



# SECURITY COUNCIL REPORT

## UPDATE REPORT



26 October 2007 No. 3

## LEBANON

### Expected Council Action

The Council will hold consultations in early November (at time of writing, 5 November was being considered) after a briefing by Terje Rød-Larsen, the Secretary-General's Special Envoy for implementation of resolution 1559. (Adopted in 2004, resolution 1559 focused on withdrawal of Syrian troops from Lebanon and the factors giving rise to instability in Lebanon.)

The report and subsequent consultations are timely, given the tensions over Lebanese presidential elections now deferred to 12 November. In resolution 1559, the Council underlined the need for free and fair elections conducted according to Lebanese constitutional rules devised without foreign interference or influence. Since President Emile Lahoud was not elected according to these standards, the Council in subsequent presidential statements continued to stress the need for free and fair presidential elections in Lebanon enabling resolution 1559 to be fully implemented.

Depending on how events unfold in Lebanon, a presidential statement is likely.

### Key Recent Developments

On 24 October, in his latest semi-annual report on implementation of resolution 1559, the Secretary-General said the following.

- He received a letter from the Lebanese prime minister alleging that Syria was facilitating the flow of weapons and fighters across the Syrian-Lebanese border, and that Fatah al-Islam fighters had come directly from Syria and was setting up a military presence on the Lebanese side—claims that were denied by Syria in another letter to the Secretary-General.
- Some progress has been achieved in disarming militias, with the Lebanese army's successful fight against Fatah al-Islam. However, the threat of other Al Qaeda-inspired militias in Palestinian refugee camps remained undiminished.
- Israel and other states continued to provide information that Hezbollah had rebuilt and even increased its military capacity.
- Dialogue among all relevant parties directed at reaching reconciliation on the issue of presidential elections was absolutely imperative to avoid a constitutional void or the emergence of two rival governments.
- He expected to see Syria's commitment to Lebanon's sovereignty, territorial integrity, unity and political independence reflected in further tangible steps.

A Lebanese parliamentary session, was convened on 23 October for a second time to elect a new president, but could not proceed because of the absence of the required two-thirds majority. It was postponed to 12 November. (The parliament first met on 25 September to elect the president, but the election was postponed to 23 October because of the absence of opposition members.)

At press time, talks were continuing between the president of parliament Nabih Berri, a member of the

opposition, and Saad Hariri, leader of the “March 14” movement and government majority, and son of assassinated former Prime Minister Rafik Hariri. However, finding a consensus candidate for president continues to prove difficult. Since November 2006 ministers from the opposition have boycotted the cabinet and the president of parliament has refused to convene normal parliamentary sessions. The opposition is pushing for a power-sharing government, in which it would have veto power. This was rejected by the majority group, leading to the current political stalemate.

On 19 October, the foreign ministers of France, Italy and Spain visited Lebanon. They met with Nabih Berri and with Prime Minister Fouad Siniora and reiterated the urgent need for an inter-Lebanese agreement and election of a representative president.

Saad Hariri met the Secretary-General and several delegations during a trip to New York on 9 October. He urged the UN to step up condemnation of political violence in Lebanon. Zalmay Khalilzad, the US Ambassador, said that the question of providing UN protection for members of parliament arose during discussions with Hariri but the Lebanese government would first have to request it and the Security Council would then have to approve such a mandate for the UN Interim Force in Lebanon (UNIFIL).

The foreign ministers of Egypt, Saudi Arabia, France and the Secretary-General of the Arab League met in New York on 26 September to discuss Lebanon and called on Lebanese political forces to restart their national dialogue. They stressed the necessity of holding elections within the constitutional timeframe. In a press statement on 27 September, the Council called for the holding of “free and fair presidential elections in conformity with the Lebanese constitutional norms and schedules, and without any foreign interference.” This seems to indicate a strong ongoing commitment from the Council to support the electoral process.

On 19 September, Antoine Ghanem, a pro-government Christian Phalange member of parliament and six others were killed by a car bomb. He was the fourth pro-government member of parliament assassinated since 2005. Those behind the attacks were believed to be seeking to weaken the majority group in parliament, ahead of the presidential elections. Prime Minister Siniora requested technical assistance by the UN International Independent Investigation Commission (UNIIC) to investigate this assassination. This was approved by the Security Council. On 20 September, the Council also adopted a presidential statement strongly condemning the attack.

