accept."

These are words to be taken seriously. They conform with the prevailing revulsion of the ordinary citizen, who faces the need to buy his or her ways through all the echelons of the bureaucracy in order to receive a 'service', from acquiring a passport to a construction permit.

In the light of the genuine expression of distress by those who are at the heart of the system, it is imperative to restore the civil service's respectability. This is easier said than done, but corruption will be fought by a good example being set by the people at the top, and by the effective development of the rule of law in the country.

These are two departing points with which it is hard to quarrel. In addition to the need for spartan behaviour in office – the best way for the new president to set an example for the country's private and public bodies – the rot in the system must be slowly combated by the natural

protector of the rule of law: the judiciary. Bribes as a way of life can only be fought by corruption's nemesis, which is an independent and strong judiciary.

Corruption and working institutions cannot go together. The most remarkable remembrance of President Chehab's mandate is his incorruptibility, despite the indulgence of some of his security apparatus in matters that were not their concern. Corruption and a successful economy cannot go together, and one of the top priority programmes of the World Bank is the fight against corruption in those countries which benefit from the bank's development funding.

Last and not least, corruption and democracy cannot work together. Democracy is premised on officials upholding the law, and corruption leaves no room for the law. A first active task for the president is to strengthen the judiciary, for instance by opening to the citizen constitutional redress before all the courts, and not obliquely, as for the current constitutional council. If this is coupled with the president's personal detachment, the state will be much better off for governors and governed alike.

9. Programmes, iv: constitutional reform

No one will quarrel, at least on paper, with the need to do away with corruption. But there are other, more controversial areas, where Lebanon needs specific institutional reforms. The list is long, and includes such important issues as the enhancement of the electoral process, whether municipal, parliamentary or corporate; the enlargement of the constitutional writ ascribed to our courts; and the serious implementation of the separation of powers, meaning that the same person should not be allowed to be at the same time deputy, minister and mayor – or any combination thereof.

Each of these topics requires an in-depth discussion, but the present chapter dwells on a more far-reaching reform, which requires a return to democratic basics – the need for the head of our executive to be directly chosen by the people.

The legitimacy of the president is strong in direct proportion to the quality and freedom of the vote cast for his or her choice. No vote, lack of legitimacy: this is the bottom of the ladder, level zero. No direct and competitive vote, weak legitimacy for the president: this is somewhere in the middle of the presidential strength quotient – at level one, where Lebanon presently stands. Level two, which is the highest in a binary arithmetic system, is where democracy matures. This will happen when and only when the president is voted in directly by the people. We have, as previously mentioned, the works and deeds of Général de Gaulle to support this basic requirement for an advanced democracy.

Whilst the spectre of level zero is steadily receding, the fight goes on in order to avoid the hijacking of the elections by some form of constitutional amendment in favour of extending the mandate, or amending Article 49 of the constitution by *ad hominem* legislation – a negative form of the infamous bills of attainder – which change the constitution in function of individuals and transform the government of law into a government of men. It is useful to remind the speaker on his historic responsibility in this regard.

Let us suspend our disbelief for a moment, consider decent elections have taken place, and proceed with the principles of basic democracy.

Lebanon stands, as we said, somewhere in the middle at level one. How, then, in a further suspension of disbelief, can a new president move the country to a higher level ?

Such constitutional exercises are as difficult as they are theoretical. They are difficult because the most difficult intellectual and political mobilisation is needed when an improvement of the constitution is sought. After all, constitutional amendments should be the hardest to bring about in a democratic system. Such an exercise is more often than not theoretical, because nothing is easier for a jurist than to put together a few clauses and entitle them the 'ideal' constitution, whereas man-made law is one which must first and foremost take into account the weaknesses of human beings in order to be real.

Finally, constitutional changes can be dangerous. When radical amendment happens too fast, the risk to the social fabric is high, as dramatically witnessed in a plethora of countries including, in the past decade, Yugoslavia and Algeria.

With all these caveats, the leadership of a society which does not seek to improve on the status quo does not merit its label. If indeed, the greatest improvement for our democratic system would bring it up to the next degree of democratic maturation, when the people vote directly for the highest position of responsibility in the country, this improvement is best put on course by a new president.

