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THE TAIF ACCORD AND LEBANON'S STRUGGLE TO REGAIN ITS SOVEREIGNTY

Sandra M. Saseen*

INTRODUCTION

There are no hopeless situations; there are only men who have grown hopeless about them.

Clare Boothe Luce

Fifteen years of civil war and foreign military intervention in Lebanon has resulted in a terrible loss of human life, many casualties, and massive physical destruction. Lebanon is a country occupied by two states, Syria and Israel, and victimized by two revolutions. Israel and Syria are antagonists who limit the violence of their confrontation to Lebanon. Meanwhile, the Palestinian and Iranian revolutions have fo-

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3. Pakradouni, supra note 2, at 35. Israel occupies 15% of southern Lebanon with a force of 1,500-3,000 troops. Id. This Israeli-declared "security zone" also contains 200,000 of Israel's 2.7 million population. Diehl, Israel Seems Ready to Linger in S. Lebanon, Wash. Post, Oct. 20, 1989, at A33. See Roberts, Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967, 84 Am. J. Int'l L. 44, 60 (1990) (stating that Israel has not established a formal military-administrative system in Lebanon as it has in the Israeli-occupied territories).

4. Pakradouni, supra note 2, at 34-35. Approximately 10,000-15,000 Palestinians occupy refugee camps in Beirut, the mountains, the south, and the Bekaa. Id. The Iranian "Revolutionary Guards" consist of 1,500-2,000 men who live in and maintain training camps and bases in the Bekaa, the southern suburb of Beirut, and the south of Lebanon. Id. at 35.
cused on Lebanon as a "launching pad" for achieving their aims.\(^5\) Lebanon's territory is currently divided among these external forces.

Until September 1988, Lebanon had, in accordance with its constitution, held regular elections and changed governments in a peaceful fashion.\(^6\) Today, President Elias Hrawi's government, established in November 1989 in accordance with the Taif Accord,\(^7\) is presiding over increasing chaos. The fact that various militias have acquired a vested interest in perpetuating a divided Lebanon has exacerbated this situation.\(^8\) While the Lebanese crisis has an internal dimension—the frac-


6. H. COBBAN, THE MAKING OF MODERN LEBANON 9-10 (1985). On September 23, 1988, President Amin Gemayel appointed a military cabinet, headed by Maronite General Michel Aoun, to rule Lebanon. Aoun assumed the position of prime minister after the Lebanese Parliament failed to choose a successor for the president on the last day of his six-year term. *Military Cabinet Named in Lebanon*, N.Y. Times, Sept. 23, 1988, at A8. The Lebanese Constitution enables the president to appoint prime ministers and allows the cabinet to carry out the president's functions if the president is for some reason unable to perform those functions. LEB. CONST. art. 53. See Jureidini, *Lebanon: The Consuming Conflict, The Elusive Consensus*, 6 MIDDLE E. INSIGHT 21, 23 (1989) (describing the events which led to the failure to identify the "real" government of Lebanon). The three Muslim officers of the six man interim government named by Gemayel boycotted the decision because tradition reserved the premiership for a Sunni Muslim. Boustany, *Two Rival Governments Claim to Rule in Lebanon*, Wash. Post, Sept. 24, 1988, at A1. The Shia house speaker, Hussein Husseini, maintained that Gemayel's declaration of a provisional government had been in "violation of Lebanon's constitutional tradition and national covenants" and was "illegitimate." *Id.* Lebanon had two governments, one operating in Christian East Beirut led by General Michel Aoun and the other in Muslim-dominated West Beirut led by Selim Hoss. *Id.* The cabinet has not functioned since 1985 and the General Assembly has not conducted elections since 1972. *Id.*


8. See T. FRIEDMAN, supra note 1, at 234-35 (stating that the various militias profited from the breakdown of Lebanese authority by using their military power to control the sources of distribution for various goods and services).
tious nature of the Lebanese political system—the external dimensions of the crisis are the most important and the most pressing; foreign militaries have occupied Lebanon and foreign nations have interfered in Lebanese internal political affairs. It is critical to Lebanon's future political stability that foreign nations refrain from intervention in Lebanon's domestic affairs.

Part I of this Comment presents a general history of the Lebanese crisis and explains the initial involvement of Syrian and Israeli military forces and the Palestinian and Iranian revolutionary components. Part II analyzes how regional efforts to resolve Lebanon's crisis through the Taif Accord (the Accord) were destined to fail from the outset because the Accord contradicted Lebanon's political realities and failed to substantiate Lebanon's sovereignty. Part III suggests legal and political remedies available to the international community which could help Lebanon regain its sovereignty, territorial integrity, and political independence.

