

NON SPECIAL SECTION

A Quarter Century of ‘Transitory Power-Sharing’. Lebanon’s Unfulfilled Ta’if Agreement of 1989 Revisited

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Most countries of the Arab Mashrek are multi-ethnic and multi-sectarian. In recent years, most of them have experienced violent clashes between groups that frame their conflicts along ethnic-sectarian lines. This article investigates the Lebanese Ta’if Agreement of 1989 as a crucial case study of how to manage such conflicts through a transitory power-sharing arrangement. It presents several provisions of this agreement that adhere to three different approaches of how to deal with such conflicts: the consociational and the centripetal models of power-sharing as well as the integrationist paradigm. It thereby seeks to develop a theoretical argument about chances and risks of transitory power-sharing in deeply divided societies and derives some general lessons for managing conflicts in the Middle East.

INTRODUCTION: THE TA’IF AGREEMENT REVISITED

A three-day conference from 22–24 October 2014 brought together representatives from several Lebanese political parties, religious communities and NGOs, as well as scientists and other interested persons, in Beirut’s famous Phoenicia Hotel to commemorate the twenty-fifth anniversary of the Ta’if agreement and to discuss its achievements. There was broad consensus among the eyewitnesses to the Ta’if conference of 1989 present at the conference that the agreement as such had offered the best solution possible at the time, but that it had been wrongly interpreted and never completely implemented. Up till today, many politicians have pushed for the reform of the Lebanese political system, selectively referring to the ‘unfulfilled promises of Ta’if’ – even though their understandings of this treaty and the purpose of their reference to the document differ tremendously.

This article tries to find some clarification for the opacities of Ta’if by revisiting the document, and it offers a new analytic interpretation of its substance. Most analysts of

the Ta'if agreement use a deductive approach, classifying the agreement as an example of 'corporate consociational democracy'. However, their studies often muddle the agreement itself with its actual application by an elite made up of warlords-turned-politicians and the tampering done to it by the Syrian state. Equating the agreement with its putative outcome leads to a negative assessment of an allegedly defunct model.

I choose an inductive perspective instead, which reveals that the Ta'if agreement represents a transitory power-sharing arrangement with the clear objective of overcoming political sectarianism. I argue that Ta'if actually provided for a staged transition between different approaches for how to best govern a deeply divided society: First, an adapted version of consociational guarantees was supposed to end the civil war and to restore the state by providing community leaders with fixed shares of power. This should have *translated* existing cleavages between ethnic-sectarian groups into formal institutions. Second, institutions following the centripetal logic of power-sharing were intended to incentivise cross-sectarian cooperation and thus *aggregate* members of different groups and *dilute* their sectarian cleavages.¹ The final goal was to abolish 'political sectarianism' by creating a civil state that provided equal rights for its citizens irrespective of descent and community affiliation. This step followed the integrationist approach of *neglecting* ethnic-sectarian cleavages. The Ta'if Accord was supposed to unfold a dynamic that would de-politicise sectarian identities and transcend communal fragmentation.

To prove this argument, in the following section I discuss consociationalism, centripetalism and integrationism as the three main paradigms for how to best manage deeply divided societies discussed in the academic literature. Presenting the logic and peculiarities of these models will help to re-evaluate the character of the Ta'if agreement. Applying this typology, Lebanon's power-sharing experience in the run-up to the civil war may best be described as a defective consociational democracy. The Ta'if agreement tried to find an exit from the civil war and move towards a more dynamic power-sharing arrangement in order to revive the peaceful coexistence of the religious communities that Lebanon was once famous for.² For this purpose, it introduced institutions and regulations that followed the three paradigms mentioned. In combination, they should have created a transitory dynamic and gradually overcome communal cleavages. Contrary to the widespread account of the Ta'if as a case of (corporate) consociationalism, the agreement actually represents a transitory power-sharing arrangement intended to surmount pre-war sectarian consociational guarantees by combining centripetal incentives for inter-communal cooperation and integrative secular institutions for overcoming sectarianism.

However, for various reasons this dynamic failed to unfold: Although Ta'if helped end the Lebanese Civil War and restore state authority, it was incapable of creating a stable state of functionally diversified institutions. Most of the civil war militias were successfully disarmed and the Lebanese army reunited, but some of the actors remained armed and former warlords became ministers. Also, the Israeli occupation of the 'Security Zone' in South Lebanon as well as Syrian tutelage and occupation continued for more than a decade. Ta'if provided for a reformed allotment of power among the confessional communities, yet Shiite Muslims were dissatisfied with their persistent underrepresentation while Christians lamented their loss of power. The agreement promised to abolish 'political sectarianism'; however, it actually

fixed constitutionally what had only been verbally agreed upon before: quotas for communal representation in parliament. Today Lebanon has a great variety of political parties, yet most of them are mono-confessional in composition and centred on a semi-feudal leadership. The country has a pluralistic, though biased, media landscape, and it hosts competitive, yet manipulated, elections. State institutions provide checks and balances that are often blocked by competing sectarian factions and manipulated by corruption. These exogenous and endogenous reasons for failure of the Lebanese post-war order have all been described extensively in the academic literature.³ This allows us to focus more on the Ta'if Agreement as an ideational role model. It is worth revisiting the document as a crucial case study in the power-sharing debate about how to best design the transition from 'sticky' consociational guarantees to inter-communal cooperation and the establishment of a civil nation state.⁴ Ta'if, with its combination of guarantees for minorities and incentives to overcome polarised identities, offers useful advice for how to best manage conflicts in deeply divided societies, especially in those with ethnic-sectarian cleavages.

POWER-SHARING IN DEEPLY DIVIDED SOCIETIES

There are several approaches to managing and diluting ethnic-sectarian cleavages⁵ that are intended to help address the dilemma of democracy in deeply divided societies: the demand for fair democratic participation for all citizens on the one hand, and the fear of certain communities being overruled and excluded by majority rule on the other.

