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ANALYSIS

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JUSTICE OR STABILITY? HIZBULLAH, THE SPECIAL TRIBUNAL FOR LEBANON AND CONSEQUENCES FOR THE REGION

EXECUTIVE SUMMARY

Popular uprisings have swept across the Arab world promising a new era of open and accountable government. But in Lebanon, nearly six years after popular demonstrations in Beirut led to the so-called 'Cedar Revolution', the country's newly found independence from Syria appears to be slipping inexorably away. Ironically, the catalyst for this has been the Special Tribunal for Lebanon (STL). The STL owed its existence to the action that prompted Lebanon's Cedar Revolution in the first place — the assassination of former Premier Rafiq Hariri — but its explosive conclusions are now being used by Hizbullah to beat its sectarian rivals into political submission. Hizbullah's ability to bring down the government of Sa'ad Hariri over the issue of continued support for the STL reflects not only the increasing political power of the Shi'a party — it also reflects the return of Syrian influence over Lebanon and a tactical political victory for Damascus over Riyadh and Washington.

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Popular uprisings in Tunisia and Egypt have highlighted the political power of the Arab street. But nearly six years after popular demonstrations in Beirut led to the so-called 'Cedar Revolution', seemingly freeing Lebanon from Syria's grasp, the country's newly found independence appears to be slipping inexorably away.

Following the February 2005 assassination of Rafiq Hariri, fingers of suspicion were immediately pointed at Syria. Significant pressure from the West and several Arab states, and large-scale protests in Beirut led to the withdrawal of some 14,000 Syrian troops from Lebanon in April 2005. Old political certainties were swept away with the departure of the pro-Syrian Prime Minister Rashid Karami and later the even more pro-Syrian president Emile Lahoud. Elections brought to power a new prime minister in Fouad Siniora and optimistic observers celebrated the emergence of a more independent, and potentially pro-Western, Lebanese republic.

As Lebanon's new domestic political realities took shape, efforts to bring to justice those responsible for the death of Rafiq Hariri commenced. Beginning with the International Independent Investigating Committee's formation in April 2005 through to the UN Security Council's authorisation of the Special Tribunal for Lebanon (STL) in May 2007, Lebanese and international investigators and judicial officials have been working their way towards indictments that will reportedly implicate members of Hizbullah. The inability of Hizbullah and Sa'ad Hariri to reach a compromise over the government's response to the tribunal's findings doomed Hariri's government and delivered the premiership to

Najib Mikati, a prime minister nominated by, and a member of, the Hizbullah-led March 8 coalition.

The collapse of Sa'ad Hariri's government signals a triumph for pro-Syrian and pro-Iranian political forces in Lebanon who supported personal and sectarian interests at the expense of those seeking justice. When Rafiq Hariri's son Sa'ad assumed the role of prime minister in December 2009 there was great optimism that he would fulfil the expectations of many Lebanese expressed in dozens of signs dotted around Beirut and Sidon proclaiming '*al haqeeqa*' (the truth). Getting to the truth however, has proven to be as difficult as any other political issue in Lebanon that sets confessional, and by association, regional, interests against each other. Sa'ad Hariri's task was never going to be easy. He not only had to deal with the inter-sectarian minefield of Lebanese politics but he also had to address the strategically vital relationship with Syria, the traditional kingmaker of Lebanon, which he had accused of complicity in his father's assassination (an accusation supported by then UN Chief Investigator Detlev Mehlis).

By the time that Sa'ad ascended to the premiership though, the local and regional dynamics had changed, making the truth an increasingly inconvenient commodity to possess. Domestically, Hizbullah was by now an assertive mainstream political party and, through its 2006 war with Israel and 2008 takeover of west Beirut, an organisation increasingly willing to use force, and the threat of force, to advance its own interests. Regionally, the Saudi-Syrian *rapprochement* was the clearest indication that Syria had 'come in from the cold' and that Damascus was likely

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to be given more latitude in its dealings with Lebanon. Saudi Arabia had sought Syria's assistance in blunting the political aspirations of Nuri al-Maliki in Iraq, who they saw as too pro-Iranian, and the price for that promised cooperation would be an acknowledgement of Damascus' pre-eminent role in Lebanon. The new reality was further highlighted by the willingness of Western powers (most notably France) to establish links with Syria after its political isolation had achieved few if any concrete results.

