



Lebanon: Parliament's Role in a Struggle for Legality, National Reconciliation, Reform and Liberation

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LEBANON: PARLIAMENT'S ROLE IN A STRUGGLE FOR LEGALITY, NATIONAL RECONCILIATION, REFORM AND LIBERATION

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INTRODUCTION

A single legislature was in place throughout the entirety of the Lebanese war from 1975 to 1990. Lebanon's National Assemblyⁱ was often denounced for not being able or not knowing how to stop the bloody conflict. It was accused of varying its political line along with changing political circumstances, such as by electing very different presidents of the Republic, and by authorizing the Government to ratify the Lebanese-Israeli agreement of 17 May 1983 only to subsequently withdraw its consent.

The Assembly was repeatedly subject to violent struggles and scheming, due to its constitutionally reserved role in decision-making.ⁱⁱ Nevertheless, despite the many collective and individual pressures on members of parliament, the Assembly preserved its unity, helping to maintain the continuity of the state and the Republic, and the unity of the people. Forced by the war to move from its historic seat, the Place de l'Etoile, it showed great flexibility in its choice of alternative meeting places, where it could continue its activities without isolating itself from its constituents.

Even when parliament was not able to meet, it remained almost entirely alone on the political horizon as a force for unity and legality in several situations: such as from 1986 to 1988 when the Government could no longer meet due to factionalism; when the presidency of the Republic became vacant from 1988 to 1989; and when two separate governments came to claim simultaneous legitimacy from September 1988 to November 1989.ⁱⁱⁱ

As international and pan-Arab support for laying down arms and restoring civil peace gathered momentum, the Assembly was no longer the only venue for dialogue and the development of balanced reforms. It was, though, the only constitutional institution to survive the nation's upheavals intact. This explains why the tripartite Arab committee formed at the Casablanca Conference from 23 to 26 May 1989 invited assembly members to participate with delegates from Saudi Arabia, Morocco and Algeria in a meeting of

parliamentarians held in Taif, Saudi Arabia from 22 September to 30 October 1989. This resulted in the National Reconciliation Document, otherwise known as the Taif Agreement. Its ratification, following the election of a new President of the Republic and the formation of a new Government, became the optimal way to end the conflict.

The President of the Assembly, Hussein Husseini, defined the Taif Agreement in these terms: “an act of understanding among Lebanese of various confessions, from distant regions, of different political persuasions, and these Lebanese are legitimate members of parliament and recognized as such domestically and externally.”^{iv}

Parliament’s role of saviour in suspending the war is not, however, a matter of unquestioned consensus. Did it go too far in its subsequent reforms or not far enough? Did it benefit from its role to develop a *regime d’assemblee*? Did it institutionalize the ‘troika’ regime previously in force, formed by the presidents of the Republic, the Assembly and the Council of Ministers? By its more-or-less voluntary shortcomings, was it the cause of institutional imbalances that allowed an external referee—in this case, Syria—to intervene in Lebanon’s domestic affairs?

The great question that finally arises is: To what degree were the various legislatures—in particular, the one that ratified the Taif Agreement—responsible for its poor application, as well as for Syrian encroachments on Lebanese sovereignty, due to abuses of internal power and the bad management of the state?

This study starts with three basic sets of observations. The first relates to the place of an elected Assembly in the public life of Lebanon for more than a century. The second concerns the principal social and political features of the Assembly elected in 1972. Its mandate was renewed eight times^v before the Assembly dissolved itself in 1992. The third deals with the nature of the Lebanese war, a controversial subject. But understanding the multiple dimensions of the war is required to properly evaluate the actions of parliament.

PARLIAMENT IN LEBANESE POLITICAL LIFE

In 1861, Lebanon’s parliament was first established in the Mutessarifat (political and administrative district) of Mount Lebanon as the Central Administrative Council. Elections in two phases served two purposes: to supervise the expenditures of the

governor, and to represent the various constituents and regions of the country on a communal basis.^{vi} On 22 October 1920, three weeks after the proclamation of the State of Greater Lebanon, parliament was established on similar bases, though now its authority extended over the new territory delimited by the French administration. From then on, parliament formed an integral part of Lebanese political life—not only as a sign of modernity and measure of democracy, but also as means of allowing Lebanese society’s various constituent parts to engage in dialogue somewhere other than in the streets, and in ways other than through the biases of religious leaders. The editorial writer and thinker Michel Chiha best grasps this role: “A country of associated denominational minorities, Lebanon could not hold together for long politically without benefit of an Assembly that serves as a meeting place, a place of union among the communities, devoted to the common control of the nation’s political life. When you remove the Assembly, you inevitably move debate into the sanctuary or its shadow, and you likewise delay civic formation.”^{vii}

The Assembly was at the centre of all the great events driving the country’s political life: the failed attempt to elect a national governor in 1925; the Muslim boycott of legislative elections during the French Mandate from 1920 to 1943; and the birth of the ‘constitutional’ and ‘national’ parliamentary blocs that polarized the country’s political life during the 1930s and 1940s. In 1943, the formula of six Christian members of parliament per five Muslim members opened the way to elections that led to independence. The ministerial declaration of the Government of Prime Minister Riad Solh that was read before parliament is considered the principal written testimony of the National Pact, which served as the foundation for the independent Republic.

From 1947 to 1960, the fluctuating number of parliamentarians, the readjustment of electoral districts, and disputed electoral results punctuated momentous events, from the White Revolution of 1952—when a parliamentary group orchestrated a vast popular movement that forced the chief of the executive branch to resign—to the 1958 Revolution. The latter was born in part from disputes surrounding the results of the 1957 election, and inflamed and bloodied part of the country.

But for all of parliament’s importance in public life, it did not necessarily adequately fulfil its functions. Much of the Republic’s legislation was promulgated by

executive order laws, and most presidents demanded a right of legislation for their first governments (1929, 1952, 1959, 1977 and 1982). As for the function of checking the power of the Government, only one ministerial Cabinet fell resulting from a vote by the Assembly—on 25 March 1930.^{viii} In a 1951 conference, Ghassan Tuani stated that in Lebanon, contrary to the “hallowed parliamentary tradition,” the executive controls the legislature and not the other way round, rewarding members of parliament who support the executive and punishing those who denounce it.^{ix}

THE LEGISLATURE OF 1972

In 1972, an election took place according to the 1943 rule on the balance between Christian and Muslim members. It also conformed to the law of 26 April 1960^x (applied three times by this point—in 1960, 1964 and 1968), which raised the number of members of parliament to 99. The 1960 law regarded the *caza* (administrative unit)—with a few exceptions, such as West Beqaa or Baalbeck-Hermel—as an electoral district, and divided Beirut into three districts along communal lines. These elections were the “best organized, most competitive, and the freest since Independence.”^{xi}

Three principal issues shaped the context of the vote. First, a reinforced parliament, of its own initiative and without foreign intervention or any international consensus, had elected a President of the Republic in 1970. Suleyman Frangieh was elected by a bare majority (50 to 49) and represented the greater part of the political class, who were allied against the intelligence services and the techno-bureaucrats, and who were engaged in a policy of internal reform and regional balance favourable to Nasserism.

Second, the new presidential mandate had taken apart a system of internal intelligence and surveillance, allowing for greater freedom at the polls. As one deputy elected in 1972 told the author of this paper in an interview, “The old occult forces had been dismissed and the intelligence agency had not yet had time to restructure itself.”

Third, the elections took place just when another armed presence was asserting itself in Lebanon. Numerous confrontations had transpired between the Palestinian Resistance and the Lebanese Army. In the shadow of violent and permanent Israeli reprisals,^{xii} the Lebanese Government and the Resistance secretly signed the Cairo

Agreement on 3 November 1969, permitting the Palestine Liberation Organization (PLO) to operate on Lebanese soil. When parliament granted a vote of confidence in the Government of Prime Minister Rachid Karamé on 6 December 1969, it had no knowledge of the content of the agreement.^{xiii}

The parliament elected in 1972 had the following general features. Seventy-four members were between 25 and 60 years old; 25 members were over 60.^{xiv} At the end of the legislature in 1992, leaving aside the nominations that had taken place in 1991, one-third of the seats were vacant—in addition to the 29 members who had died, one resigned and three were elected as presidents of the Republic.^{xv}

Thirty-eight elected officials took office for the first time; 22 had already been elected once; four had been elected twice; 12 had been elected three times; 23 had been elected four or more times.^{xvi} Antoine Messarra notes the high renewal rate: 39.39 per cent.^{xvii} This rate is 45.9 per cent for the 14 legislatures of the Republic, but with a variable and often constantly increasing number of members. It is 31.98 percent for 1960 to 1972.