Consociational democracy *manages* existing divisions by guaranteeing the participation and fair representation of all groups through proportional representation, grand coalitions of all major communities, veto power for minorities and cultural autonomy.⁶ Thus, it integrates the representatives of rival groups that might otherwise refuse to cooperate with each other. Based on the experience of small stable democracies in central Europe such as Austria, the Netherlands and Switzerland, consociationalism has become a widespread model of conflict resolution for post-conflict settings in deeply divided societies since the 1990s, especially in countries of the global South.⁷

However, consociationalism has drawn widespread criticism because it often causes political immobility. Power distribution based on primordial identities risks strengthening exactly those social bonds and cleavages that originally aggravated or even caused the previous conflict.⁸ In the medium and long term, consociationalism's regulations tend to freeze social fragmentation between those segmental groups who primarily integrate as patron-client networks. The relative deprivation of one community compared to another is a common complaint. Furthermore, a shift in demographic distribution due to different birth and emigration rates easily upsets the proportional distribution between the communities. Finally, ethnocentric staffing causes well-educated professional elites who do not get a fair chance to leave the country.

Donald Horowitz offers a different power-sharing approach: centripetalism. Like in consociational theory, he acknowledges the relevance of deep divisions between

ethnic-sectarian identity groups, stating that it is ‘both fruitless and undesirable to attempt to abolish ethnic affiliations’.⁹ However, he draws different conclusions. Instead of strengthening intra-communal solidarity, his model intends to limit the impact of binary ethnic-sectarian cleavages by aggregating social entities and policy – for example, through vote pooling. Centripetalism holds that ‘the best way to manage democracy in divided societies is not to replicate existing ethnic divisions in the legislature and other representative organs, but rather to put in place institutional incentives for cross-ethnic behaviour in order to encourage accommodation between rival groups’.¹⁰

Contrary to both, consociationalism and centripetalism, integrationist models intend to either *neglect* or even *block* expressions of particular identities from politics – mostly by overpowering cultural divisions with a strong, unitary national identity.¹¹ According to this logic, a neutral state should neither address ethnicity nor grant specific rights to communities because this would strengthen subnational identities and reinforce societal fragmentation. Instead of collective cultural privileges, it provides equal rights and duties for all citizens irrespective of descent and creed. In its most rigid form, Jacobinism, it even enforces assimilation to a single national culture.¹² Integrationist approaches assume that neither guarantees (as in consociationalism) nor incentives (as in centripetalism) are required for the fair participation of all citizens. However, the ideology of secular nationalism often has been misused by autocracies in the Middle East to hide a single community’s dominance in rule – for instance, of Sunni Arabs in Iraq under Saddam Hussein or of Alawite Muslims under the Assads in Syria.

In deeply divided, post-conflict societies consociational guarantees are often introduced as a quick fix to help end a civil war and to bring the antagonists back to cooperation. However, in the long run it is more fruitful to combine them with and gradually substitute them by more integrative institutions.¹³ Horowitz asserts that such a transitory dynamic is still a desideratum in power-sharing theory and practice: ‘Most agree that consociational institutions, once established, are sticky. The wish for a possibility of a transition away from them has often been expressed, but no one has yet specified the location of the exit’.¹⁴ The following analysis of the Ta’if Agreement uncovers some potential steps towards such an exit.

FROM ‘SWITZERLAND OF THE MIDDLE EAST’ TO ‘LEBANONISATION’

The Middle East comprises a great variety of ethnic, sectarian, tribal and regional identities. In many countries, members of the political and military elite come from one community, discriminate against members of other communities and strictly suppress any cultural-political expression and demands. In modern Lebanon, in contrast, a single community has never monopolised power. Religious communities self-confidently represent their creeds, historiographical narratives and political convictions.¹⁵ Therefore, until the early 1970s, Lebanon was often idealised as the ‘Switzerland of the Middle East’.

Since the mid-nineteenth century, Lebanon has been a testing ground for power-sharing and has been considered a model case of consociational democracy.¹⁶

Elements of consociationalism were laid out in the 1926 constitution as well as in the verbal National Pact of 1943. Ethnic-sectarian communities were to be represented in parliament, government and leading public offices in supposed proportion to their demographic distribution. The president was to be a Maronite Christian, the prime minister a Sunni Muslim and the president of parliament a Shiite Muslim. Representatives of all major communities were to participate in grand coalition governments. Furthermore, the religious communities did embrace far-reaching cultural autonomy with their own institutions for education, charity, family law and conflict mediation. This enabled a degree of political participation and empathy for religious coexistence unique in the Arab world.

However, Lebanon's pre-war consociational arrangement also showed some substantial defects. 'Political sectarianism' (*al-ta'ifiyya al-siyasiyya*) caused the politicisation of religious identities, the fragmentation of society and the weakening of the state.¹⁷ It raised an expectation of fair participation for all communities that it did not fulfil: The distribution of parliamentary seats and the staffing of the state administration were not seriously attuned to demographic change, resulting in imbalances in the distribution of power. By the 1960s, the over-representation of Christians in parliament and leading state offices vs. Muslims at a ratio of 6:5 – based on the contentious last official census of 1932¹⁸ – was no longer adequate due to a higher birth rate among Muslims and the more frequent emigration of Christians.¹⁹ Presidentialism privileged the Maronite head of state relative to the Sunni prime minister and the Shiite president of parliament. Therefore, the Maronite president could easily overrule the other communities. Furthermore, weak state institutions compelled people to rely on sectarian patron-client networks for services; this strengthened parochial mentalities that undermined the formation of a common national identity.

A lack of institutionalised veto power caused oppositional forces to use extra-legal obstruction to press for their demands. As a result of their insufficient political representation and influence, in the years before the outbreak of civil war members of the marginalised communities, especially the Shia, Druze and Sunni, started joining oppositional nationalist and left-wing parties, and later sectarian movements that resorted to bargaining for power outside the rules of the game. Spoiler strategies included labour strikes, the occupation of university campuses, street protests and finally, the creation of militias.²⁰ The unresolved issue of 400,000 Palestinian refugees in a country of only three million citizens further exacerbated social instability. A rapidly growing belt of misery surrounded Beirut, where Palestinian refugees, Shiite rural migrants and other disenfranchised elements fed the ranks of revolutionary party-militias. These would later clash with right wing, predominantly Christian militias defending the status quo.²¹ Consociationalism was overstretched by this mixture of conflicts. It was too weak to prevent the outbreak of violence, for which it also bore considerable responsibility as it prevented the development of an inclusive state that most probably would have been able to moderate the conflicts in a more rational and effective manner.