Hizbullah's approach to the STL

Hizbullah's routing of Sunni elements loyal to Sa'ad Hariri's Future Movement in west Beirut in May 2008 broke new ground as it represented a willingness on the part of Hizbullah to take up arms against Lebanese to protect its military and political interests. As the party became aware that the STL was looking at Hizbullah complicity in the assassination, it adopted an increasingly aggressive posture, knowing that the events of 2008 remained fresh in people's memories. Initially there was a sense that in the great Lebanese tradition of compromise a number of minor officials from Hizbullah could be described as 'rogue operators' and the individuals, rather than the party, be held to account – an offer allegedly made by Sa'ad Hariri to Nasrallah in July 2010.¹ However, for an avowedly Lebanese nationalist movement to be accused by an international, independent body of involvement in the assassination of one of the highest-profile former prime ministers of the country was a reputational blow that Hizbullah could not accept if it were to

maintain its self-styled reputation as a legitimate Lebanese resistance movement.

As a result, Hizbullah has systematically targeted the STL in order to destroy the tribunal's credibility domestically and hence reduce its risk to the party. Hizbullah has always called into question the motivation behind the tribunal's creation, with the party's judicial head Sheikh Muhammad Yazbek referring to it as an American-Israeli project.² Hassan Nasrallah has sought to implicate Israel, rather than Hizbullah, in the assassination. In an August 2010 press conference he cited the presence of IDF aircraft overhead and an Israeli agent Ghassan Jid at the scene on the day of the bombing³ as proof of Tel Aviv's complicity. The integrity of the investigative process was also attacked through a focus on witnesses who have subsequently recanted. Detlev Mehlis's 2005 report that accused Syria of involvement was based in part on two subsequently discredited witnesses, Muhammad Zaheer as-Sadiq and Hussam Tahir Hussam, while three other witnesses have subsequently been charged with making false statements. The veracity of telephone intercept evidence has also been called into question, as the arrest of three Lebanese employees of the Lebanese state-owned mobile network Alfa on charges of spying for Israel has given Hizbullah the opportunity to claim that such evidence has been planted by Israeli intelligence using these agents.

But the attack on the credibility of the STL was simply a means of setting the conditions for the more important step of ceasing Lebanese government support for the body. By the end of October 2010, Nasrallah was warning that 'whoever cooperates with the STL is working

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against the Resistance.’⁴ However, having been authorised by the UNSC, the investigation and issuing of indictments could not be stopped. And, even though trials could be conducted in absentia, an investigation not supported by the host country with no likelihood of arrests⁵ would make the STL more of an inconvenience than a threat.

The challenges of success

Hizbullah would probably have welcomed a negotiated solution that left Hariri as prime minister with Lebanese government support for the STL at an end. Even if indictments had been issued against Hizbullah members and trials in absentia conducted, having the son of the assassinated former leader still running a government in which Hizbullah and its allies played a role would have achieved the Lebanese goal of consensus politics. Now, even though the March 8 alliance has installed one of their supporters as the prime minister, the longer Hariri and his bloc remain outside government the harder it is for Hizbullah to claim that it works for the good of the republic as a whole.

Indeed, Hizbullah now faces longer-term challenges from its tactical political victory. First, although the speed with which Hizbullah has developed politically in the last 20 years has been breathtaking, there is no guarantee that its current high mark represents an assured future for the party as the kingmaker of Lebanese politics. Hizbullah does not possess the parliamentary power to make and break Lebanese governments alone. It still needs to maintain the unity of its March 8 coalition that, like all political coalitions, operates on the basis of shared interests rather than shared

ideology. In the longer term, it needs to amend the electoral law so that an unrepresentative system of sectarian allocation of seats (as agreed to in the Ta‘if Accords and reflected in the constitution) is replaced by proportional representation that will expand its parliamentary power in its own right.

But Lebanon is no ordinary political environment and its fragile (and outdated) sectarian political system is held together largely through the informal system of consensus politics that has seen sectarian balance as the only way to govern the republic. Having brought down the government and replaced the prime minister with someone from their own bloc there is a feeling amongst many Lebanese that Hizbullah has abandoned consensus politics. While the constitutional provisions for the fall of the government and the election of the new prime minister were adhered to, if the party wishes to retain its credibility as a Lebanese nationalist movement then it will need to make some moves towards placating the Sunni community.

A much more high-profile and active role within the Lebanese government also offers challenges to Hizbullah. While it has been relatively easy to act as a committed political opposition, any inability to successfully carry out their ministerial portfolio duties or a broader political weakness or overt corruption on the part of the government will reflect poorly on the party and has the potential to reduce the support they have from non-ideologically committed supporters. The political outcome also has a major potential downside for the republic in the event of a future conflict between Hizbullah and Israel. During the 2006 war, Israel’s decision to target

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Lebanese national infrastructure was roundly condemned internationally but justified by Israel on the basis that the government of Fouad Siniora did not stop Hizbullah and was thus complicit as a result. The fact that the government was in no position to rein in Hizbullah militarily was understood, but Israeli actions were designed to foment opposition to Hizbullah by punishing the broader Lebanese community for Hizbullah's adventurism. Given their pivotal role in the formation of the present government, any military actions by Hizbullah in the future will provoke a much more robust and wider response by Israel against Lebanese infrastructure, with a more open and harsher criticism of Hizbullah likely to result.

