

The Management of Change in the Lebanese Society*

Obstacles, Strategies, and Institutions First

Change requires a project, a vision, and a creative imagination. If it's merely driven by ideology, a mobilization of its forces would temporarily happen, only to be followed by despair, bitterness, and frustration. An alternative ideology would ensue, exploiting the symbolism of change and people anger, and feed political rivalry into desperate people.

Taking liberty in a political discourse about change without looking into its applications, such as the continuous discourse about the "abolition of political sectarianism," is not just restricted to the politicians, but it engages intellectuals as well. Does Lebanon really need programs of a general, vague, and slogan-type nature bearing broad titles and recommendations, in other words spectacular speeches of self-acquittal? Does Lebanon need a ministerial statement that speaks about everything, yet with no specifics, and lacks operational details relative to citizens' livelihood issues that define the capabilities needed to implement the proposed changes? Change is inherently a strategy that includes change agents and practical plans. By its very nature, it confronts obstacles, limitations, conditions, and resistance, or even meets support, in the context of the physical and human capacities available.

In the case of a pluralistic parliamentary system which groups eighteen sects and is based on a policy of negotiated settlements, and which looks indeed as the "Jeweller's Scales" which former Speaker Hussein Husseini likened it to, change in Lebanon collides in its strategic significance with a series of problematics.

Obstacles

1. The Problematical Feature of Political Power: Is the Lebanese State a deciding or an arrangement-making power? The way ministerial consultations to form a cabinet stretch, plagued by disablement and conditions from here and there, under the pretext of forming a national unity government, is a glaring example of a decomposing system because of the orderly and gradual decline of the two basic principles which are the rule of law, and voting. This is the central problematic area for the State's power and the legitimacy of its authority in a political system where a simple majority is not enough to make a decision, and where, contrary to Article 65 of the Constitution, the other camp

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literally exercises a “tyranny of the minority” which allows it to freeze the decision-making process. In many cases, the system is penetrated by external forces, whether in the form of a hostile or a “brotherly” occupation. It also gets subjected to external pressures that not only play on the internal differences and manipulate them, but also work on dressing them up with often-artificial sectarian characteristics.

Through the amendment to Article 49 of the Constitution dated 21/09/1990, the National Reconciliation Document of 5.11.1989 (Taif Accord) created a constitutional means which set the President of the Republic as the protector of the nation’s rule of law, while other balancing acts that were proposed made the President of the Republic an Honorary President rather.

The ‘Troika of Presidencies’ is an aberration of the constitutional rules. The delay in forming a government constitutes another departure from these rules, as a coalition government grouping all confessions/sects (Article 95 / T) does not necessarily include all political forces. In case the coalition included all political forces without exception, this undermines the principle of cabinet solidarity and the principle of executive or rather “procedural” power (Chapter IV), which is separate from the legislature. The government is then turned into a microcosm of the Chamber of Deputies, and the role of Parliamentary opposition and monitoring gets annulled.

The problem of power in the National Charter-based Lebanese system was often simplified. In fact, it is characterized by a multiplicity of decision centers (polyarchic). Also, an escape from the system’s requirements would be done through discussing “confessionalism/sectarianism”, or through exploiting Lebanese pluralism by political poles at home and abroad, in the desolate forest where politicians wrestle. In the first years of the Lebanese Civil War, the French envoy Georges Gorse labelled some of them “the demons of politics.”

The power in Lebanon is too vulnerable or lacking compass, because of the elites’ repressive position, which produces an elitist dictatorship (Elitocracy) in a system so rigid for others to participate in. Accordingly, authority finds itself in a situation such as former PM Rashid Karami described in 1976: “Between Camille Chamoun and Kamal Jumblatt, we arrived to this state of affairs.”

President Fouad Chehab, who was motivated to change from being in stable conditions relative to the presidents who followed him, collided with the problem of

state power. He later put forth the dilemma in clear and painful terms as being entwined with prospects considered dangerous and ineffective, and that in his statement of 04.08.1970, which was drafted by former Minister Fouad Boutros. He said, "I am convinced that Lebanon is not ready to adopt basic remedies which I can only adopt in the framework of respect for human rights and fundamental freedoms, which I'm always keen on."

Solving the chronic problem of power in a multi-balancing act, and in a hostile or undemocratic regional ocean, has historically been by the army's "Second Bureau" during President Chehab's presidential term, albeit contrary to his will, or by seeking to reconcile the impossible between the State and its nemesis as was the case with the Cairo Agreement of 1969, or by resorting to security by mutual consent in the multinational 1975-1990 wars, or by the domination of Lebanese-Syrian intelligence in the aftermath of the National Reconciliation Document ... and always with a Arab-style strong perception that the military may be the "solution" by the President of the Republic coming from the army, which was no doubt influenced by the exceptional symbolism of President Fouad Chehab.

2. Loose and Moody Practices: Change cannot be committed to, in any field, without streamlining the practices of a pluralistic parliamentary system. This system is not inherently loose and out of control; but the prevailing basis of quotas or positive discrimination is undisciplined and unbridled in favour of the political lords in their patronage and clientelism. Further, the requirements of reconciliation can lead to stepping out of the line of law (lawlessness) and repealing the principle of voting in the Council of Ministers even in the administrative context of appointing functionaries.

Every political system contains germs of corruption if it lacked boundaries. Transcending limits in the Lebanese system enjoys justification and a blessing mentality even which is summarized this way: This is a sectarian system! To justify the practice of favoritism or cronyism, a political pole, whose fundamental duty is the defense of the law, said, "As long as it's a sectarian system, we want our share!" Constitutional scholars and references of authority did not put rules to control the arbitrary exercise of quota in the representation of confessions. This moody practice is the most important barrier to efficiency and public service.

3. Dictatorship of the Elite and Patronage: The dictatorship of some political poles and their continuation in solving all problems through influence and practices of

patronage and dependency, and through the aggravation of sectarian polarization (pillarization) constitute the main obstacles to the adoption of public policies in the public interest. What's required is the adoption of renewed dynamics to modernize traditional leaders who essentially embody a national heritage in defending national independence, sovereignty, and are aware of the significance of Lebanon, unlike the new leaders who claim change (lumpen elite). This modernization is necessary to strengthen the principle of separation between the legislative and executive powers, and to guide the administration towards efficiency, productivity and public service.

