



ARI Thematic Studies : Arab Securitocracies and Security Sector Reform

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Perspectives For a Reform of The Security Sector in Lebanon

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There are only two kinds of state in the Near and Middle East: authoritarian or autocratic regimes, and states that are very weak, at times to the point of falling apart.

In the authoritarian states, the security sector, which guarantees the permanence of the regime, is in the hands of the highest state authorities, ensuring a situation of total deadlock. In the weak states, on the other hand, chronic political instability encourages the different elements within the security sector to split along community lines, thus preventing the state's control over them. This naturally leads to further instability, in a continuing cycle.

Lebanon, along with Palestine and Iraq, belongs to this latter category. However, the country of the Cedar possesses an additional characteristic: the feudal-confessional structure of its society. This creates a situation where a wide range of foreign influences are able to support one or another of its component groups in order to advance their own political interests.

First of all, an analysis of the very structure of the security sector is required in order to determine to what extent it may be suitable for a process of SSR. In particular, the possibilities of civil supervision are to be studied, taking into account both legal and pragmatic considerations.

Next, the stages of a possible SSR are to be examined, as well as the possibility of including within such a process the issue of its impact on women.

Finally, all this has no value without a deep understanding of the factors that influence – positively or negatively – the process of Security Sector Reform. Foreign influences are the most significant of these factors, be they exercised by countries or by international organisations.

In keeping with the Doha accords, President Suleiman has made the Defence Strategy one of the keystones of his government. It remains to be seen how, and to what extent, this

Strategy can be orientated towards increased state control and the establishment of democratic rules.

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1. Description of the security apparatus

The Lebanese security apparatus is a complex set-up of organizations subject to multiple and potentially conflicting authorities: their Director, their Minister of Guardianship, the Council of Ministers, the High Council of Defence, the President of the Republic and, for those organizations under the responsibility of the Ministry of Defence, the Military Council.

1.1 The Lebanese army

The Lebanese army has around 72,000 men, including conscripts¹, and no fewer than 3,000 officers, of whom 220 are generals.

Its tasks are to defend the territory and ensure internal security, in coordination with the other security organizations, in particular the Internal Security Forces (ISF). In practice, its role has been confined for many years to that of maintaining internal security, a task it has carried out alone, while defence of the territory has been undertaken by the Syrian army, the United Nations Interim Force in Lebanon (UNIFIL) and Hizbullah militants. Since 2005, the Lebanese army has been in the process of reassuming its full duties.

However, in spite of its being the most significant in terms of manpower, the Lebanese army is the most fragile of the security organizations. Poorly equipped, and deliberately weakened over the years, it is also constantly at risk of disintegrating into confessional factions.

Moreover², if “the President is the Commander in Chief of the Armed Forces”, the Armed Forces are thus under his responsibility via the Ministry of Defence, as well as under that of the Council of Ministers, which is a potential source of deadlock when these two entities are in open conflict.

It is equally important to emphasize the role, at the heart of the army, of the Military

Council, which exercises an extensive, if covert power. It is this body that decides upon the nominations for all the army command posts, designates officers authorized for the procurement of public arms, names the judges for military tribunals and sends to the Ministry of Defence its recommendations for the defence budget and even the defence policy.

Thanks to the siege of Nahr-el-Bared in 2007, the army acquired an iconic status as the incarnation of the unity of the communities, and it was considered to be the only state institution still functioning.

However, with the events of May 2008, the army revealed its incapacity to defend the civil population, in particular the Sunnis and to some extent, the Maronites, and it therefore lost the confidence of the Lebanese people.

1.2 Agencies placed under the responsibility of the Ministry of the Interior

a) The Internal Security Forces

Although dependent on the Ministry of the Interior and the Municipalities, the 25,000 men working in the ISF are no less subject to military laws and rulings.

The ISF constitute the linchpin of the security system, with multiple domains of activity including the national police, the judicial police, the management and surveillance of prisons, and the protection of public establishments and foreign legations.

In reality, the tasks of the ISF broadly exceed those set out in this theoretical framework: the organization is gradually replacing the army in the maintenance of internal order. In addition, the ISF are effectively responsible for the antiterrorist struggle, an essential task in the current security environment.