The problem in Lebanon is compounded in two major ways. Because we have inherited the worst of the French constitutional system of 1875, that is a parliamentary system in which the president (rather than the prime minister of the Third Republic in France) is the most powerful figure – our whole institutional set-up is topsy-turvy. There is a weak legitimacy in a two-tier elections of the president as should take place in 1998, and the prime minister is himself chosen by a president whose legitimacy is watered down in the process.

As a consequence, the legitimacy of the president becomes sometimes equal to that of the president of our constitutional council, surely an odd result considering the difference between high judicial office and the headship of the executive. The way out, again, is for direct electoral choice of the head of executive power. But then we confront another,

more intractable problem, which is the result of the country's confessional set-up.

We mentioned in the previous chapter that, contrary to received western-style constitutional wisdom, the confessional system in our country sometimes operates as a blessing rather than as a scourge. Here is the illustration of this conclusion: with all the miseries occasioned by the deadlocks of our hallowed troika, the tug-of-war is surely preferable to one person deciding all matters without checks and balances. When our president is blocked by our prime minister, or the prime minister undermined by the opposition of the speaker – and variations thereof – we tend to see the resulting tension as a tragedy for our institutions. We shouldn't. This separation of powers is in essence no different from the permanent separation-of-power struggle between the US congress and the president, or the French president and prime minister. Eventually, the body politic will find its own compromise, in a process which is, contrary to wide belief, a much better result than a forceful decision made by one, unchecked ruler.

It is true that there is a confessional dimension at work in Lebanon which has wreaked havoc on the economy. Part of the answer to that scourge is a more rigorous discipline, which all our leaders have failed to exercise, in the separation between business interests and state affairs. Another way to keep the separation of powers without leading to a confessional deadlock is to improve on the electoral process itself. In the United States and in France, the president is more important than the speaker because he is elected directly by the people. In Germany and Britain, the party political system operates in such a way as to allow the people, when they vote for parliament, to vote effectively for the headship of the executive, respectively the chancellor and the prime minister. In Iran, Khatami has become the most important personality because he was elected directly by universal suffrage.

In all these cases, and whatever his title, the head of the executive is directly chosen by the people in a competitive manner. Many will argue that the confessional system in Lebanon is too delicate and cannot countenance such an arrangement. Others will see the impossibility of carrying a full popular consultation over the presidency, without a

similar operation being exercised on prime ministership and the head of the legislative branch.

This may be so, but unless the issue over the choice of the head of executive power in the country is discussed openly and thoroughly, with the departing premise that no advanced democratic system can accept that its leader is not chosen by direct universal suffrage, Lebanon will remain for a long time stuck in the early 20th century.

10. Programmes, v: international projections

We noted in chapter three the limited margin of manoeuvre left for the president on the regional level because of various domestic and regional constraints.

In pure logic, then, there is little point discussing any regional agenda. Within these constraints, however, a projection of Lebanon onto the Arab and Middle Eastern plane may still be possible on two levels, which must be conceived within the frame of Lebanon's weakened position after fifteen years of civil war, and its reliance for social peace on the good will of Damascus.

The two levels can be designed functionally as a cultural, as opposed to a political, approach. On a time scale, the long-term cultural approach may serve as a background to the other, shorter term, political approach. How, considering the constraints just delineated, can Lebanon offer any leadership to the Arab world? A positive answer can be sought in the cultural multi-dimension which Lebanon has enjoyed for more than a century.

Partly because of the forced emigration of some of its best talents during the civil war, the country should try to benefit from the international dissemination of our brain drain – there is immense potential for an advanced research centre, both for science and the humanities, to tie in our higher education system with the best export brand of Lebanon: its thinkers. Beyond what some institutions like the UN-sponsored Tokten have undertaken, there is a reservoir of Lebanese manpower inside and outside the country which can be identified under a general 'cultural' dimension. This human reservoir arguably operates as the most important strategic asset of the country. It is on that intellectual powerhouse that an enhanced role for Lebanon towards a renewed leadership of the Arab world must be based. By this is meant cultural leadership, which may be seen as the continuation and *aggiornamento* of Lebanon's famed contribution to the Renaissance of the Arab world, our *Nahda* of the 19th and early 20th century.