In 1972, 65 out of 382 candidates were affiliated with parties (17 per cent, as in 1968).^{xviii} But the percentage of partisan members of parliament almost doubled compared with 1951, increasing from 19 per cent to 34 per cent.^{xix} A decision of the Interior Minister, first Kamal Joumlatt and then Saeb Salam, freed the scope of action for all parties. According to one sociologist, “the parties were in the system, but not of the system.”^{xx} In addition, the partisan members of parliament who were Christian (seven Phalangists, three from the National Bloc and 11 from the National Liberal Party or NLP) were more numerous than the partisan members of parliament who were Muslim (five from the Progressive Socialist Party or PSP).

The country’s traditional forces were prevalent in politics at that time. They included Shiites (Kamal Assaad, and the force recently constituted by Imam Sadr under the name A Movement of the Disinherited, which would elect a member of parliament with a very strong majority only once a seat was made vacant in 1974 in Nabatiyyé), Sunnis (Sa’ed Salam and Rashid Karamé) and Christians (Camille Chamoun, Pierre Gemayel and Raymond Eddé). The elections were characterized by consensus between the two opposing political forces of the Druze (Kamal Joumlatt and Majid Arslane).

The traditional patterns of representation were compromised by a sign of the times, however. Three new arrivals did not come entirely out of the usual ranks: an Iraqi Baathist in Tripoli, Rafii; a Nasserist in Beirut, Najah Wakim; and an ex-Baathist in Tyr, Ali al-Khalil. All three were elected with strong majorities and without appearing on lists.^{xxi}

THE NATURE OF THE LEBANESE WAR

If the Lebanese war most often pitted Lebanese protagonists against one another, with political and social reforms at stake, it was nevertheless in many respects a regional conflict as well, one between Arabs and Israelis, and among different Arab regimes and protagonists. In other words, it was a war of others, a war for others. The conflict would even implicate—directly, during a few key periods—international authorities and great powers. It came to an end in 1990 in a climate of worldwide détente, under the patronage of Arab sponsors in charge of the issue or with the support of the major international actors.^{xxii} Certain clauses of the Taif Agreement were directly discussed between Arab officials (or international emissaries) and Syria, so that it could be said that these clauses were not imposed by the latter.^{xxiii} This shows the degree to which the Lebanese war went beyond the borders of Lebanon itself.

But fundamental problems within the country fuelled the conflict. These started with a crisis of ‘participation’ (*mucharaka*) in the power structures of the country’s various communities. This took on new dimensions with the Palestinian armed presence, the new stature acquired by the Syrian regime after the war of October 1973 and new demographic data that showed a population shift in favour of Muslims. The Maronite patriarch, in a study dated 12 November 1990,^{xxiv} deemed the “need for Muslim reforms” to be the “first truth” of Lebanese affairs.

A process of very thorough social differentiation was also at work through the development of *laissez-faire* policies and practices. The suburbs of Beirut were small islands of real misery right next to the city’s more posh quarters. These zones of wretchedness supplied militias throughout the conflict. For its part, the Lebanese political class remained an exclusive club, dissuading new elites and new generations from joining

it. The latter took their aspirations and ambitions to radical movements, nationalist conflicts and armed militias.

Responsibility for incomplete participation, as well as for unequal development and the exclusivity of elite circles, lies with the various legislatures, including the 1972 parliament—even if this responsibility is in some ways surpassed by the role of other authorities (such as the executive, the political class and the financial middle class). The ongoing presence of the Assembly, however, at least contributed to the unity and sustained identity of the country, preserved by the population throughout the war and beyond it to this day.

PARLIAMENT IN THE STORM

If the Assembly, as an institution and source of power, had obligations during the war, the first of these was to remain in place as a symbol of unity; as an independent legislative power safeguarding its domestic prerogatives and dynamism; as a place for meeting and discussion among the country's various political currents; and as a source of other powers, such as serving as an electoral college and a check on other institutions.

Very early on, after a shooting on 28 October 1975, parliament found itself in the position of having to leave its historical seat, the Place de l'Etoile. This was just prior to a geographical redistribution of official ministerial seats and other centres of power.^{xxv} Parliament found its new residence at the Mansour villa, which is located near the Museum Passage, along the line of demarcation between the mainly Christian East Beirut and the predominantly Muslim West Beirut, at a point of easy access to representatives of the country's various regions. This provisional seat was not sheltered from violence or pressures. Parliament sometimes had to move out of Beirut—to Chtaura for the oath of President Elias Sarkis and the election of President Elias Hraoui; Fiadyyé for the elections of President Bashir Gemayel and President Amine Gemayel; and Koleyat for the vote on the National Reconciliation Document and the election of President Rene Mouawad. This was despite Article 26 of the Constitution: "The Assembly and the executive power sit in Beirut."

In addition, if some members of parliament took part in weapons deliveries in 1973, supporting the Palestinian war effort,^{xxvi} most were not spared as people by the

combatants of the different sides. Assembly President Hussein Husseini, in his re-election speech of 1987, spoke of “moral pressures of armed terrorism escalating to the point of physical liquidation.”^{xxvii} In fact, four members of parliament were assassinated, at the beginning and end of the war: Kamal Joumlatt (16 March 1977), Tony Frangieh (14 June 1978), acting Prime Minister Rashid Karamé (1 June 1987) and Nazim Kadry (21 September 1989).^{xxviii} Some members were the victims of attacks, including Camille Chamoun and Joseph Skaff. Others placed themselves in exile, either after attacks or to prevent them: Raymond Eddé, who had been widely identified with parliament since the 1950s, left the country in 1977; Abdel Magid did the same. Certain deputies were prohibited from staying in the regions where they had been elected; others were prevented from returning to their plundered or damaged residences.

Parliament was more than once prevented from fulfilling its functions. In 1988, the constitutional schedule of the presidential elections was blocked twice—first on 18 August, when the only candidate standing was Suleyman Frangieh, and “a certain number of parliamentarians were threatened or directly attacked so as to be prevented from joining the Assembly.”^{xxix} The militias had decided to block the election and the Army allowed them to do so. The second time was after the Syrian–U.S. agreement on the Mikhaeel Daher candidature. An alliance of several influential centres of power sought to prevent what General Michel Aoun called a “nomination” issuing from an agreement of foreign powers.^{xxx}

Obstruction is a simple matter compared with the much more complex issue of manipulation. It is especially difficult to untangle the role of consent, even consent for venal reasons, from the role of coercion, and that which is constitutional from that which is illegal and illegitimate. The election of Bashir Gemayel to the presidency of the Republic on 23 August 1982, at the time of the Israeli occupation of Lebanon, is a perfect illustration.^{xxxi} The President of the Assembly convened the requisite meeting within the term proscribed by Article 73 of the Constitution. The meeting reached the 62-member quorum. But the targeted bombardment of the provisional seat of the Assembly was used as a pretext for choosing another seat more favourable to the election. The points of passage between the eastern and western zones were blocked, telephone communications were cut and deputies were ‘protected’, while others made a point of showing themselves

accompanied by force. Eighteen Muslim members of parliament (12 Shiites, four Sunnis and two Druze) took part. But convinced democrat Albert Moukheiber, a member from Matn who had always been opposed to the militia, met with respect for his refusal to go. Once the result of the election was confirmed, none of those who had called for a boycott thought of questioning the election or the legitimacy of the elected President.

Beyond the quarrels and manipulation aimed at this or that initiative of parliament, some practical militia members wanted to take advantage of the internal dynamism of the legislature, given its status as an incarnation of the unity of the country and an instrument working towards peace. In April 1987, after a meeting on the establishment of a monopoly on legal force in administrative Beirut, the Lebanese Forces woke Camille Chamoun, a parliamentarian and minister, in the middle of the night to affirm in front of the television cameras that the meeting had merely worked out a procès-verbal.

THE 1987 RE-ELECTION OF THE PRESIDENT OF THE ASSEMBLY

The crisis surrounding the election of the President of the Assembly in October 1987 was symptomatic of the will of members of parliament from all sides to safeguard the unity of the legislature. It was also evidence of the complexity of unfolding events, and of the hostility of the militia to parliament.

In October 1987, after the June assassination of the former President of the Council of Ministers, Rachid Karamé, the election of the President of the Assembly took on a particular importance. Following a violent campaign by the main armed Christian militia group and the nomination of Salim Hoss as 'interim' Prime Minister, the election was, according to the Vice-President of the Lebanese Forces, Karim Pakradouni, the first of three crucial turning points. The other two were the formation of a new Government and the election of a President of the Republic.