On 18 September, the Secretary-General urged Lebanon's prime minister and the president of parliament to reconcile and elect a new president to avoid a situation in which there would be two elected presidents and two governments. (Please see Underlying Problems below for details.)

On 4 September, the Lebanese army completed seizure of the Nahr el-Bared camp of Palestinian refugees, after months of intense combat against armed Fatah al-Islam militants. Geir Pederson, the UN Special Coordinator for Lebanon, said the army had extinguished the serious threat posed by Fatah al-Islam to Lebanon's independence, sovereignty and stability. Over 150 Lebanese soldiers died, but humanitarian obstacles facing 32,000 Palestinians displaced by the fighting remain to be tackled. The number of casualties among militants and civilians was not confirmed by the Lebanese authorities. On 10 September, \$20 million was pledged by the US, Germany, Norway and Italy to help refugees made homeless.

## Options

The Council could decide to adopt a presidential statement on the 1559 report on 30 October:

- welcoming progress toward disarmament of non-Lebanese militias in the Palestinian refugee camps but expressing concern that the disarmament requirements of resolution 1559 are still not met in full;
- reiterating its call for the strict respect of Lebanon's sovereignty and territorial integrity, and in particular expressing concern at continuing reports of arms movements across the Syrian-Lebanese border; and
- supporting the current political dialogue in Lebanon with the goal of finding a compromise presidential candidate and reiterating the need for the holding of free and fair presidential elections in conformity with the constitution.

Alternately, the Council could decide to wait until after 12 November and act at that time in light of events in

Lebanon. It could then either welcome progress or, if there is a further failure, reiterate that a president has to be elected before the end of President Lahoud's term on 24 November in conformity with the constitution.

The Council could also decide to remain silent until after the 24 November deadline.

### **Key Issues**

A major issue will be the timing of a presidential statement, as the success of these elections is crucial for the stability of Lebanon. If a consensus candidate cannot be found and both sides designate their own president, the Council will be conscious that the situation could unravel quickly and lead to a return of civil war. If President Lahoud designates an interim president, as he has threatened, in order to avoid a vacuum, the Council would face a difficult situation. The risk of major sectarian violence in Lebanon would be very high, and the unity of the Lebanese army, itself a mix of different groups, is not guaranteed.

Other issues covered by the report may also be tackled during discussions, in particular the border issues between Lebanon and Syria, the ongoing disarmament requirements, continuing arms smuggling and the role of Syria. However, some of those issues will also be able to be addressed in November within the framework of discussions on the Secretary-General's next report on resolution 1701, due by 29 October.

### **Council and Wider Dynamics**

France, the US and the UK (P3) traditionally take the lead. They will likely be cautious.

There is consensus within the Council that it is crucial that the elections occur in a free and fair manner as the stability of the country is at stake. There is also awareness that failure to elect a compromise president could potentially reverse the gains of the 1559 and the 1701 processes. (And there would be adverse implications also for the possible return of the two Israeli soldiers captured last summer by Hezbollah).

Some seem to believe that the 1559 process should stop once free and fair elections are completed and that the rest of the 1559 mandate, which largely overlaps with the 1701 mandate, should be addressed in the 1701 context. Others think to the contrary, that these two processes stem from different political issues and should remain separate.

South Africa and Panama remain critical of the systematic adoption of presidential statements following reports on Lebanon, as they believe the political message is being diluted.

France has suggested recently that there was a possibility that Syria was behind assassinations in Lebanon. The P3 are likely to push for a call on Syria to do more to respect political independence and sovereignty of Lebanon, as well as prevent arms smuggling.

### **Underlying Problems**

The difficulty to elect a new president, who has to be a Maronite Christian according to the Lebanese constitution, appears linked to differing interpretations of the Lebanese constitution by the majority group (which holds just over half the parliamentary seats) and by the opposition.

Article 73 of the constitution states that "one month at least and two months at most before the expiration of the term of office of the President of the Republic, the Chamber is summoned by its President to elect the new President of the Republic." President Lahoud's term is due to expire on 24 November. On 25 September, Berri convened the chamber. The election should have proceeded in accordance with article 49.2 which says that the president "shall be elected by secret ballot by the Chamber of Deputies and by a two thirds majority. After a first ballot, an absolute majority shall be sufficient." However, because the opposition, amounting to more than a third of the membership, did not show up, the chamber could not proceed to the first ballot. The problem resides in the fact that a majority to elect a pro-government candidate is certain in the second round. The opposition therefore is maneuvering so that a consensus candidate can be elected.