Due to the vital nature of their work, the ISF have been expanded, as had been promised for years, and many international partnerships have been formed – with

¹ Conscription was abolished by law #665, the last group of conscripts being called up in 2007.

² Article 49 of the Constitution and decree 102 of 16/9/1983.

Interpol among others – aiming at the reinforcement of the organization.

This organization enjoys great popularity due to its role in the fight against terrorism.

b) The General Security

The oldest of the security organizations, General Security mainly fulfils a bureaucratic role. Its principal tasks are the gathering of intelligence, censorship and the surveillance of the borders and of foreigners present on the territory. However, it is chronically understaffed.

c) The Civil Defence

This is a very insignificant organization (250 people + 500 volunteers). That said, it did prove its importance during the war of July 2006.

1.3 Agencies placed under the responsibility of the Ministry of Finance: Customs

The Customs agency comes under the control of the Ministry of Finance but is placed under the authority of three entities: the High Council of Customs, the Director General of Customs and the Regional Directors.

Its task consists of surveying the borders to prevent human and goods trafficking. Unfortunately, this organisation struggles to fulfil its duties due to a lack of detecting equipment, training, and coordination with the other bodies. Moreover, they have at their service barely more than half the number of men stipulated in decree 259/83.

This is why the Lebanon-Syria border is so porous, with more than 82 illegal crossing points, not including the cross-border villages. At the moment, Customs is unable to prevent the constant flow of smuggled goods and arms.

1.4 The Intelligence Services

One of the major characteristics of the Lebanese Security apparatus is that the domain of intelligence is shared among several competing organizations. As intelligence is the key to power, this division

is the deliberate result of a desire not to concentrate information within one sole entity – and therefore potentially, within one community – and also, for each faction to have its own intelligence service.

a) Military intelligence

Military intelligence services come under the responsibility of the Chief of the Armies but they must also keep the Chief of General Staff informed of all intelligence in their possession.

In theory, their role is limited to the military domain; however in practice they engage in counterespionage, thus impinging upon the civil domain as well.

b) The General Direction of State Security

The executive body of the High Council of Defence, this organization is directly linked to its President and to its vice President, but is directed by a Director General appointed by the Council of Ministers at the suggestion of the Prime Minister.

This is a mixed organization consisting of 1,226 officials transferred from the Internal Security Forces, General Security and the Ministry of the Interior, for whom, at the administrative level, the rules of their original organization apply. Its tasks are intelligence gathering, the surveillance of foreigners on Lebanese territory and instruction on affairs that concern the security of the State.

c) The General Security's intelligence section

This is the oldest service, and the one that functions the best. Its role is practically identical to that of the General Direction of State Security.

d) The National Police Force's information section

Following the wave of attacks that struck Lebanon in 2004, this service was born out of the necessity to entrust the enquiries to a neutral organization, and to the

responsibility of the government. In practice an antiterrorist unit, it was created at the heart of the ISF, an organization considered to be Sunni and therefore close to the government. Like all the other components of the security apparatus, it is currently understaffed and suffers from a lack of equipment and training, but it should be able to develop within the framework of the ISF.

2.Division and Privatization of Security

2.1 Division and overlap of tasks at the heart of the security apparatus

Far from being complementary, the organizations of the security system function in an overlapping fashion, with key tasks distributed among several competing organizations. This particularly applies to the maintenance of order on the national territory, the surveillance of the borders, and to intelligence.

There are two principal reasons for this. For one thing, the security sector was constructed in parts, each organization being created with no account being taken of the others. In addition, the feudal-confessional structure of the society means that each of these organizations is linked to and thus contributes to the power of a certain movement, political order or community.

Consequently, each organization carries out its work at best working alongside the others, at worst, against them.

2.2 A growing “destatutarization” of Security

The weak point of the Lebanese security system is that the military and security forces are not centralized in the hands of the State. Even more importantly, the balance of power is not in favour of the State.