According to Pakradouni, the Christian militia claimed it wanted parliament to resume its autonomy by putting an end to the President of the Assembly's marginalization of members, his monopolization of their role and his boycott of the President of the Republic.^{xxxii} This objective met with pronounced disagreement. On the pretext of being an homage to the autonomy of parliament, it aimed to weaken and isolate

President Husseini, a Shiite, and to strike at the Assembly's unifying role. The danger was so real that legal opinions concerning the possibility of a vacancy in the presidency of the Assembly and the possibly stepped-up role of the Assembly's Christian senior member (*doyen d'age*) started to clash.^{xxxiii} There was concern that the Shiite High Council would impose the sole candidature of President Husseini and oblige the other candidates, customarily Shiites, to withdraw. After a declaration by the Babikian member of parliament stating that the intervention of the communal authorities was "dangerous and condemnable,"^{xxxiv} the Shiite High Council declared that the presidency of the Assembly belonged to all Lebanese people and not to any one community in particular.

The disagreement over the elections between members of parliament living in Christian areas—known as 'free areas'—and the Lebanese Forces led to a meeting between the leading figures from both parties at the residence of the member from Bécharré, Gibran Tawk. In the official statement that they released after the meeting, the Christian members noted the harmful role of the boycott of the presidency of the Republic by the President of the Assembly "for the democratic parliamentary regime," and the "paralysis in which parliament finds itself in controlling the Government and in withdrawing confidence from it." They insisted on the importance of a prevailing "atmosphere of unity" for a "healthy democratic practice," and reiterated their commitment to "freeing the country of *all* foreign occupation and to restoring national sovereignty." They also stated that they would work towards a "parliamentary initiative that is aimed at forming a new Government, which puts an end to the policy of boycott, and which is able to face the dangers stalking the country and the citizen."^{xxxv}

The press reported that the President of the Assembly had obtained the support of the majority of parliamentarians and the majority of political leaders. Of the 67 members present, 51 voted for Husseini; there were 15 blank ballots and one spoiled. The Assembly's senior member, Kazem al-Khalil, whom no one wanted to see as a candidate, stated in his speech that parliament is the "source of all powers, the framework that guarantees the unity of the country and the cohesion of the institutions of the state"—and so it must correct any deviation by withdrawing confidence in the current Government and retraining a new Cabinet composed of parliamentarians.

The re-elected President pledged to safeguard the Assembly, a “national institution, legitimate and united,” and stated that the campaigns had only one goal: “to destroy the foundations of the state’s integrity, to destroy the unity of parliament, and to abolish its role.” He even maintained that the Assembly always sought to ensure the accountability of those who should be responsible when it came to security problems or economic crises, despite the ‘plot’ to create a ‘vacuum’.

As for the President of the Lebanese Forces, Samir Geagea, he denied in a press conference that there had been any pressure whatsoever put on members of parliament from the free areas, stating to the contrary that “clear Syrian pressures” were exerted in the other areas of the country. Criticizing the 51 deputies who “thought that the situation does not call for change,” he affirmed having conducted a political campaign against the boycott, the control of the Government and the formation of a new Government. He maintained that the 15 blank votes were cast mainly “by deputies residing in the West,” the “true representatives of the people.”^{xxxvi}

PARLIAMENT’S ROLES DURING THE WAR

On the first day of the war, 13 April 1975, when a Palestinian transport coach was shot up in Beirut’s Christian suburb of ‘Ain al-Rummaneh, parliament was implicated in the crisis. Kamal Joumlatt, the head of one parliamentary group and ‘godfather’ of the Government, called for the dissolution of the Phalangist party, which was accused of being responsible for the crime.^{xxxvii} The idea of banning a party long present in the Assembly, and the discovery of a paramilitary militia maintained by this party—after the discovery of weapons intended for Palestinian organizations in the cars of three members of parliament belonging to Joumlatt’s bloc—showed the extent of the crisis brewing in legislative power and the whole of the Lebanese regime.

But if certain groups present in the Assembly took part in the war and perpetuated violence (as did the Phalangist party, the NLP and the PSP), others, even the majority of parliamentary groups (including the National Bloc of Raymond Eddé), refused any participation in the armed conflict. The political scene was variegated. Certain parties had militias; others supported war efforts without direct involvement. New forces appeared, some with an unexpected vigour; others reappeared from the past. The ballet of foreign

and Arab emissaries, and the formation of a National Dialogue Committee on 24 September 1975^{xxxviii}—the life of which was short, but which brought together representatives of all the communities—cast in relief the deficiencies of the Assembly. The contested ‘representativeness’ of certain new actors supported by states or regional organizations and their allies prevented neither the discrediting of elected representatives nor the marginalizing of an institution supposedly central to the search for political solutions.

The relevant actors varied over time and by situation. Certain political parties even saw themselves eliminated from fighting by their allies;^{xxxix} others saw their political representatives overtaken or absorbed by their militias (the Phalangists). Many parliamentary blocs fell apart, as journalists noted at the time of the consultations leading up to the formation of every new government. New blocs were created, such as the Independent Maronites, who from 1978 on wanted to mark their opposition to the militia. They kept their neutrality within the Christian group between supporters of the Frangieh and Gemayel clans to make themselves available to be the first magistrates of the state.

The Assembly by itself could not resolve the conflict during its first years, but it tried, at least, to help the principal protagonists develop solutions or what promised to be solutions.

A FACTORY OF PRESIDENTS

Between 1972 and 1992, the legislature was a ‘factory of presidents’, electing five of them, although it was prevented twice from electing a President in 1988. Those successfully elected included Elias Sarkis from 1976 to 1982, Bashir Gemayel in 1982, Amin Gemayel from 1982 to 1988, Rene Mouawad in 1989 and Elias Hraoui from 1989 to 1998.

On 13 March 1976, following the rising tension between Syrians and Palestinians, with the sedition of the Lebanese Arab Army, which split from the Lebanese Army, and a televised putsch, 66 members of parliament—one-third of the Assembly—signed a petition demanding the resignation of the President of the Republic, Suleyman Frangieh.^{xl} Upon his refusal, Kamel Assaad, the President of the Assembly, Karamé, the President of the Council of Ministers, and Saeb Salam, the President of a parliamentary

bloc, proposed to amend Article 73 of the Constitution so that the time frame of the parliamentary meeting for the election of a new President would be six rather than two months before the mandate in progress expires.

On 22 March, the Government adopted a bill to this effect. On 10 April, parliament passed it into law with the unanimity of the 90 members present.^{xli} The ‘American blessing’ (via the mission of Dean Brown) was combined with ‘Syrian patronage’ to ensure that an election could take place on 8 May, despite Palestinian fireworks.^{xlii} Sarkis was elected in the second round with 66 votes out of the 69 members present, impeding neither the principled candidature of Raymond Eddé nor the expiration of the Frangieh mandate within its legal term.

THE IMPOSSIBILITY OF NEW ELECTIONS

From 1975 to 1989, the Government was unable to dissolve parliament due to the impossibility of “convening the voters for new elections...which...must be completed within a term not exceeding three months,” according to Article 25 of the Constitution. General Aoun’s dissolution of parliament in 1989 flew in the face of this. But the Assembly, even if it wished or were able to, could not withdraw its confidence in the Government given the great difficulties in finding an alternative that would ensure domestic or regional balance.^{xliii} Governments enjoyed a longer lifespan during the war: an average of one year and 227 days, as opposed to eight months and 28 days during the previous period of peace.^{xliv}

LEGISLATIVE ACTIVITIES

From 15 May 1975 to 4 August 1992, parliament passed an impressive number of laws.^{xlv} A majority aimed at facilitating the life of the population and the work of administration; some were intended to foster prospects for a truce or peace. Yet twice, in 1977 and 1982, the Assembly delegated to the Government the right to legislate and issue executive order laws. An executive order law of 1977 removed from parliament its financial prerogatives by creating the Council for Development and Reconstruction, and giving the Council powers that were normally within the Assembly’s exclusive

competence. The new institution could now spend, borrow, lend and grant the financial guarantee of the state without any supervision or control by the legislature.

In 1982, the law promulgated on 18 November, the second instance of the Assembly delegating to the Government the right to legislate and issue executive law orders (the effects of which were prolonged six months by a law of 21 May 1983), “did not subscribe to the procedures and rules followed”^{xlvi} for this kind of law, because it was neither a framework law specifying certain spheres of collective activity, nor a law enumerating the given subjects where the Government agrees on the right to promulgate executive order laws.^{xlvii} It contravened the Constitution because it gave the Government the right to legislate in domains reserved solely for the Assembly. It deprived the latter of every right of supervision. Prescribed time frames were not always respected and no justifying preambles accompanied the promulgated laws, which led to anarchy in the legislation that followed.

THE ISRAELI INVASIONS

During the Lebanese war, two Israeli invasions also took place. The first, in 1978, stopped at the Litani River, giving rise to UN Security Council Resolution 425. The second, in 1982, was even more cataclysmic. It went as far as the capital and put in question the foundations of the country itself. If parliament’s initiatives were a natural and expected response to the invasion of an enemy state, they nevertheless ran up against the contentious matter of the armed Palestinian presence in Lebanon, and the need either for applying the letter of the Cairo Agreement or for repealing it.