With the outbreak of civil war in 1975, the country descended into a nightmare of internecine violence for which 'Lebanonisation' became the neologism. Lebanon

became the hub of ideological confrontation between different wings of nationalism, socialism and Islamism and a bone of contention between regional and global powers. Egypt, Iran, Iraq, Israel, Saudi Arabia, Syria and the United States intervened via local deputies or with their own troops and exploited the country as a playground for their proxy wars. The fighting continually degenerated into warfare between militias and warlords that primarily followed ethnic-sectarian divisions. By the late 1980s, the remaining symbols of state sovereignty – namely the presidency, the prime ministry, the government, the parliament and the army – were disintegrating and threatening to collapse.

THE TA'IF NEGOTIATIONS

After 15 years of civil war, politicians and warlords eventually realised that they would destroy far more through the continuation of hostilities than they could ever gain by a possible military victory at an unforeseeable point in the future.²² This 'self-negating prophecy', described by consociational theorist Arend Lijphart as 'the realization that further escalation of a conflict will result in mutually damaging outcomes',²³ was reflected in the famous Lebanese formula of 'no victor and no vanquished' (*la ghalib, la maghlub*). It had been coined at the end of the civil war of 1958 and was revitalised in 1989. An Arab League (AL) initiative for a negotiated end to the violence finally bore fruit, and on 23 May 1989, the Arab Summit Conference in Casablanca appointed Saudi Arabia, Morocco and Algeria to help reach a comprehensive agreement. Under the AL deputy secretary general, the Algerian Lakhdar Brahimi, this Troika drafted a national reconciliation document. At the same time, Lebanese politicians and religious leaders under the supervision of the president of the Lebanese parliament, Hussein al-Husseini, prepared another draft.²⁴ The latter version, integrating some elements of the AL-draft, became the blueprint for the 'Lebanese Document of National Accord' (*Wathiqat al-Wifaq al-Watani al-Lubnani*).²⁵

On 30 September 1989, 62 of the 73 surviving (there had formerly been 99) Lebanese parliamentarians elected in 1972 assembled in the Saudi mountain resort of Ta'if; eight were unable to participate for health-related reasons, and three refused to participate for political reasons. On 22 October, after 23 days of tough negotiations, 60 of them signed the final document, which became also known as 'the Ta'if Agreement'.²⁶ It contained a revised power-sharing formula that – after another year of internal fighting – helped end the civil war in October 1990. In September 1990, most of its regulations were integrated into the revised constitution that became the basis of Lebanon's Second Republic.²⁷

The warlords, the factual rulers of the country, were excluded from both drafting the blueprint and the negotiations in Ta'if. Nevertheless, they were kept informed by participating parliamentarians and indirectly influenced its outcome,²⁸ because in the end they had to be convinced to lay down their arms. Some of the warlords later took on posts as ministers and obtained guaranteed shares of state power that none of them had been able to acquire in wartime. Other Lebanese politicians and militias repudiated the outcome, the former general Michel Aoun because of the strong

Syrian tutelage, Hizbullah and the Amal Movement because it cemented political sectarianism instead of abolishing it. However, the latter soon accepted the agreement to enable an end of the fighting.

The Syrian regime of Hafiz al-Assad – the other power on the ground in Lebanon, with a strong military and political presence – was also excluded physically from the negotiations, though it was an invisible participant. Syria fixed its control over Lebanon from the start by enforcing some substantial amendments.²⁹ In October 1990 – with the approval of the United States, which needed Syrian support in the upcoming Gulf War over Kuwait – it militarily crushed the troops and the popular protest movement of Aoun. In the Treaty of Brotherhood and Cooperation of 22 May 1991 and with 17 additional bilateral contracts, Syria further expanded its tutelage over Lebanon.³⁰

THE DIFFERENT POWER-SHARING PARADIGMS OF TA'IF

Ta'if was a unique political experiment that did not follow the standard patterns of policy advice. Instead, the document outlined a set of instruments that roughly followed and combined elements from the three different approaches of managing cleavages in multi-ethnic societies as described before. Following the consociational model, it first proposed to *manage* diversity by preserving fixed quotas of representation for the religious communities. This guaranteed that no community would be overruled and excluded from power. Second, following centripetal reasoning, it intended to *dilute* cleavages by encouraging interethnic cooperation. Finally, Ta'if aimed to abolish political confessionalism and establish an inclusive nation state with functionally diversified institutions that performed public sector staffing and provided access to services regardless of confessional affiliation. The overall target was to restore and strengthen coexistence among the Lebanese communities.

The Consociational Approach: Fixed Shares of Power

The Ta'if Agreement and the constitutional amendments adopted some consociational provisions from the pre-war order, strengthened others, and weakened and abolished others: It included the pre-war regulation that provided the confessional communities with fixed shares of seats in parliament proportionate to their size. It even strengthened this regulation by turning the formerly verbal agreement into a constitutional provision. The revised article 24 of 1990 reads:

Until such time as the Chamber enacts an electoral law on a non-confessional basis, the distribution of parliamentary seats shall be according to the following principles: (1) Equal representation between Christians and Muslims. (2) Proportional representation among the confessional groups within each of the two religious communities. (3) Proportional representation among geographic regions.

The privileges of the large communities to hold the 'three presidencies' – the president of state, the prime minister and the president of parliament – remained an unwritten gentlemen's agreement. Furthermore, religious communities maintained

their high degree of autonomy in organising family status and religious schools (Const. Art. 9 and 10), charities and other cultural spheres.

The two unfulfilled conditions of pre-war consociationalism – proportional representation and veto power for the various communities – were partly adjusted. First, the controversial claim of proportional representation of all denominational communities was partially dropped in favour of an agreed-upon parity of seats in parliament between Christians and Muslims. Only inside the two religions should they be distributed proportionally among the confessions. In an earlier reform, President Fouad Shihab (who governed 1958 to 1964) had already introduced such a parity distribution (instead of the 6:5 formula) for the cabinet. This allocation was still a concession to Christians, whose share of the population had dropped well below 40 per cent. Second, the two Muslim presidencies were strengthened at the expense of the Maronite president of state, a move that provided the Sunni and Shiite representatives with more effective (veto) power.³¹ The president could not dismiss the prime minister anymore, as some presidents had done frequently before 1975,³² and the term of office of the president of parliament was prolonged from one to four years. On the other hand, the 1990 amendments to Article 95, the main stipulation of consociationalism in pre-war Lebanon,³³ limited communal staffing to ‘Grade One posts’ and even enacted the gradual abolishment of ‘political confessionalism’.