This situation, highly detrimental to the prospects for state control of the country, is the consequence of three types of phenomena:

- The presence of transnational geopolitical issues such as the Palestinian question, and international issues such as the

fight against the West, opposition to the Iraq war and the permanent struggle between the Sunni and Shia worlds. In this setting, Lebanon, the weak link of the Middle East, offers an ideal base for operations and confrontations serving the interests of numerous foreign nations and organizations.

- The pursuit of community-based interests, which leads to community leaders constituting parallel forces to those of the State. This phenomenon has diminished over the past decade, but tends to recur when the security situation worsens and divides the communities.

- The lack of confidence, felt towards the State in general and the army in particular, that has followed the events of May 2008. The civil population, having realised at this point that no statutory force was able to protect them, began to arm themselves.

As a consequence, there are four armed forces that are significant players on the Lebanese security scene without being part of the security apparatus.

a) UNIFIL

The United Nations Interim Force in Lebanon was created on March 19th 1978³ to serve for a period of six months. Having served through civil war and foreign conflict, its mission has been prolonged up to the present day, further reinforced by resolution 1701. Although its presence should have ended with the Israeli withdrawal in the year 2000, the Lebanese government made it known that it did not want to deploy itself along the length of the blue line in the absence of a definitive peace with Israel and the settling of the question of the Shebaa farms. Consequently, it is the UNIFIL that continues to ensure peace along the blue line, where there are frequent incidents.

b) Hizbullah

Truly a state within a state, Hizbullah

³ Article 3 of resolution no. 425 of the Security Council of the United Nations.

represents Iran's principal strategy in the Middle East, as it provides the means through which Iran can be involved in the major issue of the Arab Muslim world. Removed from the southern border by resolution 1701, it nevertheless secretly maintains a presence there. However, it has, at the same time, directed its energies to the political scene, where it represents the interests of the Shia community, one of the country's most important in terms of number. It also continues to have at its disposal 25,000 fighters and a significant arsenal of weapons, containing around 30,000 missiles.

Both a military and political force, it has at its disposal a network of schools, hospitals, insurance and even communication, rendering it autonomous.

Marginalised after the resignation of the Shia ministers in November 2006, and even more so after the events of May 2008, the Doha Accords provided it again with legitimacy, both political, as a force participating in the government, and military, as a resistance force. Since June 2011, it has dominated the government headed by Najib Miqati. Given the balance of forces, both military and political, disarming Hizbullah is impossible, which constitutes one of the main obstacles to the implementation of a security sector reform in the current context.

c) The Palestinian camps

There are twelve Palestinian camps distributed over Lebanese territory, containing a total of 380,000 people. From the outset, these zones have constituted security islets that entirely escape the State's control, which is why a significant quantity of arms can be secretly stored there. Moreover, these zones are both poor and marginalised. Although the adults continue to follow the traditional Palestinian movements, Fatah and the PLO, the young represent a population that is easily won over by extremist ideas.

In addition, the situation in the camps is greatly affected by the repercussions of three regional questions of major geostrategic importance: the arrival of Hamas in power and the subsequent destabilisation of Fatah, the war in Iraq, and the internationalization of jihad which has brought the latter onto Lebanese soil since the war of July 2006.

As a consequence, strongly armed movements are formed there, which supply themselves with equipment and recruit without any monitoring by the State. The events of Nahr-el-Bared in May 2007 represented only the visible part of a cancer of which the metastases extend all over the Lebanese territory.

d) The militias and self-defence forces

As it became clear that the army was unable, at the risk of fragmenting, to fight one side or another, it similarly became clear that certain factions of the population, in particular the Sunnis, could rely only on themselves for protection.

Thus two kinds of forces have recently emerged, at the heart of a community that previously, identifying itself with the State, never felt the need to arm itself. The first are the self defence militias which generally subscribe to Islamist rhetoric, usually Salafist. The Salafis are very much present in North Lebanon.

Secondly, there has been a proliferation of self-defence groups more or less disguised as surveillance societies.

3. Responsibility for the Security Sector and Civil Supervision

Theoretically, the Lebanese Security Sector is subject to different types of civil monitoring. However, and as with everything concerning the management of the State, although the laws are entirely in keeping with what one expects of a modern democracy, it is their application that poses a problem.

