

Corruption, State-Building and Communal Strife

The Role of Non-State Actors in Lebanon¹

To start with, our understanding and conceptualization of the state is mostly derived from Max Weber who described the state as a “compulsory political association with continuous organization whose administrative staff successfully upholds a claim to the monopoly of the legitimate use of force in enforcement of its order in a given territorial unit.”² In other words, the state must have an established administration, a military apparatus that able is to maintain law and order, and a financial establishment that provides the financial means to support the administration and the military.

This classical and theoretical definition of state has fallen behind state practice. As Ashraf Ghani argues, today, “Nine-tenths of the legitimacy of the state is derived from performance of core functions for their citizens.”³ The state is expected to provide public goods to its citizens or to oversee the provision of those, and private contractors are playing the role of service providers. Governments are stepping in to bail out banks in times of financial turmoil and are pumping liquidity when markets are unable to adjust themselves and cope with financial crises.

Looking at the state through this practical lens, the latter should be defined as the “state of infrastructure” as Ghani argues.⁴ Hence, the exercise of judging whether the state is strong or is failing depends on its performance and on the delivery of its core functions. This divergence in our conceptualization of the state makes it easier to define non-state actors. According to what has been already stated, one can define the non-state actors as not only actors who can defy the monopoly of the state in its use of force but also as the actors who compete with the state in delivering public services and better infrastructure.

¹ This paper was prepared by Dr. Khalil Gebara, Director of the Lebanese Transparency Association (LTA) and Gaelle Kibranian, Deputy Director of LTA, to be presented in the workshop on “Corruption and Reform Initiatives in the Security Sector in the MENA Region” in the framework of the International Anti-Corruption Conference (IACC) in Athens on November 2, 2008.

² Max Weber, *The Theory of Social and Economic Organization* (New York: The Free Press, 1947), p. 154.

³ Carnegie Council. “Fixing Failed States: A Framework for Rebuilding a Fractured World”. Interview with Ashraf Ghani by Joanne Myers. April 29, 2008.

⁴ Ibid.

This paper aims to look at the role of non-state actors in Lebanon while focusing on their ability to perform the functions of the state by either relying on outside resources or by abusing the official ones.

Lebanon: A Failed State?

The history of Lebanon is mainly a history of sectarian conflict and communal differentiation. Lebanon is a home to 3 religions, 18 sects and at least 2 ethnic minorities. In the 19th century, Mount-Lebanon was semi-autonomous region within the Ottoman Empire. It was land-locked, but, at the same time, it was home to many religious minorities, mainly the Druze, the Maronites and the Shia. Beirut, as well as the other coastal towns with its Sunni majority, were under direct Ottoman rule. By the end of the 17th century, Beirut became the capital of an Ottoman province and the headquarters of the Ottoman governor. This governor relied on a local bureaucracy and urban leadership composed mainly of Sunni notables, merchants, and religious figures. As noted earlier, Mount Lebanon was much more autonomous. Power was in the hands of a local Prince who was semi-independent from the Ottomans but had to pay taxes to the Ottomans on regular basis. During the 19th century, and especially between 1825 and 1860, Mount Lebanon witnessed civil strife. This civil strife was primarily about competition between Druze and Maronite feudal leaders over who will rule Mount Lebanon. It is worth noting in this context, that unlike the urban population of Beirut, Mount Lebanon had a more hierarchical society where the majority of the population was peasants who were working for the notables and for the feudal leaders. The religious establishment at the same time was closely associated with the feudal and notable families. Modernization and social mobilization were late-comers to Mount Lebanon. It came predominantly in the 19th century with the expansion of foreign missionaries. The result of the civil strife of the 19th century was the interference of great foreign powers of the time (namely the French, Russians and British) who used this opportunity to weaken the Ottoman Empire or the “sick man of Europe” as was commonly referred to. The arrangement that the great powers came up with in coordination with the Maronite Church was a power-sharing system based on confessional distribution of seats in the local administrative council of Mount Lebanon.⁵

⁵ For more about civil strife in Lebanon and civil wars, see Samir Khalaf, *Civil and Uncivil Violence in Lebanon* (New Jersey: Princeton University Press, 2003).