I. THE LEBANESE CONFLICT

A. PALESTINIANS AND THE PLO

The presence of foreign nationals in Lebanon played an important role in sparking the critical problems that country has faced from 1967

9. E. KOURY, supra note 1, at 59. Although a Lebanese republic was established under French mandate in 1920, it did not gain independence until November 22, 1943. W. Fisher, Lebanon, in THE MIDDLE EAST AND NORTH AFRICA, 1989, at 587 (1988). In 1943 the Christian and Muslim factions set about to resolve the difficulties of achieving political harmony among themselves. Id. The majority of the Muslims sought a union with Syria and the Arab world, while the majority of Christians desired a French alliance. Id. The unwritten National Pact of 1943 established a compromise whereby the Christians would not rely on the West and the Muslims would not seek to incorporate Lebanon into Greater Syria. Jureidini, supra note 6, at 23. Under the terms of this unwritten agreement, the three highest positions in the Lebanese government, president, speaker of the house, and prime minister, went to the Christian Maronites, Shiite Muslims, and Sunni Muslims respectively. Keegan, Shedding Light on Lebanon, ATLANTIC, Apr. 1984, at 43, 51. The Druze were given the post of chief of staff (but not commander) of the army. Id. This unwritten agreement, which placed Maronites and Sunni Muslims in top governmental posts, was based on a 1932 population census. Hudson, The Breakdown of Democracy in Lebanon, 38 J. INT'L AFF. 277, 281 (1985). By the early 1970s, the Christians no longer formed a majority within the country. Id. at 281. A recent United States government study indicates that the Shiite Muslims comprise 41% of the population, followed by the Sunni Muslims at 27% and the Maronites at 16%. UNITED STATES CENTRAL INTELLIGENCE AGENCY Who's Who in Lebanon (1989), cited in Mark, supra note 6, at 3.

Many Lebanese experts point out that almost all of the seventeen sects that occupy Lebanon today seek assurances that political reforms will not hinder them or give advantages to one at the expense of the others. E. SALEM, PROSPECTS FOR A NEW LEBANON, AMERICAN ENTERPRISE INSTITUTE SPECIAL ANALYSES 10 (1982).
to the present. The Palestinian presence in Lebanon, which began in 1948, expanded dramatically as a result of the Arab armies' defeat in the 1967 Six Day War. Additionally, Jordan's expulsion of the Palestine Liberation Organization (PLO) in 1970 augmented the armed Palestinian presence upon Lebanese soil.

In November 1969, at a meeting sponsored by Arab leaders, the supreme commander of the Lebanese army and a PLO delegation signed the Cairo Agreement in order to regulate the PLO's presence and activities in Lebanon. By accepting the Cairo Agreement, Lebanon legitimated the PLO, granted it control over the Palestinian refugee camps in Lebanon, and enabled the PLO guerrillas to attack Israel from a closer position. Lebanon became the only base for direct attacks upon Israel available to the Palestinians. The numerous refugee camps in southern Lebanon enabled the PLO to recruit and train Palestinian guerrillas to raid Israel from Lebanon.

The Palestinian resistance had severe consequences for Lebanon. For example, the large Palestinian population enhanced the power of the Muslims which led to tension between Lebanon and Israel. The Palestinians also received support from the Palestinian refugee camps, which led to strained relations with Palestine's Maronite neighbors and the Lebanese government.

Israel intended its ensuing retaliatory attacks upon Lebanon to turn the Lebanese against the Palestinians and to destroy the Palestinians'
capacity to attack Israel. Nevertheless, solidarity between the Palestinian resistance and the Lebanese Arab-Muslim nationalists grew, encouraging many Muslims to feel morally obligated to provide a home for the Palestinians. The Israeli attacks, consequently, further eroded the effectiveness of Lebanon's political institutions. For example, in the spring of 1973, the Lebanese army failed to prevent the Palestinian organizations from violent reaction to Israel's raid on PLO targets and leaders in Beirut.

Throughout 1974 and early 1975, PLO guerrillas continued to attack Israel. Israel retaliated by conducting air raids and incursions into Lebanon. In the spring of 1975, the Lebanese political system collapsed under the weight of rival internal and external forces such as the PLO and Israel.

B. SYRIA

Syrian troops, with troops from other Arab countries, entered the Lebanese conflict under the guise of a peacekeeping force. The Syrian troops have remained in Lebanon; Syria's President Assad ultimately

19. Hudson, supra note 9, at 279.
20. Id.
22. See Hudson, supra note 9, at 283 (discussing the political problems Lebanon faced as a result of growing factions in the country).
23. I. RABINOVICH, supra note 10, at 43. The Lebanese army ended its blockade of Palestinian bases when Syria, an ally of the PLO, closed its Lebanese borders, cutting off Lebanon from Arab economic trade. Id. A new Lebanese-Palestinian agreement, the Malkert Accord, failed to ease Lebanese-Palestinian tensions. Id. On May 21, 1987, the Lebanese National Assembly voted to abrogate the 1969 Cairo agreement, which "defined and regulated the activities and legitimized (the PLO's) presence in Lebanon." Fisher, supra note 9, at S98-99. The abrogation meant that the Lebanese government would no longer sanction PLO operations in Lebanon. Id.
24. Fisher, supra note 9, at 591.
25. Id.
26. W. KHALIDI, supra note 17, at 47. The incident that ignited the Lebanese Civil War occurred at Ain Rummaneh, a Christian suburb of Beirut, on April 13, 1975. Id. "Unknown assailants fired at a Sunday church gathering attended by Pierre Gemayel, leader of the Maronite Phalanges, killing his bodyguard and two others. Maronite militiamen in blind retaliation ambushed a bus passing through the neighborhood a short while later, massacring the 28 passengers (mostly Palestinians) on board." Id. Afterwards, inter-communal fighting between Christians and Muslims spread. Keegan, supra note 9, at 54.
27. Fisher, supra note 9, at 592.
seeks hegemony over Lebanon. The Syrian government does not acknowledge the sovereignty of Lebanon.