There is another historical prism which can serve for the 'cultural leadership' argument. Until the 16-17th century in Europe, the world

system did not know of states as the main subjects of international relations. Fernand Braudel has magnificent pages in his classic *La Méditerranée et le Monde Méditerranéen à l'époque de Philippe II* about the slow passage, in the northern shores of the Mediterranean, from a logic of empires to one of states. In the southern and eastern Mediterranean (and indeed in the Habsburg-dominated part of Europe), the passage to statehood came only after the seismic transformation brought about by the first world war. It is only then that the logic of empires has given way, reluctantly, to the nation-state system prevailing in the industrialised world. The Ottoman Empire broke asunder, and the state logic became dominant.

What's that got to do with a regional agenda for a Lebanese president? For someone like myself, who is caught in his education between two university systems – French, and Anglo-American –, while appreciative of the unique tradition of Arab excellence in the arts over four generations, the key to the country is its *Mille Plateaux*, a thousand planes of cultural interaction.

This reflection was prompted last year by a stroll into the current fabric of the books that are being published in Lebanon less than a decade after it has recovered from the war slumber. It came when the BBC radio service asked for a serendipitous visit to a Beirut bookshop, and the reaction to what one may find in them. The intellectual promenade heightened a sense of the extraordinary facets of Lebanese culture in which people, sometimes the same ones, operate culturally in Arabic, French and English.

This is not just English used for business and computing, or French in the Dalloz-model for generations of lawyers. It is a veritable operation of creativity in the two core western languages which puts Lebanese authors at par with the best writers abroad functioning in their mother tongues.

This is a tradition which brings Lebanon to the fore of world culture, in English and in French, over much of the century of our statehood. The prominence of the Khalil Gebrans and the Nadia Tueinis in English and in French are pointers to a rather wide phenomenon of literary excellence.

And then, of course, there is Arabic. As during the *Nahda*, Lebanese Arabic is slowly reasserting its century-old leadership. Witness the dominance of the Arab scene by the Lebanese *al-Hayat* for the written press – itself the result of the excellence of the *Nahar* and *Safir* journalists for several decades. In the broadcasting field, both the LBC and Future stations have, in less than two years, clearly emerged as the dominant satellite beamers to households across the Arab world.

These are random examples, which are mirrored in dance, music, science, and the theatre. Without versing in petty nationalistic gloating, such instances should be seen for what they represent in terms of the remarkable international projection, over the two past centuries, of Lebanon as an idea. Part of the idea is the grafting of French and English cultures onto our Lebanese Arabic. As boldly put by someone who has given contemporary Arab culture a unique institutional anchor for over half a century, “how long can we continue to write in Arabic ideas from the west if we are incapable of reading the west in its own languages?”

It is on this basic openness to the world from within its cultures and languages that the pursuit of the cultural leadership of the Arab world, and indeed of the Middle East, should be contemplated by a new president. Since political leadership is not possible in the traditional manner, what he can best offer is the drive towards a serious cultural renewal which integrates three world cultures rather than see them as fighting a triangular zero-sum battle of territories. In this way, the difficult passage from the logic of empire to the logic of states can be enhanced, on a communal level, by a new form of *Gemeinschaft* where the individual multi-linguistic creativity is enhanced in arts, science and the law.

Nor of course is it necessary for Lebanese society to wait for a new president to carry on what it has rather been good at for two centuries. As civil society, from the multi-lingual press to multi-lingual philosophy and poetry, it has always done without the government, or indeed despite it. The Lebanese president is therefore not indispensable. But a president with such a vision, and a capacity to operate in various world cultures, will help Lebanon's Arab cultural leadership to flourish into a world vector of intellectual excellence.

11. Programmes, vi: regional progress

Looking to the medium-term role of Lebanon in the more mundane Middle Eastern scene of politics and international relations, the margin for manoeuvre is much more limited than from any cultural perspective. The reflection here should depart from an approach to the field which is both proactive and humble.