Centripetal Institutions

Many Lebanese held sectarianism responsible for the civil war because it had weakened national cohesion and strengthened a parochial mentality. Therefore, the signees of Ta’if developed several institutions and procedures that followed the centripetal paradigm of incentivising interethnic cooperation. Due to Ta’if II.A.7, a bicameral system with a community-based senate as an additional representative body was intended to provide religious leaders with a symbolic degree of representation and a certain veto power in essential matters.

With the election of the first Chamber of Deputies on a national, not sectarian, basis, a senate shall be formed and all the spiritual families shall be represented in it. The senate powers shall be confined to crucial issues.

As a result, the then non-sectarian parliament should have been able to focus on a national agenda. However, to this day, the senate has not been implemented.³⁴ Furthermore, Ta’if III.B, in accordance with article 19, provided for a Constitutional Council (*Majlis Dusturi*) that was ‘to interpret the constitution, to supervise the constitutionality of laws, and to arbitrate conflicts and contestations that arise from parliamentary and presidential elections’. Law No. 250 in July 1993 established this council.³⁵ The council should have followed the centripetal paradigm of mediating conflicts and transcending sectarian polarisation; however, it was ‘infected’ by consociational logic because it was staffed based on sectarian considerations. Two principles of Ta’if further demonstrate this blurring of centripetal and consociational power-sharing: decentralisation and the electoral law.

Decentralisation

Consociationalism and centripetalism both foster federalism and decentralisation, yet based on different considerations. In consociational theory, the self-government of ethnically homogeneous provinces is intended to guarantee cultural autonomy.³⁶ However, such territorial self-government may actually strengthen ethnic cleavages and have centrifugal effects, and perhaps even lead to secession. During the Lebanese Civil War, sect-based militias established their own territories with local self-rule through security agencies, media outlets, educational and charity institutions.³⁷ Given the weakness of state institutions, many of them continued to exist in the post-war period. Parties-turned-militias – the Maronite Lebanese Forces in Mount Lebanon, the Druze Popular Socialist Party in the Shouf as well as the Shiite Amal movement and Hizbullah in South Lebanon, the Bekaa Valley, and the southern suburbs of Beirut – as well as new parties such as the Sunni-dominated Future Movement still dominate semi-autonomous entities.³⁸

Centripetalism dismisses such homogeneous enclaves in which territorial and ethnic-sectarian cleavages mutually reinforce each other and have centrifugal effects. Instead, it promotes subnational territories that crosscut ethnic boundaries and strengthen regional solidarity vis-à-vis the central state, thereby breaking the primary cleavage of confessionalism through a second level of regional solidarity.³⁹ In addition, heterogeneous provinces may function as an experimentation field for national politics, as they ‘can foster intergroup cooperation between politicians as a form of political socialisation to norms of cooperation before they arrive at the center’.⁴⁰ Ta’if in chapter II.A.5 added a strong centripetal element to sectarian proportional distribution by requesting the division of parliamentary seats ‘proportionately between the districts’. Such ‘electoral and territorial engineering’ can support multipolar fluidity and enable cross-sectarian regional alliances.⁴¹

Pre-war laissez-faire politics had neglected peripheral areas and thus resulted in a strong sentiment of deprivation among some rural communities. Therefore, the authors of Ta’if designed a sophisticated measure to overcome regional discrepancies: ‘Culturally, socially, and economically balanced development among the districts (*li-l-manatiq*) is a mainstay of the state’s unity and of the system’s stability’.⁴² Section III.E states that a Socioeconomic Council for Development shall be created ‘to ensure that representatives of the various sectors participate in drafting the state’s socioeconomic policy by providing advice and proposals’. The objective was to remedy the relative deprivation of certain areas and communities that had contributed to the sectarian framing of discrimination in the run-up to the civil war. However, due to neoliberal maxims, investment and reconstruction in post-war times basically focused on Beirut, in addition to those areas with strong patronage links to the central government.

Lebanon’s Electoral Laws

In contrast to the grand coalitions of consociational democracy, which are formed between ethnically homogeneous parties after the elections, the centripetal approach encourages participants to form interethnic pre-electoral coalitions.⁴³ Lebanon’s frequently revised electoral law showcases a cacophony of approaches. It connects

consociational representation commensurate with the size of the communities with centripetal vote pooling and a majoritarian first-past-the-post vote. In the rather complex and unique Lebanese electoral system, each voter, irrespective of sectarian affiliation, casts a multi-sectarian ballot list that reflects the proportional ethnic-sectarian composition of the electorate. The names of candidates on the list can be swapped with those of others from the same community; however, the number of candidates and their sectarian distribution is fixed. Candidates from all lists with the highest turnout for each community win as many seats as are reserved for their community. As a result, candidates are encouraged to form cross-confessional pre-electoral coalitions in the form of common candidate lists. Furthermore, they should moderate their campaigning in order to accumulate votes from different communities instead of focusing on their own community, as is the case in consociationalism. The larger the electorate, the more candidates from various communities are incentivised to cooperate and formulate a common political programme, and the less opportunity remains for oligopolistic patrons to form preconfigured electoral lists and to bribe their constituency. Ta'if III.D strengthened this centripetal logic of vote pooling as it replaced the small subdistricts (*qada'*) of the 1960 electoral law with larger governorates (*muhafazat*).

In contrast, smaller and more homogeneous electorates harmonise with the consociational logic of cultural and local autonomy, as ethnic entrepreneurs do not need to moderate their campaigning. While the large size of electorates was criticised because these electorates privileged pro-Syrian candidates in the elections from 1992 until 2005, changing calculations led to the return to the '1960 formula' of the small *qada'* electorates in 2009, following the 2008 Doha Agreement: Communal leaders and confessional entrepreneurs demanded that electorates be made as homogeneous as possible in order to increase their chances for re-election.