By May 1976, Syria had become more active in Lebanese affairs, with about 40,000 Syrian-controlled troops stationed in Lebanon. On June 1, 1976, Syria invaded Lebanon, ostensibly to end the civil war and restore peace, but actually to crush the Palestinians. Fearing that the crisis would expand to involve other countries, the Arab League called an emergency meeting of the Arab Foreign ministers. The ministers agreed to send a "Symbolical Arab Security Force" to Lebanon, coordinating the Force's arrival with a gradual withdrawal of Syrian troops. Although the agreement purported to include troops from six different Arab states and the PLO, 500 Syrians and 500 Libyans composed the one thousand man force. Because this peace-keeping force failed to restore peace, the fighting continued unchecked until


29. See Nader, *An Exclusive Interview with Abdul Halim Khaddam*, 3 MIDDLE E. INSIGHT 6, 7 (1983) (maintaining that Lebanon and Syria are "one Arab nation").


31. Keegan, *supra* note 9, at 55; Fisher, *supra* note 9, at 592. According to one account:

The invasion of Lebanon was a military failure. Both in Mount Lebanon and in urban areas of Beirut, Tripoli, and Sidon, the Palestinians and Lebanese left were able to inflict heavy casualties on the Syrian forces, who were ill prepared for the nature of the terrain and the ferocity of the opposition. An invasion calculated to put a swift end to an embarrassing political situation thus served in fact to aggravate it.


32. See generally SALAFY, THE LEAGUE OF ARAB STATES: ROLE AND OBJECTIVES 4 (1988) (stating that the Arab League is an association of Arab states designed to be "a voluntary instrument for cooperation and coordination"). The Arab League "has no executive or mandatory powers or authority . . . and is fully dependent upon cooperation of the member-states." *Id.*

The stated principles and goals of the League include: protection of the independence of the member-states; protection of the peace and security of the region; cooperation between the League and other international organizations; accomplishment of Arab political cooperation; cooperation and coordination in the social, cultural and economic arenas; dedication to national independence movements and removal of European colonialism in the region . . . Achievement of Palestinian independence through Arab and international support and activity has been, and remains, a principle goal of Arab League efforts.

*Id.* at 4-5.


36. *Id.*
October 1976, when Arab states negotiated an end to the Lebanese civil war at summit meetings in Riyadh and Cairo.\textsuperscript{37}

The Riyadh and Cairo summit meetings resulted in an agreement among the six nations to establish a 30,000 member Arab Deterrent Force.\textsuperscript{38} Composed primarily of Syrian troops, this deterrent force would maintain peace and stability in Lebanon.\textsuperscript{39} The Force's stated mission\textsuperscript{40} was first, to implement the Cairo Agreement by overseeing the withdrawal of Palestinian forces from the north to the south of Lebanon; second, to ensure that all armed forces returned to the locations they occupied before April 1975; and third, to place all heavy weaponry under the control of the Arab Deterrent Force.\textsuperscript{41} The Deterrent Force successfully achieved its mission; all but one of the involved Arab countries withdrew its troops.\textsuperscript{42} Syrian troops have remained in Lebanon and continue to expand in number.\textsuperscript{43}

\section*{C. ISRAEL}

The Arab Deterrent Force's suppression of the Lebanese civil war heightened Israel's fears for the security of its own northern border.\textsuperscript{44} The PLO's relocation to the south changed the situation in southern Lebanon, which remained untouched by the civil war that was fought in Lebanon's central and northern regions.\textsuperscript{45} In 1977 and 1978, Israel focused on curtailing the PLO's presence in southern Lebanon.\textsuperscript{46}

Despite Israel's defensive actions along the Lebanese border, the PLO successfully attacked Israel on some occasions.\textsuperscript{47} For instance, in March 1978, a Palestinian squad, which originated in Lebanon, attacked a bus full of passengers in Tel Aviv, inflicting heavy casualties.\textsuperscript{48}

To retaliate by destroying the PLO's military strength south of the

\begin{thebibliography}{99}
\bibitem{37} I. \textsc{Rabinovich, supra} note 10, at 55-56.
\bibitem{38} \textit{Id.} at 56.
\bibitem{39} \textit{Id.}
\bibitem{40} \textit{See Zimler, Peacekeeping Without the U.N.: The Multinational Force In Lebanon, 10 Yale J. Int'l. L. 222, 223 n.7 (1984) (stating that the Arab League "presumably argued that it acted under Article 52 of its Charter, which allows regional organizations to preserve or restore 'international peace and security' in all 'appropriate' situations").}
\bibitem{41} \textit{Resolution Adopted by the Limited Arab Conference, Riyadh, Oct. 18, 1976, reprinted in W. Khalidi, supra note 17, at 197-99.}
\bibitem{42} \textit{Gasser, Internationalized Non-International Armed Conflicts: Case Studies of Afghanistan, Kampuchea, and Lebanon, 33 Am. U.L. Rev. 145, 156 (1983).}
\bibitem{43} \textit{Kirkpatrick, supra note 28.}
\bibitem{44} I. \textsc{Rabinovich, supra} note 10, at 109.
\bibitem{45} \textit{Id.}
\bibitem{46} \textit{Id.} at 107.
\bibitem{47} \textit{Id.}
\bibitem{48} \textit{Fisher, supra} note 9, at 592.
\end{thebibliography}
Litani River, Israeli forces advanced into southern Lebanon later that month, causing numerous casualties and substantial destruction. The United Nations Security Council demanded that Israel withdraw. The Security Council then established a six thousand member United Nations Interim Force in Lebanon ("UNIFIL") in order to oversee and patrol the Israeli withdrawal and to maintain peace in the area. Israeli forces withdrew from southern Lebanon in June 1978 but continued to support a renegade Christian Lebanese militia headed by Major Saad Haddad.