It must be humble because Lebanon is not a key player regionally, and should accept its secondary role in the century-old geopolitical tragedy which colonialism brought to the region with Zionist settlements and expansionism. This not to say that we have not suffered like others from the conflict, and the gaping wound in the south is now twenty years old. But even the occupation cannot be perceived as a simply bilateral function of a problem between the Israelis and us. It is part of the larger conundrum, which the international process started in Madrid has tried to address on the basis of Resolution 242's "withdrawal and peace" formula on all fronts. Such a comprehensive approach has been brought to a grinding halt, in large part because of the access of Netanyahu to power in May 1996.

Two years ago, I added a book to the dozens of contributions in the large library about the Middle East. A book-length study would be the minimal analysis needed to start taking stock of regional problems with their unusual share of complexity. In the context of a condensed agenda for a new Lebanese president, however, it may be useful to draw on two conclusions reached in that book: the first is that the various sub-chapters of the Arab-Israeli conflict (and indeed of the various crises in the Gulf) are closely interrelated, and any approach which does not factor in that complexity will not be successful. That was already the gist of a position paper produced at the University of London in the spring of 1987, which strongly advocated the concept of an international conference as the necessary starting point to give "the complicated Orient" (de Gaulle) its due. The temporary halt to the Madrid conference should not divert us from the need to pursue, relentlessly, a comprehensive approach as the only way out of the conflict.

The second point is one which has been summarised in the most recent book by Maxime Rodinson (*Entre Islam et Occident*, Paris, 1998), who relates an argument he had with Sartre and other French intellectuals in 1967. Those intellectuals were simply "incapable of understanding as simple a problem as the Arab-Israeli issue. For me [Rodinson], the matter was, in effect, simple: Israel is a people who takes the place of another people, and [Sartre and] the others do not like that, of course".

Beyond the complexity which, over the fifty years of the conflict, has obtained from Israel expanding into Lebanese, Syrian, Jordanian and Egyptian territory, there is this sad but simple truth of a people displaced by another. Whether this was done for messianic, national, or historical reasons, the lack of a causal relationship between any of these reasons and the Palestinian victims of Zionism should not matter, even if some of these reasons, like the Holocaust, are tragic. In Edward Said's words, stop "blaming the victims" for historic wrongs in which they played no part.

On the one hand, therefore, the complicated Orient. It is because the various facets are closely intertwined that we should pursue the concept of an international conference. Only through the comprehensive model which this conference established can all the problems facing the front-line states, including Syria and Lebanon, start being resolved.

At the same time, the approach to the conflict is premised on recognising that simple equation of one people displacing another. Several more generations will have to come to terms with that trite and cruel fact, and it would not be proper for us to hijack the solution in one full swoop, and prevent our children and grandchildren from devising a more civilised solution than the international conference, and our own limited imagination, may come up with.

As a consequence, then, the treaties signed between the PLO, Jordan and Israel are only the first such documents to redress the historic wrong. Many more will have to follow before the Rodinson equation is fully addressed, and the increasing divide inside Israel, as it is now inside Palestine, could be exploited in the direction of a different agenda both for Israel and for Palestine, or better even, for an integrated Israel-Palestine.

So where does this leave the regional agenda of the Lebanese president? If the above analysis is correct, some basic consequences should follow.

First, we must reactivate, once again, the international conference philosophy where it was stopped by the current Israeli government: for Syria and Lebanon, at the Wye plantation preliminary agreements of early 1996 between the Rabin-Peres government and the Syrian ambassador to Washington representing his country; for Palestine, talks must continue with a view to fulfilling the entire agenda of withdrawals; for all the countries of the region, bilateral and multilateral treaties must be devised with an emphasis on the rights of people and goods to move across borders with least impediment, and on mutual disarmament with the view to the creation of a Middle East zone which is free of weapons of mass destruction, including the nuclear, biological and chemical varieties held in Arab, Israeli and Iranian arsenals. South America has succeeded in a similar effort.

