

THE 1943 PACT AND THE CALL FOR REFORM

The Lebanese crisis, which broke out in 1975 and is still reigning over Lebanon, has generated new facts in the situation out of which a new profile of the Lebanese homeland should necessarily emerge. One may expect at least that the ordeal the Lebanese have been experiencing has produced a morale of which they cannot afford to remain heedless.

The tribulation has demonstrated only too plainly that, if anything, the system which Lebanon has pursued since its independence has failed flagrantly. If things are to be judged by their outcomes, the product of the regime practised in Lebanon since independence has, in fact, been a succession of crises. This phenomenon reached a climax in the sweeping outburst of 1975. Had the system been right, it would have provided the proper framework for a sound democratic solution to the problems before their aggravation, and it would have developed enough national impregnability among the people to ward off external influences and prevent them from creating cleavages in the domestic scene.

It is true that outside factors, particularly those connected with the developments of the Middle East problem have had a role in playing havoc with the foundations of stability in Lebanon and consequently precipitating the current crisis. It is, however, as true that the external destabilizing factors found in Lebanon a fertile soil. Because of the incompatibilities pervading the domestic scene, Lebanon seemed to have lost all immunity vis-à-vis its exposure to the detonating pressures from the outside. The system failed to provide the degree of resilience needed for settling conflicts and resolving problems by democratic means, rational dialogue, and constructive interaction. It would not, therefore, be unfair to say that the performance of the system has been utterly disappointing and that it has become vital to find a new formula for national life in Lebanon.

Lecture delivered at the Annual Convention of the Association of Arab American University Graduates, Houston, Texas, U.S.A, November 1981.

If we were to project in a nutshell the most salient short - comings betrayed by the system in past performance, we would say that they have been reflected in the failure to create a state with the essential requisite qualities, and what the country lacked was a strong and just state. Had that kind of state existed, there would not have been a Lebanese issue as we know it now. The Lebanese issue has long been identified, in the minds of many, with the people's retrenchment under two potent obsessions : that of fear besetting one segment of the population ; and that of deprivation engulfing another. If a strong state had existed, there would have been no such obsession as fear among some : and if there had been an equitable state, there would have been no such obsession as deprivation among others. Hence the common conviction now that the restructuring and reinforcement of the Lebanese Army, the promotion of a competent administration, a genuine adherence to the dicta of social justice, and a clear commitment to a policy of development are, besides the required political reforms, some of the vital ingredients of any likely practical solution to the Lebanese issue.

the 1943 pact

The first national charter came into being in 1943, at a time when the main preoccupation—rather, the only obsession, one may contend—was the liberation of Lebanon from the shackles of foreign mandate. Naturally, the pursuit of freedom commanded, in the thinking of the national leadership of the time, priority over any other goal, and striving for its realization overshadowed any other consideration. Thus no wonder that the national charter was aimed at uniting the resolve and will of the Lebanese around the call for independence. The 1943 charter was, in a simple unwritten formula, addressed exclusively to allaying the fears which were breeding a sense of alienation, or at least a spirit of caution, between the two religious communities of which the Lebanese society is composed.

Thus the 1943 charter did not contribute effectively to laying clear and solid foundations for a viable, developing, and resilient national life in Lebanon. It was simply a stepping stone, albeit a significant one at that, for the independence of Lebanon; it did not deal with the task of building up the state of independent Lebanon. It addressed the then existing points of disparity in the nation which jeopardized all endeavours to achieve independence, but fell short of grappling with all the potential, yet foreseeable, differences which were to emerge in the course of state building later on. Evidently the overriding national interest at that juncture dictated the tentative suppression of any

dispute – be it current or latent – among the Lebanese until their country was freed. The political system was then hopefully supposed to allow for the kind of national interaction that would bring about appropriate solutions to the problems of state building as they cropped up.

The 1943 charter found expression in two negations, namely NO to merger with the Arab vicinity and NO to foreign protection. More precisely, the twofold pact was designed to reassure the Christian community that the Muslims had renounced their pursuit of amalgamation with Syria, and to reassure the Muslim community that the Christians had given up their reliance on French protection. It seemed that this was sufficient to unite the wills of the Lebanese and solder their ranks in the common struggle for independence.