Abolishing 'Political Confessionalism'

Ta'if also proposed rules and ideals for an integrationist unitary nation state in which sectarian identities should cease to have any relevance in power distribution and staffing. Although Article 95 of the 1926 constitution had maintained political confessionalism only 'as a provisional measure ... for the sake of justice and amity',⁴⁴ the abolition of confessionalism had never been stipulated as explicitly as in the Ta'if Agreement. The new constitution's preamble 8 in line with Ta'if II.G, explicates, 'The abolition of political confessionalism is a basic national goal and shall be achieved according to a gradual plan'. The first elected post-war parliament was mandated to form a national council (*hai'a wataniyya*) that would 'examine and propose the means to ensure the abolition of sectarianism'.⁴⁵ The goal was to suspend fixed power-distribution quotas and to grant all Lebanese equal rights to attain any post in the state based on 'expertise and skills', as the revised article 95 highlights. Other provisions confirm this norm.⁴⁶ They outline regulations and institutions to ensure balanced economic development, information, and conflict resolution, secular education and non-sectarian citizenship. All of them should have helped to depoliticise confessional identities and foster national unity. These regulations aimed to

create a strong state of institutions that would protect its citizens and grant them equal rights; however, they became bogged down in sectarianism.

The mention of denomination was removed from Lebanese identity cards (*bitaqat al-hawiyya*) as a result of Ta'if II.G.b. However, it took another 20 years, until 2009, before individuals had the option of having their sectarian affiliation erased from their registration form (*sijil al-nufus*). Ta'if III.F.5 stipulates a country-wide school curriculum intended to strengthen 'national belonging and fusion; spiritual and cultural openness; and unified textbooks on the subjects of history and national education'. Such common textbooks could potentially have helped generate a multi-perspective view of Lebanese history and culture instead of the opposing 'truths' of parochial narratives. However, two draft versions of common history books that were finalised in 2001 and 2012 caused uproar among communal representatives, who felt that their own versions of history had been neglected. The books thus went straight to the archives.⁴⁷

A FAILED TRANSITION

In this paper, the Lebanese Ta'if Agreement is portrayed as a crucial case study of a transitory power-sharing arrangement under which consociational guarantees should have gradually been replaced by centripetal and, finally, integrationist patterns of inter-communal cooperation. However, a combination of external and internal obstacles prevented this sequential dynamic from unfolding. Instead of fostering cross-sectarian cooperation, most of the institutions resulting from the agreement soon fell victim to the zero-sum bargaining of ethnic entrepreneurs. Other institutions that were intended to overcome confessionalism, such as the senate or the national committee, which was to abolish sectarianism, were not implemented at all. Therefore, the negative effects of rigid consociational representation still hold Lebanon captive and hinder the development of a state with functionally diversified institutions.⁴⁸

In this section, I present some internal and external causes of this failed transition. The Ta'if Agreement provided a set of instruments that could have brought about a transitory power-sharing arrangement capable of overcoming the fixed quota distribution. However, politicians kept on quarrelling about the agreement's meaning, implementation and ultimate goal. As Jarstad has demonstrated in general,⁴⁹ once the shares of power are allocated, ethnic entrepreneurs work to stabilise the slices of the cake they have been given instead of risking a transition towards contingent democratic contestation. Lebanese politicians elected due to prearranged quotas had no incentive to delegate their power to new institutions that transcended confessional quotas. In the ones they had created, they staffed their boards with clients of their own. As in the pre-war period, sectarian entrepreneurs profited from keeping the country in a permanent mode of crisis that mobilised and united their followers and discouraged them from questioning the status quo.⁵⁰

The mentality of power bargaining between Lebanese politicians prevented the implementation of centripetal institutions that should have helped overcome sectarianism. For example, gerrymandering and the decreasing of the size of electorates

undermined the positive effect of vote pooling with multi-confessional lists on inter-sectarian cooperation. The smaller the electoral districts, the easier incumbent confessional elites can trade votes across sectarian lines, a practice which privileges local patrons over national politicians.⁵¹ Furthermore, Lebanese politicians of different communities have preferred a local formula of vote exchange to the negotiation of a common political programme – the latter of which centripetalism aims to foster.

The persistent debate about a substantial electoral law reform is the arena of the unresolved controversy surrounding power distribution in post-war Lebanon. Future reforms could bolster non-religious identities and stakeholders, dividing allegedly homogeneous communities into different interest groups. A possible example is a women's quota in parliament, which was first suggested by the Boutros Commission in 2006.⁵² A similar approach is mentioned in Ta'if III.D, which demands 'the sound and efficient political representation of all the people's factions and generations'. Such groupings could form alliances that help overcome communal encapsulation. Although important reform proposals have been developed,⁵³ politicians are still more interested in maintaining their slices of power than in improving the fairness of participation. The sectarian mentality prevents any substantial reform because such reform might shift the complex power equilibrium. This quarrel shipwrecked the deadline for the parliamentary elections of June 2013 and ultimately led to its postponement till 2017 – for the first time since the end of the civil war.⁵⁴

Political deadlock, caused by the veto strategies of communal elites, is a serious risk of consociationalism. A possible solution is externally 'imposed power-sharing' such as the *Pax Syriana* for Lebanon.⁵⁵ As agreed upon in Ta'if, Syria has helped disarm the Lebanese militias and restore state authority since 1990. However, the role Syria played after the civil war was highly contested. For some, it protected the country from Israeli aggression and from sliding back into civil war. Others maintained that through a divide and rule policy Syria was manipulating Lebanon's politics and undermining its sovereignty. However, competing Lebanese politicians like Rafiq al-Hariri, Nabih Berri, Michel al-Murr or Walid Jumblatt facilitated this tutelage because they were often more concerned with pulling the Syrian arbiter to their side than with seriously negotiating a compromise with their local rivals. Furthermore, they sometimes escalated bargaining in a self-destructive way, well aware that the guarantor in the background would ultimately prevent the collapse of the state order. Such behaviour points to a strong connectivity between external and internal factors, and it contradicts the general wisdom among many Lebanese that they are basically the victims of evil outside forces.