Regional ramifications – the winners and losers

If the greatest loser from 2005 was Syria, Damascus is undoubtedly the greatest beneficiary of recent events in Lebanon. It has effectively overturned the so-called 'Cedar Revolution' by reasserting its political influence in Lebanon, but this time without having the economic and political burden of having to station troops in the country. Even before the collapse of the government and the election of a prime minister with close business ties to Syria, the increasing influence of Damascus was being felt as Lebanese political figures began to recant their previous anti-Syrian rhetoric as they sought to improve relations with their neighbour. This political readjustment was highlighted by the Druse leader Walid Jumblatt's 2009 announcement that he was leaving Sa'ad Hariri's March 14 coalition. In March 2010 he made a humiliating public

apology⁶ as part of the price for being accepted back into Damascus' fold.

Hariri himself was forced to recognise the change in regional and international perceptions of Syria and, as the finger of suspicion initially pointed at Damascus began to look less and less certain, Sa'ad very publicly repudiated his earlier accusations during a newspaper interview:

*We assessed mistakes that we made and that harmed the Syrian people and ties between the two countries. At a certain stage, we made mistakes and accused Syria of assassinating the martyred premier. This was a political accusation.*⁷

But there are also possible risks for Syria in the increasing power of Hizbullah in Lebanon. Understanding the precarious nature of sectarian relations in its neighbour, Syria has always sought a balance both within and between sects in Lebanon. In recent years though, Hizbullah has grown increasingly strong and there are few if any credible balancing forces in Lebanon. The regional Sunni states are dealing with Damascus on the understanding that it is still capable of maintaining this balance, while Syria's relations with Iran are predicated on its ability to limit Iranian influence in Lebanon if and when the time came to do so. With events in Egypt and its own economic difficulties weighing on its mind, Damascus' ability to control Hizbullah short of a military takeover is open to question.

Tehran is also a beneficiary from the recent political events. Iran has been notably restrained on the issue publicly, aware that supporting its ally Hizbullah too openly would

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be counter-productive to the party's domestic efforts to garner support from outside its rump constituency and portray itself as a legitimate Lebanese nationalist movement. President Ahmadinejad paid a well-publicised state visit to Lebanon in October in a not-so-subtle show of support but has publicly stated that the STL is an internal Lebanese issue⁸. Sa'ad Hariri paid a reciprocal visit to Tehran the following month. The only exception to this public restraint was the comment by Iran's Supreme Leader during a state visit by the Qatari Emir to Iran in December 2010 that the Tribunal "...is a rubber stamp whose verdict is null and void whatever it is."⁹

The political victory of Hizbullah and its allies is also an advance for Iranian interests in its regional cold war with Saudi Arabia. First in Iraq and now Lebanon, Tehran's preferred political option has triumphed over Riyadh's. And while the threat of force was part of the background in the Lebanese case, both results were achieved through political negotiation. Hizbullah caused the collapse of the Hariri government through constitutional means. Likewise, the largely pro-Iranian Iraqi Shi'a coalition that assured Nuri al-Maliki's premiership was also the result of largely peaceful negotiations.

Having gained little advantage from a policy of isolation towards Damascus, both Washington and Riyadh changed their approach to one of engagement. Growing Iranian influence in the region is viewed by both countries with the greatest concern, and a Syria more closely engaged with the Arab states is seen as one way of blunting Iran's regional aspirations. Damascus' isolation from Riyadh that began with the death of Hariri was ended with the

October 2009 visit of King Abdullah to Damascus. But while Syria's establishment of diplomatic relations and 'hands-off' approach to the 2009 elections would have been seen as a positive sign of the benefits of engagement, Riyadh has little by the way of geostrategic benefits to show for its closer relations with Syria.

Syrian 'support' for Saudi Arabia's efforts in aid of Sunni political forces in Iraq came to nought when Nuri al-Maliki was able to gain the premiership. The months-long Saudi-Syrian joint mediation effort to find a solution to the political impasse in Lebanon resulted in a pro-Syrian premier, rather than Saudi Arabia's preferred candidate Sa'ad Hariri. It is likely that the Saudi-Syrian relationship will now cool somewhat as the collapse of Hariri's government represents a setback for Saudi preferences for a stronger, and more independent Sunni and Christian voice to balance Hizbullah and its political allies.