But precisely because the 1943 charter was a pact between two religious communities, it necessarily involved a re-assertion of the confessional structure of the Lebanese society and virtually formalized the sectarian identities of its various constituent communities. In time, this phenomenon grew more pronounced; it struck roots into the soil of politics and administration. This atmosphere of sectarian distinctions soon evolved into a system under which vested interests and deep - rooted prejudices abounded, and under which parties, institutions, and activist groupings with blatantly sectarian identities, compositions, and orientations cropped up, even though these were careful to screen their confessional reality behind a fig-leaf of nationalist slogans. Confessionalism thus gradually developed into a disease which crept into the body - politic of Lebanon, weakening its cohesiveness and debilitating its potential.

Thus has been the evolution of confessionalism from a vehicle into an issue.

This, however, was far from being what the proponents of the charter, the men of independence, preached. It would be utterly unfair to both the national charter and its champions to attribute to them all the counterproductive sectarian practices which have plagued the system in application since independence. The essence of the national charter was evident in the text of the policy statement of the first cabinet of the independence era, which disavowed confessionalism in principle and provided testimony that its acceptance by the fathers of the charter and of independence was only by way of a transitional concession. A passage in the policy statement of Riad Solh's cabinet of the time reads : « The moment when it will be possible to abolish sectarianism should be a moment of blessed national wakefulness in the annals of Lebanon, and we will strive for this moment to come

soon, God willing ». Moreover, article 95 of the Lebanese constitution established unequivocally the temporary quality of the sectarian commitment as the men of independence had seen it. It pointedly reads : « Temporarily, and in deference to equity and accord, the various sects shall be equitably represented in public offices and in the formation of cabinets, barring any detriment to the interests of the State ».

What actually transpired was the antithesis of what had been proclaimed. Sectarian practice caught hold progressively. Adherence to the underlying confessional fabric of the system was so overdone that it grew to be not only detrimental to the interests of the State but has also started to pose a real threat to its very foundations, as is so conspicuously manifested by the sullen proceeds of the crisis which has been ravaging Lebanon since 1975.

Regardless of what may be said in evaluating the 1943 charter or its yields, and regardless of the connection that may be drawn between the charter and the failings of the sectarian system in application – all being matters of much controversy – the indisputable truth is that the crisis which, since 1975, has been devastating Lebanon's resources, exacting a heavy toll on the lives of its civilians, and draining the capabilities of its people, has precipitated such a major alteration in facts and notions that will inevitably mark the end of a phase in the modern history of Lebanon and the inception of a new phase. If the point of departure for the former phase was the national charter of 1943, would the point of departure for the new phase be a new national charter ? The more prevalent view focusses on a new epithet, namely national accord. The new expression probably carries a more appropriate connotation in terms of what is required in the present state of affairs.

outlet vs. solution

As a pact between two religious communities, the 1943 charter has been blamed for consecrating the separate identities of the two halves of a single nation. Later developments contributed to this gulf, which was further enhanced by a host of practices, laws, and policies working in the same direction. This syndrome was rendered the more striking by the advent of a pattern of social and economic disparities among different communities and regions which coincided only too closely with the sectarian pattern of the geographic distribution of the population in the country. In time, these divergencies grew larger and graver.

The 1943 charter was, thus, like a streak on a polished surface in that it may be taken to be, as the on - looker wishes to perceive it, either a seam welding two parts of the surface together, or a line separating them. And although the 1943 charter was meant to be, as its proponents evidently wanted it to be, a rallying line along which the two religious communities would merge into one nation, the outcome favoured its exploitation as a divisive line of demarcation between them.