3.1 Monitoring by the Executive

The Constitution clearly indicates that “the Council of Ministers supervises the activities of all State organizations without exception: administrations and civil, military and security establishments”, and that the President of the Republic is the Chief of the Armies.

The principal instrument of this monitoring is the High Council of Defence, which has as its President the President of the Republic, and as its Vice President the Prime Minister, an arrangement which makes it fragile and incapable of fulfilling its role should conflict occur between these two people. In spite of this, when a State of Emergency is announced, the troops are placed in its hands. In times of peace, it participates in the defining and applying of defence policies, but clashes, in this area, with the power of the Military Council.

Also, the Ministries of Defence and of the Interior have great difficulty in imposing their will upon the different organizations, the army less than the others.

3.2 Monitoring by the Judiciary

The judicial system in Lebanon is based on a double structure: civil and military, with the first under the control of the Ministry of Justice, and the second under that of the Ministry of Defence. The domain of military tribunals applies to crimes against the security of the State or the interests of the army, high treason, possession of military equipment and crimes against a member of the army, the ISF, or General Security.

In order to guarantee civil monitoring, the list of officials at military tribunals includes a civil government commissioner, and the examining magistrates can be either military or civil. It is to be noted that numerous measures have been taken to guarantee independence to these civil magistrates.

However, no step has been anticipated to try members of the army or the security forces guilty of violating Human Rights before the civil judiciary.

3.3 Monitoring by the Parliament

Within the Parliament is the “Parliamentary Commission of National Defence, of the Interior and of the Municipalities”, which is in charge of these issues. However, the Parliament is unable to summon the Chief of the Armies. It can only interrogate the Ministers during the session of questions to the government and transform these into an interrogation if the answers are judged unsatisfactory; moreover, the arrangement permitting the Parliament to put in place a commission of parliamentary enquiry and to summon any citizen has never been applied.

It goes without saying that the procedure of parliamentary investigation clashes first of all with secret defence, as is the case everywhere.

The most important part of this monitoring is that concerning the budget, which is why the second ordinary parliamentary session is reserved before all else for the budget vote.

a) Control of the defence budget

The drafting of the Ministry of Defence’s budget is no different to that of any other Ministry. The Ministry of Finance writes its draft of a general budget on the basis of estimates of expenses sent by each Minister, after which the draft is examined by the Council of Ministers before being finally handed over to Parliament.

It is then examined in turn by the Commissions “of Defence, of the Interior, and of the Municipalities,” before being voted in a plenary session and becoming a law.

b) Control of donations

There is, however, a category of the defence budget that escapes examination by the government: that of donations.

Lebanon, being situated at the heart of one of the most unstable regions of the world, has witnessed an uninterrupted succession of conflicts over several decades.

Hence the doctrine of the Lebanese Army holds that the security sector should always be prepared. Since the State’s means are

insufficient to ensure this, the successive governments have adopted the practice of accepting the donations of states and friendly institutions when they are unable to buy equipment at preferential rates.

This phenomenon has increased since the war of July 2006 and the events of Nahr-el-Bared, and it is the friendly Arab states (Jordan, the UAE, Egypt) and Western states (Great Britain, France, Italy, Germany, the United States) that provide the necessary light and heavy equipment for the Lebanese army.

However, the acceptance of donations given to the State by individuals or corporate bodies is subject to a decree taken in the Council of Ministers, following which the donation is recorded in the "Receipts" section of the general budget, and, if it is granted towards specific ends, a credit corresponding to its value is opened in the "Expenditures"⁴ section. In other words, this type of supplying in fact escapes the monitoring of the government in its first phase, even if in theory it is subject to monitoring a posteriori through the law of budget accounts.

c) Control over defence purchases

All of the army's purchases are subject to the laws in force, in particular the law relating to public accountability, decree n°11 574 of 30/12/1968 which relates to the army's military specifications document and the Constitution concerning the negotiation of agreements with foreign nations, these having to be ratified compulsorily by the Parliament before being carried out.

Nevertheless, the law relating to public finances allows the army to effect procurements without following this procedure when they are of a sensitive nature and secrecy is necessary.