In April 2005, Syria retreated from Lebanon due to massive protests based on the accusation that it was responsible for the assassination of Rafiq al-Hariri on 14 February 2005. Since this 'Independence Intifada', political-sectarian polarisation has even increased. After a short, promising period of national dialogue in 2006, the two camps of the 8th of March and the 14th of March Alliance kept the country in suspense. The political order experienced serious crises in which the claim of consensual rule was abandoned several times, with the excluded side employing massive protests and extra-legal force to block the other side from imposing its decisions. The most dramatic incident was the near eruption of civil war in May 2008 when

the rump cabinet passed far-ranging resolutions against Hizbullah, even though all the Shia ministers had already resigned. Hizbullah and allied militias took over West Beirut by force for a few days. Again, external mediation was necessary before an agreement was reached, in Doha (Qatar) on 21 May 2008.⁵⁶

Stakeholders' practice of bargaining with instruments outside the 'rules of the game', which was, as we have seen, a practice well established before the outbreak of civil war, continued after 1990: As the majority of Christians rejected Syrian guardianship and felt deprived by the weakening of their community, most of their parties and political leaders boycotted the post-war elections of 1992 and, to a lesser degree, 1996. In 2001, they formed the core of the extra-parliamentary oppositional Qornet Shahwan Gathering. The Sunni prime minister Rafiq al-Hariri, a tycoon who had made billions in Saudi Arabia and held Saudi citizenship, mixed his significant private fortune and personal relations to the Saudi royal family with political interests. This provided him with the resources to manage a shadow budget and the power to manipulate the decision-making process.⁵⁷ Last but not least, the Shiite Hizbullah, with its non-state 'weapons of resistance' approach to the Israeli occupation, disrupted the complex power equilibrium between the communities. Many Lebanese regard Hizbullah as a shadow power of Iran that dominates and controls the country.

Last but not least, considering the conflict-ridden neighbourhood of Lebanon, it is surprising that the country has been able to preserve even a limited degree of democracy. Lebanon is a crucial state in the Middle East conflict: Israel occupied a self-declared Security Zone in South Lebanon from 1978 until 2000, still holds some disputed border territories and regularly breaches the border with its army. Israel's approach has caused several wars – in 1978, 1982, 1993, 1996 and 2006 – and military escalations, all involving significant devastation, and provided Hizbullah with an excuse to keep its weapons. Likewise, more than one hundred political assassinations since the end of the civil war, most of them as yet unsolved, and a dozen local battles have made the 'peace' a precarious one. The US-led 'war on terror' as a result of the attacks of 11 September 2001, the Sunni-Shia divide, the competition for regional power between Iran and Saudi Arabia, the rise of Salafism and Jihadism, and the violent uprising and ensuing civil war in neighbouring Syria since March 2011 have all had a strong impact on the power struggle within Lebanon as competing local actors have taken opposing sides in these regional and global conflicts.

LESSONS FROM TA'IF

Lebanon's pre- and post-war experiences prove that 'initial power-sharing institutions need to be gradually reformed to introduce on-going incentives for more fluid bargaining and coalition-making that cross-cuts the lines along which war was fought'.⁵⁸ Therefore, a transitory approach that helps to transform corporate consociationalism into a dynamic process of power diffusion is required. The Lebanese Ta'if Agreement has been presented as a blueprint for such a transitory power-sharing model. Lebanon's hybrid institutional design offers some insights into the dynamics and pitfalls of such a sequential arrangement. The agreement's failure enables us

to critically test and revise such an approach and to draw some conclusions well beyond the limits of Lebanon.

During an ongoing civil war or in a still fragile post-conflict situation, it is most likely that warlords and the representatives of conflicting parties will work to hang onto their power and their spoils. A ‘quick-fix’ of consociational guarantees may help end the fighting earlier and postpone the fine-tuning of an elaborate agreement until later. The prophylactic listing of several institutions in Ta’if offered a toolkit for future reform once confidence building had taken place. In a first stage, the agreement restored trust between the communities by providing communal leaders with consociational guarantees of fixed shares of power. In a second step, and following the centripetal paradigm, it aimed to gradually decrease the predetermined distribution of power and to motivate trans-sectarian cooperation. Finally, Ta’if strove to abolish the relevance of ethnic-sectarian affiliation from the political, economic and social spheres and to install an integrative nation state with equal rights for all citizens.

However, the signatories underestimated the need for a clear roadmap that would also have been compelling for those politicians who were elected later and did not participate in drafting the agreement. Because of the delay in implementation, the more competitive centripetal elements that should have fostered trans-communal cooperation fell victim to sectarian bargaining between ethnic entrepreneurs. As they profited from fixed shares, they have had no interest in abandoning them. Instead, they have trapped their followers in a cautious, self-defensive siege mentality in order to avoid any change. An overload of external conflicts has further facilitated this strategy. The open and more competitive centripetal institutions have become the subject of inter-sectarian bargaining between ethnic entrepreneurs. The Ta’if Agreement’s final target, abolishing the acquisition of power, posts and status due to sectarian affiliation, has so far remained an illusory utopia.

In spite of all its faults and even after a quarter century of unfulfilled transition, there are still strong arguments for revisiting the Ta’if agreement. Most Lebanese politicians agree on the need for fundamental reforms to overcome the current political impasse, even though their diagnoses of the causes and remedies differ tremendously.⁵⁹ Therefore, it might be easier to start from the common ground of Ta’if than to go back to the beginning, especially as it still resonates positively with many Lebanese as the national agreement that helped end the civil war. The agreement contains several valuable institutions and regulations that could be used to reform the political order without changing the entire constitution: the introduction of bicameralism, larger electorates that crosscut sectarian cleavages, administrative decentralisation, the establishment of functionally diversified institutions and common schoolbooks are just some of the options.

Ta’if was designed and signed by Lebanese politicians. Although external powers had some impact on the regulations, Lebanese ‘ownership’ is an important advantage compared to similar arrangements in Bosnia-Herzegovina, Iraq or Kosovo, countries that suffer from the image of being subject to interference by outside powers. Tying into this positive image could provide an opportunity for a reform initiative. The twenty-fifth anniversary of the Ta’if Conference in October 2014, as well as

the fortieth anniversary of the outbreak of the Lebanese Civil War and the twenty-fifth anniversary of its end in 2015, offers symbolic occasions for revisiting the agreement.