The policy difficulties in dealing with Syria are self-evident. While the isolationist approach to Syria did not appear to be producing dividends, engaging with Damascus has fared little better. The attempt to drive a wedge between Iran and Syria holds the promise of great strategic benefit with little cost, but Damascus has played the role of demure courtesan very well – always the promise of reward without ever delivering it. Secretary of State Clinton noted as much when she stated in a November 2010 interview with Lebanon's *an-Nahar* newspaper that 'Syria's behavior has not met our hopes and expectations over the past 20 months...we are not engaging for engagement's sake. We are engaging to advance our interests and to

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find areas where cooperation can promote mutual interests.¹⁰

The United States has expended significant political (and financial) capital in Lebanon supporting the March 14 camp since the withdrawal of Syrian forces. The Obama Administration's budget request for nearly \$250 million in financial assistance in FY 2011 explicitly stated that the purpose of the funds was to 'build critical institutions, particularly Lebanon's security services...to address border security, counter negative extremist elements, and *curb the influence of Syria and Iran*'[author's emphasis].¹¹ Fears of the funds being used by Hizbullah-aligned elements of Lebanese state institutions have caused some in Washington to question the utility of continued US funding, but Washington is in a tricky position. The Lebanese Armed Forces (LAF) is the only truly national institution in Lebanon and Washington needs to be seen to support its legitimacy. Moreover, any moves to cease funding it would lay open the way for Iranian government support for the Lebanese military, a concept floated by president Ahmedinejad during his October 2010 visit to Lebanon and reiterated by the Iranian Defence Minister Vahidi in February this year. The thought of Iranian weapons on Israel's northern border in the hands of the Lebanese military is sure to be a major consideration in maintaining Washington's support for the LAF for the immediate future at least.

The accession of a pro-Syrian prime minister and a politically stronger Hizbullah in its northern neighbour is undoubtedly viewed with great alarm in Jerusalem. For Israel, Hizbullah's ascendancy reflects nothing less than a growing Iranian influence on its borders.

The rearming of Hizbullah following the 2006 war has reportedly been continuing apace, and there is a fear that a Lebanese national government less aligned to US interests will allow Hizbullah even greater freedom of action within the country (although even the brief period of pro-Western governments did little to limit Hizbullah's power – the Siniora government, for example, was unable to prevent Hizbullah from precipitating the 2006 war).

Yet a more central and dominant role for Hizbullah in Lebanon's politics might also provide Israel with a little more freedom of action. The Israelis will no longer have to take into account the impact of any military action on the stability of a pro-Western government in Beirut. Israel knows too that Hizbullah will be wary of being blamed by the Lebanese people for another, even more damaging war with Israel. While Israel itself will be wary of any new military conflict with Hizbullah, they may well feel that in the event of one, the costs to Hizbullah both militarily, and now politically, will be much higher than in 2006.

NOTES

¹ <http://www.naharnet.com/domino/tn/newsdesk.nsf/Lebanon/130CBF1FCF032DB3C22577680071A82A?OpenDocument>.

² <http://www.almanar.com.lb/newsSite/NewsDetails.aspx?id=157474&language=en>.

³ <http://www.almanar.com.lb/newssite/NewsDetails.aspx?id=149742&language=en>.

⁴ <http://www.almanar.com.lb/newssite/NewsDetails.aspx?id=160065&language=en>.

⁵ In his November 11 2010 Martyr's day speech, Hassan Nasrallah warned that 'The hand that attempts to reach (our members) will be cut off.'

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⁶ <http://english.aljazeera.net/news/middleeast/2010/03/2010314111023700949.html>.

⁷ Ash Sharq al Awsat, 6 September 2010: <http://www.aawsat.com/english/news.asp?section=1&id=22220>.

⁸ <http://www.naharnet.com/domino/tn/NewsDesk.nsf/Lebanon/150AB4D169BE0AC5C22577A9002019BA?OpenDocument>.

⁹ http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=122753#axzz1AmyhcG5c.

¹⁰ Text of Secretary of State Clinton's interview with Lebanon's an-Nahar, 10 November 2010: <http://www.america.gov/st/texttrans-english/2010/November/20101112162415su0.3357442.html>.

¹¹ Jeremy Sharp, US foreign assistance to the Middle East: Historical background, recent trends, and the FY2011 request, Congressional Research Service, July 15 2010: <http://www.fas.org/sgp/crs/mideast/RL32260.pdf>.

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