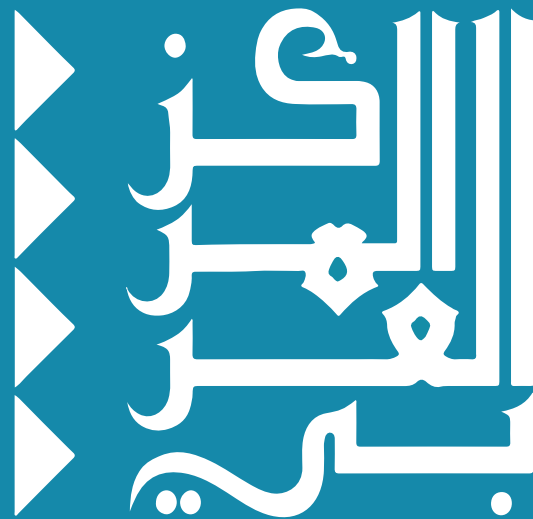


# Once Again, Lebanon Faces the Ghost of a Political Vacuum

Joe Macaron

May 17, 2017



Arab Center Washington DC  
المركز العربي واشنطن دي سي

The parliament's term in Lebanon expires on June 20 and the ruling oligarchy has yet to reach a compromise over a new electoral law. The country's successive political crises raise questions about the functionality of the political system and its ability to mitigate sectarian conflicts. In recent years, new local and regional dynamics have changed the calculus of the ruling oligarchy, a trend making it difficult to strike deals in a system run by the sectarian consensus rule. Indeed, if an agreement is not reached in the coming weeks, the looming legislative vacuum could paralyze the already frail national institutions.

This is by no means the first nor the last political crisis that Lebanon has faced in the past decade, most notably since the assassination of former Prime Minister Rafiq Hariri in 2005 and the gradual end of the Syrian regime's rule. Most recently, electing a new president entailed a 30-month long impasse that ended last October; further, reaching a deal over key positions in the security establishment took 48 months, or until March 2017. The last time Lebanon held a legislative election was in 2009 and the dispute over the electoral law has been ongoing since 2013. The parliament has already extended its own mandate twice: the first time in May 2013 for 17 months, and the second time in November 2014 for an additional 31 months.

### **Shifting Political Divides and Compromises**

While the priority of the presidential vacuum in the last few years preceded the debate over electoral law, electing General Michel Aoun as president has altered the country's political divide. The traditional March 8 and March 14

camps no longer dominate the scene nor even exist in the media's lexicon. President Aoun, once a close Hezbollah ally, is now on the opposing side of the Shi'a alliance that also includes Parliament Speaker Nabih Berri. Samir Geagea, the Lebanese Forces leader who was once an archenemy of General Aoun, is now aligned with the president in an attempt to strengthen the Christian influence in the political system. The Free Patriotic Movement, now led by Aoun's son-in-law and foreign minister, Gebran Bassil, has been playing sectarian politics to the base. Saad Hariri, the current prime minister and the Future Movement's Sunni leader, has been keeping a low profile in this debate; however, he seems to be edging closer to the Christian alliance. The Druze leader Walid Joumblatt, who has been striving in recent years to remain neutral in Lebanese politics, is coordinating tactics with the Shi'a alliance.

Speaker Berri called for a legislative session on April 13 to extend the mandate of the parliament until June 2018. The Christian alliance threatened to call for a general strike and close the roads leading to the parliament's headquarters in downtown Beirut. As a preventive measure, and for the first time in Lebanese history, President Aoun used his executive power on April 12 to suspend the legislative sessions for one month in a moratorium that ended on May 15. In the May 4 Council of Ministers' meeting, Hariri and the Christian alliance coordinated tactics and hinted their intention to put forth a draft law to a vote in the cabinet that would pressure the Shi'a alliance to concede. In return, Berri

continues to hint that extending the parliament's term is still on the table, which puts pressure on the Christian alliance.

The Shi'a alliance has softened its stance in recent weeks, since the tensions with Aoun reached their peak last month. On May 2, Hezbollah Secretary General Hassan Nasrallah delivered a speech on this issue, using his leverage in the Lebanese political system to avert a political crisis that might threaten the ruling coalition. Since then, both sides of the electoral law debate have let their deterrence guard down and gradually agreed on a set of guiding principles that reemphasized the consensus rule:

- No legislative vacuum (as Berri demands) in return for no lengthy extension of the parliament's mandate (as Aoun demands).
- No voting by simple majority on the electoral law in the Council of Ministers without the consent of the Shi'a alliance, and no legislative vote on extending the parliament's term without the consent of the Christian alliance.
- No election law will be adopted until all the major sectarian groups have approved it.

### **Possible Scenarios for the Electoral Law**

The disagreement over the electoral law is not over who will win the legislative election but over the size of the parliamentary bloc belonging to the major leaders of the ruling oligarchy. To be more accurate, the major

obstacle is whether the Christian alliance can pick most of the 64 of the 128 deputies allocated for Christians in the parliament. Since the Taif Accord that ended Lebanon's civil war in 1990, Christian representation in the parliament was dependent on the main Sunni and Shi'a political groups. Now there is a shift, with Christian leaders seeking more autonomy in national decision-making.