Furthermore, each year, at the beginning of the parliamentary session devoted to the

vote on the budget, the Court of Accounts is supposed to submit to the Lebanese Parliament a briefing on the accounts of the previous year, after which the Chamber votes on the "Law of the Budget Accounts". However, since 1963, the date of the creation of the budget laws, the Court of Accounts has never supplied such a briefing. The Parliament settles for a hasty vote on a Law of the Budget Accounts carrying the following stipulation: "subject to any amendment brought by the Court of Accounts".

As a consequence, the Parliament's control over the defence and security sector, despite being guaranteed through legislation at the level of that of any advanced democratic country, in practice is not applied, with the laws being sidestepped if not violated outright. The people therefore do not enjoy, via their elected representatives, their legitimate rights over the management of a sector so crucial for the stability of the country, democracy, and good government.

3.4 Control by civil society

The defence and security apparatus functions according to a principle of total opaqueness. The citizens should have access to information through their representatives, i.e. the Parliament. Yet not only does the Parliament itself have not access to all the information, but it is able to carry out its work behind closed doors. This is always the case for the "Commission of Defence, the Interior, and the Municipalities" and it is also possible for the Assembly in its entirety in the case of debates concerning defence and security.

4. Perspectives on "Gender Mainstreaming" in Lebanon

In Lebanon, there are no major problems between the security forces and the female civil population. There is one exception to this: the treatment of women in the prison environment, for which the ISF are regularly admonished. Still, this does not reflect a deliberate policy but rather isolated acts which must be dealt with severely.

⁴ Law on Public Accountability, article 52.

However, the number of women in this sector must be increased, as much at the level of planning and strategizing as at the heart of the defence and security forces, and this for several reasons. First of all, although there are women in, for example, the army, the ISF and General Security, these women are confined to administrative work. However, placing them on the ground would allow greater efficiency in a context where the lack of female officials slows down enquiries and interrogations concerning women. Moreover, as has been shown, increasing the number of women in the defence and security forces is generally accompanied by a marked decrease in the number of abuses and violations of human rights. Finally, given that each security policy necessarily has an impact – positive or negative – on the female population, female representatives should therefore be involved in their conception and execution.

5. Risk factors and challenges for Security Sector Reform

Though a reform of the security sector is desirable, there are various obstacles to this, of which the principal ones are:

5.1 The weakness of the State

The feudal-confessional structure of the society, which was greatly exacerbated by the civil war of 1975-1990, means that everyone, including officials, has an allegiance towards their community leader rather than the State. As a consequence, these leaders deliberately obstruct the establishment of a culture of public service, which would deprive them of some of their power. Therefore the state does not constitute a supra-communal entity, capable of imposing decisions, but rather a mirror of the divided structure of society. In the security agencies, this is manifested in the division of domains of jurisdiction.

Moreover, the presence of 18 communities with diverse interests, each pledging allegiance to one or more foreign powers, prevents an agreement from being reached over a doctrine of defence, since the very nature of the threat and the enemy is subject to debate.

5.2 The chronic political and security instability

Whilst a period of relative calm followed the civil war, since 2004 and resolution 1559 of the Security Council, there has been an increase of tension and violence, regularly punctuated by series of terrorist attacks. This has coincided with an aggravation of confrontations between communities, particularly in northern Lebanon. In this context, armed groups are constantly proliferating and reinforcing themselves in the Palestinian camps.

This situation, and the worsening economic crisis that it is feeding, are diverting the attention of the population and the government from basic reforms, for instance reform of the public service. This applies a fortiori to the particularly sensitive domain of security sector reform.

5.3 The existence of very powerful non-statutory forces

It goes without saying that the most powerful obstacle to the implementation of a reform of the security sector is the presence on Lebanese territory of non-statutory military forces, two of which are able to oppose successfully to those of the State.

5.4 The regional situation and the porosity of the borders

As for the regional situation, be it through the Palestinian question, the war in Iraq or the Iranian nuclear question, it has maintained and exacerbated the internal conflicts in Lebanon and it is common for the country of the Cedar to serve as a confrontation ground for intermediaries of foreign powers representing their regional strategies.