In June 1982, Israel conducted a second, full-scale invasion of Lebanon in order to eliminate the PLO bases in southern Lebanon. Israel cited the attempted assassination of the Israeli ambassador in London by the renegade Palestinian organization of Abu Nidal as a justification for this invasion. The Israelis, however, sought to secure their northern border by taking conclusive military action which would defeat the Syrians and expel the Palestinians from Lebanon. "Operation

49. I. RABINOVICH, supra note 10, at 107; Fisher, supra note 9, at 592.
52. Fisher, supra note 9, at 592.
53. Id. at 592. Despite the presence of Haddad's militia and the UNIFIL, the PLO conducted sporadic raids on northern Israel. Keegan, supra note 9, at 58. Major Haddad and the Israelis rejected the Lebanese government's attempts to reestablish a regular Lebanese army presence in southern Lebanon because they maintained that the army not only lacked the ability to control the area, but also operated under Syrian control. I. RABINOVICH, supra note 10, at 112. The Lebanese government took disciplinary actions against Haddad and deprived him of his Lebanese army salary in February 1979. Id.
54. Hudson, supra note 9, at 287.
55. Id. Months before the invasion, the American news media reported an impending Israeli invasion of Lebanon to eliminate the PLO. Id. The attempted assassination of the Israeli ambassador supposedly led to American approval of the invasion. Id.
56. See T. FRIEDMAN, supra note 1, at 130-31 (stating that the collective opinion in Israel was that the PLO had amassed too much weaponry in southern Lebanon and had shelled northern Israel numerous times through the years).
57. I. RABINOVICH, supra note 10, at 122. The goals of the Israeli operation were summarized under four headings:

(a) destroying the PLO military infrastructure in southern Lebanon and the creating of a security zone of some forty kilometers, the effective range of the PLO's artillery and rocket launchers; (b) destroying the PLO's position in the rest of Lebanon, particularly in Beirut, to eliminate its hold on the Lebanese political system and to diminish its role in the Arab-Israeli conflict; (c) defeating the Syrian army in Lebanon to effect its full or partial withdrawal from that country and to preempt the possibility of a Syrian-Israeli war; (d) thereby facilitating the reconstruction of the Lebanese state and po-
Peace for Gallilee," which was opposed by the Lebanese government, brought 120,000 Israeli soldiers as far as Beirut to battle the PLO. PLO and Israeli troops clashed for control of West Beirut while 10,000 PLO and 30,000 Syrian and Arab League troops defended their positions in northeast Lebanon. The Israelis shelled and destroyed many Lebanese towns and villages.

The United Nations Security Council passed resolutions condemning this Israeli operation and requesting withdrawal of Israeli troops. The operation succeeded in temporarily driving the PLO from Lebanon. The Israeli Defense Forces, however, were unable to drive the Syrian Army out of Lebanon.

On May 17, 1983, Israel and Lebanon signed an agreement under the sponsorship of the United States in which Israel agreed to withdraw its troops from Lebanese territory. Lebanese President Gemayel later abrogated this agreement in return for guarantees of internal security from President Assad of Syria. On January 14, 1985, the Israeli Cabinet voted to completely withdraw its troops from Lebanon. Although the Israel Defense Force officially withdrew from Lebanon in 1985, its soldiers have continued to control 325 square miles in southern Lebanon.

Litigation system under the hegemony of Israel's allies - [Lebanese president] Bashir Jumayyil and the Lebanese Front.

58. Hudson, supra note 9, at 287.
59. Zimbler, supra note 40, at 237.
60. Id.
61. Fisher, supra note 9, at 593. According to newspaper reports, civilian casualties among both Lebanese and Palestinians were great—about 14,000 people, at least 80% of them civilians, were killed during the first two weeks of the war. Id.
63. See Fisher, supra note 9, at 593 (noting that the PLO commitment to withdraw from Beirut was negotiated by diplomats from the United States, and took place in August 1982). But see SCHIFF AND YA'ARI, ISRAEL'S LEBANON WAR 306 (1984) (stating that the senior contingents of the PLO emerged unscathed from the fighting, thus freeing them to conduct possible future military activity at another location in Lebanon).
64. SCHIFF AND YA'ARI, supra note 63, at 307.
65. Fisher, supra note 9, at 593-94.
66. Id. at 594.
67. Id.
68. Id. at 596.
69. Diehl, supra note 3, at A33.
D. THE IRANIAN PRESENCE IN LEBANON

The rise of a revolutionary Islamic regime in Iran that was determined to “export” the Islamic revolution to Lebanon was another factor that affected the Lebanese crisis. Iran is a Shia country, and has “traditionally influenced” the Lebanese Shia. Iran introduced the radical Shiite Hezbollah or “Party of God” into the complicated Lebanese situation. Hezbollah, which advocates the establishment of an Islamic republic in Lebanon, was founded in 1982 in Baalbek, Lebanon’s Bekaa Valley, by Iran-educated Shiite clergymen. The Iranian Revolutionary Guards, the Pasdaran, who received directives and financial assistance from Tehran through the Iranian embassy in Damascus, provided military support to Hezbollah.