Even if a compromise is reached over the electoral law in the coming two weeks, there is an inevitable need before the June 19 deadline to have a "technical extension" of the parliament's term to prepare logistically for the elections. Numerous versions of electoral laws have been floating in the past years; however, three options remain viable:

- The current law (known as the "1960s law") has been a hallmark of Lebanese politics since the 1960s; it is a majority vote system in an election where seats can be contested only by candidates from the same confession. Citizens, however, can vote for all available confessional seats in their district. The last major reforms on the 1960 law were made in the 2008 Doha Agreement that came after a military confrontation between the Sunni-led March 14 camp and their rivals in the Shi'a-led March 8 group. Hence, in the 2009 election, Lebanon was divided into 26 districts based on administrative boundaries, and the number of deputies increased from 99 to 128. In the 2000 and 2005 elections, Lebanon was divided into 14 electoral districts. The Christian

alliance categorically refuses to accept the 1960s law, arguing that it allows the Shi'a alliance and Hariri to pick up a dozen seats allocated to Christians.

- The rehabilitation law is a mix of majority and proportional systems where the election is conducted in two phases. In phase one, on the district level, voting is based on sectarian identity. The winning candidate in phase one qualifies to phase two nationally, based on a proportional system. The technical disagreement on this draft law was on deciding the number of candidates who qualify to phase two. The Free Patriotic Movement has been the driving force behind the rehabilitation law, which was largely criticized in Lebanon because it incites sectarianism. The main challenge of that law is that it denies a sizeable number of citizens from voting in phase one, and those citizens are minorities in the districts where they were born. It was estimated (AR) that nearly 127,000 eligible voters in 12 districts (out of 26) will not be able to participate in phase one.
- The proportional representation law has been the only path where the ruling oligarchy is closest to reaching consensus; however, the main challenge remains in reaching an agreement about the size and number of electoral districts. While the Shi'a alliance wants only six districts to expand its parliamentary blocs, Hariri endorses having 10 districts to maintain his influence in Beirut and

beyond. The Christian alliance, meanwhile, prefers having around 15 districts, on average, to have more leeway for their candidates to be successful.

However, the negotiations on the electoral law came back to square one this week. Berri has recently offered a two-part package deal: 1) having a proportional law with six districts, and 2) adding a Senate, thus turning Lebanon into a bicameral system. The Senate is already mentioned in the Taif constitutional amendments as a platform to channel sectarian perspectives in return for having a secular parliament. While this idea never materialized because of the country's sectarian sensitivities, there are disagreements on the confessional affiliation of the person who would preside over the new Senate. The Free Patriotic Movement argues that a Christian should do so, but Berri maintains that during the unofficial deliberations of the Taif Accord, the consensus and the expectation were that a Druze should preside. Berri portrayed his offer as a concession from the Shi'a alliance to confer legislative powers onto a non-Shi'a president of the Senate. Berri gave Hariri and the Christian alliance a deadline of May 15 to accept this proposal; they came back with amendments that made the offer void.

### **Where Things Stand**

The speaker of the parliament has postponed the May 15 legislative session and all eyes are on the May 29 legislative session that has one item on the agenda: extending the parliament's term. This means that Berri is still using the

extension card to pressure the president. The Aoun-Hariri alliance is now facing the Berri-Joumblatt alliance, with two variables in the mix: the Lebanese Forces and Hezbollah. Geagea, of the Lebanese Forces, backs Aoun with the precondition of having a seat at the decision table and occasionally edges closer to Berri when things go awry with his newfound ally. As for Hezbollah, the armed Shi'a group made it clear since the end of 2016 that after supporting Aoun to become president, it would shift to empower Berri—who is now negotiating on behalf of the Shi'a alliance. Hezbollah occasionally intervenes to avert a crisis that might push Aoun further away from the Shi'a group.

While all the focus is on the electoral law negotiations, other crucial reforms are being disregarded. Calling for a major reform like establishing a Senate, in a hasty way just weeks before the deadline to extend the parliament's term for the third time, does not reflect the seriousness of the ruling oligarchy to improve the functionality of the political system. Lebanon is not on the verge of deciding a law that will breathe new life in the political system; the dispute now is on gerrymandering with, give or take, five seats for each parliamentary bloc.

An independent commission, mandated by the government in 2006 and led by the late Foreign Minister Fouad Boutros, had already suggested a series of reform measures; however, the

parliament did not adopt them ahead of the 2009 election and will likely not do so in the coming weeks. Lebanon still has no independent and apolitical body to supervise the election instead of the interior ministry. The voting age remains at 21 instead of 18, and no quota for women's representation in parliament has been established. The elections need to be conducted simultaneously in one day instead of stretching over weeks. While adopting pre-prepared ballots, regulating election spending and media coverage should be a prerequisite for a fair election.

From the US policy perspective, there is not much room to maneuver. The election is based purely on domestic calculation, and any US involvement will only backfire. If Washington either hints that Lebanon should avoid a legislative vacuum or calls to reach an agreement on an electoral law, the position will be interpreted as siding with one of two camps. While the United States has leverage on the banking system and on the Lebanese military, its influence in Lebanese politics is limited. However, there is a sense of uncertainty about US policy in Lebanon. It is not clear where President Donald Trump's Administration stands on a range of issues related to Syria, Iran, and Hezbollah. This unpredictability also applies to Lebanese politics. The current alliances leading the electoral law debate might change over time. Indeed, nothing is static in Lebanon, so the United States is better off watching from a distance.