Within that comprehensive perspective, the Lebanese-Israeli file of contention must be perceived, and addressed, regionally. This means the continuation of mutual Syrian-Lebanese sacrifices so that the northern front is addressed as one unit, and the enhancement of a common Arab approach within a revived unified Arab front-line – or, put in less bellicose terms, ‘immediate neighbours’ delegation. Even in case of unilateral Israeli withdrawal from the South, and irrespective of Syrian influence in Lebanon, the Lebanese government must act with a view to the crisis as a whole, and not be gazing at the sole navel of its borders.

As a corollary to this international conference perspective, the new Lebanese president should help regulate the philosophy of front-line Arab states both morally and practically. Morally, by pursuing an integrated approach, which includes the legitimate need to restart the discussions where they had ended.

Practically, and in addition to the issue of occupation and compensation, in one form or the other, for the twenty-year flouting of Resolution 425, Lebanon has a significant stake in the ultimate arrangements because of the presence of several hundred thousand stateless Palestinians on its territory. We should try to act in concert with Arab states in a similar position to give these forgotten people a

voice, and it might be useful to consider some form of electoral consultation for the Palestinians of the camps in order to bring them back, as a real and self-standing problem – and not as an appendix to the PLO-cum-PA – to the negotiating table.

This last suggestion for a presidential agenda, which must be coupled with a drive towards a more humane treatment of foreign guests, be they Palestinian, Arab, or south Asian, brings up the strategic message which Lebanon is particularly apt to convey: that there should be room for everyone in the Middle East, even if there will be no room for everyone's ambitions.

By bringing up the example of communities and people living together, at peace, in the same land, and by projecting it regionally, Lebanon can pursue again the vision which racist Zionists dread most, a land for all its people – Jewish, Christian, Muslims, or, equally, Arab and Israeli – and which a new humanist Israel might also seek: the vision of a non-racial country, where the common political ground is dominantly secular, while much room and appreciation is left for communities – be they cultural, national or religious – to prosper.

12. Epilogue

One thing which is almost certain for a new president is that, God willing, he will be leading the country into the 21st century. But for the havoc on computer systems, the year 2000 is an arbitrary landmark, except that a spirit of renewal will engulf the world, and we will not want our country to stay behind. Novelty, the Lebanese like to think, is one thing they excel in, and we want to be part of the planetary millennial stimulus.

Cheerful fireworks aside, the greatest difficulty for the new president is to find the right balance between beliefs which dominated the beginning of the 20th century, the "age of extremes" in the terms of the great British historian Eric Hobsbawm, and the challenges of the global age. Most of the 20th century wasn't a time mankind can be proud of, marred as it was by two world wars, the use of atomic bombs and weapons of mass destruction, in addition to the domination, for almost half of it, by the cold war. The extremes were, for the better part of the century, dictatorships and democracies, communists (and brands of national-socialists) and capitalists.

The most civilised note was struck in Berlin in 1989, as the most remarkable feature of the century may be the ease with which the cold war came to an end. The wall came crashing down with no blood spilt in what may be the greatest non-violent revolution in modern history, the consequences of which the world has not yet properly digested.

Positively, the pacific fall of the wall points the way to non-violence, and ideas, as powerful tools for change. The experience we have in Lebanon of useless internecine killings should be used, a contrario, to show the way to the world of the vanity of violence as a means of change. More practically, as argued in the Arab-Israeli context, the projection of egalitarian and civilised ideas onto Israel and the rest of the Middle East will open the way to a radical transformation of the Israel-Palestine conflict more effectively than all the weapons used this century on both sides of the divide.

Further afield, the newly found tranquillity of Lebanese society after fifteen years of embattled communities and groups, and the

retrospective hollowness of our civil war, should be used as model to solve the pandemonium of explosive fissiparousness from Africa to Ireland. After years of war, Christian and Muslim Lebanese discovered there was no sense but to strike a compromise over the same land. So it was and will be for the Tutsis and Hutus of the Great Lakes, the Shi'is and Sunnis of Afghanistan, the Catholics and Protestants of northern Ireland, the Muslims and Christians in Kosovo, alas, after long and protracted civil wars. Perhaps we should try to find a way for our experience to help telescope the unravelling of embattled communities around the globe. The result may only be one: peace following scores of deaths, and refugees painfully regaining their homes. From the Shuf and elsewhere, we know all too well how intractable the problem of the displaced remains, years after the guns fall silent. We should try to project this painfully acquired realisation.

