

Chibli Mallat warns against growing separatism in Lebanon, calls on election of President as imperative in wartime

MTV, 25 Oct 2023

The office of Professor Chibli Mallat issued the following statement:

Lebanon is a constitutionally dysfunctional state, the result of a deep societal imbalance in our inability to adopt a different pattern in dealing with public affairs. We have no other choice at the moment than live together. In the future, we may decide not to live together, God forbid, in an existential tragedy that I hope will never be on our agenda. But the specter of separation is present and growing for anyone who realizes the repercussions of the current war against the rampant constitutional vacuum.

In this dysfunctional state, determining our duty to live together is premised on taking the right constitutional position.

There is no point in relying on the ‘expediting current affairs’ caretaker government in light of the war over Palestine. The constitutional reasons are self-evident:

1. The Lebanese State is headless, because there is no President to fulfil his ‘head of state’ constitutional qualification.
2. The Council of Ministers is existentially undermined by the absence of the president, who chairs the Council when he chooses to attend its meetings.
3. The constitutional power of the President of the Republic is voided from any meaning and influence when the Cabinet meets without a President.
4. The caretaker government is entitled to meeting in the first place in order to take the decisions that can be enforced. Every decree is incomplete and ineffective in the absence of the signature of the President;
5. This is the more evident for decisions over war and peace which require the approval of two-thirds of the members of the Government.

Constitutionally, too, the country remains deprived of the person responsible as head of the High Defense Council. The Prime Minister is merely the deputy chairman of the Defense Council. The Defense Council does not have the right to take executive measures in the absence of its Chairman, who is also constitutionally the commander-in-chief of the armed forces.

In times of war, we need a president more than ever. It is our constitutional duty to elect him

immediately before addressing any other constitutional question. MPs may only have the right to meet under the dome of parliament to hold the election immediately, but we are all able to intensify our discussions wherever we live to agree on one or more candidates and hold the election with the support of as many of Lebanon's people and their representatives of as possible.

At this pivotal stage in our history, we bring the Constitution and the Lebanon back to life only by electing a president.