What feeds the dictatorship of the elite, more than the political culture, is the stirring of the disparities between communities and raising their respective concerns about national security, sovereignty, the independence of Lebanon, and the nature of its relations with its environment on the basis of openness to all Arab countries and non-exclusivity with Syria or others. Feeding fear and exercising manipulation compel people to follow their sectarian leaders at the top for self-protection. The preamble of the amended Lebanese constitution stipulates: "Lebanon is a final homeland for all its citizens," thanks to the common suffering in 1975-1990 and the Beirut Spring of March 14, 2005, and the national solidarity during the war of July 2006. No sustainable in-depth change can be induced without making Lebanon cease to be an arena or sidewalk (or 'trottoir' – 'pavement' in the French sense of the word) "for the wars of others."

The separation between being a Member of Parliament (MP) and a Government Minister, as proposed by Nimatallah Abi Nasr's draft law, ensures a new dynamic in relations between the legislative and executive estates, and in the management of public policies. Ministers may be selected from the Parliament for reasons of balance and harmony, but when they are appointed, they should resign their Parliamentary seat.

4. Sustainability: Each change that is not characterized by sustainability constitutes a renewal of circumstantial and temporary nature. Sustainable growth in Lebanon was destabilized, not only because of the nature of the constitutional system, but due to the regional conditions: The Cairo Agreement of 1969 and its consequences, the 1975-1976 civil war, the Camp David Agreement, which was followed by Israel's invasion, and the domination of intelligence services, the frequent Israeli aggressions, and the war in July 2006 ... But these events which have a direct impact on security, safety, stability, and the economy, are not inevitably liable to extend to all areas. The reasons for the negative repercussions on the various institutions belonging stem from to State leaders whose

continuity is ensured through a six-year term for the President of the Republic and a four-year term for the Speaker of the Chamber. The Economic and Social Council (ESC), which by established by virtue of a constitutional amendment in 1990, aims to be an effective change agent, and the engine of continued counsel public economic and social policies.

Strategies

1- The President of the Republic as a Guardian of the Rule of Law : Constitutionalism did not realize some of the constitutional amendments that took place on the basis of the National Accord Document dated 05/11/1989 and the constitutional amendments dated 21/09/1990. The latter added the following section to Article 49 of the Constitution:

“The President is the head of state, and the symbol of the unity of the nation. He ensures respect for the constitution, and the safeguarding of Lebanon’s independence, its unity, and its territorial integrity, in conformity with the terms of the Constitution.”

This addendum is not a form of rhetoric. On the contrary, it provides a prerogative, or rather a role for the President of the Republic which is above other powers and their convergences and divergences. It’s a role of moral leadership of the country (moral judiciary) and guardianship of the principle of legality. The President of the Republic is not a mere mediator, but rather a protector of the Constitution in every case or draft law or decree, as well as a constitutional and judiciary “ombudsman” with precedence to the institutional Constitutional Council. He is an arbitrator in the legal sense who draws on arbitration systems, and therefore relies on legal rules, not on bargaining techniques. The moral leadership of the State and the safeguarding of the legal standards constitute a substantial work site that transcends prerogatives and the Maronite community even. By itself, it is an element of rallying and unity because it defends the rule of law as a means to achieve equality for all citizens, and to protect them regardless of their affiliations.

What affirms this new model of ensuring power balances, while avoiding turning the President into an honorary president or “The Baabda Man,” is the emphasis on the role of the President of the Republic as being the protector of the Constitution as stipulated in its new provisions, and as stated in the preparatory works and deliberations that preceded the Taif Accord. The focus on the new or renewed role of the President of the Republic was confirmed beyond the logic of prerogatives through the following

complementary constitutional provisions:

1. Revision of the Constitutional Council: The President of the Republic has the right to revise the constitutional council in matters pertaining to monitoring the constitutionality of laws (new Article 19).

2. Constitutional Oath: It's confined to the President of the Republic only (Article 50), whereas the reform proposals presented during the Taif deliberations, and before, raised the prospect for the Prime Minister to take the Constitutional Oath as well.

3. To send notices: The President, whenever necessary, has the right to address the Parliament by letters (the new Article 53-10).

4. Initiative in the Council of Ministers: The President of the Republic is entitled to present any urgent matter before the Council of Ministers from outside the agenda (new Article 53-11).

5. Reconsideration of laws and decrees: The President of the Republic has the right to ask the cabinet to reconsider any decision taken by the Council of Ministers within fifteen days from the date of submittal to the Presidency (Article 56). And "The President of the Republic, after briefing the Council of Ministers, has the right to request reconsideration of the law once within the specified period for issuing it; and it's not allowed to a refuse his request. When the President exercises this right, he becomes absolved from signing it into law until the cabinet debates it again and approves it with an absolute majority of the members who legally compose the cabinet" (new Article 57).

Thanks to these new texts and the way they complement each other and provide a practical way for the exercise of the function of "safeguarding" the Constitution, it becomes clear that the presidency is not a position among politicians, and is not a part of an influence system, and cannot be approached from the perspective of executive powers. It is rather a leadership role that goes above and beyond positions and powers in order to consolidate the authority of higher standards, and to exercise a constitutional and legal role that organizes this authority in public life.

Some "decisions" of the President of the Republic in connection with the aforementioned role of "ensuring respect for the Constitution" are not subject to the requirement of the signature of the Prime Minister and the Minister or Ministers concerned (new Article 54) because they don't have the status of normative decrees. If some would deem this signature necessary, it would be in this case just to acknowledge being in the know, and not for approval.

Many say, often from a culture of influence rather than democracy and rule of law, that the role of the President of the Republic amounts to “nothing!” This is due to ignorance of the extent and magnitude of this role and its responsibilities, as well as its professional ethics and the democratic culture that it requires¹. “Safeguarding” the constitution requires the daily efforts of a group of executives (cadres) to control the legal standards of projects and public policies, as well as monitor the compatibility of draft laws and decrees with the constitutional principles, and the course of the State’s law and order.

2- The rationalization of practices: The constitutional analysis is sterile because of the conceptual models and frameworks which prevail since the 1920s. The traditional approach is no longer innocent, for it justifies the continued sectarianism by politicians who do not realize the democratic obligations in a pluralistic parliamentary system. This indicates the need to adopt other approaches that are more deductive in nature.