On 14 March 1978, following a Palestinian military operation on the Haifa–Tel Aviv road, Israel undertook a large-scale operation in southern Lebanon and ended up occupying the entire area between Litani and the border, with the exception of Tyr. On 19 March, the UN Security Council passed Resolution 425, which called for the total withdrawal of the occupying army. It established grounds for an international force with the goal of ensuring Israeli withdrawal and helping the Lebanese Government recover its power in the border region. From 16 to 20 March, the Assembly held an open meeting and unanimously passed a motion requiring the fast application of Resolution 425 along with the “return without delay of the legitimate authority to the exercise of its

prerogatives, the accomplishment of its functions, and the extension of state power into southern Lebanon and all Lebanese areas.”^{xlviii} The will to recover the entire territory mitigated the sympathies of some members of parliament for the Palestinian military presence, and implicitly put both the Cairo Agreement and the autonomy of Palestinian action in the South in question.

On 19 April, the members of the Hoss Cabinet, who came from outside parliament, resigned. Consultations for forming a new Government were slow on account of the disintegration of parliamentary blocs and the need for the President of the Republic to meet with members of parliament one by one.^{xlix} A parliamentary committee of 13 members from all the communities¹ then prepared a motion to show the unanimity of the people’s representatives on the question of liberation and its implications, as well as to outline a national reconciliation document for the purpose of getting beyond the impasse. The debates that followed turned on the will to “put an end to the Palestinian military presence in Lebanon” or simply to “stop the activities of the *fedayeen*^{li} in and out of Lebanon.”^{lii} Any draft had to take account of the opinions of the Palestinian organizations in order to have a chance of being applied.

The document was regarded as an “important step in carrying out national reconciliation among the Lebanese” and “disclosed for the first time a real political will.”^{liii} The long-term goal was to facilitate the exercise of power and ensure the appearance of legitimacy. In the short term, the objective was the formation of a new Government. For the first time since the Cairo Agreement, a pact was worked out between Christian and Muslim leaders on Lebanese policy towards Palestinian action in Lebanon.^{liv} Described as “clear, frank, and profound” by the President of the Assembly, Kamel Assaad, it was said to “restore honor to the democratic institution”^{lv} and to advance matters towards their solution.

The agreement was formulated on six points. The first five included the necessity of applying Resolution 425; the “ending of armed Palestinian operations throughout Lebanese territory;” the “prohibition of any armed presence not under Lebanese legal power and the application of Lebanese law to all Lebanese and non-Lebanese persons residing in Lebanon, without exception;” the will to build the Lebanese Army on “healthy patriotic foundations;” and an “economic development policy.” The sixth point called

upon the “legitimate power” to heed this expression of the “popular will” and to implement the agreement. Pierre Gemayel considered the text the “first agreement since the war.”^{lvi}

The amended document^{lvii} was ratified unanimously by the 74 members of parliament who were present; 10 others boycotted the meeting. Despite Prime Minister Hoss’ expression of fears of “patronage of the Government by the Assembly,”^{lviii} Hoss ended up withdrawing his resignation on 15 May 1978.

In 1982, the second Israeli invasion took place within a few months of the expiration of the presidential mandate. The Assembly faced the problem of the election of a new President. Following the ‘choice’ of two presidents and the assassination of the first, the necessity of liberating the territory led to the debatable and much-discussed agreement signed on 17 May 1983 between the Lebanese and the Israelis, which provided for a staged withdrawal of Israeli forces and the establishment of a joint security zone in southern Lebanon. On 15 June, after several closed meetings, some of which were stormy, parliament—probably misinformed by the Government on the true attitude of Syria—delegated the right to ratify the agreement to the Government, with 65 votes for, four against and three abstentions.^{lix}

THE ABROGATION OF AGREEMENTS

Parliament had ratified the early Cairo Agreement between the PLO and the Lebanese Government indirectly, via its vote of confidence in the Karamé Government, which referred to the Agreement in the ministerial declaration of 4 December 1969. This rendered null and void the Armistice Agreement of 1949, which followed the 1948 Arab-Israeli War. Jurist Edmond Rabbath delivered an opinion that parliament had implicitly ratified the Cairo Agreement as a security treaty at the time of its vote of confidence in the Karamé Government, and must therefore abolish the Cairo Agreement to restore the Armistice Agreement.^{lx} On 21 May 1987, a private bill was urgently presented by five deputies to rescind the Cairo Agreement and withdraw from the Government the delegation for ratifying the May 17 Agreement. The 45 members of parliament present in the Assembly unanimously agreed to the bill.^{lxi}

PARLIAMENT'S EXECUTIVE AND DIPLOMATIC ROLES

After the Israeli invasion, the failure of the May 17 Agreement; the uprisings and battles won in the West by the party of Walid Jumblatt and the Amal Movement, allies of Syria and opponents to the Agreement; two conferences in Switzerland to negotiate a settlement; the formation of a National Unity Government; and the *intifadas* in the East, parliament faced two new situations. The first, from 1986 to 1988, involved a Government divided and unable to meet. The second, from 1988 to 1989, entailed a vacant presidency and two governments. From October 1984, parliament had a new President, Hussein Husseini, who succeeded Kamel Assaad (1972-1984), and who gave the institution a more dynamic and consensual role.

This period witnessed the rise of a traditional aspect of parliamentary life. The role of the parliamentary commissions in making principal decisions increased, in view of the difficulty of meeting the parliamentary quorum, and the risks of the situation. A new tradition was instituted: a monthly meeting of the presidents and rapporteurs of the commissions.

Parliament assumed two new roles during these years: an executive role and a diplomatic one. Following the *intifada* in the eastern regions, the National Unity Government no longer met. This was the time of 'flying decrees', which often passed from one minister to another via the Assembly without the Cabinet meeting to discuss them. Parliament then tried to replace the Government. Instead of waiting for bills requiring a vote on this or that expense, parliament delegated to the Government the right to make appropriations. From 1986 on, more and more private bills were passed.^{lxii} In 1987 and 1988, parliament no longer voted on anything other than private bills.^{lxiii} One example was the law passed on 19 August 1986 to prohibit the sale of the Bank of Lebanon's gold assets except through legislative text passed by the Assembly. This law, which is always in force and whose financial relevance is debatable, aimed at safeguarding citizen and governmental funds at a time when the political climate was worsening and state bankruptcy had become a real possibility.

The Assembly was able to resume its financial prerogatives—which had been superseded by the executive order laws of 1977 and 1982—by passing a law in 1986 reserving exclusively for parliament the right to authorize the granting or taking of loans,

the advancement of credit and the granting of state guarantees. In other words, parliament would oversee the whole of the state's expenditures.^{lxiv}

Parliament's executive role remained strong with the situation of the Aoun-Hoss 'double Government' (September 1988 to November 1989) that resulted from the disputed 1988 presidential election, even though parliament held no meetings between 12 July 1988 and 5 November 1989—which is to say, for nearly 16 months—and even though, in October 1988, it elected neither a President nor an office of the Assembly.

The importance of parliament's diplomatic role in the years 1984 to 1989 stemmed from the moribund state of the executive in Lebanon and the commitment of diverse political groups to domestic unity and civil peace. In 1984, a parliamentary authority was put in place (which included Nasri Maalouf, Georges Saadé and Katchik Babikian) to support the unity of the territory and the liberation of the land, along with a non-parliamentary authority (including Michel Eddé and Khaled Kabbani), which was to liaise with foreign parliaments. These were some of the early steps leading towards the Taif Agreement.

THE TAIF AGREEMENT

As of 10 March 1985, parliament had worked out and adopted a first version of a set of principles of national reconciliation. But on 12 March, an *intifada* took place in the Christian areas, and the process was put on hold. On 29 March, a memorandum was addressed to the Vatican in the name of the President, the Government and the Assembly, approved by all the parliamentary groups. It was presented *mutatis mutandis* in the name of the Assembly to the committee of six that issued from the conference of Arab foreign-affairs ministers that met in Tunis from 12 to 14 January 1989.