This system survived until the end of World War I and the occupation of Lebanon by French forces. The French decided to merge Mount Lebanon (with its delicate communal balance) with Beirut and other coastal towns in 1920, creating, Great Lebanon or simply Lebanon. This merger disturbed the communal balance, especially when Beirut and other coastal towns had a Sunni majority. The most pressing challenges were to create a Lebanese identity and to convince the major communities in Lebanon that they could all benefit from the new arrangement.

In 1926, Michel Chiha, a philosopher and banker by profession, proposed a Lebanese Constitution inspired from the Constitution of the French Third Republic. Article 7 of the Lebanese Constitution states “all Lebanese are equal before the law; they equally enjoy civil and political rights and equally are bound by public obligations and duties without any distinction.” In relation to public office, Article 12 of the Constitution grants every citizen the right to hold public office without any preference being made except on the basis of merit and competence. At the same time, Michel Chiha argued that Lebanon will serve as a bridge between the East and the West as well as a homeland for oppressed minorities in the East.

This constitution was sponsored by the French Mandate and was intended to be the basis for a social contract for an independent Lebanon. The major concerns for new political elite (which was a combination of urban merchants and professionals as well as Feudal leaders from the mountains), was that the Sunni majority had not yet become convinced that it belonged to a limited foreign-defined geographic entity. For the urban Sunni majority, Lebanon, or at least Beirut and the coastal towns, should belong to greater Syria. The other main concern was that any modern political arrangement based on competitive elections and majoritarian system will deny the right of minorities to be represented, hence an alternative arrangement needed to be found.

This alternative establishment was the creation of a parallel system based on power-sharing arrangement where all confessions would be represented. This power-sharing system needed consensus and elite cooperation. This system lasted until the eve of the civil war of 1975 and was restored with the Tai’f national accord of 1989 with a few modifications. As a result of this system, confessionalism or ensuring confessional representation became an end by itself. It

became the most important institution or pillar, responsible for maintaining the stability of the country.

One can argue that this parallel arrangement, or the National Pact, was introduced to calm the fears of other minorities. From the late 1920s until our present times, Lebanon has been ruled on norms based on unconstitutional parallel arrangements where confessional leaders with the blessing of their religious establishment imposed a cartel. As a result, Lebanon is ruled on consensus, which has spread to all institutions. As stated by Chaaban and Gebara, “in confessional states, modern forms of associations which are based on either ideology or socio-economic factors are always overridden by primordial ties or forms of allegiances.”⁶ In other words, whereas modern institutions were established to create a new form of identity and allegiance, in Lebanon, the primordial form of associations became a necessary condition to occupy and ensure the proper functioning of these institutions.

Internationalization of Lebanon

So, having this in mind, and recalling past clashes and Israeli invasions, can we call Lebanon a failed state? In the 2007 “Failed States Index”, the Fund for Peace and the Foreign Policy Magazine ranked Lebanon 28th country of the world to be a failed state, especially due to foreign intervention and increased group allegiance.⁷ If we go back to Ashraf Ghani’s conception of a state, Lebanon has clearly failed in providing its citizens with the basic core functions as it should. Facing confessional and communal forms of allegiance, the state has been, throughout its history, unable to provide the Lebanese neither with security, nor with public services. Lebanon has even failed to become a “state of infrastructure”. In the past few years, especially since 2004, mounting pressures to implement the UN Security Council’s Resolution 1559, a document drafted and pushed for by France and the US, international involvement in the country grew. The Resolution called for the withdrawal of Syrian presence from Lebanon and the disarmament of all Lebanese militias including Hezbollah. After the assassination of Prime Minister Rafic Hariri in February 2005 and subsequent political assassinations or attempts of assassination, Lebanon

⁶ Jad Chaaban & Khalil Gebara, “Development in a Polarized Society: Looking at Economic and Social Development in Lebanon Through a Different Lens,” *Abaad*, 2007, Number 11. P.5.