The appointment of civil servants is subject to rules that are of a legal, administrative, and hierarchical character. Every time the principles of the rule of law are violated, while complying with the law only in form, it is considered a circumvention of the law. The principle of positive discrimination is not at the root of corruption affirmative; but rather its deviant practice with the blessing of constitutionalists and intellectuals. Countering sectarianism, whether in good faith, or by virtue of political competition and manipulation of the law, transformed into a means for legitimizing the practices of politicians who get absolved, as they are not held accountable in view of the going expression: ‘This is a sectarian system!’

Change requires contains the sectarian realities within set borders on the basis of the legal and administrative rules and the principles of the rule of law. It is a research approach and a renewal process for academics and social activists.

Every political system, with the exception of totalitarianism and dictatorship, comprises limits to prevent crossing the limits of authority. When politicians respect the limits, conviction is then formed in the likelihood of moving to a more competitive system, while avoiding the risk of permanent isolation and factional domination.

(1) Antoine Messarra: *The Roots of the National Reconciliation Document* - Taif, Beirut, Lebanese Foundation for Permanent Civil Peace, Oriental Library, 2006. 640 p., new edition added 0.2014.

Among the most salient problematic of governance is the necessity of harmony between the rule of law and the requirements of National Accord.

The existing system draws on politics of accommodation (who doubts that good management of accommodation is of democratic value?) in the spirit of the legislation in order to reach national solidarity, or on the contrary it could fall in the context of shared influence between some political poles, bosses who violate rules of law by illegal actions (lawlessness).

The subordination of all cabinet decisions to the practice of consensus, including the appointment of civil servants, is contrary to Article 65 of the amended Constitution.

And introducing all partisan contradictions in a coalition-of-sects government is a violation of the requirements of the availability of an effective opposition, and to the principle of cabinet solidarity and parliamentary control.

The practice model of the Lebanese system is burdened by thirty years of deteriorating practices. The resetting of the rule of law within the framework of the Lebanese particularity constitutes an enormous work site, with the President of the Republic being its main pillar, if he exercises his role as guardian of the Constitution in accordance with the new Article 49.

Many obstacles in the Lebanese system can be overcome if the minimum requirements in the application of the law were secure. Otherwise, any change in the system would be out of control in an estranged law of the jungle. The advantages of the National Reconciliation Document are that it opened the door for inducing a rational change.

3- Successive Approximations (Incremental Approaches): No change can happen in Lebanon by force or imposition from the top, and no chance of change to be induced through an enlightened despot. The change that was induced by President Fouad Chehab was made by incremental approaches, namely through a holistic vision and a progressive strategy. The reason is that change in a pluralistic parliamentary system and in a multi-balanced environment does not just pose technical problematic, but it also affects the institutional, personal, regional, and sectarian balances.

In a diverse society, change raises concerns of flipping the balances. So when a first dose induces psychological security, another dose is introduced, then another doses

would follow without compromising overall harmony or the resolve of the change agents. It may not be the ideal strategy, but it's the possible strategy. Had President Chehab injected all those doses at once, on matters of administrative reform, social security, and development, etc., they may not have been approved.

4- General Policies through Consultation: Change happens through incremental steps, and through consultation in public policy contexts. We have a pioneering example in the person of Professor Mounir Abou Assali. He managed the Educational Rise Plan, especially in what regarded the two articles of civics and history (1997-2002). The transformational process has been made possible through a policy of consultation with the political forces, often through peaceful neutralization of some of these powers, and in cooperation with the decision-makers and influential people in educational affairs. It is a typical case in the democratic management of public policy with chances for maximum efficiency, thanks to the participation and support of the decision-makers and persons of influence. Each public policy can enjoy likelihoods of application without deviation, and at the lowest administrative and financial cost, if it's lent support and the mobilization of people concerned.

5- Policy Change: If politics in Lebanon continue to be a power struggle among political poles for influence, and a mobilization for conflict, then change doesn't carry a chance to take place, even if sound programs were available. There is no change, nor rational governance without a public spirit. It's the duty of educators, professional bodies, trade unions, civil associations, and active persons in municipalities to develop a culture of public affairs in the face of patronage practices and local feuds. All issues must be put forth, without exception, in terms of quality of life and its impact on people in their daily lives, on their families and children, and on their health and future, based on the principle: Man First. Is it acceptable that a number of martyrs from all factions, and even none, be assassinated for the Beirut Spring to happen on 14th March 2005? The example of Poland is extremely useful: Protesters from the "Solidarity" movement would declare, at first glance, they did not deal in politics and did not oppose power ... but they wanted to ensure their bread and butter, and send their children to school!

On the opposite direction, there is a remarkable example in Lebanon of a past ineffective strategy, in the case of claiming a voluntary law of personal civil status affairs. This claim is part of Resolution LR 60 Date of 13/03/1936, which is still in effect but not implemented, as well as Article 9 of the Lebanese Constitution which stipulates that "the freedom of belief is absolute". Some re-2014 campaigns for the project grouped

activists from all sides: Non-sectarian, anti-religious, atheists, leftists, and secular! This previously led to the further politicization of the subject, and to giving it confessional/sectarian proportions, which involved it into a power struggle that went beyond putting a constitutional principle in actual practice and implementing a valid decision about the freedom of belief. It would have been more useful to act along the stratagem of the Polish “Solidarity” movement, i.e. by documenting 15-20 cases of injustice (mixed marriage, the fate of women and children, the rights of non-baptized children ...) to demand, practically and effectively, an end to the injustice inflicted in those cases, without any dogmatic or ideological approaches to the issue.

The Lebanese people would have more confidence in the allegations of some political leaders about their concern for Lebanon’s independence and sovereignty, its message and its role in the Arab world, when they would see well maintained roads, open public schools with is open high quality education, and when every citizen feels equality and dignity when dealing with the public administration... Change really starts when a Minister of Public Works, and Minister of Education, and a Minister of Energy and Water speak to citizens on road conditions, district schools districts, and home lighting respectively ... In response to a Minister’s statement, Ghassan Tueni wrote:

“We hope that Minister of Energy and Water would take care of lighting... instead of specializing in rejecting the use of experts from ‘colonial’ countries to investigate assassinations which our experts seek to suppress. Those ministers, who have an allergy for colonialism, and exclusively for the use of experts to investigate our assassinations ... effectively put themselves in the position of defending the criminals.”²

In Israel, why don’t “regional circumstances” obstruct the implementation of educational plans, road maintenance, the simplification of administrative procedures, and supplying households with electricity and water...?³

Contrary to the common perception, amending the electoral law is not the key to holistic change. It’s rather citizens with electoral behavior, not a clientele mindset — citizens who are aware of their legitimate interests and living rights — which is capable of changing Lebanon’s path in depth.