In 1987, as the *détente* between the United States and the Soviet Union began putting a brake on regional conflicts, the Lebanese seemed ready for reform and reconciliation. Hussein, in a speech following his re-election on 20 October 1987, stated that the "requirements of national reconciliation are no longer mysterious and no longer require supplemental interpretation and explanation." He outlined before his audience the "design on which unanimity was made," and one finds there, with a few exceptions—like

the eligibility of three presidents—many of the clauses that followed in the Taif Agreement.^{lxv}

EVENTS LEADING UP TO TAIF

The attempts to find common ground and agree on reforms date to the origins of the conflict itself. The Lebanese National Movement's Programme of Democratic Reforms, released on 12 August 1975, marked an important date in the course of events. But in general the process was difficult. Even the nature of the war was an object of contention. Was it a conflict among Lebanese over reforms, or among the most radical factions within the country? Or was it a conflict between Lebanese sovereignty and Syrian domination? The order of priorities, too, was subject to discussion: Safety or sovereignty or reforms? A change of people or of institutions? In addition, the reform talks were driven by ulterior motives, as well as regional and international *rappports de force*.

A proper appreciation of the significance of the Taif parliamentary meeting begins with listing the main partners and reconciliation documents.^{lxvi} First, there was the Lebanese executive (primarily the President of the Republic) and the Syrian Government, directly or indirectly. Documents included the Constitutional Document read by President Frangieh on 14 February 1976 after a visit to Damascus accompanied by President Karamé.^{lxvii} President Amine Gemayel took initiatives by way of Hani Salam (6 and 13 December 1986), Mehdi al-Tajir (15 October 1986) and April Glaspie; Elie Salem and Simon Kassis met with Farouk Char'h and Ghazi Kanaan (22 January 1987).^{lxviii}

Inter-Arab and international documents included the documents of the committee of six issuing from the Tunis conference,^{lxix} the document presented to the Lebanese Front in Kuwait on 13 April 1989 and the document of the Arab tripartite committee presented at the Taif meeting. Agreements among militias and combatants included the Tripartite Agreement signed at Damascus and countersigned by the Syrian Vice-President on 28 December 1985, agreements among politicians and the Chamoun-Karamé negotiations before the assassination of Karamé on 1 June 1987. Agreements among combatants, politicians and authorities in power came from conferences in Geneva on 31 October 1983 and Lausanne, Switzerland, from 12 to 19 March 1984. Documents issued

by the Council of Ministers comprised the 14 principles stated under President Sarkis on 5 March 1980 and the ministerial declaration of the Karamé Government on 1 April 1984.

Parliamentary initiatives comprised the document known as ‘*des 74*’ of 27 April 1978, described by the President of the Assembly as a “historic realization” and by the President of the Council as the “first step on the difficult road to reconciliation.” Parliament established committees specifically for dialogue and reforms, such as the National Committee for Dialogue on 24 September 1974.^{lxx}

Leading up to the Taif Agreement, there were also summits among spiritual leaders; debates among intellectuals; meetings among members of parliament; and proposals from international emissaries.

THE 22 SEPTEMBER TO 30 OCTOBER 1989 PARLIAMENTARY MEETING

The Tunis conference tried to resolve the two-government situation that followed the failed 1988 presidential election by forming a committee of six countries chaired by the Foreign Minister of Kuwait. But he could neither bring the points of view closer (General Aoun claiming as a precondition the liberation of Lebanese territory from Syrian occupation) nor bring together those in charge of the two camps, and so the ‘war of liberation’ began in March 1989. In May, the pan-Arab summit met at Casablanca and formed the tripartite committee to put an end to the war. It involved a reduced number of states, an elevated level of representation among heads of state and expanded powers. The result was a four-point plan.^{lxxi}

The plan called first for making the contacts required to invite members of the Lebanese parliament to meet—of necessity outside of Lebanon—to prepare and discuss a policy reform document that could be used as a basis for a national agreement that parliament would vote on at its first meeting back in Beirut. Second, the Lebanese parliament needed to ratify this document. Third, it would elect a President of the Republic and form a National Reconciliation Government charged with applying the document. Finally, it should support the new Lebanese Government on measures that it considered necessary for exerting its full sovereignty over Lebanese territory.

The plan thus gave priority to reforms, put the parliamentary institution at the center of dialogue and reconciliation, and promised to support sovereignty. But a first version of the document prepared by the committee ran up against Syrian opposition. This led the committee to criticize Syria's attitude in an official statement of 1 August 1989, after which the work of the committee came to a halt. Contacts on the international and domestic levels, however, encouraged the resumption of the initiative, although on many points, the initial text was amended to satisfy the Syrians.^{lxxii} The amended texts—the majority of which relate to the action of the Syrian Army, to Syrian-Lebanese relations and to the role of the tripartite committee—would be untouchable at Taif, although greatly discussed and criticized.

The representative of the committee, Lakhdar Ibrahim, who had arrived in Beirut on 17 September, was able to convince General Aoun to allow the deputies living in the region under his control to take part in a meeting scheduled to take place in the Saudi city of Taif. The location removed members of parliament from daily pressures while ensuring the maintenance of their bonds with the authorities in the country. It highlighted Arab responsibility, while leaning on the role of Saudi Arabia.^{lxxiii} Taif, however, removed any constitutional character from the meeting. The Lebanese Constitution stipulates: “The Assembly cannot be validly constituted” (Article 34) except under certain conditions, such as it sitting in Beirut (Article 26), at legal times of session (Article 31) and in the presence of the majority of members (Article 34).

Sixty-two out of 73 members of parliament attended—only three were absent for political reasons.^{lxxiv} The position of Raymond Eddé, in exile in Paris for nearly 12 years, was characterized by a double rejection. He contested the site of the meeting, which was held away from Beirut and Lebanon, a “scandal that undermines the dignity of the Lebanese people and makes a mockery of the sovereignty of Lebanon, its independence, and its territorial unity.”^{lxxv} He also objected to not being able to amend the parts of the document that dealt with Syria.^{lxxvi}

The communities were unequally represented at Taif. Only one Druze member remained alive, but his abilities were highly regarded. The discussions turned on two key points of interest—sovereignty and reforms. Legislators were divided into groups according to their sensitivities, and regional and communal memberships. Some more

than others played the role of mediator among the various parties and served as guardians of the general interest.^{lxxvii}

The meeting proceeded in two parts. The first resembled a political socio-drama, with each parliamentarian laying bare what he had kept in his heart against his own camp and the other since the beginning of the war. This required two meetings per day for six days.^{lxxviii} The second act was the formation, as of 9 October, of a drafting commission, to discuss and draft the National Reconciliation Document. It included 17 members of parliament,^{lxxix} and made it possible to end a sterile and unhealthy polarization.

THE NATIONAL RECONCILIATION DOCUMENT

The Taif Agreement resulting from the parliamentary meeting, and ratified by the parliament in northern Lebanon, aimed at putting an end to the internal conflict and at undoing its consequences by stating the general principles of Lebanese national reconciliation; enumerating the principal political reforms required, along with some social, legal and cultural reforms; suggesting ways of liberating Lebanese territory from Israeli occupation; and abandoning the foundations of Lebanese-Syrian relations. It is divided into four chapters, of which the first, principally concerning the domestic situation, is the longest.^{lxxx}

Entitled ‘General Principles and Reforms’, the first chapter includes three parts. First, it lists general principles to be used as a preamble to the Constitution. These state the national identity of the country, the nature of the Republic and the general principles that order it. The second part is on political reforms^{lxxxii} aimed at redefining the prerogatives of the power structures, the presidents and the ministers, and at entrusting the executive power to the Council of Ministers. It refers to the abolition of political sectarianism as an “essential national objective that required for its realization a course of action programmed in stages.” The third part details other reforms related to: administrative decentralization; the courts and the formation of a high court to judge policies, and the formation of a constitutional council to “interpret the Constitution, supervise the constitutionality of the laws, and rule on litigations and invalidations relating to presidential and parliamentary elections;” electoral law; the formation of an economic and social council; education and teaching; and information.

The second chapter of the agreement was on ‘The Extension of the Sovereignty of the Lebanese State to the Whole of the Territory’. This was a question of the dissolution of the militia, the reinforcement of the internal security forces and the Army, the return of displaced persons, and the support and withdrawal of Syria. This chapter had been initially amended by the Syrian Government regarding the date of withdrawal, the points of redeployment, and the authorities who would decide on this redeployment (the Syrian Government and the Lebanese National Reconciliation Government). Prince Saud al-Faisal had to visit Damascus^{lxxxii} to make some additions and withdraw a clause without seeing the principal demands accepted.

The third chapter is devoted to the ‘Liberation of the Lebanese Territory and the Israeli Occupation’. A clause was added to the preliminary Arab document specifying that the deployment of the Lebanese Army would be made in the “area within Lebanon’s internationally recognized borders.”

The fourth and final chapter, which is 10 lines long, deals with ‘Lebanese-Syrian Relations’. With the insistence of members of parliament from the East on erasing the qualifier ‘strategic’ from ‘interests’ in the initial text, the Syrians agreed to replace it with ‘fraternal’.^{lxxxiii} The chapter specified that agreements between the two parties would be made “within the framework of the sovereignty of each of them.”