Syria eventually used Amal forces against the Iranian-backed Hezbollah, because Syria viewed Hezbollah as interfering with its own plans to annex Lebanon. Amal focused its attacks against Hezbollah bases in southern Lebanon. On May 5, 1988, Amal and Hezbollah militias fought in the southern suburbs of Beirut. The Iranian and Syrian governments were unsuccessful in attempting to impose a cease-fire. On May 27, 1988, Syria deployed several hundred troops to the

70. I. RABINOVICH, supra note 10, at 95.
71. See W. KHALIDI, supra note 17, at 25 (explaining that the name “Shia” comes from the sect’s origin as Shiah or partisans of Ali, who was the first cousin of the Prophet Mohammed). After the Sunnis, the Shiites are the second largest sect in Islam. Id.
72. I. RABINOVICH, supra note 10, at 95-96
73. T. FRIEDMAN, supra note 1, at 505.
74. Id. Seventeen American citizens were abducted in Lebanon between July 19, 1982 and February 17, 1988. Id. Hezbollah carried out most of these kidnappings. Id. The American and Lebanese intelligence communities have ascertained that the Iranian Revolutionary Guards “not only have enormous influence over the Hezbollah kidnappers but have also ordered specific abductions for their own foreign policy purposes.” Id.; see Kramer, Hezbollah Held Hostage, N.Y. Times, Aug. 8, 1989, at A19 (stating that Hezbollah has held the hostages as a bargaining chip to obtain the release of Shiite prisoners in Middle Eastern and Western jails).
75. T. FRIEDMAN, supra note 1, at 505.
76. See Norton, Lebanon: Conflict Without End?, 6 MIDDLE E. INSIGHT 44 (1988) (explaining that Amal is the populist reform movement that showed indications in the early 1980s of becoming the representative for the Lebanese Shia Mosliems).
77. Fisher, supra note 9, at 599; see also Pakradouni, supra note 2, at 35 (asserting that Iran is attempting to dominate Lebanon in order to gain control of the Arab East). But see Muir, Lebanon Senses Change in Tehran, Christian Sci. Monitor, July 26, 1989, at 3 (stating that because of the death of the Ayatollah Khomeini, Tehran is no longer trying to establish an Islamic state in Lebanon).
78. Fisher, supra note 9, at 597.
79. Id. at 599.
80. Id.
southern suburbs of Beirut. Ultimately, Amal and Hezbollah withdrew their military operations from most of the southern suburbs.

II. THE TAIF ACCORD AND THE REAL CONSTITUTIONAL ISSUES

A. REGIONAL EFFORTS TO RESOLVE THE CURRENT CRISIS THROUGH THE TAIF ACCORD

The Taif Accord superficially addresses, but does not resolve, the root problems behind Lebanon’s continuing ordeal—the reallocation of power among Lebanon’s competing sects and the foreign military occupation of Lebanon. On July 31, 1989, the three member Arab League Mediation Committee, composed of the President of Algeria, the King of Saudi Arabia, and the King of Morocco, proposed that the National Assembly convene in Riyadh, Saudi Arabia, in order to enact constitutional reforms, including a “balanced” legislature and executive and “equal opportunity” for all Lebanese people. The Committee also called for abolishing the militias and withdrawing Israeli forces.

On September 26, 1989, the Committee arranged a cease-fire between the Syrian/Druze/Amal troops and the Lebanese Armed Forces/Lebanese Forces soldiers. On September 30, 1989, sixty-two members of the Lebanese Parliament met in Taif, Saudi Arabia, under the sponsorship of the Arab League, to begin discussions of how to resolve the Lebanese problem through government reforms. Their discussions culminated in the creation of the Taif Accord.

B. CHANGES TO THE 1943 NATIONAL PACT

From the outset, the objective of the Lebanese Parliament was to defuse tension and restore the constitutional process by holding a presidential election. With the backing of the international community,
the Parliament sought to end General Aoun's declared "War of Liberation" to free Lebanon from Syrian occupation.

On October 22, 1989, the Lebanese Parliament agreed to endorse a charter of national reconciliation, providing for political reforms and the restoration of Lebanon's sovereignty. The Taif Accord states that the Chamber of Deputies (Parliament) will have 108 seats, (nine more than in the previous system) divided equally between Christians and Muslims. The speaker of the chamber will hold the post for the life of the parliament, rather than for one year, as under the former system. The President will appoint the prime minister after consulting with the speaker of the Parliament. According to the Accord, within two years the Lebanese and Syrian governments would decide on the redeployment of Syrian forces to Lebanon's Bekaa Valley.