Taking this into consideration, the Lebanese model of power-sharing may well provide a blueprint for other deeply divided societies in the region, like Syria.⁶⁰ An adequate formula would adopt the three steps included in Ta'if: immediate guarantees of proportional or negotiated representation; centripetal institutions with strong incentives for interethnic cooperation; and finally institutions guaranteeing civil rights, irrespective of ethnic or other identities and affiliations. However, a reformed Syrian Ta'if would require a binding timetable in order to provide 'the location of the exit'. This may help avoid the prevalence of sticky consociational institutions.⁶¹ Ultimately, however, even the best institutional design can only help, but not guarantee, the implementation of a fair and peaceful framework for cooperation in deeply divided societies.

ACKNOWLEDGEMENTS

The author thanks André Bank, Matthias Basedau, Donald Horowitz, Karam Karam and Benjamin Reilly for their insightful critiques of an earlier version of this paper. Furthermore he thanks the participants of the 2nd ISP Network Conference on 'Harmony or Cacophony? The 'Concert of Institutions' in Divided Societies' Oslo, 13–14 June 2013 for their thoughtful comments.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

FUNDING

This work was supported by the Volkswagen Foundation, Germany

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NOTES

1. I derive these terms from Matthijs Bogaards, Matthias Basedau and Christof Hartmann, 'Ethnic Party Bans in Africa: An Introduction', *Democratization* 17/4 (2010) pp.599–617.
2. Today there are eighteen recognised confessional communities in Lebanon: twelve are Christian (*inter alia* Maronite, Greek Orthodox and Greek Catholic) and five are Muslim communities (Sunni, Shiite, Druze, Alawite and Isma'ili). Most of the Lebanese Jews, the eighteenth community, left the country since 1967 and during the civil war. As no census has been conducted since 1932, demographic data are sparse and highly contested as it determines the distribution of political posts. The following numbers for 2011 may offer a rough impression: Muslims 64 per cent (Shiite 29 per cent, Sunni 28 per cent, Druze 5 per cent, Alawite 2 per cent), Christians 36 per cent (Maronite 22 per cent, Orthodox 6 per cent, others 8 per cent); see William Harris, *Lebanon. A History 600–2011* (Oxford,

- New York, NY: Oxford University Press 2012) p.14. Demographic trends show that the Shiite community is the largest community today, and that the Christian communities continue to decrease.
3. See, among others, Tamirace Fakhoury Mühlbacher, *Democracy and Power-sharing in Stormy Weather. The Case of Lebanon* (Wiesbaden: VS, Verlag für Sozialwissenschaften 2009); Tamirace Fakhoury, 'Do Power-sharing Systems Behave Differently amid Regional Uprisings? Lebanon in the Arab Protest Wave', *The Middle East Journal* 68/4 (2014) pp.505–20; Ohannes Geukjian, 'Political Instability and Conflict after the Syrian Withdrawal from Lebanon', *The Middle East Journal* 68/4 (2014) pp.521–45; Theodor Hanf, *Coexistence in Wartime Lebanon: Decline of a State and Rise of a Nation* (London: I.B. Tauris 1994); Michael C. Hudson, 'Trying again: Power-sharing in post-civil war Lebanon', *International Negotiation* 2/1 (1997) pp.103–22; Michael Kerr, *Imposing Power-sharing: Conflict and Coexistence in Northern Ireland and Lebanon* (Dublin; Portland, OR: Irish Academic Press 2006); Reinould Leenders, *Spoils of Truce: The Politics of Corruption and State Building in Post-war Lebanon* (Ithaca, NY: Cornell University Press 2012); Joseph Maila, *The Document of National Understanding: A Commentary*, Centre for Lebanese Studies (ed.), Prospects for Lebanon 4 (Oxford: I.B. Tauris 1992); Elizabeth Picard and Alexander Ramsbotham, *Reconciliation, reform and resilience. Positive peace for Lebanon*, Accord issue 24 (2012), online at <http://www.c-r.org/sites/c-r.org/files/accord24_Lebanon_ENG.pdf>, accessed 31 Oct. 2014; Imad Salamey, *The Government and Politics of Lebanon* (London, New York, NY: Routledge 2014); Bassel F. Salloukh et al., *The Politics of Sectarianism in Postwar Lebanon* (London: Pluto Press 2015); Brenda M. Seaver, 'The Regional Sources of Power-sharing Failure: The Case of Lebanon', *Political Science Quarterly* 115/2 (2000) pp.247–71; Marie Joëlle Zahar, 'Foreign Interventions, Power sharing and the Dynamics of Conflict and Coexistence in Lebanon', in Are Knudsen and Michael Kerr (eds.) *Lebanon After the Cedar Revolution*, (London: Hurst 2012) pp.63–81; Hanna Ziadeh, *Sectarianism and Intercommunal Nation-building in Lebanon*, (London: Hurst & Company 2006).
 4. Donald L. Horowitz, 'Ethnic Power Sharing: Three Big Problems', *Journal of Democracy* 25/2 (2014) pp.5–20.
 5. For overviews, see Kenneth D. McRae, 'Theories of Power-sharing and Conflict Management', in Joseph V. Montville (ed.) *Conflict and Peacemaking in Multiethnic Societies* (Lexington, MA: Lexington Books 1991) pp.93–107; Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, DC: U S Institute of Peace 1996); Ulrich Schneckener, *Auswege aus dem Bürgerkrieg: Modelle zur Regulierung ethno-nationalistischer Konflikte in Europa* (Frankfurt/M: Suhrkamp 2002); Stefan Wolff and Christalla Yakinthou (eds.) *Conflict Management in Divided Societies: Theories and Practice* (New York, NY: Routledge Chapman & Hall 2012).
 6. This approach is, at its core, connected to the work of Arend Lijphart (Arend Lijphart, *Democracy in Plural Societies. A Comparative Exploration* (New Haven, CT London: Yale University Press 1977). There is substantial debate in the literature about the meaning, character and (un)favourable conditions of consociational democracy; see, among others, Rudy B. Andeweg, 'Consociational Democracy', *Annual Review of Political Science* 3 (2000) pp.509–36; Matthijs Bogaards, 'The Uneasy Relationship between Empirical and Normative Types in Consociational Theory', *Journal of Theoretical Politics* 12/4 (2000) pp.395–423; Brendan O'Leary, 'Debating Consociational Politics: Normative and Explanatory Arguments', in Sid Noel (ed.) *From Power Sharing to Democracy: Post-conflict Institutions in Ethnically Divided Societies* (Montreal: McGill-Queen's University Press 2005) pp.3–43.
 7. Rupert Taylor, 'Introduction: The Promise of Consociational Theory', in Rupert Taylor (ed.) *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict* (London: Routledge 2009) pp.1–12.
 8. Andreas Mehler, 'Peace and Power Sharing in Africa: A Not So Obvious Relationship', *African Affairs* 108/432 (2009) pp.453–73.
 9. Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley, CA: University of California Press 1985) p.XVII.
 10. Benjamin Reilly, 'Centripetalism. Cooperation, Accommodation and Integration', in Wolff and Yakinthou (eds.) *Conflict Management in Divided Societies* (note 5) pp.57–65.
 11. For a comprehensive comparison of integrationism and consociationalism, see Matthias Basedau, 'Managing Ethnic Conflict: The Menu of Institutional Engineering', *GIGA Working Papers* 171 (2011); Bogaards et al., 'Ethnic Party Bans in Africa' (note 1).
 12. Schneckener (note 5).
 13. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (note 5).
 14. Horowitz, 'Ethnic Power Sharing' (note 4) p.12.
 15. Hanf (note 3); Salibi (note 3).