Berri summoned the chamber again on 23 October, but again, because of lack of agreement on a compromise candidate, the opposition boycotted the session.

It remains to be seen whether a consensus candidate will be found by 12 November or at least before 24 November. If not, several scenarios are possible.

- The majority could use another provision of article 73 which says that, should the chamber fail to be summoned for electing the president, the chamber can “meet of its own accord on the tenth day preceding the expiration of the President’s term of office”. When the majority floated that possibility, the opposition claimed that this would be unconstitutional because the chamber can only meet if summoned by its president.
- Emile Lahoud, the current president, said he would appoint an interim administration headed by the army chief Michel Suleiman, to avoid a vacuum if his successor is not elected by the time he steps down. But that would require a constitutional amendment because article 49.3 does not allow government employees to hold political office.

The application of both these options is of course not a possibility. But it could result in the presence of two competing presidents with all the risks that that entails.

In 1990, a constitutional council was formed in accordance with article 19 of the constitution. This has the mandate to “arbitrate conflicts that arise from parliamentary and presidential elections.” The council, however, was dissolved in 2005, after the Syrian troops withdrew from Lebanon, and its re-formation has been suspended by the current political deadlock.

## UN Documents

### Security Council Resolutions

- S/RES/1701 (11 August 2006) called for a cessation of hostilities between Israel and Hezbollah and authorised a reinforcement of UNIFIL.
- S/RES/1680 (17 May 2006) strongly encouraged Syria to respond positively to the Lebanese request to delineate their common border and called for further efforts to disband and disarm Hezbollah and to restore fully the Lebanese government’s control over all Lebanese territory.
- S/RES/1559 (2 September 2004) called upon all foreign forces to withdraw from Lebanon, called for the disbanding and disarmament of all Lebanese and non-Lebanese militias, supported the extension of the control of the Government of Lebanon over all Lebanese territory and declared its support for a free and fair electoral process in Lebanon in accordance with Lebanese constitutional rules and without foreign interference.

### Latest Presidential Statements

- S/PRST/2007/34 (20 September 2007) condemned the terrorist attack that killed Antoine Ghanem.
- S/PRST/2007/17 (11 June 2007) was the latest statement on the 1559 report. It expressed concern at illegal movements of arms and supported the Lebanese army's efforts to restore stability in Lebanon.

### Latest Secretary-General’s Report

- S/2007/629 (24 October 2007)

### Selected Letters

- S/2007/556 and S/2007/557 (21 September 2007) was an exchange of letters between the Secretary-General and the Security Council on the extension of UNIIIC’s technical assistance to the Lebanese authorities to investigate the murder of Antoine Ghanem.

## Other Relevant Facts

### Selected pro-government Lebanese Presidential Candidates

- **Nassib Lahoud** (declared candidate): former US ambassador and leading industrialist
- **Boutros Harb** (declared candidate): member of parliament and former minister
- **Robert Ghanem** (declared candidate): member of parliament
- **Jonny Abdo**: former head of Lebanese army intelligence and former Ambassador to Switzerland
- **Samir Geagea**: former militia leader during the civil war who was arrested in 1994 and convicted of four unrelated crimes and was released in 2005
- **Amin Gemayel**: father of slain member of parliament Pierre Gemayel, and former Lebanese president from 1982 to 1988

### Selected Opposition Candidates

- **Michel Aoun** (declared candidate): former army commander who fought Syria during civil war, returned from exile in 2005, he is an ally of Hezbollah
- **Michel Suleiman**: army commander since 1998, election requires constitutional amendment
- **Riad Salameh**: central bank governor since 1993, election requires constitutional amendment

### Possible Consensus Candidate

- **Jean Obeid**: foreign minister in 2003 and 2004, former member of parliament and former political advisor of former President Amin Gemayel

## Useful Additional Sources

- A list of presidential candidates can be found at <http://www.nowlebanon.com/>
- "Scenarios – Lebanon's Presidential Elections", Bilal Y. Saab, Saban Center for Middle East Policy, *The Brookings Institution*, 25 October 2007
- "Hizbollah and the Lebanese Crisis", *International Crisis Group*, Middle East Report N°69, 10 October 2007
- "Lebanon: Scenarios for the Presidential Election", Sarkis Naoum, Arab Reform Bulletin, September 2007, Volume 5, Issue 7, *Carnegie Endowment for International Peace*

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