

# The Taif Agreement

## New order, old framework

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The Taif Agreement brought a formal end to the Lebanese civil war (1975–1990). It was an internal Lebanese agreement that was discussed, negotiated and concluded in the town of Taif, Saudi Arabia, in 1989, under the auspices of Riyadh and the Arab League, with the support of the US and the direct supervision of Syria.

The task of implementing the Agreement was totally assumed by the Syrian regime as a result of its emergent role as a leading power in the region and its post-war military presence in Lebanon. In 1990 Syria imposed the agreement by force – namely by the exclusion of its Lebanese detractors, essentially important Christian leaders – and subsequently dominated the implementation process.

The Agreement centred on two axes: the first, which constitutes three quarters of the document, deals with internal reforms including power-sharing, participation, identity, political and socio-economic reform, sovereignty and internal security; the second is devoted to external relations relating to the Arab-Palestinian-Israeli conflict and to Lebanese-Syrian relations.

The first axis is divided into three parts and formed the main source of the revised Constitution – Taif introduced more than thirty constitutional amendments, which were approved in September 1990. The first part, stating *general principles*, has been adopted as the preamble to the Constitution, relating mainly to national identity, the nature of the political system, public liberties, the economic system and territorial integrity.

The second part has been integrated directly into relevant Constitutional articles. It covers issues of political reform and power-sharing: primarily the redistribution of prerogatives between the President of the Republic, the Speaker and the Prime Minister, as well as the abolition of political sectarianism. The third part deals with ‘other

reforms’, concerning administrative decentralisation, the courts (ie the creation of a Constitutional Council), legislative electoral law, the creation of an Economic and Social Council for Development, education, information and the reorganisation of media. Some of these reforms have been directly integrated in Constitutional articles; others have been translated into laws.

### Balancing power

The rationale behind the Taif Agreement reflects a twofold ambition for Lebanese society and polity. On the one hand it symbolises reconciliation objectives, responding to the needs of a society that had been searching for effective tools to end the war and to reinforce national cohesion, supported by a desire to ‘live together’. On the other hand it introduces reforms to support the consolidation of the Lebanese state and national institutions.

In reality Taif reconfirmed power sharing among religious communities that had been in force in Lebanon since the adoption of the Constitution of 1926 – albeit amended by reworking the power balance and by the amendments to the prerogatives of the ruling Troika in the distribution of executive and legislative powers. An important component of the prerogatives and functions of the President, a Maronite, was transferred to the Council of Ministers, which is presided over by a Prime Minister from the Sunni community. The prerogatives and role of the Speaker, from the Shiite community, were strengthened and the Prime Minister was made accountable to parliament.

In accordance with constitutional reforms adopted in September 1990, parliamentary seats and high-ranking posts in government and the public sector were now shared equally between Muslims and Christians. The Taif Agreement introduced a new power sharing formula: modifying the 55:45 Christian-Muslim ratio of parliamentary seats to an even 50:50 and increasing the number of seats from 99 to 108 – and eventually to 128; and

changing the 6:5 Christian-Muslim ratio in high-ranking posts to 5:5.

With Taif, the Lebanese political system shifted from a semi-presidential system with strong prerogatives for the Christian President, to a more parliamentary system. The impact of this change is reflected in the difficulties experienced by the executive in dissolving parliament, which now requires agreement between the President and the Council of Ministers, as stipulated in Article 55 of the Constitution.

Selective implementation of the Taif Agreement has belied the essence of its stated objectives. Arbitrary and partial application of reforms that have been initiated by Lebanese ruling elites under Syrian tutelage between 1990 and 2005 have in fact exacerbated confessional tension and competition, and have generated new imbalances in the post-war political system. Together, these developments have undermined the operation of Lebanon's consociational political system and of its institutions, which could be described as quasi-dysfunctional.

More than two decades after Taif, following Israeli withdrawal from South Lebanon in 2000 and Syrian withdrawal in 2005, many major political reforms are yet to be implemented, including relating to electoral law, to decentralisation and to the plan to gradually abolish sectarianism.

### **Implementing Taif: a lack of moral authority**

The Taif negotiations in 1989 involved primarily members of the 1972 Lebanese parliament. The mandate of this parliament was renewed eight times between 1972 and 1992 due to interruptions in legislative elections as a result of the war. Nevertheless it was considered the only constitutional institution that could demonstrate any kind of 'unity and legality'. However, the contested representativeness of the parliament did not prevent 62 of its deputies – 73 of who were still alive from 99 elected in 1972 – from negotiating, developing and signing the document.