The National Assembly increased the power of the Sunni prime minister by decreasing the power of the Maronite president. Apart from the relatively inconsequential act of extending the term of the speaker of the Parliament, a Shia, the assembly failed to address the needs of the Shia or the Druze. According to some Lebanese experts, the

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88. See Ibrahim, Lebanon's Slain Pact, N.Y. Times, Nov. 23, 1989, at A10 (stating that the Taif Accord received the strongest support from the major powers, including the United States, France, and the Soviet Union). France later appeared reluctant to endorse the Taif Accord when faced with widespread opposition to the accord by the Maronite Catholics. Ibrahim, French Reassert a Lebanese Role, N.Y. Times, Dec. 3, 1989, at A24 (late ed.). France's turnaround was augmented by two events: 1) the assassination on November 22, 1989 of Rene Moawad, the president elected under the Taif Accord, and 2) the replacement of Moawad with President Hrawi, a Syrian-backed Lebanese Christian who publicly supported the use of force to remove General Aoun. 

90. Id.


92. Id. at II.A.6.

93. Id. at III.F.4.


95. Taif Accord, supra note 7, at II.A.1.

96. Nader, supra note 94, at 12. In southern Lebanon, the pro-Syrian Shiite militia, Amal, prohibited Anwar Sabbah, a Shiite legislator who took part in the Taif negotiations, from entering his hometown. Beirut Parliament Summoned to Meet, N.Y. Times, Nov. 3, 1989, at A3. The Lebanese police reported that the militiamen acted under the orders of Amal's leader, Nabih Berri, who has opposed the Taif Accord because he believed it did not sufficiently increase Amal representation. Id.

97. See Kittrie, Friends of the Druze Cannot Lose, 3 MIDDLE E. INSIGHT 20, 21 (Aug./Oct. 1983) (stating that the Druze were originally a splinter group of the Ismaili branch of Islam, who developed their own religio-political entity separate from both Muslims and Christians).
Shia who participated at Taif were not representative of today's Lebanese Shia community in that many of the deputies who participated no longer live among the Shia. The Shia are now the largest community in the country and see no justification for continuing the dominant Maronite-Sunni partnership.

The Druze, who were essentially unrepresented at Taif, compose only six percent of the Lebanese population, but Lebanese experts maintain they are as critical to achieving peace in Lebanon. Like the majority of communal sects in Lebanon, the Druze seek security and autonomy. Specifically, they seek a position in the Lebanese government that equals their importance, not their numbers.

Generally, the Taif Accord does not substantiate Lebanon's sovereignty because it tends to perpetuate the Syrian presence indefinitely. Although the agreement provides for the redeployment of Syrian forces to the Bekaa Valley, no provision exists for the eventual withdrawal of Syrian forces from all of Lebanon. In discussions with the Syrian Government, the United States has maintained that a final resolution to the Lebanese conflict must include the withdrawal of Syrian troops from Lebanon.

98. Nader, supra note 94, at 12. The Shia "represent the past traditional leadership of the community, which has lost its connection to the Shia community of today. The Shia demand true democracy in a one-man, one-vote system." Id.

99. See Boustany and Murphy, supra note 5, at A18 (stating that Iranian leaders oppose the Taif Accord because it does not give sufficient power to Shiite Muslims). Although Shiite Muslims make up the Iranian government, Sunni Muslims make up the Syrian government. Id.

100. Nader, supra note 94, at 12.

101. Id.

102. Id.

103. See Taif Accord, supra note 7, at III.F.4 (stating that at the end of a two year period the Lebanese and Syrian governments shall agree "to determine the strength and duration of the presence of Syrian forces" in certain designated areas).

104. Id. at III.F.4.

105. Id. However, on January 12, 1990 the Washington Post reported that Syria gave Saudi Arabia and other Arab states "an unpublicized written pledge" to negotiate a complete withdrawal of its 40,000 troops from Lebanon. Boustany and Murphy, supra note 2, at A30. Syrian foreign minister Farouk Charaoo reportedly signed this document in Damascus during a visit by Saudi foreign minister Saud al-Faisal on October 20, 1989. Id. The United States State Department denied the existence of such an agreement in a letter to United States Senator Robert Dole. Letter from Janet G. Mullins, Assistant Secretary for Legislative Affairs, United States Department of State, to Robert Dole, United States Senate (Apr. 1990). In a meeting with Senator Dole, Syrian president Hafez Assad also denied the existence of this secret agreement. Dole Meets With Assad, ATFL Outlook, Apr. 1990, at 4.