⁷ “The Failed States Index” by the Foreign Policy Magazine and Fund for Peace. July-August 2007. http://www.foreignpolicy.com/story/cms.php?story_id=3865

found itself in an even more pernicious situation in handling its internal security affairs than it was during the fifteen years of civil war. Lebanon entrusted the international community with its judicial affairs. In July 2006, Lebanon witnessed again 34 days of war with major damages to its infrastructure, and subsequently to its already frail economy. Again, Lebanon turned to the international community to ensure its internal security affairs, economic support as a follow-up to the already Paris II conference five years aid plan (2002-2007), and support in rebuilding its infrastructure. Thus, Lebanon's sovereignty has been breached in terms of the main functions of a state, leaving the implementation of its security, judicial, economic, and infrastructure affairs in the hands of international actors. But more importantly, it is Lebanon's political affairs that have been internationalized, from the beginning of the civil war to the latest communal clashes in May 2008.

Internationalization of Lebanon's Judicial Affairs

The assassination of Rafic Hariri set the jurisdiction of investigating on the case and prosecuting the people involved in the February 14 assassination in the hands of an International Tribunal. This was a turning point in the internationalization of Lebanon as it demonstrated structural inability of and lack of confidence in the Lebanese authorities to undertake its basic duties and being able to investigate such a case. The Special Tribunal for Lebanon was set upon a request from the Lebanese government by the end of 2005 through Resolution 1757 and entered into force on June 10, 2007. The Tribunal was established under the motives of international threat and was primarily sponsored by the United States and France. The Tribunal will not only be looking at the bombing connected to the assassination of Rafic Hariri but also go further in implementing legal investigations on crimes that occurred after December 12, 2005.

The Tribunal was established under Chapter 7 of the United Nations Charter, as the case is considered as an international threat. Chapter 7 would allow military enforcement. The opponents to the resolution agreed that Chapter 7 would compromise even more Lebanese sovereignty as it "will create a precedent of the Security Council interfering in the domestic

affairs and legislative independence of the sovereign state”.⁸ Despite resentment, the International Tribunal for Lebanon is expected to be operational as of the end of 2008, and it would definitely be part of the international community’s decision-making process for Lebanon.

Internationalization of Lebanon’s Security Apparatus

Trust in the Lebanese security apparatus was badly impacted in Lebanon in the aftermath of the Hariri assassination and following the series of attacks. The situation deteriorated when Lebanon found itself fighting a war against Israel. In July 2006, with an army unprepared to handle the crisis, Hezbollah lead the fight. The war was between Israel and Hezbollah. An end was put to the conflict with Resolution 1701, passed unanimously by the UN Security Council. The Resolution reaffirms the role of the already existing United Nations Interim Forces in Lebanon (UNIFIL), to commit to peace at the Lebanese-Israeli borders, by increasing the number of troops to 15,000. The Resolution calls on Lebanon to disarm all of the non-Governmental armed forces. More importantly, Resolution 1701 enhances the role of the Lebanese Army, by giving it the authority to make use of “all necessary actions” to restore peace in the country.⁹

Still dependent on the international community for its own security two years after the entry into force of Resolution 1701, the Lebanese Army seems incapable of implementing the resolution. The latter does not have the capacity to disarm Hezbollah, whose militia has proven too strong.

Internationalization of the Lebanese Economy

At the eve of the July 2006 war, Lebanon had one of the largest debt ratios of the world, with public debt amounting to almost 40 billion dollars, or 180% of the country’s GDP. Lebanon was included as of the end of the civil war in the aid plan of the international community. The latest aid initiative was the Paris II conference which granted the country 4.2 billion dollars in aid over a five-year period extending from 2002 to 2007. Before achieving the end of the Paris II’s mandate, Lebanon again witnessed a war with devastating effects, further weakening its economy. Another donors’ conference was held in Paris to support Lebanon, known as the Paris III International Conference for Support to Lebanon, during which the Lebanese Government

⁸ Wang Guangya, China’s UN Ambassador, cited in: Farley, Maggie. “U.N. to establish Lebanon Tribunal”. Los Angeles Times. May 31, 2007.