Syrian tutelage over Lebanon until 2005 limited the room for manoeuvre for Lebanon's ruling elite and dominated its political conduct. It further set limits as to what was considered politically legitimate or illegitimate, or even possible or impossible.

Through patronage and co-option, the Syrian regime substituted – first by nomination in 1991 and then through successive elections – the political leaders who had signed Taif with a 'new' ruling elite. This new leadership had not been part of the Taif negotiations and consequently

lacked a sound basis of 'moral authority' to implement the Agreement's reforms.

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The post-Taif political leadership in Lebanon has been dominated by two types of elite: a *warlords' elite*, resulting from the transformation and demobilisation of the militia system; and *newcomers' elite*, following the arrival of 'reconstruction man' and subsequently Prime Minister Rafiq al-Hariri. Hariri paved the way for other businesspeople and entrepreneurs to enter the world of politics. Lebanon's post-Taif leadership has been more concerned with assuring its own divergent interests within state institutions than taking up the reformist spirit of the Agreement.

### **Political reforms at a standstill**

Post-war policies adopted by the Syrian-sponsored political establishment in Beirut to 'reconstruct' the state have established Lebanon as an 'allotment state' (*Dawlat al-muhâsasa*). This kind of state extends the concept of power-sharing by quota, whereby political and high-ranking positions in the state and public administration are allocated to different confessional groups, by further applying clientelistic and sectarian logic to the distribution of lower-level positions and business opportunities to deliver public and social services. This practice emptied the bulk of Taif's reform projects of all substance, and even diverted their spirit. Reforms have subsequently remained at a standstill for two main reasons: 1) the absence of an arbiter; and 2) the compromise mentality of governance.

Within a context of rigid political cleavages and competition over control of state institutions, Lebanese political leaders since 1990 have engaged in contradictory interpretations of legal texts and of the Constitution. After the withdrawal of Syria Lebanon's ruling elite took advantage of the country's dysfunctional institutional mechanisms and the absence of a guarantor of the Taif rules, to lead an unruly struggle for power.

The functioning of Lebanon's ruling 'Troika' illustrates the effects of power-sharing according to sectarian criteria and decision-making through compromise. The limitations placed on the three elements of the Troika through Taif has



Hezbollah Secretary-General Hassan Nassrallah (R), Lebanese Parliament Speaker Nabih Berri (C) and Lebanese Prime Minister Fouad Siniora (L) attend a session of the National Dialogue in Beirut, 27 March 2006 // © Jamal Saidi/ AFP/ Getty Images

led them to embark on a system of personal negotiations, under the supervision of Damascus, which have guaranteed continuity and static equilibrium in Lebanon's political system.

After 2005 this delicate stability was suddenly transformed into severe polarisation between two multi-confessional coalitions, 8 and 14 March, which compounded the paralysis of Lebanon's constitutional institutions and entrenched political stalemate – for instance the governmental deadlock of 2006 following the resignation of Shiite Ministers, or the six-month presidential vacancy in 2008. This reshuffling of the political balance led to the formation of 'national *entente*' governments, which formally respected the Taif principles of 'living together' and 'confessional equality' – although independently of democratic political choices expressed through elections. Each confessional group of ministers can hold the government hostage by exercising their right to veto in the name of the sectarian group they claim to represent, overriding the interests of the electorate that brought them to power.

Lebanon's post-war political system has, after the Syrian withdrawal, been unable to find an impartial 'arbiter' to help unlock the impasse or defuse political crises. The Troika, rather than acting as a mechanism for managing conflict, has rather led to the personalisation of power and to bickering among its three components. Instead of creating a system of checks and balances on power and securing participation and the right to veto for different groups, the Troika led to the appropriation of public institutions as private communitarian preserves (*chasse gardée*). Meanwhile the nature of national *entente* governments, intended to secure solid support for the executive authority, has in fact transposed political

competition from the political arena and parliament to the government, which has led to the creation of opposing factions within government itself.

Since Taif's modification of the prerogative of the president deprived the office of the role of arbiter, political power in Lebanon does not reside exclusively in representative institutions of parliament and government, but is diluted through parallel decision making forums and continuous negotiations among communitarian leaders including clerics, clan chiefs and party leaders outside of the constitutional institutions. In situations of deadlock, internal political dynamics are often superseded by a larger regional circle of decision makers, as was the case in the Doha Agreement in 2008 facilitated by the US, Saudi Arabia, Qatar, Syria and the Arab League.