C. THE TAIF ACCORD AND SEVERE INTER-CHRISTIAN WARFARE

General Aoun and his supporters sharply criticized the Taif Accord because it does not give a definite date for the complete withdrawal of Syrian troops from Lebanon.107 According to journalistic sources, General Aoun demanded guarantees of Syrian withdrawal.108 General Aoun's opponents, including those within his own Maronite community, argued that once the Taif Accord was enacted, the general became "a rebel without a cause."109 The Taif Accord divided the Maronite sect among General Aoun and his followers, supporters of the Taif Accord,110 and the reportedly noncommittal Lebanese Forces militia.111

General Aoun's refusal to accept the new president or to leave the presidential palace at Baabda led to warfare between Aoun's forces and the Lebanese Forces Christian militia under Samir Geagea in the country's 300 square mile Christian enclave.112 On March 9, 1990, General Aoun announced that his war with the Lebanese Forces was over and suggested amending rather than abrogating the Taif Accord as a condition for future talks.113 On July 11, 1990, President Hrawi announced an initiative to reunite the city of Beirut under the command of the Lebanese government army.114

One could argue that the Arab League-sponsored Taif Accord was a starting point for constructive change to the existing confessional system. The Taif Accord adjusted the confessional proportions and offered Lebanon an opportunity for more fundamental reforms. The Taif reforms, however, failed to fully address the significant demographic changes that have occurred in Lebanon. Lebanon urgently needs far-reaching reforms to address new political realities. Furthermore, the

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108. Id.
110. See Ibrahim, Lebanon's Christians Are Torn Over Peace, N.Y. Times, Nov. 12, 1989, § 4 (Week in Review), at 3 (stating that what remains of Lebanon's establishment, the members of the General Assembly, some leaders of the Maronite church, and businessmen, all support the Taif Accord).
111. Hijazi, supra note 109.
114. Muir, Lebanon: Another Glimmer of Hope, MIDDLE E. INT'L, July 20, 1990, at 5. General Aoun's army would be required under this initiative to join the Lebanese government army under General Emile Lahhoud. Id.
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presence of foreign forces in Lebanon still threatens the future of Lebanon and the region.

III. RECOMMENDATIONS

Lebanon as a sovereign nation is on the brink of extinction. Each new round of inter-sect fighting creates new wounds, deepens divisions, and complicates the restoration of Lebanon’s unity. The loss of statehood would inevitably lead to the further destabilization of the Middle East.116 Lebanon is enmeshed in international and regional politics,110 and its new government needs assistance from the superpowers, as well as the regional powers, to solve its problems. The new government must seek the restoration of Lebanon’s territorial integrity through the withdrawal of all foreign forces.

A. INCREASE THE ROLE OF SUPERPOWERS AND REGIONAL ENTITIES THROUGH THE UNITED NATIONS SECURITY COUNCIL

The United States must participate in a comprehensive process to find a long-term solution to Lebanon’s conflict. Because of the anarchy in Lebanon, terrorist groups such as Hezbollah117 have held United States citizens hostage with impunity.118 By contrast, peace in Lebanon would help end the use of Lebanon’s territory for acts of terrorism, hostage taking, and exportation of illegal drugs.119

115. Wayne, Arab League Prepares New Peace Proposal, Christian Sci. Monitor, June 22, 1989, at 2. Foreign troops comprise about 60% of the approximately 110,000 combatants in Lebanon. Id. The internal conflict has turned Lebanon into the primary Arab-Israeli battleground. Id.

116. Salem, supra note 9, at 2; see also Hoagland, The World’s Indifference, Wash. Post, Apr. 23, 1989, at C7 (asserting that Syrians, Israelis, and Palestinians maintain spheres of influence in Lebanon while other regional forces such as Iran and Iraq use the country as a battleground for their own conflicts).

117. See supra note 70 and accompanying text (describing the activities of Hezbollah); see also Clawson, Opportunities for the West in Syria’s Economic Crisis, Wall St. J., Aug. 9, 1989, at 10 (stating that Syria permits Palestinian, Kurdish, and Iranian terrorists to operate training camps in Syrian-controlled areas of Lebanon such as the Bekaa Valley).

118. See Interview with United States Senator George Mitchell, Senate Majority Leader, This Week With David Brinkley, (ABC television broadcast, Aug. 6, 1989) (transcript at 9) (asserting that the Lebanese situation must be solved in order to resolve the hostage crisis).

119. See Kirkpatrick, supra note 28 (asserting that Iranians in Lebanon have been responsible for kidnappings, hostage-takings, threats and murders in the Syrian-controlled Bekaa Valley); see also Haddad, Blood Brothers, 200 New Republic 16 (May 8, 1989) (asserting that the Syrian government finances its military occupation of Lebanon by its drug enterprise in the Bekaa Valley).
The renewed fighting and heavy shelling that began in March 1989 prompted the United States Senate to unanimously pass a resolution calling on President Bush to support all efforts, including those of the United Nations, to achieve a cease-fire, gain the withdrawal of all foreign forces, and encourage a process of internal reconciliation among the Lebanese parties.

The United States also has played a constructive role in supporting the Arab League process, but cannot hope to succeed in resolving the conflict by assisting on its own. Any long-term solution requires participation by the Soviet Union.

On May 11, 1989, in the most recent Soviet-American effort to help find a solution in Lebanon, the two countries stated their support for "the sovereignty, independence, and territorial integrity of Lebanon." According to the former Assistant Secretary of State for Near Eastern Affairs, Richard Murphy, when the United States and the Soviet Union cooperate with each other, as they did on the United Nations Security Council in ending the Iran-Iraq War, they can make

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122. Ibrahim, supra note 88.