The assembled members of parliament started with the document that was submitted to them by the tripartite committee. They were also, in many ways, one of the document’s principal sources.^{lxxxiv} They had complete latitude to amend it, the only caveat being that the text had already received the blessing of the Arabs and the United States.^{lxxxv}

Albert Mansour^{lxxxvi} has presented a table in two columns comparing the initial text and the final text that reveals the extent of the differences between the two.^{lxxxvii} The document clearly reflects the refusal of the three great communities, especially the Maronites, to question the denominational distribution of the presidencies.

In his speech of 16 October 1990, President Husseini, answering the charge that Taif was an imposed agreement, evoked four arguments to support the negotiations. First, they had been very difficult. Second, free contacts had finally been established between members of parliament and all Lebanese political groups. Third, the idea of holding a

parliamentary meeting answered the often-expressed wishes of parliament. Finally, the agreement was the fruit of a Lebanese dialogue among authorities from an array of political, constitutional and intellectual levels.

Questions can be asked about how extensively parliamentarians changed the document, given that its first chapter was the only one to be seriously discussed and amended. But it does seem to carry at least some specific imprints from legislators protected from immediate internal and external pressures, but attuned to the country's will. What ultimately bore the parliamentarian's mark was an attachment to the unity of the country and an attentiveness to communal sensitivities and balances. Legislators sought a viable regime, taking into account the fears of Christians and the new data that showed demographic shifts in favour of Muslims, without questioning the system's general framework.

After the Taif Agreement and the subsequent passage of constitutional Articles 65 and 77, parliament could no longer be practically dissolved. Parliamentarians wanted to protect their institution by refusing too great an increase in the number of members (108 and not 128). And if the Assembly was now bound to publish laws in accordance with constraining time frames, it remained the guarantor of the Constitution and independence.

The Taif Agreement reinforced parliamentary prerogatives in many respects. By comparing the prerogatives agreed at Taif and those of the initial Arab document,^{lxxxviii} one can measure the important powers that remained with the Assembly. The President of the Council of Ministers (traditionally Sunni) was no longer dependent on the traditionally Christian President of the Republic for his or her nomination, and from that point on headed the institution that governs the country, where all constituents are represented. "The prerogatives of the minister are reinforced in agreement with the general policy of the Government and the principle of collective responsibility."^{lxxxix} As for the President of the parliament (traditionally Shiite), he or she would be elected from now on not for a year but for the duration of the Assembly's mandate, with the possibility of the legislature withdrawing its confidence only one time after two years by a majority of two-thirds.^{xc}

The newly stipulated Electoral Law was less at variance with the demographic realities of the country (seats are distributed "equally between Christians and Muslims,"

and proportionally among the communities^{xci} and regions). It gave guarantees to the now-minority Christians. But the abolition of political sectarianism^{xcii} remained a long-term objective and was not bound like many projects of the time to fantastic or distorted time frames.

The effort in the Taif Agreement to end the war without wronging any of the country's constituent parts, and to create a balanced, modern and viable regime—despite the original lacunas or those discovered in practice—could in no way be accurately portrayed as an “association among three parties: the princes of the war, which is to say the militias, the princes of traditional politics, and the princes of money.”^{xciii}

PARLIAMENT MEETS ON REFORMS AND REINSTALLING THE STATE

On 16 October, President Husseini, in a speech^{xciv} made following his election under the new constitutional law, congratulated members of parliament “for having accomplished their patriotic and constitutional duties” and for having ensured the most important thing, namely the “continuity of the state and the unity of the people”. He enumerated the stages of the parliamentary itinerary since Taif: the implementation of the Agreement, the election of a President of the Assembly at the first meeting back in Lebanon; the ratification of the agreement at the second meeting; the election of the President of the Republic at the third meeting; the election of a second President of the Republic following the assassination of the first; the vote on the constitutional law in Beirut in the historic seat of the Place de l’Etoile; and the implementation of the new Constitution.

This concise account covers all of the major events, but it obscures the exploits encountered between the various stages of the process, which range from trivial to tragic. Legislators primarily residing in the East made an obligatory passage to Paris—and for some to Rome, where the Maronite patriarch was, or to Algiers and Morocco to secure the support of leaders there. Parliamentarians also struggled with divisions over the choice of the new President, the problem of damaged residences, and a divided Christian society. While the United States, the Soviet Union and the European Community supported the Agreement, on 4 November, General Aoun dissolved the Assembly before there had been the opportunity to call new elections.^{xcv}

The 58 members present to ratify the Taif Agreement were unanimous in their support, although six noted that their votes came with reservations, and one with strong reservations. They did not convene in Beirut as originally planned because of security threats.^{xcvi} But since the meeting did take place on Lebanese soil, it possessed a certain legitimacy. In addition, if the Assembly was in ordinary session from 15 October until the end of the year—“devoted before all other work to discussing and voting on the budget,” according to Article 32 of the Constitution—it had to elect a President, a Vice-President and two secretaries per Article 44 “upon the opening of the October session.”

As for the presidency of the Republic, vacant since 23 September 1988, Article 75 required the Assembly meeting for the election to “constitute an electoral college and not a deliberating Assembly. It must proceed solely, without delay or debate, with the election of the head of state.” The three successive meetings on 5 November 1989 to elect a President of the Assembly, to vote on the National Reconciliation Document and to equip the Republic with a President did provide parliament with a President in accordance with the Constitution, while taking some liberties regarding Beirut (which was not a precedent). Parliament passed the reforms before the presidential election, confirming the scenario worked out at the Arab summit in Casablanca.^{xcvii}

The election of Hraoui as the President of the Republic on 24 November 1989, two days after the assassination of President Mouawad, took place in Chtaura (Békaa) outside Beirut. The establishment of a Government chaired by Assembly President Salim Hoss on 25 November would be essential to begin undoing the consequences of the war and to present a bill amending the Constitution.

After having granted its confidence to the Government, following the reading of its declaration at the Chtaura Park Hotel on 26 November 1989, parliament did not resume its legislative work until 20 March 1990, when it voted on a package of finance bills.^{xcviii} On 26 July 1990, it passed the first law mentioned in the reconciliation document—the law establishing a high court to judge the presidents and ministers that had long been envisaged by Article 80 of the Constitution (1926 and 1927) and that had been mentioned in the Taif Agreement. The members of this high court were elected under the terms of the new law on 6 December 1990.

On 21 August 1990—even though the rebellion of General Aoun had not yet reached an adequate resolution, and a central part of the territory was not under the control of the new Government—bills were discussed and passed aiming at amending the Constitution and introducing the reforms approved at Taif.^{xcix} The Government had sent a bill amending various articles on 30 April 1990, to which it had attached another amendment concerning Article 49 on the conditions placed on candidates for the presidency of the Republic. In response to the request of the Assembly and its President,^c the Government sent another constitutional bill stipulating the addition of the ‘General Principles’ of the National Reconciliation Document to the Lebanese Constitution by way of a preamble. The Lebanese Constitution, written in 1926 and amended on several occasions since,^{ci} is the oldest in the Near East still remaining in effect. If some of its articles relating to equality (Articles 7 and 12), freedom (Articles 8, 9, 10 and 13) and property (Articles 14 and 15) have lost nothing of their acuity, this fundamental piece of legislation lacked coherence and modernity. Some articles had been repealed and others were written by many writers at various times.

The preamble builds upon lessons on national identity (“the final Fatherland to all its sons,” “Arabic in its identity and its membership”); indicates the same foundations of the state (“Lebanon is a democratic, parliamentary republic founded on the respect for public liberties,” “engaged by the Universal Declaration of Human Rights. The state concretizes these principles in all fields and domains without exception,” “the liberal ... economic regime,” committed to “the balanced development of the regions”); and affirms in the most subversive manner the primacy of the “pact of common life” (“No legitimacy is recognized in an unspecified power that contradicts the pact of common life”).^{cii} The preamble became a trump against any contrary practice or contrary legislation, and provided an orientation for future law. The continual references denouncing the “police practices” of the years 1990 to 2005 are politically relevant and morally necessary.

The constitutional law was discussed and amended in the common commissions, then voted on article by article in a plenary meeting. Certain points were amended by a majority of 48 votes (19 members were absent). The criterion for the discussion was only the “conformity of the constitutional amendments with the National Reconciliation

Document” as specified by the President of the Assembly.^{ciii} This document had become an obligatory reference.

