



Jinan S. Al-Habbal

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## Lebanon needs the rule of law, not the rule of sect

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*Photo credit: Ali Hani Hani.*

With the sound of patriotic music in the background, hundreds of thousands of Lebanese protesters have been chanting the slogan *killon ya'ane killon* (all of them means all of them) in reference to their wish to topple all political leaders in Lebanon. Prompted by the government's now-scrapped proposed taxes – including a USD\$6 monthly fee on WhatsApp calls – peaceful protests have swept the country from Tripoli in the north to Tyre in the south since 17 October. Several [desperate speeches](#) and [empty promises](#) by the sectarian political elite have failed to put an end to these protests. Lebanon's political and economic crisis does not seem to be fading anytime soon, with politicians reaching an impasse over the formation of a new government after protestors forced Prime Minister Saad Hariri to [resign](#) in late October.

## The Fight against Sectarianism and Corruption

Despite their differences and beliefs, protesters have united to oust the sectarian system and the corrupt ruling class it generates. The demonstrators are challenging Lebanon's power-sharing political system that divides posts equally between Muslims and Christians in all state institutions to guarantee the representation of its 18 recognised religious sects. This system has produced clientelist sectarian elites who have controlled political life and mobilised their supporters through sectarian discourse since the end of Lebanon's 15-year civil war in 1990. Individual loyalties have often been directed to the sect rather than a trans-sectarian national identity. The political system has also corrupted and entrenched confessionalism in state institutions. Personal status laws, the electoral system, and the judiciary are some examples. Wholesale institutional reform is thus needed.

## The Politicised Judiciary

Any change will be meaningless if accountability and the rule of law are not restored. This can only be guaranteed with a reformed judiciary.

Although the Lebanese Constitution stipulates the principle of separation of powers, certain constitutional articles and laws indirectly allow the intervention of sectarian leaders in appointing key judges and investigating magistrates to positions reserved for their sects, according to the 50/50 confessional allotment ratio among Muslims and Christians. For instance, the Supreme Judicial Council has ten members; its president, by a norm, is a Maronite, and eight members are assigned by Cabinet. By practice, the president of the ten-member Constitutional Council is also a Maronite. Five council members are elected by Parliament while the others are appointed by Cabinet. This interference in the judicial appointments has led to an inept clientelist judiciary and has often caused tensions among politicians who seek to assign their supporters. In August this year, the Lebanese Forces Party opposed the [appointment](#) of the new members of the council as Cabinet allegedly did not endorse the party's candidate.

This lack of independence and its manipulation by political elites has done so much harm and ruined the integrity of the judiciary. It has become so easy to dismiss any charges against politicians and their associates as politically motivated. Amidst the widespread protests in Lebanon and before his resignation, Hariri promised to pass laws that would establish an anti-corruption committee and restore stolen public funds as a response to the demands of the uprising. Shortly after, Mount Lebanon Public Prosecutor Ghada Aoun, a Maronite, brought the first corruption case against Sunni former Prime Minister Najib Mikati for illicit enrichment from subsidised housing loans. [Denying these allegations](#), Mikati has claimed the charges against him are politically driven because he did not support the election of Maronite President Michel Aoun in 2016, and because he called for Hariri's recent government to resign. This claim was easily plausible given that Prosecutor Aoun is reportedly close to President Aoun, and was appointed through the sectarian system.

State Prosecutor Ghassan Oueidat, a Sunni, even took [disciplinary action](#) against Prosecutor Aoun under the pretext she violated procedures. Although Mikati's case is being [investigated](#), it is hard to get to the truth of the situation. If the Lebanese judicial system were independent and non-sectarian, there would be some faith in its decisions and actions. Unfortunately, this is not the case.

## A Post-sectarian Judiciary?

The beginnings of progress do seem to be visible, with many lawyers and judges fighting to maintain their independence. In 2018, over 30 judges established the [Lebanese Judges Association](#) (LJA) advocating for an independent judiciary and strengthening the role of judges in society. They have expanded to include around 100 judges today. Since the beginning of the recent protests, the LJA requested that the Central Bank temporarily freeze and lift bank secrecy on the accounts of politicians and their families, in order to investigate their source of wealth. This was one of the protesters' main demands. Many lawyers have supported these demands and some have even filed a complaint to the Supreme Judicial Council against ministers who wasted public funds for personal interests.

For any corruption case to be properly investigated, the judiciary needs to be reformed and empowered as an independent institution that transcends sectarian identities. This is a cornerstone to changing the system, ending corruption, and attaining citizens' demands, not only in Lebanon but also across the region, such as in Iraq that has a similar corrupt sectarian regime. Constitutional and legal amendments will be vital to ensure such independence.

The momentum in the streets of Lebanon is very high and has the potential of transforming the country toward a democratic and civic state. This is a historic moment that should not be wasted.

*Note: The CRP blogs gives the views of the author, not the position of the Conflict Research Programme, the London School of Economics and Political Science, or the UK Government.*

## About the author



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Dr Jinan S. Al-Habbal is a Researcher in the project entitled “Legitimacy and Citizenship in the Arab World” at the Conflict and Civil Society Research Unit at LSE. Her PhD research focused on the impact of sectarian power-sharing state institutions, namely the electoral system and army, and political leaders on hindering democracy in Lebanon and Iraq.

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