6- Think Globally, Act Locally: Holistic change will not be tangible and induce emulation and inspiration unless it’s embodied in society’s infrastructure at the micro level, in the street, neighborhood, school, factory, and municipality ... Each plan or comprehensive program that

(2) Ghassan Tueni, “Security Triangle... or the Triangle of Inciting Revolution then War”, An-Nahar, 3/10/2005.

(3) Henri Zgheib, “Let’s Know Our Enemy and Learn”, An-Nahar, 8/10/2005.

does not include pragmatic details to translate it into micro-actions or sectoral activities remains abstract, and does not carry sustainable human development. Further, it does not change the attitudes and behaviors of the dominant political culture, which is submerged in a haughty type of discourse. The multidisciplinary teams in charge of local development at the time of President Fouad Chehab in the 1960s, led by the Social Welfare Agency, and Joseph Donato in particular, constitute an inspiring model for conducting change.

At the local level, and given Lebanon's conditions, the major obstacles to ensuring public interest are centered domestically. At this level, family feuds and political differences are found in concentration. Sociologists and policy researchers often underestimated studies at the micro level, preferring research on, preferring to carry research on meta- or macro structures, whereas the culture of empowerment and sustainability grows at this level.

Owing to a traditional mindset, certain specific field activities, at an infrastructural level, were commissioned as if they were some kind "bread and circuses" (from the Latin phrase *panem et circenses*), a descriptive which was coined by the Latin writer Juvenal (Juvenal, *Satires*, X, 81) to mock at the Romans who were unable to think of matters other than free wheat distribution and participation in entertainment games.

Specific, concentrated, and cumulative actions along the concept of public spirit, which possess a contagious effect in a small country like Lebanon, tend to correct the deviations of politics as mere power struggles. Networks of corruption and patronage destabilize these actions from their roots, reproducing dependency on political lords. The municipal worker who cheats on the water meter in the village for the benefit of a certain consumer is often part of a network linking him to a chain that upwardly consists of an influential member of the municipal council, a Member of Parliament, and a Government Minister, and perhaps it goes further up in a regional web of patronage and corruption.

For internal and regional reasons, remedies will not come from higher policy makers at the summit of power, unless the people pursue their demands on a daily basis, in a society that is in the process of reconfiguring itself on the basis of its daily legal interests and legitimate rights. Every policy which is not citizen-centered, i.e. which does not depart from the citizen being a contributor to public revenues, therefore a beneficiary of public utilities and services, constitutes a national threat! The most important example of change by civil society is the "Bitlaa Bi-Ildna" program of the "Joy of Giving" organization, especially in the area of Baal Ad-Daraweesh and Baal Al-Dakoor in Tripoli.

7- Strategy at the core: In a small country like Lebanon that passes through situations where large programs could be frozen because of influence struggles, patronage, and local

conflicts, a strategy at the core is likely to be effective. This strategy goes against the prevailing trend of presenting meters-long plans, drawings, and recommendations to prove that a holistic view is available! Holistic view is needed of course, but the application requires a proper approach and complementary operational strategic approaches as well. The strategy at the core requires the search for axes where signs of change are detected, thanks to initiators and effective actors who have the ability to frame efforts and provide actual field examples in matters of change which lead to trust, emulation, inspiration, and empowerment.

For instance, when a program for the development of public education sector is set, a practical plan would be that ten or more public schools are selected each year across all the country's Governorates, and adopted as typical schools for micro applications.

8- Sectarian organizations with a public affairs mindset: It is possible for the many organizations pertinent to Lebanon's various sects (religious, educational, cultural, medical, social, service-oriented...) to be agents of self-development from inside (endogenous) in a society keen on its diversity, and sometimes reserved toward the imposition of public policies by the central authority. The history of Lebanon is filled with accomplishments made by pioneering educational institutions through schools scattered throughout Lebanon and addressing all Lebanese. Since the 1950s, the Islamic sects have sought to develop their educational institutions, thus contributing in addition to the public education institutions, to achieving greater equality at the social, economic, and cultural levels between the country's confessions. The communal organizations are capable to be the agents of self-development from inside, and for the public benefit, if they work with the mindset of public affairs. For example, if a Sunni charity seeks to group Lebanese from other communities or sects in the setting up of a neighborhood committee to improve the quality of life in that neighborhood, where Sunnis and non-Sunnis live... this action contributes to self and public development. There is nothing wrong with confessional organizations, as long as they are not closed, and they work with a mentality of development and public benefit.

9- Levers: While facing resistance and hurdles by its very nature, change needs levers which are capable of carrying and following it through. Where are the political parties, trade unions, professional associations, and civic society organizations...? If a Minister takes a pioneering position, and an MP proposes a draft bill, and a judge issues a typically and just ruling... who supports them when they are confronted by their a sophisticated system of influence? Are organizations and associations related to liberal professions, unions, banks, industrialists and traders simply an extension of political forces, or are they complicit with these forces, or they enjoy the necessary autonomy to defend their legitimate professional

interests, which positively reflect on the quality of people's lives? Several organizations of civil society have been penetrated and made dependent.

And where is the administration in Lebanon that would underpin the implementation of any public program of change? After thirty years of subjecting the public administration to dependency, one can nevertheless say that it still comprises efficient, functional and ethical staff; but an administration that is capable of carrying change management is alas not available. The National Administration Institute was created in collaboration with the National Administration Institute of France in order to qualify a new generation of administrators on the basis of its internal regulations dated 09.06.2005 with regard to the preparation and training of civil servants, which was approved by the board. There are two institutions which constitute the pillars of change in the Lebanese public administration: The board of the Council of Public Service which is free of patronage and keen to regain the authority of standards; and the National Administration Institute with its internal regulations for preparation, training and the restoration of its independence from penetration, neutralization, and disabling influences.