Whilst the lesson of bloodless collapse of the wall revives Gandhian non-violence as a realistic midwife of history, there was less vision, inside the Soviet Union and in the USA, for the post-communism era. The current troubles of Russia are portentous. Still, when democratic capitalism won over the USSR – the last great remnant of planet-wide ambitious state – the historic line between left and right was decisively blurred. In that deep division that goes back to the way deputies sat in the first French assembly after the 1789 revolution, the left and the right had been battling it out for the heart of the world. While the right has won, in absolute terms, it was a hollow victory, meaningless as soon as it was complete: the division of left and right has become moot, and the world – professional thinkers and politicians alike – is trying to figure out where the battleline of politics will be drawn for the coming centuries. One of the recent expressions of this worldwide search is called 'third wayism', around which the leaders of the industrialised world will be realigning their discourse in the coming decade. A new Lebanese president could give some meat to an idea which has been largely empty so far.

In truth, it has always been difficult to know what to conserve and what to renew or revolutionise, and Lebanon is no different. The Lebanese have long been averse to identification with political parties and their ideologies: the rejection of political parties of the left or the

right was made by design for a few in my generation, and through intuition by most. The Lebanese, in any case, were not ready to go for structured political parties. From a negative perspective, this has resulted in the lack of institutionalised 'parties', save those which were – and remain – dominantly sectarian. For the rest, as if we had anticipated that the millions of deaths occasioned by the great struggle between capitalism and socialism was not warranted, the line between left and right was never very meaningful in Lebanon.

Here is therefore the quandary, which the Lebanese peoples seem to have anticipated for the world: if the division between left and right is too blurred to be meaningful, then what is the point of a political party which does not stand on either side of the line? If the Tories and Labour in Britain, the socialists-communists and the RPR-RP in France, the democrats and the republicans in the USA, the SDP and the CDU-CSU in Germany, are now all battling it out for power on a vision of the world which cannot be different beyond the nuances within democratic capitalism, then what is politics all about, and what are political parties useful for beyond mobilising for a programme-less grasp of power?

I certainly don't have an answer to that question, but the following could be ventured: by the individual mistrust of party politics, the Lebanese have at least anticipated the quandary. We did not answer it, and when we did (and still do), we have replaced the programme more often than desired by sectarian assertions. The time may not be ripe yet, or the matter clear enough in anybody's mind to do completely away with the communitarian safety valves. But the balance, surely, must lean towards a Lebanese nationalism that transcends religious communities, and towards new forms of regionalism and internationalism which put some substance in blurred identities at the many levels of our Levantine history: the communitarian (Christian, Sunni or otherwise), the regional (Arab, Middle Eastern, Mediterranean), and the international (oriental, western or global).

So the crisis in party politics, which the country suffers from, is not only Lebanese. There is a worldwide search for a more effective vehicle for political expression than party membership. Perhaps one should look, against conventional wisdom, into the regulation of pressure groups of various kinds, domestically and internationally, with a view to

endowing them with forms of electoral expression tailored to the importance of the theme of their activism. This would help these groups, rather than rigid political parties, openly influence governmental decisions. This is not a figment of the imagination. A strong model was indeed achieved in the recent emergence of the International Criminal Court, which is as much the result of traditional states meeting over a draft treaty, as it is a unique and novel success story for 'international civil society' in the coming together of several hundred NGOs to supplement and enrich the debate.

Domestically, the search for an international rule of law is paralleled by a constant renewal of constitutional review – feeding on a well-established tradition of separation of powers. There are new and enticing ideas in this field. Domestically also, concern for the environment brings together citizens beyond party lines. This is also the case of the economy for various professional groups, each regarding their legitimate business interests, be they bankers, lawyers or trade unionists. The difficulty is the aggregation of all these efforts in a minimally coherent social programme on a national level. The announcement of the death of party politics is surely premature. Still, those new semi-political aggregates, helped internationally and nationally by the communication revolution, appear as the next frontiers of social organisation. Lebanon can start experimenting under a new presidency.