6. Foreign influences on the process of security sector reform

Since the Middle Ages, Lebanon has been accustomed to living under the shadow of foreign guardianship, as is shown by the fact that all the communities prefer to call upon a foreign power to assert their rights and guarantee their interests than to seek a consensus among themselves.

As far as SSR is concerned, the international community is both a help and a hindrance. By supporting one group against the others, it reinforces the fragmentation of Lebanese society. On the other hand, it can support a process of SSR. Up until now, all efforts in this direction have been implemented within a framework of bilateral, sectoral cooperation. For example, the “defence reviews” carried out by the United States or Great Britain, the material support for the State’s forces (the Lebanese Army and the ISF) and the training provided fall into this category. To this should be added assistance in defending and stabilizing the territory, provided by the international community through the UNIFIL.

Conclusion

In conclusion, the very structure of the security sector impairs its efficiency by preventing the sharing of information and encouraging rivalry. This is all the more problematic in a context where the community-oriented allegiances of different organizations are more important than their allegiance towards the state. Furthermore, the presence and proliferation of non-statutory forces, some of which are much more powerful than the army, are also an obstacle to the Lebanese state’s taking control of the security system.

However, the stability and security of the country depend upon the state taking control over its territory and security, in the framework of a SSR. The first stage in that direction would be the elaboration of a National Security Policy. This would require three main conditions:

- a general consensus on the security doctrine and its surrounding issues, as well as on the nature of threats;
- a shared desire to make the country more stable, strong, and unified;
- a state that is sufficiently strong and stable to apply it.

It is entirely clear that with not one of these conditions being met, the drawing up and application of a National Security Policy in

the current state of affairs is extremely difficult, be it as a concept or as a framework for action.

As for a proper SSR, it would be impossible without a Disarmament-Demobilization-Rehabilitation program (DDR). However, it is highly unlikely that Hizbullah or even the Palestinian movements could be subjected to such a programme. These movements are all heavily armed, and supported inside Lebanon by important political groups and segments of the population, as well as by foreign powers, which provide them with money and supplies very easily, given the porosity of the borders.

As for transitional justice, specifically the international tribunal charged with trying the assassins of Rafik El Hariri, far from bringing about a national reconciliation, it has in fact contributed to further divisions within the country.

Finally, and as we have seen, the situation in Lebanon remains dependent on key regional issues: without resolving these, no change can be brought about in the country of the Cedar, and without consensus at the regional level, internal agreements in Lebanon are unthinkable. Hence, despite the fact that President Michel Suleiman has made the Defence Strategy his priority following the Doha Accords, it seems very unlikely that a SSR could be conceived of and applied in the absence of a regional consensus.

Meanwhile, it is possible to proceed in stages, based on the identification of major flaws in the system and, of course, reinforcing as a priority the state and the forces under its responsibility. We will therefore speak of “Strategic Management of Security” rather than of Security Sector Reform. In that perspective, the following reforms seem to be the most urgent:

- the creation of a National Security Council, as exists in other countries;
- the centralization of intelligence in one single agency;
- the creation of a specialized anti-terrorist unit;

- the reorganization of the defence and security apparatus so as to avoid the overlapping of domains of jurisdiction;
- the recruitment of the security organizations' personnel on the basis of a national selection process;
- the increase and reorganization of budgets to give the various agencies the means to work efficiently, by hiring enough personnel, acquiring the necessary materials, and training their staff;

As for the army, a new law for military programming over five years is essential. It should provide sufficient funds for equipment, unlike the current system, which allocates between 98.55 and 99.95 % of amounts to operations.

At the same time, this work, that will in the long or very long term allow for a reform of the security sector, must be accompanied by an increased awareness on the part of the citizens of the weaknesses and limits of the feudal-confessional system, and of the necessity of creating a state culture. It is also essential to reinforce the democratic institutions already in existence, such as the Parliament, while emphasizing the right and duty of citizens to control the actions of those they elect. Civil society – particularly strong and free by comparison to other countries of the region – must make itself the bearer of these ideas.