The Economic and Social Council, in spite of obstacles and disruption efforts that it confronts, constitutes a model for an attraction pole which is able to activate professional and civil structures which were rendered vulnerable throughout thirty years of penetration, and to energize public policy as well.

Besides vision and methodology, change in Lebanon requires the reconstitution of institutions in a practical and tangible fashion, namely the constitutional, security, political, administrative and social institutions, some of which used to "execute the orders," as per the expression of Prime Minister Fouad Siniora at the Parliamentary session of 05.10.2005⁴. Therefore, any change or development program should focus on the levers, i.e. the institutions, and on selecting the right and actors who are capable of carrying and following it through. The concept of institution consists of three elements: Organization, which ensures rational administration, governance and continuity; the Project subject to the concerned administration; and Leadership, i.e. competent persons without whom the organization would turn into a lifeless skeleton within a bureaucratic administration that works for perpetuating itself.

In a pluralistic parliamentary system, change requires a thorough knowledge of the areas of change, the limits of the system, and an awareness of the chances of change in a small country that whose conditions differ from those of such a vast country as Australia, and the

(4) A strategic and operational statement with regard to change, Newspapers 6/10/2005.

United States. Holistic change can be accomplished in Lebanon in less than five years if the conditions of efficiency are made available.

Among the speeches on change, the moralistic discourse (Puritanism) about the "corruption" and the "political class" raises fears. Puritan morality is more dangerous in politics than in private life, because it ignores the complex nature of politics, and demonizes 'the other', thus justifying the use of means which are disproportionate to the expected results, and disregarding costs and benefits. No success can be achieved in politics by expanding the domestic hostility networks. Without compromise, it rather lies in drawing wider support, neutralizing some competitors and detractors, limiting the damage, and perhaps in domesticating corrupt people and corrupters. No political action, in the distinguished sense, can be conducted, except with politicians, doers, and society, often as they come, not against or without them.

The more complex approach in a pluralistic system lies in the "cheese eaters", as President Fouad Chehab used to call them. They are the major handicap in the process of change, and are impossible to exclude (on assumption that their exclusion constitutes salvation). However, they can be neutralized or integrated within the change context in a reasonable way and in compliance with the law. This requires from society itself, through its various organizations, to be more aware of its legal interests and legitimate rights in life, and that it lends support to the policies of public interest. If the elite system in Lebanon moves in a cruel way, this goes back to relationships of influence. Laure Moghaizel, who is one of the most important change strategists, describes her struggle for more than half a century as follows:

"We put in 1949 an Action Plan that completes the efforts of the female pioneers. We departed from an inventory of the provisions of Lebanese legislation in the light of international conventions, and in comparison with Arab legislations. We turned demands into steps where we adopted a certain requirement in each, chosen for its importance on the one hand and for its proximity to the ideal on the other hand. We placed in it a specific and justified proposal, and we set a special committee for each step to organize activities and communication."⁵

Is there hope in formulating programs with a holistic but strategic vision, that include first measures, which may be a dozen or more, in order to push practically for change?

Lebanon is an exception in the region: An exception to the Zionist entity which introduced to the region an explosive factor which is the entwining of a religious identity with a

(5) Laure Moghaizel, *Woman Rights as Human in Lebanon*, Beirut, Joseph and Laure Moghaizel Organization, 1997, 188 p.
- Antoine Messarra and Tony Atallah (dir.), *Half a Century in Defense of Women Rights in Lebanon: Laure Moghaizel Archives*, Beirut, Oriental Library, 3 volumes, in cooperation with the Lebanese Foundation for Permanent Civil Peace, 1999-2008.

geographical area; and an exception to some Arab neighbors who often practice an Arabism of prisons instead of a civilized Arabism. Under the regional circumstances, Lebanon's options are three: Either "Zionization", which was impossibly pursued during the war through crossings, barricades and population sorting..., or "Arabization" in the real bad sense of drifting toward an "Arabism of prisons", or "Lebanonization" in its positive sense of attaining success in democratic diversity management and the spread of a democratic Arabism.

In this context, the exercise of the Lebanese State of its authority, in matters of its sovereignty in particular, faces obstacles and threats from surroundings which are hostile or undemocratic to a certain extent, since its geographical borders with its neighbours are vast need demarcation and protection. In view of the changes in international politics post 11th September 2001, the resolutions of the UN Security Council on Lebanon are situated in the context of supporting small vulnerable states that could become sources of proxy wars "for others" or terrorism.

The situation in Lebanon is an example of a blocked society whose conditions are frozen for regional reasons which continue to hold Lebanon as a hostage through a number, albeit decreasing, of local bosses. What can be done in such a freeze situation? The prevailing trend in the Lebanese, and the Arab mentality in general, is to wait, which is taken as a justification for inaction: Waiting for the international tribunal on the assassination of Prime Minister Rafic Hariri and his companions on 14/02/2005; waiting for regional changes; waiting for changes in the situations of Syria and Iran ... The roots of the waiting mentality go back to the 'Sublime Porte' complex in the memory of the Lebanese since the days of the Ottoman occupation.

In spite of its reality which is characterized by inertia, Lebanon enjoys some internal fortunes as reflected in national awakening through the "The March Dream" series by Marwan Najjar on LBC TV, in addition to chances of international support. However, the waiting mentality is widespread, as it was disseminated in the region by authoritarian regimes in order to justify their failures "due to foreign conspiracies."

Priorities for Change

What are the diseases and remedies in pluralistic parliamentary systems, or systems based on a National Charter? As in medicine, where every organ of the human body has regular functions in natural health conditions, every organ has its illnesses in case of disruption of these functions.

Focusing only on the pathological symptoms and their treatment through surgical removal of the diseased organ, without exploring the reasons for the health disorder in depth, is a methodical error.

In humanities science, diagnosis followed by treatment is required. A system cannot be criticized according to its pathological conditions, assuming that alternative systems are not exposed to pathological symptoms of their own. Applied methodology implies departing from the pathological symptoms to explore the causes of pathological delinquency, and find the appropriate remedy for the system. Neither flu medicines are prescribed to heart disease, nor atherosclerosis medications for diseases of the eye...