Additional reforms presented in Taif were either put in place without effective power – such as the Constitutional Council or the Economic and Social Council – or have yet to be created at all – such as the Senate or the Commission for Abolition of Political Sectarianism.

### **Compromise and consensus: the lowest common denominator?**

Post-Taif governance is not based on the expression of the will of the majority, but on consensus between political elites representing major 'communities' and partisan formations. This is why consensus democracy has prioritised managing successive crises over realising reforms. Electoral reform was only tackled from a perspective of inter-confessional balance and interest. Decentralisation was discussed at best incompletely, and in reality during the post-war period no draft-laws on decentralisation have been adopted, even though the drafts

were more likely to maintain a de-concentrated than a decentralised form of power. Meanwhile the constitutional commitment to the abolition of confessionalism has been entirely marginalised.

Policies for post-war reconstruction in Lebanon have been based on a neo-liberal model. These were briefly contested but were subsequently rapidly presented as the only way to revive the country's battered economy. Today, in a context where Lebanon no longer plays the role of regional commercial and banking hub, these policies have been revived under an aggravated form of the 'Merchant Republic', brushing aside any question of social and economic rights – social security, public transportation, public health and education system. Reconstruction in Lebanon has been conducted with a clear effort to sideline concerned parties, civil society or labour unions, favouring instead the entrepreneurial class and their Syrian partners. Reconstruction has, therefore, compounded the marginalisation of social issues in post-war Lebanon.

## Conclusion

With the end of the 'uncivil' war, Taif's proponents depicted the Agreement as the cornerstone of peace, stability and prosperity to Lebanon. Questions remain, however, why it has not yet succeeded in realising its proclaimed objectives, and why the country continues to suffer from a volatile political situation two decades later?

There were three main flaws in Taif. First, the text was deliberately ambiguous, thereby paving the way for different interpretations of key issues – eg Lebanese-Syrian relations, decentralisation and deconfessionalisation. Second, the content contradicted the core philosophy of Lebanon's power sharing formula by paving the way for the establishment of the Troika: this opposes the concept of political participation, as the Troika acts like a private club to exclude anti-establishment groups; let alone the principle of power separation, as Lebanese politics contains no mechanisms for checks and balances, while the justice system remains under political control. Third, implementing Taif has been primarily guided by the urge to stop bloodshed and guarantee sharing of power among warlords, rather than to ensure an effective mechanism for peaceful and well-grounded reconciliation and state-building.

Taif has succeeded, partially, in stopping the war. But peace has remained vulnerable, threatened by distinct but recurrent tensions that can escalate into violence whenever the situation is favourable – such as in May 2008. Nevertheless, Taif could have contributed more to realising lasting peace had the implementation of reforms been both adequate and coherent with a post-war transition strategy to revitalise the social contract between state and society.

The main distortion of the 'Taif Republic' in Lebanon is embodied in the ruling elite, which has successfully managed to detach the Agreement from its spirit – under the patronage of Syria on the one hand, and assured in its ability to maintain power through manipulating state institutions and reforms on the other. In view of Syrian withdrawal from Lebanon and the ruling elite's extensive autonomy, the history of governance in Lebanon post-2005 clearly shows that the distortions of Taif have neither been necessarily nor exclusively the result of Syrian tutelage and patronage, but rather of the Lebanese mentality of clientelism and sectarianism.

In the spirit of Taif and reconstructing state institutions, key to successful change in Lebanon lies in tackling reforms as an integrated whole and maintaining complementarity, compatibility and balance among them. Such an approach would help to offset resistance by various groups that feel threatened by change.

For instance, administrative decentralisation through the creation of local elected councils at *caza*-level (district) should be mindful of the size of legislative electoral constituencies, which would need to be larger in order to distinguish clearly between national and local competencies. Similarly, resistance by some politicians to a proportional electoral system with larger constituencies might be dissipated if their concerns or fears were alleviated by relevant reforms for administrative decentralisation, ensuring regional development and adequate representation of both individuals (ie citizens) and groups (religious sects) within the state.

The creation of a confessional Senate to represent religious sects at the national level could compensate de-confessionalised parliamentary elections no longer conditioned by sectarian affiliation and regional representation of interests. In this context, decentralisation provides the broad framework for reform, as it entails redefining the relationship between central and local authorities, and re-thinking key issues of representation, participation, accountability, local development and ultimately, the political system.

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