



# **ELIAS MOUKHEIBER INSTITUTE FOR LEBANON**

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### **ROADMAP FOR A SHADOW CABINET FOR LEBANON**

### **ACCOUNTABILITY FOR THE GOVERNMENT'S ACTIONS AND A FRAMEWORK FOR IMPLEMENTING NEEDED CHANGE**

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#### The Role of Shadow Cabinets in Furnishing Governance Capabilities in Parliamentary Democracies

In many countries with a parliamentary form of government, the government-of-the-day holds power in both the executive and legislature. The largest parliamentary party out of government organizes its members as a shadow government, both to structure their monitoring and control of the government-of-the-day and to prepare to offer the country an alternative government when elections come. The leader of the largest parliamentary party out of power is the leader of the opposition and acts as the opposite-number to the prime minister/head of government. Each member of the shadow government is the opposite number to a government minister. The role of each shadow minister is to analyze the budget and monitor and critically review the policies and actions of the sitting minister. The shadow government is customarily recognized as such and speaks authoritatively in the name of the government-of-the-day's legitimate opposition. Some variant of these arrangements characterizes the governmental systems in the UK, France, Germany, Japan and other countries, where shadow governments or similar forms have been put in place at certain times, as needed.

#### Suitability for Lebanon

This paper lays out how and why Lebanon's governmental system should consider emulating this widely practiced pattern of governance in democracies. The chief reason is that Lebanon needs the specific governance capabilities that such arrangements generally furnish. Indeed, the need for such capabilities is presently extremely acute, because of the stakes involved in the choice of policies to deal with the country's current financial and economic crisis. While the need for such governance capabilities is great and urgent, they are not being furnished by arrangements presently in place in Lebanon. Emulating the patterns of structured government-opposition politics known elsewhere is inherently suitable as an alternative. An amendment to the classical model described above is that, in the case of Lebanon, the shadow government should assemble all opposition parties as none is sufficiently significant by itself to be representative of 'the opposition'. As this roadmap will argue, a shadow-government type of opposition politics is needed in Lebanon.

#### *1. Precursors to the current context*

The current Parliament was elected in May 2018, 9 years after the previous parliament self-extended its 4-year tenure twice; the incumbent President of the Republic was elected by the outgoing Parliament in October 2016 following a 30 months vacancy, after his predecessor served until the end of his mandate in May 2014. These breaches of normal functioning, akin to blockage of two of the main institutions of government, derived from decades of power sharing among the same actors, and eventuating in a final compromise, among the same actors, to end the vacancy at the Presidency. One of the first elements of the compromise was for the Parliament to enact a new electoral law that would serve as the basis for the parliamentary elections of 2018. This law was complex, misunderstood by the electorate and

enacted a couple of months before the elections. The result was that, with the exception of 1 seat to people issued from ‘civil society’, 127 went to the historical parties and the great majority of the outgoing dinosaurs were reelected, with the simple majority in the hands of the ruling party (FPM), Hezbollah, and individuals officially associated with Syria. The speaker of the Parliament, who has been in this role since 1992, was reelected. So, no palpable change in the composition of the Parliament and no effective opposition, since May 2018.

At the same time, Lebanon began showing the strain of a weakening economy and financial system crumbling under the weight of the highest public debt ratio in the world. The government sought to palliate this crisis by hanging on to the CEDRE initiative. This initiative, in summary, was that a group of donors would lend significant amounts of money to the Lebanese Republic to enable restarting economic activity and therefore develop the country and generate the means of servicing the accumulated debt, once a group of reforms was put in place. This caveat proved to be a blocking point. The economy continued to crumble.

In October 2019, masses of individuals, of all ages, regions, social conditions and parties spontaneously took to the streets in a series of growing protests. It is estimated that participants reached 2 million people, or half the indigenous population of the country. The core demand was the now famous Kellon Yaani Kellon, or ‘get rid of all political actors that have been in power for decades and are considered corrupt in a wholesale way’ and the replacement of the government with one of ‘experts’ i.e. technocrats without previous participation in government or clear party affiliations. The only ‘visible’ win to date was the resignation of the sitting prime minister on 29<sup>th</sup> October 2019, saying to the masses in the street that he had heard them. On 20<sup>th</sup> January 2020, a new government was named. The official parties of the ‘opposition’ chose not to participate in this government, which is understandable and in line with their role. However, by participating in the Parliamentary session held to ratify the government, some of the opposition parties afforded the quorum necessary to its officialization.