⁹ United Nations. “Resolution 1701 (2006). UN Security Council. August 11, 2006.

clearly requested foreign interference in its economic affairs. As stated in the preface of the report presented by Lebanon on January 25, 2007 in Paris on Recovery, Reconstruction, and Reform, “Lebanon cannot shoulder this price on its own. [...] Lebanon is therefore hopeful that on the occasion of the ‘International Conference for Support to Lebanon’, the international community will invest in Lebanon’s future and democracy”.¹⁰ The Lebanese government was able to pledge 7.6 billion dollars subject to the conditionality of major political and socio-economic reforms, as well as management of its public debt.

Internationalization of Lebanon’s Infrastructure

The 34-day July war between Israel and Hezbollah was one of the most destructive wars faced by Lebanon, with a death toll of 1,200, 160,000 housing units, roads, and bridges totally or partially destroyed, and jobs lost and businesses damaged. The losses were estimated to represent 30% of Lebanon’s GDP.¹¹ Again, the Lebanese government turned to the international community for the reconstruction of the damaged infrastructure.

A conference held in Stockholm at the end of August 2006, and attended by more than 60 governments’ and international organizations’ representatives resulted in 940 million USD in pledges for Lebanon. The commitments at Stockholm were reinforced by the Paris III conference in January 2007. The most notable donors in this conference were Middle Eastern countries, with the Kingdom of Saudi Arabia pledging 500,000 USD, Europe, Australia, Canada, Japan, and the United States pledging 230,000 USD to help rebuild Lebanon. Countries such as Qatar directly adopted projects in Lebanon in a format of a sponsorship process. Qatari funds targeted the reconstruction of bridges, schools, places of worship, and households in four Southern Lebanese villages.¹²

¹⁰ Lebanese Republic. “Recovery, Reconstruction, and Reform”. Report presented at the International Conference for Support to Lebanon in Paris on January 25, 2007. Beirut: Lebanon. January 02, 2007.

¹¹ Salem, Paul. “Lebanon: Building on Resolution 1701”. Address to the U.S. Senate Foreign Relations Committee. September 13, 2006.

¹² See the Lebanese Transparency Association unpublished report: “Post-War Reconstruction” Report on the Reconstruction of Bridges and Housing Compensation in the aftermath of the July 2006 War (expected publication date December 2008).

Internationalization of Lebanon's Political Affairs

The internationalization of Lebanon's state functions has added to the regionalization and internationalization of the Lebanese peace process. International and regional actors are having a direct impact on the country's political affairs. The beginning of the civil war was marked by regional diplomatic involvement, especially from Syria and Saudi Arabia. Saudi Arabia brokered the Riyadh Conference, which focused on the Constitutional process in Lebanon in October 1976; the meeting was attended by Syria as well. European countries later interfered in the Lebanese peace process. In 1984 the Geneva and Lausanne conferences aimed at bringing about political reconciliation in Lebanon. This was followed by a peace effort sponsored by Syria, better known as the Tri-partite agreement of December 1985, aiming at an internal political settlement in Lebanon. The international, and more importantly, regional peace efforts towards Lebanon, which marked the internationalization of its political affairs, culminated in October 1989 with the Taif Accords, under Syrian and Saudi tutelage. Taef was set up to return the Lebanese State its sovereignty and control over its land and army. Taef actually led to more important security issues in the country with extended Syrian presence. The Taef restored a *statu quo* to a non-sovereign but stable Lebanon, until the assassination of Prime Minister Hariri and a subsequent political crisis. The eighteen-month crisis culminated with internal communal violence and strife among supporters of the government on the one hand and the opposition on the other, with the Lebanese Army unable to handle the situation. This time it was a Qatari intervention that restored peace to Lebanon. Lebanese and regional political leaders agreed on the Doha Agreement in order to end the political crisis and avoid the burst of another civil war.