The experience cannot, and should not, recur in as much as the facts of the 1980's are different from those of the 1940's. Certain sharp political differences have interlocked with the factors causing the crisis ; others have arisen as an offshoot of it. These differences, however, are not strictly of a sectarian nature, even though the political schism has, to a certain extent, been identifiable with a disparate, ostensibly confessional, alignment with either side of the conflict, and even though the leadership of certain prominent parties to the conflict are imbued with a blunt sectarian colouring. What is more, the chain of tragic events did indeed register spurts of blatantly sectarian violence, such as confessionally motivated murders, kidnappings, and forced mass migrations. The fact remains, however, that there are prominent Christian leaders who disagree radically with the views of the all-Christian Lebanese Front leadership, just as Muslim leaders, scattered as they are among several groupings of various political shadings, do not concur among themselves on all the issues at stake. Moreover, there are leaderships, such as that of the National Movement, and parliamentary blocs, such as the Independent Parliamentary Bloc, which are composed of a sectarian blend, embracing Muslims and Christians alike.

Also, vast regions of the country still stand as a vivid testimony to the determination of the Lebanese ordinary citizen to reject any kind of confessional separatism. Consequently, a new charter in the form of a pact between the various sects, in the vein of the 1943 formula, no longer seems relevant – the schism not being totally sectarian and the issues not being entirely sectarian either.

When we refer to « accord », we simply mean a formula aimed at forging an outlet from the severe crisis that has been crushing Lebanon.

A distinction should be drawn between an outlet from the crisis and a solution of the underlying problem. What is earnestly required is an outlet from the stranglehold of the crisis with a view to restoring to Lebanon a measure of stability and to the Lebanese their ability to live

with a measure of reassurance and dignity. Such an outlet should concomitantly also make possible the resuscitation of the democratic process which – allowing for free, rational, and constructive dialogue – should lead eventually to the attainment of a radical solution to the basic issue. The radical solution would inexorably rest on the shaping of a new profile of a future Lebanon, which would commit the Lebanese for generations to come.

In the absence of a free democratic life owing to the hegemony of the advocates of armed violence on both sides of the conflict, one may legitimately ask : who in Lebanon is entitled to speak for the people in their exercise of their basic right of self-determination ? To be sure, the Parliament lost its mandate after 1976, when its term expired, and it has since had, perforce in a situation that does not permit holding new free elections, to extend and re-extend its own term, thereby degenerating into a virtually self-appointed body. The leaders of the various political parties cannot, either, make a credible claim to representing the bulk of the people before their claim is put to the test through a new referendum. In the last popular vote of 1972, no single party won more than a small minority of the seats in Parliament. Even the minority seats now occupied by certain political parties were not actually won by those parties strictly by virtue of the strength of their partisan following among the voters, but rather as a consequence of certain ad hoc campaign alliances which they had successfully contrived, or of their successful exploitation of deep - rooted family allegiances or, worse, of latent or rampant confessional sentiments and prejudices. Nor can the leaderships of the various armed factions claim representation of the people, having imposed themselves, as they have in fact, by force of arms. Rather, their very existence has naturally led to a suppression of free opinion in the country, thereby reducing the bulk of the people to an inconsequential silent majority.

Hence the solution to the basic issue, its formulation being a prerogative of the people as an exercise in self - determination, cannot but be held in abeyance for the time being, awaiting the realization of an outlet from the crisis which would re-activate the democratic life, concomitantly redressing some of its ills through, first and foremost, a major amendment of the electoral law. The reform and revival of the democratic process should indeed be the anchorage of any action aimed at the realization, initially, of an outlet from the crisis and, subsequently, of a solution to the fundamental problem.

To sum up, whereas a radical solution to the issue is unquestionably the prerogative of freely elected representatives of the people – and its realization is consequently conditional upon the

revival of the democratic system – an outlet from the crisis, to culminate at the political level in the restoration of the democratic process in the country, remains basically the responsibility of the State even in its current ineffectual and all but disintegrated State .

national maxims

Democracy is not a game that is played in a void but is rather a system subject to constraints which are set by, among other things, the constitution of a state and its laws, and by the moral codes of a nation and its conventions. The call for the revival and reform of the democratic process in Lebanon cannot, therefore, be pursued without reference to a framework of immutable national constraints governing it – if anything man-made may ever be immutable. Such constraints may be established in constitutional or legislative acts, or as accepted conventions, or what have you.