The Thawra lasted in the streets until the end of January, when the newly appointed Government crushed it as such, using various security forces. The work of the Thawra movement goes on nonetheless, without the street movement, particularly since the Covid-19 measures were appropriately put in place. In the last week or so, the street movement has resumed and the key revendications right now have to do with the untold misery of the people, with more than 50% now living below the poverty line and severe restrictions on access to funds in banks for all, outside all legality.

## *2. Implications for the Thawra movement*

The shadow government is needed as a complement beyond the work that the Thawra is already doing, in order to operationalize this work for the future of Lebanon and the Lebanese. The shadow government, as defined above, must be issued from and representative of the ranks of the parliamentary opposition without necessarily including historical polemic figures that have hung on to power over the last 30 years and are therefore, partly responsible for the mismanagement that landed the country in the sorry state it is in now. There are limits to effective independent protests in terms of ensuring actionable change. We view the shadow government as the only place where, within the rules of the

parliamentary system, there would be accountability for the government's actions and ensure that demands, from the opposition and the Thawra, are translated into reforms as appropriate. There are additional risks from aligning the agendas of the Thawra and the official opposition, for example the risk that both sides try to undermine the work or credibility of the shadow government. Another risk that the government in power, and the parties backing it, will try to divide the official opposition by creating diversions or even claiming that they are the representatives of the Thawra, as has been seen regularly. The way to mitigate this risk is 1) to complement and consolidate the achievements of the Thawra to date and 2) to have the shadow government composed of reputable technicians issued from or close to the parties in opposition but known to be close to the Thawra. Several names come to mind given how strong the will to bring Lebanon back from the brink of the abyss, that has been coming closer in recent years.

### *3. Need for a shadow cabinet in Lebanon now*

Lebanon's system of government is a full parliamentary democracy in name, but isn't a full one in fact. In any functioning parliamentary democracy, the government is chosen by the majority. The opposition organizes itself to act as a checks-and-balances mechanism and exercises this function in Parliament and the public sphere. This is not the case in Lebanon, as illustrated by the following facts:

- Until the current government was voted in on 20<sup>th</sup> January 2020, all recent governments had been coalition governments with all parties represented, after a public horse-trading exercise linked to the number of seats in Parliament for each party, as well as other considerations.
- The effectiveness of coalition governments anywhere is limited at best since by definition there is no common vision or drive. Lebanese governments did not escape this; worse, one can argue that the main driver of the coalition governments in the past was sharing in the spoils. There are many indicators of this.
- In Lebanon today, the opposition is disunited, therefore weakening further its capacity to form and act as a shadow government.
- The Thawra movement, who speaks for nearly half the country's people, has one member in Parliament (1/128), because all parties fought to preserve their parties' share of the vote and fought new parties' candidates tooth and nail, or including 'independent', non-card-carrying members on their lists but without giving them a fair run.
- Parliament is normally where opposition expresses itself. In Lebanon today, given that the executive and the legislative are overwhelmingly of the same side, the voice of opposition parties in Parliament is divided and diluted, and the voice of the Thawra movement is represented by one MP. There is no hope but to reverse this situation.

As a result, there is no functioning system of checks and balances on the action of government in Lebanon today. The official opposition parties did not or cannot exercise their role in Parliament and did not, in 3 months of significantly dire and worsening circumstances, take or succeed in the initiative to exercise their group responsibility as guarantors of the checks and balances system. Rather, they remain locked within their own internal vision. It is now time to show national patriotism away from historical fiefdoms and partisanship. The question is: what is the Lebanon that the Lebanese want?

This paper claims that, as the representative of nearly half the country's population, the Thawra movement is justified in its actions as a representative of the people as opposed to the parties in power or in opposition. However, the Thawra movement is not represented in parliament, parliament is the institution that should represent the people, and no effective change and reform can happen outside legality. The 30<sup>th</sup> of April marks the first 100 days in office of the new government. It is time for the members of the opposition to unite and make up a shadow cabinet to execute their responsibility as opposition. The choice of the members in the shadow government should respond to the first criterion of the Thawra, meaning exclude historical individual politicians who have, by commission or omission, participated in creating the mess that the country is in today. By doing so, the shadow government and the opposition parties gain in popular legitimacy which is the first step to regaining parliamentary representation at the next elections, in 2 years at most.