Rise of Non-State Actors

The internationalization of Lebanon demonstrates that neither the national institutions nor the political process are equipped to fix internal problems. This resulted in the freezing or collapse of institutions with every political disagreement.

In theory, constitutional institutions are supposed to contain and handle disputes among different actors. In Lebanon, these institutions are unable to protect the political process. Then, politicians

involved in the state or the state actors will be encouraged to rely on other means to protect their interests. This argument can be illustrated with two key indicators in Lebanon; one of a political nature and the other of a socio-economic perspective.

In Lebanon, politicians would mobilize resources and build militias that would be activated in times of communal strife and put on hold in times of stability. The dramatic events in Beirut in May 2008 were a turning point in Lebanon's security sector, as they showed that other undiscovered militias or militant groups were developing. A Hezbollah-led attack took place on West Beirut, but soon, a group that operated as a private security firm appeared to counter the Shiite group.¹³ The group is aligned with the Sunni Future Movement headed by Saad Hariri, who has disbursed millions of dollars and built a militia to "create a balance of terror", protect the Sunnis' interests, and face the Party of God.¹⁴ It is noteworthy to mention that the rise of the militia there is a direct link to a regional Sunni axis, which encompasses Egypt, Saudi Arabia, and Jordan.

On the other hand, the failure of institutions has created the opportunity for non-political actors to rise, and fill-in a socio-economic vacuum. In the days if not the hours following the cease fire on August 14, 2006, Hezbollah responded to the needs of Lebanese victims of the war, deriving its funds from Syria and Iran. Jihad Al Bina, the construction arm of Hezbollah, was directly on the ground working towards rehabilitating the devastated areas. Hezbollah provided financial compensations to the July war victims to pay for new furniture and rent. The Lebanese Government was much less effective in its response, and unable to directly support the citizens with financial aid. An article reviewing the aid process in Lebanon quotes an inhabitant of South Lebanon who said: "I feel Hezbollah is the government. They protect us".¹⁵ Here again, it is clear that the political process in Lebanon does not solve socio-economic problems.

With no control over its security apparatus, and rising militias allied with foreign powers, similar to the aftermath of the civil war, a complete breakdown of ethical and moral values was witnessed. This situation led to an enhancement of the already well-established corrupt practices,

¹³ Daragahi, Borzou and Rafei, Raed. "Lebanon's Sunni bloc built militia, official say". *Los Angeles Times*. May 12, 2008.

¹⁴ Ibid.

¹⁵ Thanassis Cambanis cited in Chaaban and Gebara. Page 8.

which will be reflected in the country's political, social, and economic arenas. This is the direct result of the Lebanese 1943 National Pact and the Taef Accord that led to a rise of political elites: "Hence stability in this confessional and power-sharing system is positively correlated with consensus and cooperation".¹⁶ To understand the range and impact of corruption in post-war eras, Elizabeth Picard's analysis on the behavior of warlords can be of great help. When states face military coercion and a re-organization of allegiances, the institutionalization of corruption is triggered by the creation of "mini-states" in specific areas of influence.¹⁷ The militarization of Lebanon has always led to "a process of state building inside their [the militias] cantons when they established their own public sectors and courts".¹⁸ Militias thus find themselves facing a failed state, where they can freely operate and create areas of control, where malpractices such as intimidation, lack of accountability, favoritism, patronage, clientalism are common. The different poles of Lebanon are turning to international actors for material and technical support. Now, and especially after the events of May 2008, corruption seems to be a competition for resources among the different emerging militias to keep the network of non-state actors rolling.