The constitutional amendments, along with the end of General Aoun’s rebellion on 13 October 1990 and the reunification of Beirut and of the Army, were crucial in the assessment of the first Government after Taif: “Without these four achievements, there would be neither fatherland, nor peace, nor legality, nor state.”^{civ}

On 19 December 1990, Assembly President Hoss presented the resignation of his Government to the parliamentary majority, and on 24 December 1990, President Omar Karamé formed a National Reconciliation Government of 30 members, primarily non-parliamentarians, and joined together the militias of all the communities. He obtained the confidence of parliament on 9 January 1991, with 37 votes for, three votes against, and 17 absent.^{cv}

On 27 May 1991, the Assembly delegated to the Government the right to ratify the “treaty of fraternity, collaboration and coordination” with Syria. This law would serve as the framework for many bilateral agreements, such as that concerning “defense and safety” signed in Chtaura on 1 September 1991 and ratified by parliament on 17 September 1991.^{cvi}

Today, it may be legitimate to wonder about an agreement whose parties, under favourable international circumstances, gave themselves the latitude to build an independent, modern and just state of law, only to see the Syrian military presence prolonged until 2005. This affected all of Lebanese political life, as the structures of the state were diluted, communitarianism was exacerbated and institutions atrophied. The reasons for the Arab and international abandonment of Lebanon to the neighbouring regional power are numerous, from General Aoun’s rejection of the Taif Agreement—which deprived the state of an area and institutions belonging to it—to the assassination of President Mouawad.

But what is most importance for the future is understanding that the seizure of the country was possible because of legislatures issuing from vitiated electoral laws (1992, 1996 and 2000) conceived to perpetuate Syrian hegemony, and to prevent a true popular representation and the emergence of new elites. These laws were passed a few days before the elections to prevent candidates and voters from at least partially turning them

to their advantage. In the shadow of an armed presence and omnipotent intelligence agencies, an Assembly that was the master of the law, the presidential elections and the ministerial cabinets served as the seat of a complex political matrix where the Lebanese were often only pawns.

The country's greatest need is now an equitable electoral law that is the fruit of a national consensus. It must be known and understood well before the elections, govern financial information and powers, and be applied by a neutral Government.

CONCLUSIONS

The legislature in place from the beginning to the end of the Lebanese war contributed to ending the conflict. Elected according to a law in force long in advance, and widely known and accepted, this legislature was representative, if not of all the forces in the country, at least of all its communities and its sensitivities.

In the fighting that tore the population and the territory apart, without seeing any of its constituent parts cut themselves off from voters, parliament knew it had to preserve a space for dialogue and legality. Among the combatant militias, there remained a nonviolent segment defiant towards 'the powers that be'—as much to safeguard parliament's prerogatives as for national reasons. Foreign powers learned that the legislature's plural composition and its sensitivity to its electorate made it more difficult to persuade than other groups. When other authorities were paralysed, had collapsed or had disappeared, parliament stood against divisive forces as a symbol of the unity of the country and the integrity of the territory.

Given the great inertia of a legislature where the traditional notables had a strong presence, and where consensus was never immediate but went through protracted negotiations and discussions, a dynamic President of the Assembly was required to inspire confidence among the various political currents. Hussein Husseini could inspire confidence among the Christians because of his loyalty to Lebanon and the state. He had the trust of the Sunni community because of his moderate views. His friendships with Imam Mussa al-Sadr (the Shiite Imam who vanished in 1978) and his representation of the Shiite community inspired Shiite trust. He was respectful of the institutions, and in

constant connection with the forces promoting the national interest, civil peace and the state of law. This ensured that the legislature fully played its role.

A number of lessons come from the experience of the Lebanese parliament during the war. The first is that a parliament elected according to consensual law and under undisputed conditions is the best guarantor of the people and the integrity of the territory. It bears witness to the unity of people and their attachment to an indivisible territory, and seeks to realize these at a time when realities seem to contradict them.

Parliament's habitual functions ensure the endurance of the state and the validity of the organic law that governs it, and protect the state from internal and external risks. These tasks include the elections of presidents of the Republic according to the constitutional stipulations, votes of confidence given to governments and votes on laws. Parliament is also the privileged place of national reconciliation, gathering all the constituent parts of the country and holding its place and its power only if this reconciliation is realized. It is the obligatory instrument of civil peace, because this lends it power and luster.

Another lesson is that just when the executive wavers, when legal forces are overridden or divided, and when justice is likely to be a vain word, the legislative power may find it beneficial to reinforce other powers because it cannot derive its own without a state that functions. It is certainly impossible to put an end to the petty calculations of the members and groups of a parliament, but it remains no less true that the general interest must end up prevailing in the most difficult situations. If parliament is not an executive body working directly for the liberation of the territory, it seeks nevertheless to ensure the national consensus that carries out this liberation, and elaborates or abrogates the treaties that reinforce the international legal position of the country and the interests of the people.

Although the reforms essential to the renovation and survival of the Lebanese Formula (*Sigha*)^{cvi} were born throughout the years of the war in the most diverse places—intellectual debates in diplomatic circles going through various party, front and alliance programmes—parliament's filtering of these ideas at Taif and at the meetings that prepared it gave a Lebanese identity that transcended the parties and was independent of foreign interests. Long discussions aimed to counterbalance the sacrifices

of the various communities, making the agreements viable, and putting them at the service of the national interest and the power of the state.

While it was quite obvious that reconciliation and reform did not depend on Lebanese goodwill alone, and that the return of peace was related to regional and international actions, parliament did not await the miraculous event without seeking to prepare points of agreement and to keep them ready for the right moment, always threatened by changing circumstances. Parliamentarians not only worked out the general lines of an agreement; they ensured a broad consensus on it, as the various meetings quoted in various memoirs testify.^{cviii} This became one of the sources of the general agenda established for Taif.

Lebanon's experience demonstrates that parliament maintains its credibility by performing its own functions. It cannot ensure the endurance of the state unless it discharges its missions: supervision and control, legislation and electoral college functions. In defending their institution and their internal organization, all members of parliament proved their 'solidarity in difference'. The resignation of President Husseini after the assassination of President Karamé,^{cix} followed by the threat of an election of a President of the Assembly the same year, showed the dynamism of a 15-year-old legislature.

International and pan-Arab consensus was indispensable for reconciliation, not only because it neutralized harmful internal and external factors, but also because it helped Lebanese members of parliament deal autonomously with the authorities of the country. In situations of duplicated legitimacy and an impossible or collapsed Republic, parliament could not avoid fulfilling executive functions. It was normal that these functions return to the appropriate authority once peace was restored.

A parliament deciding alone on essential reforms, plural in its composition, and counting among its members politicians called upon to assume important functions in the executive branch is not insulated against overstepping its role—or allowing the executive to do the same. In Lebanon, parliament must leave the correction of reforms to the future, based on an ever-changing reality.

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ENDNOTES

- ⁱ ‘*La chambre des députés*’ is the name that the Lebanese Constitution gives Lebanon’s legislative assembly. Article 16: “The legislative power is exerted by only one parliament: the *chambre des députés*.”
- ⁱⁱ The criticisms of the parliamentary institution never prevented individual criticisms of members of parliament, especially at key times when one could easily suspect them of being scoundrels or cowards. Denigrating rumours were most vicious after the Taif Agreement and during elections.
- ⁱⁱⁱ Other state institutions, such as the Central Bank and elements of the administration, safeguarded their unity. In addition, some political leaders tried to limit the maximum damage (Hoss 1991, pp. 51-62).
- ^{iv} The 16 October 1990 speech at parliament, after its re-election on the basis of the new law (*An-Nahar*, 17 October 1990).
- ^v Zayn 1994, pp. 47-53.
- ^{vi} Baaklini 1979, pp. 49-56.
- ^{vii} Chiha 1961, p. 59. He added immediately afterward: “Moreover, when you do not have a parliament, you have nothing to oppose strong pressures from abroad.” After Taif, the assemblies could not oppose the Syrian seizure of the country—but were they truly national assemblies?
- ^{viii} Parliament gave a vote of no-confidence in the Government of Emile Eddé (Zamir 1997, pp. 74-83).
- ^{ix} Tueni 1997, p. 38.
- ^x The text of the law can be found in Zayn 1994, pp. 463-485.
- ^{xi} Khazen 2002, p. 267.
- ^{xii} For the year of the elections, *ibid.*, pp. 263-267.
- ^{xiii} The commentary of Hussein Hussein, revisited in view of the facts in spring 2005: “Not only did the executive encroach on the prerogatives of the legislature, but it made the legislature ratify its most debatable decisions.” From an interview with the author on 14 May 2005.
- ^{xiv} Zayn 1994, p. 39.
- ^{xv} *Ibid.*, pp. 55-57.
- ^{xvi} *Ibid.*, p. 42.
- ^{xvii} Messarra 1977, p. 47.
- ^{xviii} *Ibid.*, p. 59.
- ^{xix} *Ibid.*, p. 78.
- ^{xx} Quoted in Messarra 1977, p. 62.
- ^{xxi} Khazen 2000, pp. 267-268.
- ^{xxii} Compare with the official common statement from US and Soviet ministers of foreign affairs encouraging the renewal of the activity of the Arab tripartite committee in *An-Nahar* and other local newspapers, 25 September 1989.
- ^{xxiii} Saadé 1998, pp. 48-51.
- ^{xxiv} Saad n.d., pp. 318-324.
- ^{xxv} Ammoun 2004, pp. 568-570.
- ^{xxvi} Khazen 2000, p. 279.
- ^{xxvii} *An-Nahar*, 21 October 1987.
- ^{xxviii} Member of parliament Louis Aboucharaf died at the time of the blind bombings (16 April 1989) and President René Mouawad, assassinated following his election (22 November 1989), had lost his seat in the Assembly after a few days.
- ^{xxix} Hoss 1991, p. 11.
- ^{xxx} Pakradouni, *Malédiction d’une nation*, p. 15-23.
- ^{xxxi} Pakradouni, *La paix manquée*, p. 255-265; Kassir 1994, pp. 482-486; Ménargues 2004, pp. 368-413.
- ^{xxxii} In refusing to meet with him in the presidential palace, in accordance with the Constitution (*An-Nahar*, 19 October 1987).
- ^{xxxiii} Compare with Menassa 1998, pp. 175-188.
- ^{xxxiv} *An-Nahar*, 20 October 1987.
- ^{xxxv} *Ibid.*
- ^{xxxvi} *An-Nahar*, 21 October 1987.
- ^{xxxvii} Salibi 1976, pp. 97-108; Kassir 1994, pp. 103-129; Khazen 2000, pp. 383-387.

