

Ending the reign of the fromagistes

by Chibli Mallat

There is some arbitrariness in the construction of a presidential programme. Even in an economic and political vacuum, unexpected events have a knack of driving a country's politics. And Lebanon has never enjoyed self-sufficiency. So the president will have a hard time fulfilling a fixed programme drawn up in advance as he or she will have to adapt to a regional agenda without being in the driving seat. In addition, a president is forced to act on several fronts at a time, and his or her competence will first emerge from an intelligent ordering of priorities and from the ability to delegate to competent ministers and aides.

Still, some anticipation is useful for 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.

Today and tomorrow, I propose to examine two other matters which must be considered by a new president as the core of the domestic agenda. The more immediate one is the restoration of a healthier institutional set-up 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 Lebanon's constitutional legacy.

Alas, the new president will not be starting with a clean slate. Indeed, while the system is not, as during most of the civil war, a simple synonym for kakistocracy (the rule of the worst) 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 in Lebanon, the sectarianism is a scourge of this country, but it has acted in some ways also as a bane. This conclusion we will have to reappraise in terms of constitutional reform, for the future of the country depends on its correct formulation.

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 prioritise 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 (in which he described the state as a piece of cheese divided up among the leaders), 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 through sound and competitive investment. As a result, undeserving parties unduly benefit and the price of all economic investment gets severely marked-up in terms of value and time.

In one serious assessment I have been privy to, the proportion of the increase in the overall indebtedness of the country over the last six years – some \$13bn – that has gone to investment is in a proportion of only one to six, about \$2bn.

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 for pressing needs, such as the \$50m allocated to cleaning the seashore, sits in international coffers without being drawn on.

I had concluded in my suggestions over the economy that a “state minus” (a more laissez-faire system) should be seriously considered. Instead, even as traditionally efficient an institution as our central bank has doubled its staff since 1990. Surely it’s not doing double the work. The money which goes to defence and security has been calculated, in the above study, to be as much as all the money invested itself over the past six years. And we all know the new low our academic flagship the Lebanese university sank last year, in the form of 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 of running and/or owning educational institutions, as it should from all sectors, from the national airline to 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, 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 still function almost a decade after the war stopped in a permanent ambience of illegality or *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* (civil service council).

In this damning account, he (Hassan Shalaq) concluded that “inflation in the cost of living which the increase in salaries ought to address is an issue which one cannot defend or ignore. Unless it’s addressed, the public servant is put before two options: 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 way through all the echelons of the bureaucracy 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 can 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 to emulate the rot in the system must be fought by the natural protector of the rule of law: the judiciary.

Bribery as a way of life can only be fought by corruption’s nemesis, which is an independent and strong judiciary.

Corruption and institutions cannot go together. The most remarkable remembrance of president Chehab’s mandate is his incorruptibility, despite the indulgence of parts of his security apparatus in matters that were not their concern.

Corruption and the economy cannot go together and one of the top priority programmes of the

World Bank, which was started this year, is the fight against corruption in those countries which benefit from the bank's funding for development.

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.

Chibli Mallat is a lawyer and professor of law. He contributed this eighth article in his series on the presidency to The Daily Star from London. Tomorrow's article will deal with constitutional reform.

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