The Lebanese Government took a major, though only initial, stride in an attempt to establish such a framework when it issued its Proclamation of Entente Principles on March 5, 1980, which has come as close as any attempt in recent years to formulate a new national charter. This Proclamation was the product of an extensive dialogue which, conducted jointly by the President of the Republic and the Prime Minister, included all parties, blocs, and groupings of any consequence.

The Proclamation virtually won the unanimous approbation of all. This was corroborated through a second round of encounters with the representatives of all factions, undertaken, again jointly by the President of the Republic and the Prime Minister, in early June 1980, when all expressed in writing their endorsement of the principles enunciated in the Proclamation.

The Proclamation rendered the quest for a new charter superfluous. It may be considered equivalent to one, not in the sense of a pact between one religious community and another, but rather in the sense of a national consensus on basic maxims reached via the State.

The March, 1980, Proclamation comprises a list of fourteen principles, some essentially reflecting tenets lying at the very foundations of Lebanon as a homeland, and others dealing generally with cursory issues which tend to exert a profound and direct impact on the status quo of the crisis and on the course of its evolution.

On the one hand, the Proclamation re-affirms the unity, independence, sovereignty, and Arab identity of Lebanon. It further re-asserts the country's adherence to the free parliamentary,

democratic system with due cognizance to the requisite conditions for promoting its consolidation and evolution ; and also the country's adherence to the liberal economic system with due regard to the essential role of the State in keeping watch over the performance of the economy, regulating economic activity, and pursuing a developmental policy. It moreover underlines the need to abide by the requisites of social stability, including genuine commitment to the principle of social justice, equity, and equal opportunity.

On the other hand, and relative to the current issues affecting the crisis, the Proclamation of March, 1980, calls for the proper implementation of the outstanding agreements with the PLO and for the adoption of a comprehensive security plan, which would be jointly drafted and implemented by the three, now legally - recognized, forces, namely the Lebanese Army, the Internal Security Force and the Arab Deterrent Force. The objective would, of course, be to consolidate the presence of the State in all parts of the country, eliminating all that is incompatible with the legal authority, and giving effect to the necessary congruence between the integrity of the homeland and that of the State. The Proclamation also reasserts Lebanon's unwavering commitment to the Palestinian cause and its two corollaries, namely the rejection of all implantation plans and the condemnation of any dealings or cooperation with Israel. Furthermore it voices Lebanon's insistence on the implementation of all UN Security Council Resolutions pertaining to the South of Lebanon.

Some of the Entente Principles are, undeniably, couched in inconclusive phraseology, and hence provide perhaps no more than rhetorical circumventions of certain basic matters.

Take, for example, the sectarian phenomenon, which is virtually the mainstay of every shortcoming in the Lebanese set-up . The Proclamation gives it only lip - service, calling in timid terms for efforts to create the appropriate atmosphere to deal with the problem. Admittedly the present atmosphere, fraught as it is with sectarian emotions, does not permit more than a new sectarian compromise within the framework of any outlet that might be conceived for Lebanon from the crisis. Yet we should not forget that any radical solution to the fundamental issue of Lebanon cannot be realized under any formula that stops short of abolishing sectarianism as a system, as a policy, and as a dogma, on the political as well as on the bureaucratic levels, in the civil service as well as in the Judiciary and the Army. This would require the introduction of certain basic constitutional and legal amendments to the system in application. It would also call for the adoption of a persistent course of action aimed at broadening and

nurturing national awareness with a view to overcoming sectarian prejudices and loyalties. For this purpose, and until it is achieved, the State is supposed to mobilize its vast possibilities in a national campaign of anti-sectarianism through the mass media, the educational system, compulsory military service, and the daily conduct of the administration. The economic development policy has also a far-reaching role to perform in eradicating the wide gaps of social distinctions between communities and districts, which have coincided, only too closely and conspicuously, with the lines of sectarian division, thus deepening them and exacerbating the feelings of deprivation and bereavement which prevail more visibly among one religious group than among the other.

Take, as another example, the case of the Army, which is intertwined to a considerable extent with the underlying problems of sectarianism. The Proclamation calls for a security plan which provides for a central and growing role for the Army, but it does not present an answer to the existing conflicts about its structure and organization which now preclude its utilization.