#### *4. Shadow Government Composition and Eligibility to Serve in It*

The shadow prime minister should be

- setting the strategy, execution roadmap and norms for good governance
- a team leader and a good communicator
- capable of immediately and transparently set the criteria for the checks and balances system to be used to evaluate government action
- capable of quickly identifying additional priorities for action and add ministers to address them as above

Shadow ministers should be:

- technically skilled, expert and reputable, so that they can credibly and efficiently address the priorities above
- able to distill high level vision/strategy into action plans with key milestones (short/medium/longer term) and a clear roadmap to implement and phase reforms
- free of conflicts of interests and commit to personal transparency and accountability: this is about public service for their fellow Lebanese, not about personal glory
- willing and able to dedicate the resources to act quickly and transparently
- willing to work in a team, like a cabinet should
- non-partisan
- paired with the relevant minister
- speaking in one voice and access mainstream media regularly

#### *5. Priorities for a shadow cabinet*

At 100 days, a typical benchmark for assessing a government's actions and taking stock, the following is clear:

- The government is composed of technocrat ministers, directly or indirectly associated with Syria and/or Iran or their proxies in Lebanon: the CPL (presidential party), Amal and Hezbollah. Therefore the need for actionable change.
- The government announced the default of Lebanon on its sovereign debt, first time in the country's history and by the same, tarnished the country's record on

international financial markets and at home. Therefore the need for a shadow finance minister.

- The government's response to the Covid-19 epidemic has been 'too little too late'. There are no confinement centers, testing campaigns or reliable statistics on the spread of the disease. The borders were slow to be closed, even to countries known to be major foci of the pandemic, like Italy and Iran, and the airport quickly 'reopened' under the guise of 'allowing Lebanese stuck outside Lebanon to return home'. Therefore the need for a shadow public health minister.
- There is talk of a '50% haircut on depositors with more than \$100K in banks' without any detail and certainly without any legality. And variants of this almost weekly while capital controls are in place outside any legal framework. Therefore, the need for a shadow financial regulation minister.
- 50% of the population is said to be now living in poverty. Therefore, the need for a shadow social affairs minister.
- There are serious and ongoing controversies on projects that have irreversible and long-term consequences on the quality of the soil, air, water, fauna, flora, archeological and natural sites across the country. Therefore, the need for a shadow minister for ecological and environmental affairs.
- The judiciary reforms that are key to return confidence and financial and human resources to the country aren't taking place. Therefore, the need for a shadow minister for justice and regulation.
- The economic policies to favor industrialization and the creation of sustainable recurrent revenues, to favor employment and allow debt repayment, aren't in place. Therefore, the need for a shadow minister for agriculture and industry.
- There is the fundamental question of sovereignty, neutrality and unity within diversity that has always characterized Lebanon, internally and externally and is today demanded by a very broad swath of the population. This question requires a fundamental decision and strategy on Lebanon's place and role in regional and international politics. Therefore, the need for a shadow minister for national strategy (with a portfolio broader than foreign affairs as currently present in Lebanon).

These are immediate priorities to address, because these are problems that are, today, asphyxiating the population of the country. In addressing these immediate problems, it will be essential to avoid 'quick fixes' that might be a temporary improvement but would have medium or long-term detrimental impacts. Paying attention to this will be essential and requires a team of experts behind the shadow ministers. In time, the shadow government should expand in a way to match all ministries and all areas of governance that are in the hands of the executive branch of government.

This raises the important question of how the shadow cabinet is expected to work with the sitting government to move their portfolio forward and successfully implement reform. The shadow cabinet isn't just meant to have an oversight/monitoring role; however, the legal authority today is undeniably in the hands of the sitting government. Since the sitting government, in its charter and in its official declarations, is meant to serve all Lebanese, there should be receptivity to work with technical experts from the Thawra and official opposition in the shadow cabinet, on non-partisan lines.

Some of the considerations with this proposed structure include:

- Finding mechanisms, beyond goodwill, to ensure cooperation between the sitting government and the shadow cabinet in terms of effectively discharging its functions. E.g. how do you get the sitting government to cooperate? What are some mechanisms that can be put in place to break deadlock?
- What are implications for independence and non-partisanship of the Thawra movement if they join the shadow cabinet, particularly if, due to the mentioned deadlock, the shadow cabinet is seen as ineffective, or if successful through cooperation with acting ministers, they are seen to lose their independence?
- There is another advantage to Thawra-opposition collaboration: the fact that the opposition actually has a large number of MPs will enable the would-be shadow cabinet to obtain crucial insider information and draft laws, in addition to their on-the-ground experience. This is a very important tool and advantage because a large part of the work will be procedural. Such a collaboration could facilitate access to information and limit bureaucratic red tape, two endemic issues in Lebanon.

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