In listing the diseases of pluralistic parliamentary systems, some researchers depart from the premise that other or competitive systems do not have flaws of their own, whereas each has its own malfunctions. So what are the diseases of pluralistic parliamentary systems? Chief among these are six diseases:

1. Weakness or the absence of an effective opposition because of the nature of the coalition of factions in the government.
2. Stagnant or slow decision-making because the absolute majority is insufficient in some cases.
3. Harsh application of quota rule for the benefit of patronage.
4. Weakness of State power, which is negotiation in front of multiple decision centers; and because of weak state legitimacy in relation to citizens.
5. External interventions through strengthening major minorities and partisan forces with a foreign stretch.
6. Sectarian pillarization (polarization) of leaders, with the risk of dictatorship by the political poles.

The negation of system sickness is a negation of treatment, whereas the two are intertwined.

In various plans, "conditional" expressions of political nature pop up in firm or timid forms, concerning the implementation of those plans, those conditions being related to the building of the state, governance, and political leadership.

For managing change in Lebanon, the primary conditions can be aligned as follows:

1. Spreading the culture of "Lebanon First" and Shutting Down "Lebanon the Arena". Lebanon will not rise, and no rising will have sustainability or get anchored in stability and reform, if Lebanon would be the scene for the conflicts of others. What follows is to benefit from the experiences lived since 1975, especially from those from the July 2006

war on Lebanon, to spread the culture of 'Lebanon First.' This culture is the peak for 'Lebanon the Message' which goes counter to the Zionist model, and the top for civilized Arabism, as well as the pinnacle of contemporary Islam in a creative interaction with Christianity. This culture is disseminated by NGOs working on issues of democracy, human rights, development, and citizenship; and through reviving the spirit and effectiveness of the education elevation plan, particularly civic education and history programs which were developed in the years 1996-2002.

There would be no new employment opportunities, no investment, no tourism, no brain drain, and no confidence development... unless Lebanon was a homeland, not an arena, whatever the considerations with patriotism and nationalism face value, for these effectively destroy the country and its nationalism.

2. Authority of Standards and Norms: To start the change, a restoration of the authority of standards is needed, through the essential regulating authorities of norms which are: The President of the Republic in accordance with the new Article 49, the Constitutional Council, the Supreme Judiciary Council, the members of the board of the Public Service Council, the Speakership of the Chamber, and the Presidency of the Council of Ministers... As in the human body, and as per Durkheim's social analysis, the health condition 'anomie' is described as the breakdown in regulatory functions. During years of dependency and occupation, there has been a graduated and systematic targeting of the authority of standards and norms.

Why the rule of positive discrimination is applied without controls and in a harsh way to cram the public administrations with cronies, namely since 1990, whereas over twenty official commissions were formed in India since the 1950s to find the best means of applying the system of positive discrimination to the benefit of society as a whole? This system has been of many advantages in India, in terms of equality, justice and effective democracy⁶. What's required in Lebanon is to initiate the formation of a ministerial committee of experts which would set the legal and administrative norms to apply positive discrimination positive at a time when it is applied in Lebanon in the worst way possible, while all sects have reached an equal degree socially, economically, and culturally, and each community without exception disposes of human talents with high competencies.

(6) Christophe Jaffrelot, "India: Democracy by Caste (A History of a Socio-Political Mutation, 1885-2005), Paris, Fayard, 2005 594 p.

3. The Separation of Holding Public Office at the Chamber of Deputies and in the Cabinet Simultaneously: The rising of Lebanon requires renewed dynamics in the management of public affairs which would be less dependent on electoral interests and cronyism, and able to mobilize competencies that are not limited to the poles of the elites, which one of the poles labeled as "first grade". These skills are available in most former and current members of the political class and in certain poles in particular. To separate between them holding public offices at the Chamber and in the Cabinet simultaneously might free them from some traditional restrictions that may be in line with exercising influence politics, but not in line with holding a cabinet position that requires another type of public affairs management. Separation might not be absolute, since the Government could consist of Members of Parliament (MPs) for reasons related to the necessities of representation; but in that case the MP who is appointed Minister must resign his seat at the Chamber. This move could ease the sectarian pillarisation of the leaders, broaden the scope of the political elite, contribute to the activation of parliamentary oversight (parliamentary blocks cover Ministers-MPs and prevent their accountability), and provide an executive management style for the Ministry. The applied comparative study about Lebanese cabinets, whether they were formed of MPs or from outside the Chamber, provides conclusions that favor the separation subject-matter, as per the draft law submitted by MP Nimatallah Abi Nasr⁷.

4. The two Mainstays of Administrative Reform: The two pillars of administrative reform are the board of the Public Service Council whose members are supposed to be a regulatory authority for standards in the public administrations; and the National Administration Institute as an independent institution, and in accordance with its internal procedural rules dated of 06.09.2005 developed by the board.

5. People's Daily Legal and Legitimate Affairs: There is a need to cut through the present state of inertia through people's daily needs in education, health, bureaucratic procedures, roads maintenance, neighborhood committees, and their participation in activating the role of municipalities... as well as through unions and professional associations that defend people's daily legal rights and their daily security and safety, without politicizing those rights in competitions among the elite.

6. Think Globally, Act Locally: This strategic slogan is most effective, especially in times of inertia. It's the path which rattles the dependency networks out of their deep

(7) Nimatallah Abi Nasr, "Proposal for segregating between being an MP and a Cabinet Minister", An-Nahar, 5/2/2005.

roots. Despotic regimes realize it. Therefore, they infiltrate all aspects of society to strengthen their own continuity. All obstacles and difficulties amass at the local level; centralized rational and pioneering plans might then fail upon implementation at the local level, where opportunities or obstacles get formed and accumulate, due to the structures made up of personalities, relationships, and practices. Arabic studies neglected the local level and often focused on the upper meta-structures⁸.

The Restoration of Rules in Public Work

1. The Constitution Is a Prescription, Not a Cure: The best constitutions are prescriptions, and not necessarily treatments. Did the patient comply with the prescription, its method of application, and its dosages? If he abided by the prescription but didn't heal, then the diagnosis would be repeated and the prescription adjusted. Some clauses of the Lebanese Constitution have not been in application for years, which precludes any serious discussion about amending it. In addition, any new amendment will not be applied or may deviate from its objectives. Hence the need arises to delve into the concept of constitutional governance, i.e. monitoring the application of the Constitution, instead of drifting toward proposing amendments. In any case, Lebanon does not now-a-days complain from its constitutional structure, but from numerous infringements in practice and application.