16. See e.g. Eric A. Nordlinger, *Conflict Regulation in Divided Societies* (Harvard Center for International Affairs, Occasional Papers 29, 1972); Arend Lijphart, 'Consociational Democracy', *World Politics* 21/2 (1969), pp.207–25.
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22. Hanf (note 3) pp.323–60.
23. Lijphart, *Democracy in Plural Societies* (note 6) p.100.
24. Author's interview with Talal al-Husseini; Beirut, 1 Nov. 2013.
25. Kerr (note 3) p.154–5.
26. See 'Ta'if Agreement (Arabic)' (1989), 'Wathiqat al-Wifaq al-Watani – Ittifaq al-Ta'if' [The Document of National Understanding], online at <<http://www.lp.gov.lb/CustomPage.aspx?id=27&masterId=1>>, accessed 14 Feb. 2014. For an English translation see 'Taif Agreement' (English) (1989), online at <<http://goo.gl/jzUYuN>>, accessed 14 Feb. 2014). As this translation differs slightly from the original Arabic version, I am providing my own translation. The numbering of the subchapters follows the English version. Unless otherwise mentioned, all citations in this study are from the 'First Part' of the Agreement that represents its main corpus of political reform. The Second Part deals with 'spreading the sovereignty of the State of Lebanon over all Lebanese territories', the Third Part with 'liberating Lebanon from the Israeli occupation' and the Fourth with 'Lebanese–Syrian Relations'.
27. 'The Lebanese Constitution' (Arabic) (1990) (Republic of Lebanon–Ministry of Information, online at <<http://www.ministryinfo.gov.lb/sub/Lebanon/LebaneseConstitution.aspx>>, accessed 8 Jan. 2014) and 'The Lebanese Constitution' (English) (1990), (Republic of Lebanon–Ministry of Information, online at <<http://www.ministryinfo.gov.lb/en/sub/Lebanon/LebaneseConstitution.aspx>>, accessed 10 Feb. 2014). For an English version with all amendments since 1926, see 'The Lebanese Constitution', *Arab Law Quarterly* 12/2 (1997) pp.224–61. Articles of the constitution will be abbreviated as follows: 'Const. Art. 95, 1990' indicates Article 95 as revised in 1990.
28. Author's interview with Talal al-Husseini, Beirut, 1 Nov 2013.
29. Maila (note 3) pp.80ff. See Ta'if Annex Part Two, D, and Annex Part Four. This annex, which fixed a 'special relationship' between both countries, was met with strong disapproval from Lebanese politicians; Rola El-Husseini, *Pax Syriaana: Elite Politics in Postwar Lebanon*, (Syracuse, NY: Syracuse University Press 2012); Kerr (note 3).
30. El-Husseini (note 29).
31. For the strengthened position of the prime minister, see Ta'if II.C and Const. Art. 64, 1990. Ta'if II.A as well as Const. Art 18 and 44 enhance the parliament and its president.
32. Richard Hrair Dekmejian, 'Consociational Democracy in Crisis: The Case of Lebanon', *Comparative Politics* 10/2 (1978) pp.251–65.
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38. Melani Cammett and Sukriti Issar, 'Bricks and Mortar Clientelism: Sectarianism and the Logics of Welfare Allocation in Lebanon', *World Politics* 62/3 (2010) pp.381–421.

39. Stansfield and Visser elaborate on this approach for Iraq (Gareth Stansfield and Reidar Visser (eds.) *An Iraq of Its Regions: Cornerstones of a Federal Democracy?* (New York, NY: Columbia University Press 2007)).
40. Donald L. Horowitz, 'Conciliatory Institutions and Constitutional Processes in Post-conflict States', *William and Mary Law Review* 49 (2008) pp.1213–48, p.1218.
41. *Ibid.* p.1219.
42. Ta'if I.F. The English translation dropped the important words 'among the regions' of the Arabic original text.
43. Reilly (note 10).
44. 'The Lebanese Constitution', *Arab Law Quarterly* (note 27).
45. Ta'if II.G; Const. Art. 95, 1990.
46. Ta'if I.c and Const. Preamble 3, 1990 provide for 'equality in rights and duties among all citizens, without distinction or privileging'; Ta'if I.h and Const. Preamble 9 read: 'There shall be no segregation of the people on the basis of any type of belonging.'
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50. Dekmejian, (note 32), 255.
51. Salamey, 'Failing Consociationalism in Lebanon and Integrative Options' (note 34).
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55. El-Husseini (note 29); Kerr, *Imposing Power-Sharing* (note 3).
56. *Doha Agreement on the Outcome of the Meeting of the Lebanese National Dialogue* (2008), The Security Council of the United Nations (ed.) S/2008/392, online at <<http://www.securitycouncilreport.org/un-documents/document/Lebanon%20S2008392.pdf>>.
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60. Stephan Rosiny, 'Power Sharing in Syria: Lessons from Lebanon's Taif Experience', *Middle East Policy* XX/3 (2013) pp.41–55; Sisk, 'Power-sharing in Civil War' (note 58).
61. Horowitz, 'Ethnic Power Sharing' (note 4) p.12.