124. See Fuller, The United States and the Soviet Union in the Middle East: Prospects for Cooperation, 6 MIDDLE E. INSIGHT 5 (1989) (asserting that the Soviets increasingly have opposed Syrian efforts to dominate Lebanon and control the PLO, and accordingly should reduce their support for the Syrian military); see also Wright, Bridging Mistrust in the Mideast, Wash. Post, Apr. 29, 1990, at D1 (stating that for almost a year, the Soviets have decreased foreign aid to the Middle East, forcing countries like Syria to turn to the United States and Europe for economic and political support).


progress toward peace.\textsuperscript{127} Both superpowers need to view the Lebanese conflict as one which warrants high level attention.\textsuperscript{128}

**B. INCREASE THE OVERSIGHT RESPONSIBILITIES OF THE UNITED NATIONS SECURITY COUNCIL**

Assuming that the superpowers want to engage in this joint effort,\textsuperscript{129} the United Nations Security Council provides the best forum for reaching a comprehensive resolution that would preserve a unified Lebanon. Such a resolution should address the following critical points: 1) The need for a stable cease-fire between the Lebanese and the external armed forces involved in the present fighting; 2) the reaffirmation of Lebanon's sovereignty and independence through the implementation of United Nations Security Council Resolution 425\textsuperscript{130} and the scheduling of the withdrawal of Syrian forces; and 3) the expansion of the United Nations Interim Forces in Lebanon, with a mandate to facilitate the withdrawal of the foreign armed forces, the holding of elections and reconstitution of the Lebanese state. If the concerned parties refuse to implement these resolutions, then the United Nations must take appropriate measures. For example, the United Nations, under its charter, can impose political sanctions, economic sanctions, and condemnation for nations not complying with the resolutions.\textsuperscript{131}

\textsuperscript{127} See Murphy, What Now in the Middle East?, 2 World Monitor, Feb. 1989, at 44 (asserting that for the first time in United Nations history, the Security Council passed a mandatory resolution demanding the end to the ongoing Iran-Iraq conflict).

\textsuperscript{128} Zogby, supra note 1 at 19; see also Fuller, The United States and the Soviet Union in the Middle East: Prospects for Cooperation, 6 Middle E. Insight 6 (1989) (maintaining that only Soviet cooperation with the United States and several Middle Eastern countries can pressure Syria to alter its aggressive policies); Nader, Interview: General Michel Aoun of Lebanon, 6 Middle E. Insight 29, (1989) (arguing that the superpowers cannot "parcel out" Lebanon as "consolation prizes for futuristic [Middle East] solutions"); Feldman, Arab League Renews Call for Peace, Christian Sci. Monitor, Aug. 18, 1989, at 3 (stating that as an arms supplier to Syria, the Soviets could, if they wish, put pressure on that country).

\textsuperscript{129} See Lewis, 1988 Was, at Long Last, the Year of the U.N., N.Y. Times, Jan. 1, 1989, at 2E (maintaining that the effectiveness of the United Nations is determined, to a great extent, by the superpowers). The Soviet Union is now working with the United States, through the United Nations, to resolve superpower conflicts and address local conflicts. \textit{Id.}


\textsuperscript{131} Murphy, supra note 127, at 44.
C. THE OBJECTIVE: TRANSFORM LEBANON INTO A NEUTRAL STATE

The objective should be to give Lebanon the international status of a neutral state. This objective entails the rebuilding of a strong state capable of excluding “destabilizing” external forces and addressing long-term domestic issues. Otherwise, Lebanon will continue to be the battleground for all the radical elements in the Middle East.

Any resolution of the conflict in Lebanon, by necessity, depends on the degree to which such a settlement guarantees Lebanon’s sovereignty, unity, and independence. While outside parties can endorse these goals, the Lebanese must play the principal role in guaranteeing their realization by negotiating a new formula for government and national unity. As in the past, however, the Lebanese government must also look to external powers for cooperation and assistance in neutralizing the forces that threaten internal destruction. Ultimately, peace will come only through cooperation among the different factions within Lebanon and with foreign nations accepting the principle of nonintervention in Lebanon’s domestic affairs.

CONCLUSION

The community of nations should honor and implement the United Nations Security Council resolutions calling for the departure of all non-Lebanese forces from Lebanon. The international community is bound by the United Nations Charter to help Lebanon reclaim its territorial integrity, sovereignty, and independence within its internationally recognized boundaries. Lebanon was a founding member of the United Nations and, as such, has a right to the United Nation’s respect and assistance.

Only a multilateral effort, combining the influence of the superpowers, the United Nations, and the Arab League, can effect a solution to the Lebanese crisis. The alternative is the destruction of Lebanon as a

133. Id; see also Nader, supra note 94, at 15 (stating that the Taif Accord’s lack of provision for a permanent withdrawal of Syrian forces from Lebanon’s Bekaa Valley could entangle Lebanon further with the Arab-Israeli dispute).
134. el-Khazen, supra note 132, at 56.
135. Fisher, supra note 9, at 589. During a brief period of civil unrest and violence in 1958, the Lebanese Government accused the United Arab Republic of meddling in Lebanese affairs. Id. About 10,000 troops were sent to the Beirut area after the president of Lebanon requested the United States’ help to maintain peace and security. Id. A United Nations General Assembly resolution provided for the withdrawal of the American troops. Id.
country, with additional chaos and suffering as the result. The Lebanonese people deserve the right to a non-violent future.