2. The National Reconciliation Document – Taif, and Why It Was Not Applied in Full: Each terms of this document is an authentic Lebanese produce authentic Lebanese, as 'Kishk' and 'Awerma', except for the clause relative to the withdrawal of the Syrian army from Lebanon. It does not hold to study the document without referring to the roots of the deliberations that preceded it, and so to inspire from the opportunities and obstacles. Wisdom dictates that we approach this matter along the principle enunciated by Prime Minister Rashid Karami in 1976, amid criticism of the 1943 National Charter: "Let's work toward what nurtures it, not what abolishes it."

(8) Some details are cited in: Antoine Messarra, "Governance in a consensual system (Lebanon after the constitutional amendments of 1990)", Beirut, Oriental Library, 2003, 600 p.

Antoine Nasri Messarra, **The General Theory in the Lebanese Constitutional System**, Beirut, Oriental Library, 2005, 464 p.

- **The Legal Theory in the Pluralistic Parliamentary Systems**, Oriental Library, 2016.

- **Citizenship Culture in the Confessional Society (Lebanon from a comparative perspective)**, Beirut, Oriental Library, 2016.

About the problematic of Change:

Jacques Lang, *Changer*, Paris, Plon, 2005, 182 p.

« Pour changer le monde », no. spécial de *Manière de voir*, no 83, oct. nov. 2005, 98 p.

For the problematic of failure to comply with the spirit and letter of the full Taif document, one must go back to the declaration of Minister and MP Marwan Hamadeh at the parliamentary session dated 28/02/2005:

"I was commissioned to draft the preamble of the Ministerial Declaration. I carried out the work and presented it to the martyred PM [Rafic] Hariri. He approved it with the exception of one page, which I would like the Lebanese to know what it contained. He threw it in the trash bin next to his desk. I watched in wonder and asked him: 'Where did I go wrong, Mr. Prime Minister?' The page included a line confirming our national fixtures as based on a reference to the Taif Accord. The martyr looked at me and said, 'Marwan, you're mentioning Taif. Do you want us checked out?' The Taif upon which we built civil peace together had then transformed from a national given to taboo. It has now-a-days come back to cover other matters. Why? Is it because it mentions administrative decentralization or the independence of the judiciary? That's a joke; it's because it mentions Syria's withdrawal at each milestone which didn't happen, nor it seems that there's an intention to carry it out, and because it mentions the non-interference of the military apparatus in political life, a thing which didn't take place, but the opposite was rather done. 'Marwan, do you want us checked out?' Rafic Hariri had been under threat since then, as any inclination or tendency or direction or even harboring a certain notion of Lebanese independence would have reflected on him and us in terms of calamities." (Minister and MP Marwan Hamadeh, the parliamentary session dated 28.02.2005, and newspapers of 1/3/2005, namely Al-Mustaqbal, 1/3/2005).

The only clause in the National Reconciliation Document which was imposed therein related to the withdrawal or the "repositioning" of the Syrian armed forces. On this matter, some of the reference documents mentioned that [then-Syrian] President Hafez al-Assad "wrote the text by his own hand". Some negotiators say that it was mandatory to check with him personally! The reference documents also mentioned the citation in the Preamble of the Constitution about Lebanon's leading role in the commitment to the Declaration of Human Rights, and former PM Saeb Salam's remarks about the deadline for the formation of the Cabinet⁹.

3. The Much-Studied Election Law, and the Principle of Holding Periodic Elections: Lebanon has a long tradition of experimenting with electoral systems. It can be benefited

(9) Antoine Messarra and Rabiha Kais (supervision), « The Formulation of Constitutions within democratic transformations" (Arab and international experiences from a comparative perspective), Beirut, the Lebanese Foundation for Permanent Civil Peace and Conrad Adenauer Organization, Oriental Library, 2014, 342 p., pp 151-162.

from. The philosophy of this heritage is based on the principle of Single Electoral College where voters from various faiths elect candidates of various faiths.

The principle of periodic elections is above all else. Elections were postponed under the pretext of no consensus on a new electoral law. Such a consensus is the prerogative of the Parliament, not the street. There is a need to stop searching for an electoral law from scratch. This subject was saturated with technical studies through the Fouad Boutros Commission and other bodies of work. To retrieve the technical study is not necessary; it's rather the adoption of a political choice on the basis of the available official texts which are by themselves the result of efforts that identify the areas of the possible areas and those of the not possible.

Anyway, adequate representation is not just confined to a law, but it's rather associated with three elements: The election law, the administration of the election, and voter behavior. A bad electoral law may provide acceptable results if the election was administered with integrity and the voters conducted themselves as responsible citizens, not as mere voters. Inversely, a good electoral law may give poor results in case the election administration was bad, and the voters behaved as dependent, non-conscious individuals.

4. The Government in Lebanon as an "Enforceable" Authority: There could be no change, no effectiveness, no public policies, no accountability, no separation of powers, and no regularity of institutions in Lebanon if governments are modeled along mini-parliaments. The executive branch was labeled "the enforceable power" in the Lebanese constitution (Chapter IV), in a designation to render it more effective than executive power. In the language of Arabs: Make things run! The Parliament in Lebanon is therefore the permanent place for dialogue, whereas the Government in Lebanon is procedural and makes things "run", i.e. it's formed of 'technocrat laborers' vested with taking care of people's needs.

A coalition government in Lebanon is a coalition of "sects":

Article 1-95: "Confessions shall be fairly represented in the composition of the Government,"

It follows that a government in Lebanon is not one of national unity or national consensus, but a procedural cabinet that includes representatives of confessional communities, not representatives of all the political forces.

From a comparative perspective of pluralistic parliamentary systems, and in compliance with constitutional principles, there is a need to distinguish between Parliament seat and Cabinet office, to effectively separate between the two of them constitutionally or practically. Otherwise, the cabinet turns into a corporation of quota sharing and benefits exchange.

5. Article 65 of the Constitution, a Model of Constitutional Creativity: Article 65 of the Constitution is one of the articles which were broken and contaminated the most in practice since the Taif Accord document, while it's indeed a marvel of constitutional imagination at the comparative level. It simultaneously avoids, in such a multi-equilibrium environment as Lebanon, the tyranny of the majority abuse and the tyranny of the minority through the majority described as qualified majority in 14 specific and exclusive topics, while it leaves voting to deal with all other matters.