Recent surveys on corruption, such as the 2008 Corruption Perceptions Index (CPI 2008) released by Transparency International ranks Lebanon 102nd among 180 states (11th regionally) and attributes it a score of 3.0/10 and puts Lebanon in a position "between decline and steadiness".¹⁹ The entrapment of Lebanon, and the fact that the country did not progress on the CPI year after year, is correlated to the deadlock and political crisis the country is facing since 2005. Only an activation of institutions and reforms among them can help the country to overcome the stalemate. This is again proven in the results of the Global Integrity Report for 2007 that characterizes Lebanon as a "very weak" state in terms of integrity among the measured institutions and assigns an overall score of 45/100.²⁰ Linking both indexes to each other leads us

¹⁶ Michael Hudson cited in Gebara, Khalil. "The Lebanese Entrapment", *Democracy and Society*. The Center for Democracy and Civil Society: Georgetown University. Volume 4, Issue 2. Spring 2007.

¹⁷ Elizabeth Picard cited in Gebara, Khalil. "Reconstruction Survey: The Political Economy of Corruption in Post-War Lebanon". Tiri: London. 2007. Page 9.

¹⁸ Fawaz Traboulsi cited in Gebara, Khalil. Reconstruction Survey: The Political Economy of Corruption in Post-War Lebanon". Tiri: London. 2007. Page 9.

¹⁹ The Lebanese Transparency Association. "Corruption Perceptions Index: Lebanon Caught between Decline and Steadiness". LTA: Beirut. Press Release- September 23, 2008.

²⁰ Global Integrity. "Lebanon: Global Integrity Report 2007". <http://report.globalintegrity.org/Lebanon/2007>

to conclude that corruption, in its interaction with the state, becomes part of the system itself. Additionally, it is the fuelling of the system with corruption that keeps the system rolling. The system itself ensures a clientalistic network of communities ready to be used in times of communal quarrels.

Conclusion: Time for Reforms

The internalization of Lebanon was a result of heated and non-consensual internal debate over the role of the international community leading to a threat to the country's stability. International actors are becoming dangerously involved in the country's political process and take part in the country's polarization. As a result of the internationalization process, each side of the political spectrum is finding its own sponsors. Specifically, vital issues as mentioned above such as security, justice, infrastructure, and economy are in the hands of the polarized international community, rendering these issues separate from a natural and healthy system of checks and balances. The Lebanese government itself is incapable of controlling the international actors, resulting in a generally tensed climate. With a failing system of checks and balances, Lebanon's integrity is even compromised and corruption very difficult to curb.

The failure of the Lebanese State lies mainly in the fact that each party believes that international actors are promoting external interests in Lebanon. The issue is thus much more internal than external. Lebanon lacks of impartial judiciary, economic, and reconstruction policies. More importantly, Lebanon failed in creating a unified security strategy; it encouraged the activation of militias. Therefore, given the positioning of each Lebanese bloc and the polarization of Lebanon's internationalization, it was a voluntary decision for political actors and decision-makers to become non-state actors. Lebanon is again witnessing the rise of militias, as it has always has during times of political crisis and collapse of the state.

The challenges the Lebanese State is facing today hinder the implementation of its full-scale sovereignty. As we have seen, Lebanon's history of communal and confessional strife has led in several instances to the breakdown of the country. For many years now, Lebanon has only enjoyed limited sovereignty due to external interference. After the assassination of Prime

Minister Hariri, Lebanon has, more than ever, been in danger of becoming a “failed state” in the definition of its security apparatus.

In order to avoid security setbacks and avoid the mistakes of the past, Lebanon has to go through a series of serious reform initiatives. Political reform needs to be built on dialogue within the parliament and political elites. But reform cannot take place without a reform strategy that involves citizens in the decision-making process. Lebanon should also in the coming months be very cautious while adapting the electoral reforms as advanced by the new Electoral Law so as to guarantee free, fair, and representative elections. Finally, Lebanon’s laws and institutions should also be subjected to reforms, in a way to promote more transparency and accountability. Legal reforms on the current budgetary and illicit wealth laws should take place. Lebanon should also adopt new legislation regarding the fight against corruption, including an Access to Information law and a Whistleblowers’ Protection Law.²¹ Decision makers should push and ensure the implementation of the United Nations Convention against Corruption (UNCAC), ratified at the beginning of October 2008.

²¹ See, Khalil Gebara, *Annahar*, September 2008.