The unity of Lebanon is another case in point. Although the Proclamation is particularly emphatic in reaffirming it, some factions continued, even after they had announced their endorsement of the Proclamation, to talk about forms of decentralization in the structure of the State, some of which seem to be a veil obscuring a view which smacks of an orientation to bring about ultimately the fragmentation of Lebanon into sectarian mini-states. One can hardly miss the fact that the practices of some factions have, since the outburst of hostilities in 1975, tended to converge on a course leading unfailingly to the creation of state super and infrastructures of their own, virtually at the expense of all presence of the central state authority, in their own zones of domination. The drive by some factions to force some kind of political decentralization has over the years of the crisis been subject to an undulating momentum, at times rising and at others waning, depending on the *turn of events at a particular point in time*. Although the advocates of political decentralization, and hence of ultimate fragmentation, are now silent on this particular issue, there has been no reassuring evidence that these have renounced either their tenets or their practices.

future prospects

The Proclamation of Entente Principles issued by the Lebanese Government on March 5, 1980, should, as far as the text is concerned, be adequate as a launching pad for the outlet and thence for the

ultimate solution.

The outlet—basically the responsibility of the executive branch of Government and geared, as it should be, to reactivating the democratic process—must include, among other things, such radical measures as may be necessary to develop the Lebanese Army in a way that reinforces both its capability and credibility. This may then be followed up by implementing an all - inclusive security plan which would reestablish peace and stability in all parts of Lebanon and would also make it possible in due time to hold reasonably free parliamentary elections under an amended electoral law.

The radical solution of the outstanding issues, on the other hand, should come subsequently by democratic means and through the established legal institutional channels, and as a product of rational dialogue and constructive interaction.

As to the linkage that exists between the Lebanese issue, in some of its fundamental aspects, and the Middle East problem, experience has heretofore shown it to be an inescapable phenomenon. All efforts to disentangle the Lebanese problem from that of the region have hitherto been doomed to failure. Hence if the disentanglement of the two issues seems unattainable, and if Lebanon is in no position to exert any decisive influence over the prospects of a solution to the Middle East problem, and if a solution to the problem of the region—its core being the Palestinian question—does not seem realizable with a fair degree of certainty within a discernible period of time, particularly as long as a real detente between the two super powers is not in sight, there is practically no alternative open to Lebanon except to try to find a modus vivendi, a formula whereby Lebanon may be able to live with the Middle East crisis pending the achievement of a just and fair solution that would safeguard the Palestinian people's legitimate national right to return to their home territory and to establish their own state thereon.

Any conception of the outlet from the Lebanese crisis would inevitably encompass the basic ingredients of the desired modus vivendi. For such coexistence with the problem as one may envision rests on the attainment of at least a minimum measure of reassurance and stability, and on the ability to fend off the winds of danger which blow from the south. All this is to be hopefully assured by an outlet formula that provides as does the Proclamation of Entente Principles, for the implementation of a comprehensive security plan, the recovery of the border zone from Israel's occupation or domination through the implementation of the U. N. Security Council Resolutions, and proper

application of the agreements between Lebanon and the PLO, subject of course to the dictates of the Resolutions of the Arab Summits and of the Security Council relative to the South

Indeed Lebanon does stand today at a crossroads, up against steering either a course of survival or of collapse ; either preserving its unity or disintegrating ; either remaining as a haven of freedom and democracy or losing its very *raison d'être* ; either safeguarding its Arab identity, and therewith its role, mission, and mainspring of prosperity, or losing all identity and hence its claim to a worthy place under the sun ; either becoming a land of social justice, equity, and fair opportunities, and hence a home for all without discrimination, posing as an unshakable edifice with solid foundations, or sliding back to where it was, embodying a flimsy federation of religious communities under a shaky structure vulnerable to the puffs of political winds.

At this juncture, the Lebanese has undoubtedly picked his course – namely that of a unified Lebanon, holding fast to its hallmark as a land of freedom and democracy, as a haven of justice, equality, and promise, its patently Arab identity being unmistakably associated with a creative role, a grand mission, and a genuine commitment.