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- xxxviii Kassir 1994, pp. 136-137.
- xxxix Such as the NLP from 1979 to 1980.
- xl Ammoun 2004, pp. 593.
- xli Kassir 1994, pp. 177-180.
- xlⁱⁱ “The majority of the members of parliament living in the western sector of the capital were ‘escorted’ under the bombs to the seat of parliament by pro-Syrian elements. Others accepted incentives of another kind” (Kassir 1994, p. 180). For vote-buying, the author returns to *An-Nahar* of 9 May 1976.
- xlⁱⁱⁱ Zayn 1994, p. 168.
- xl^{iv} *Ibid.*, p. 169.
- xl^v The 1972-1992 legislature passed 683 laws (*ibid.*, p. 267). Minus the 96 passed before the war (*ibid.*, p. 203), one is left with 587 laws. Of the 683 laws, 440 came from the Government and 228 from the Assembly.
- xl^{vi} Antoine Baroud in *Wikalat Anba’ l-Sharq*, Numero 3 (numero special sur les les decrets—lois de 1982, 1985).
- xl^{vii} Many studies were devoted to these executive order laws to invalidate them. They came from jurists and lawyers (including Antoine Baroud, Wajdi Mallat and the Order of Lawyers), parliamentary blocs (Saeb Salam), political parties (the PSP). The majority go back to 1984.
- xl^{viii} Tueni 1996, p. 409.
- xl^{ix} *An-Nahar*, 24 April 1978.
- ¹ A list appeared in *An-Nahar*, 24 April 1978.
- ⁱⁱ Paramilitary forces.
- ⁱⁱⁱ *Al-Nahar*, 23, 24, 27 and 28 April 1978.
- ⁱⁱⁱⁱ *Al-Nahar*, 27 and 28 April 1978.
- ^{lv} *An-Nahar*, 24 April 1978.
- ^{lv} *Ibid.*, p. 3.
- ^{lvi} *An-Nahar*, 25 April 1978.
- ^{lvii} The final text appeared in *An-Nahar*, 28 April 1978.
- ^{lviii} *Ibid.*
- ^{lix} Ammoun 2004, pp. 843-856.
- ^{lx} Ménassa 1998, pp. 270-291.
- ^{lxi} Nassif 2002, pp. 315-319.
- ^{lxii} Zayn 1994, pp. 185-266.
- ^{lxiii} *Ibid.*, pp. 236-248.
- ^{lxiv} This law, passed in 1986, would not be promulgated until 1989. See Sassine 1997, pp. 107-109.
- ^{lxv} *An-Nahar*, 21 October 1987.
- ^{lxvi} Saadé 1998, pp. 37-40.
- ^{lxvii} Kassir 1994, pp. 159-166; Kazma Khuri 1989, vol. I, pp. 261-265.
- ^{lxviii} Salem 1987, pp. 423-493.
- ^{lxix} Kazma Khuri 1989, vol. II, pp. 755-762.
- ^{lxx} Kassir 1994, pp. 136-137.
- ^{lxxi} Saadé 1998, p. 35-36.
- ^{lxxii} Mansour 1993, pp. 38-42; Saadé 1998, pp. 49-50.
- ^{lxxiii} Mansour 1993, p. 29.
- ^{lxxiv} R. Eddé, Albert Mukheiber and Emile Rouhana Crowns. The absence of the second is sometimes attributed to a personal reason: an aversion to flying.
- ^{lxxv} 16 November 1989; cited in Nassif 2002, p. 453.
- ^{lxxvi} Eddé’s positions are less clear concerning internal compromises (*Ibid.*, pp. 451-469).
- ^{lxxvii} Mansour 1993, p. 31.
- ^{lxxviii} Saadé 1998, p. 76.
- ^{lxxix} *Ibid.*, p. 92.
- ^{lxxx} French text in Ménassa 1995, pp. 137-153.
- ^{lxxxⁱ} The political qualifier having its importance in chapter 2, specifying the date of the withdrawal of Syrian forces as envisioned two years after “the constitutional adoption of political reforms.”
- ^{lxxxⁱⁱ} Saadé 1998, pp. 108-109.

^{lxxxiii} “Lebanon, Arab in membership and identity, is bound by sincere fraternal relations with all Arab states, and maintains with Syria particular relations that draw their force from proximity, from history and from common fraternal interests.”

^{lxxxiv} Mansour 1993, p. 37.

^{lxxxv} Saadé 1998, p. 56.

^{lxxxvi} Mansour 1993, pp. 249-265.

^{lxxxvii} One can trace the path of certain formulas added to the initial document, such as “Lebanon final fatherland for all its sons:” 1) the Sadr document of the Shiite high council, 11 May 1977; 2) Islamic constants of 23 September 1983; 3) the document from the Assembly of 10 March 1985; 4) the memorandum addressed to the Vatican on 29 March 1985; and 5) Taif in 1989.

^{lxxxviii} Mansour 1993, 252-254.

^{lxxxix} Taif Agreement, Section E.

^{xc} On the new role of parliament in the Constitution amended following the Taif Agreement and in political practice, see my article, ‘The Legislative Power: Its Prerogatives, Its Role, and Its Relationships to the Other Powers’ (in Arabic) in *Wathiqat*, 2000, Lebanese Center for Policy Studies: pp. 97-110. On the legislature of 1992-1996, see Sassine 1997.

^{xc1} The tripartite agreement signed among the militias in Damascus (28 December 1985) envisaged, in addition to the exorbitant number of 198 members of parliament, an equality of representation for the three great communities of the Maronites, Sunnis and Shiites (Kazma Khuri 1989, vol. II, p. 598) in the context of the broader equality between Christians and Muslims. The Maronites refused to agree.

^{xcii} Taif Agreement, Section I, 2, G.

^{xciii} Jamil al-Sayyid in *al Hayat*, 7 July 2005, p. 10.

^{xciv} *An-Nahar*, 17 October 1990.

^{xcv} See Mansour 1993, pp. 101-105; Saadé 1998, pp. 205-228.

^{xcvi} Saadé 1998, pp. 177-181.

^{xcvii} 26 May 1989 (Saadé 1998, p. 36). Compare also the debate within the meeting on a possible vote with the official statement of the Arab commission (*ibid.*, pp. 182-183).

^{xcviii} See also Zayn 1994, pp. 249-250.

^{xcix} A complete procès-verbal of the meeting can be found in Zayn 1993, pp. 305-403.

^c From an interview with President Hussein Husseini on 14 May 2005.

^{ci} In particular in 1943, regarding, for example, the abrogation of all articles relating to the French mandate, the institution of Arabic as the sole official language of the country or the change of flag.

^{cii} On all these points and particularly the last, see Rabbath 2004.

^{ciii} Zayn 1993, p. 322.

^{civ} Mansour 1993, p. 138.

^{cv} Majid 1997, p. 325.

^{cvi} On the treaty and the agreement, see Mansour 1993, pp. 153-159.

^{cvii} The Lebanese Formula refers to the agreement among the Lebanese communities to have an independent state ruled on the basis of consensus.

^{cviii} Saadé 1998; Hoss 1991.

^{cix} *An-Nahar*, 6 and 7 June 1987.