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Independence Day: symbols, taboos and complex realities

Tuesday, November 21, 2000

By Chibli Mallat

For the tenth year since the guns fell silent, Lebanon is celebrating Independence Day on November 22. For all of that decade the conventional measure of independence has been belied by the reality on the ground. That measure is simple, and coincides with the main symbol of statehood, the exclusive exercise of Lebanese law over Lebanese territory.

Exclusive control of Lebanese law over Lebanese territory has been conspicuously missing, but two changes are striking this year, though neither is decisive. First, the Israeli army withdrew in May after 22 years of occupation, although sovereignty of the Lebanese state over the south is still incomplete. The freed zone remains in legal limbo, and the state has not yet extended its remit to the regions freed from Israeli control. The argument for the state remaining in denial of its sovereignty in the south sounds particularly unconvincing as the government tries to persuade the country that "the Lebanese Army should not be allowed to guard the Lebanese border, because it would protect Israel..."

This incomplete sovereignty - and independence - can only be understood through a regional imperative, which accounts for a second change this year. The change is equally important though equally inconclusive. The Syrian government remains the acknowledged overseer of Lebanese decision-making, and Syrian troops very much present on Lebanese territory.

The requirement for Lebanon's interests to run in partnership with those of Syria leaves sovereignty eroded, but the issue needs to be understood in perspective. While the argument that Syria intervened decisively to bring the Lebanese factions

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that Syria intervened decisively to bring the Lebanese factions together in 1991 has some merit, that perspective has outlived its usefulness for most Lebanese. Ten years later, independence appears at worst hollow, at best flawed.

Here, the change this year was virtual rather than real. It developed over the months in the form of a break of the taboos, the challenge to the continued stationing of Syrian troops in Lebanon. Their presence is now being questioned from several quarters across the country, including the genuine allies of Syria.

The focus of the debate has turned on a legal insistence on the application of the 1989 Taif agreement, which required Syrian troops to withdraw from the Lebanese heartland to the Bekaa valley in the summer of 1992. This withdrawal has emerged as a common denominator for the supporters of real independence and sovereignty, though there are variations. Some are more extreme, and request immediate withdrawal from Lebanon. Others suggest that the Lebanese state regain its sovereignty in those areas from which the Syrian troops should withdraw in accordance with Taif, and that the redeployment appears as a public demonstration of consent between the two parties.

On both questions - sovereignty in the south by restoring the army as guardian of Lebanese borders against Israel and sovereignty in the coastal mountain after redeployment of Syrian troops - the process appears deadlocked between defenders of independence and those who prefer the status quo.

Amid this uncertainty risks are apparent.

With the absence of Lebanese troops on the border to ensure its stability, with the virtual war between Israel and Palestine, and given the continued deadlock on the Syrian-Israeli peace front, the future of peace in this country is at direct risk from the central government's refusal to assert the exclusive right to sovereignty which independence requires. The sovereignty vacuum can lead to a rapid descent into renewed war with Israel, the consequences of which cannot be predicted, save for the certainty of a high toll on Lebanon both politically and economically.

The deadlock on the Syrian withdrawal in accordance with the Taif agreement appears less threatening. It is, however, much more central to the constitution of the Lebanese body politic, which remains marginally affected by the developments in the south of the country. The election of the summer of 2000 marked the defeat of the government for reasons which are varied and difficult to pin down in a mathematical equation, but the rise of candidates who appear at odds with the status quo has strengthened the voices calling for the extension of Lebanese sovereignty. The question of Syrian troops on

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Lebanese sovereignty. The question of Syrian troops on Lebanese soil has come, as a consequence, into much sharper focus and the deadlock has worsened between those who call for change towards independence and those who defend the status quo for fear of disruption.

On both central counts, the logic of independence is inexorable, and the solution appears hard to oppose: the protection by the Lebanese army of the borders and the full and exclusive extension of law agencies (the courts and the police) in the south. These are the essential hallmarks of sovereignty.

The withdrawal of Syrian troops - to the Bekaa first, then fully to the Lebanese-Syrian border - is another essential condition for the recovery of Lebanese independence in the whole of the country. But in a Middle East ruled by raw power politics, logic is prone to rapid fuzzy turns and violence always threatens to take over, bringing its own rhythm and dynamism.

The way out of the deadlock will require a solution far more subtle than anything simple logic can provide. With Lebanese interests taking second place to regional imperatives, the exclusive control of Lebanese law over Lebanese territory does not appear imminent. Until then, Lebanese independence is bound to remain hollow at worst, at best flawed.

Chibli Mallat is chair of European law at Saint Joseph University, and an international lawyer. His book on Lebanon, Presidential Choices, was published in Beirut in 1998.

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