To objective from manipulating Article 65 for years since 1990 was to make the system ungovernable in Lebanon and resort to a 'Sublime Portel' A dilemma of minority and majority was created in a country where all communities are minorities. After all, each majority in Lebanon is composed members of members from various confessional denominations.

6. The President of the Republic: From the Powers to the Role: It's no longer possible to study the President's position in the Lebanese constitution, without referring to the roots of the National Reconciliation Document and the deliberations of 1975-1990 on the constitutional amendment.

After the tripartite agreement between three militias in Lebanon was concluded, but it later stalled, a German-European-Vatican mediation took place at the initiative of the Governor of Bavaria, Franz Josef Strauss, and two of his colleagues, Dieter Holzer and Heinrich Schoeller for the drafting of an alternative constitutional document. This process spanned from 24.09.1986 to of the 5.10.1986. Lebanese newspapers called the group "a German-Lebanese committee." Discussions of the document continued within the framework of a diplomatic initiative from September 1986 to end 1987. Through my participation in this extensive work I delved deeply into the problematic of reconciling between power sharing and separation of powers. It is an impossible problematic similar to squaring the circle. But the participants in the Taif meetings came up with a solution that stemmed from a highly wise and creative constitutional imagination. The treatment was embedded in Article 49 of the Constitution, where the president was ascribed the role of "safeguarding the respect for the Constitution ", together with prerogatives commensurate with that safeguarding role. This makes it a must, therefore, to get the Lebanese debate out of the issue of powers to the logic of the role¹⁰.

(10) Franz Josef Strauss's German-European-Vatican mediation efforts after the Tripartite Agreement, 24/9 to 5/10/1986, September 1986 to end 1987, the text and press excerpts in the book: *The Roots of the National Reconciliation Document-Taif*, aforementioned, pp 297-452.

R. S. Schulz, Franz Josef Strauss. *The Man and the Statesman*, R. S. Schulz, 1986, 216 p. (Deceased on 3/10/1988, *L'Orient-Le Jour*, 4/10/1988).

Is this a “reduction” of the President’s powers, or does it turn him into an Honorary President, or “The Baabda Man”? The moral leadership of the country under the rule of law (“What does The Book say?” would President Fouad Chehab say, in reference to the Constitution) is a substantial work site that transcends prerogatives and the Maronite community even. By itself, it is an element of rallying and unity because it defends the rule of law as a means to achieve equality for all citizens, and to protect them regardless of their affiliations.

Actually, within the mindsets prevailing in Lebanon, no confessional political side would like any in-depth change for the common interest that touches its positions of privilege. I came to realize this during the German-European-Vatican talks, which I was not personally away from. In the aftermath of the Tripartite Agreement between 24.09.1986 and 5.10.1986, do not personally away from them, the impact of the tripartite agreement between 24/9 and 10.05.1986, it was reported to one president that there was a mere likelihood to open the State’s 3 top posts partially to both Christians and Muslims for the purpose of reconciling between power sharing and separation of powers; he exclaimed to his interlocutor: “If I accept, they would totally isolate me!”

The amendment of Article 49 of the Constitution as part of the National Reconciliation Document, so that the President of the Republic is neither an Honorary President nor “The Baabda Man,” but rather the authority that “safeguards respect for the Constitution”, set the President as a Constitutional Council above the State’s Constitution Council institution. In that sense, the amendment to Article 49 actually ensured equality in the framework of the concept of State. Bechara Menassa, who participated in the Taif meetings, says - and I quite share his opinion - that then-Speaker Hussein Husseini is the one who “saved the day.” Further, former Minister Edmond Rizk, who also participated in the Taif meetings commented, when he listened to our detailed elaboration on the role of the President of the Republic in being “to ensure respect for the Constitution”, that “This is what we aimed for in the Taif document; and had we explained it with such clarity, perhaps the amendment proposal would have been rejected by some!”

7. Civil Society and Civic Movement: Three elements make civil society civil: Its launch platform being the needs of citizens, its defense of the public interest but not in the context relations of influence, its foundation on the law and institutions. Lebanese civil society today lacks effectiveness by virtue of three factors:

- The concept of law and institutions regressed due to abnormal practices, a populist change speech of a coup d’état intonation on the part of some political parties.
- The weakness of the professional and trade union movements since the 1980s; they are part of civil society, and are closer to the daily life of the people.

- The expansion of dependency networks where Lebanese beneficiaries reap benefits and positions. The so-called supremacy of the political class carries, though, injustice to some of its elements who struggled for the sake of sovereignty and the Constitution.

The political class in Lebanon today is not confined to politicians, but it also includes a wider group of affiliated beneficiaries.

When activists from the Lebanese civil society criticize the whole political class, they actually isolate themselves from political life. For civil society is not against politics, but rather seeks to domesticate politics and deal in total independence with political parties, leaders, and politicians. This goes with the proviso that these do not exercise any patronage, but rather abide by the guidelines that orient civil society as being independent from the Government apparatus, without any detachment from the civil policy and its actors.

8. The Constitutional Council: In its commitment to abide by the international charters of human rights, the Preamble of the Constitution assumes the expansion of the powers of the Constitutional Council, with regard in particular to the right to raise lawsuits in correction of laws issued before 1990 which may constitute a violation to the Constitution.

9. The Economic and Social Council: It is one of the fundamental institutions needed for retrieving the public debate about public policies in Lebanon from the street. It serves also to integrate the role of unions, professional associations, and society in the economic and social dialogue in an active way. This Council carries more priority than administrative decentralization, because of its role as an institution that disseminates a culture of public debate at both the national and regional levels. It also imparts reasons why not to fear that the promised administrative decentralization would create regional administrations more despotic than the central authority.

10. The National Administration Institute: There is a need to restore the independence of this institute from the Council of Civil Service, as its inception law stated that it's the door to train future leaders in the public administration, with it falling under the jurisdiction of the Presidency of the Council of Ministers within the legal concept of administrative tutelage in terms of legal monitoring only, not in terms of forced adaptation.

11. The Education Advancement Plan and Military Service: The best constitutions and the best institutions do not bear fruit without enriching education. This can be done in Lebanon through reviving the education advancement plan of the years 1996-2002, and restoring military service in a formula that does not harm the academic future of the youth, nor their career plans.