

ELECTION REPORT ☆

# Parliamentary Elections in Lebanon

June 7, 2009

Final Report

# Lebanon

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# **Parliamentary Elections in Lebanon**

**June 7, 2009**

*Final Report of the Carter Center  
International Election Observation Mission*

## Contents

<b>Map of Lebanon .....</b>	<b>4</b>
<b>Foreword.....</b>	<b>5</b>
<b>Executive Summary .....</b>	<b>6</b>
<b>Key Findings and Recommendations.....</b>	<b>8</b>
<b>The Carter Center in Lebanon .....</b>	<b>9</b>
<b>Election Observation Methodology.....</b>	<b>10</b>
<b>Historical and Political Background .....</b>	<b>11</b>
<b>Electoral Institutions and Framework for Parliamentary Elections.....</b>	<b>15</b>
<b>Legal Framework .....</b>	<b>15</b>
<b>Lebanon’s Electoral Framework and International Obligations.....</b>	<b>17</b>
<b>Electoral System .....</b>	<b>18</b>
<b>Election Administration .....</b>	<b>20</b>
<b>Structure and Composition of the Election Administration .....</b>	<b>20</b>
<b>Pre-election Developments.....</b>	<b>27</b>
<b>Voter Registration .....</b>	<b>27</b>
<b>Identity Cards .....</b>	<b>28</b>
<b>Voter Education.....</b>	<b>29</b>
<b>Candidates, Parties, and Campaigns .....</b>	<b>29</b>
<b>Campaign Finance.....</b>	<b>32</b>
<b>The Media.....</b>	<b>36</b>
<b>Civil Society.....</b>	<b>38</b>
<b>Electoral Dispute Resolution .....</b>	<b>38</b>
<b>Election-Related Violence .....</b>	<b>49</b>
<b>Election Day .....</b>	<b>50</b>
<b>Opening and Voting.....</b>	<b>50</b>
<b>Closing, Counting, and Tabulations .....</b>	<b>52</b>
<b>Transmission of Results .....</b>	<b>52</b>
<b>Participation of Women .....</b>	<b>53</b>
<b>Participation of Persons with Disabilities.....</b>	<b>54</b>

***Election Results and Postelection Developments ..... 55***  
***Recommendations..... 56***  
***Annex A: Acknowledgements ..... 61***  
***Annex B: Terms and Abbreviations ..... 62***  
***Annex C: Delegation and Staff..... 63***  
***Annex D: Statements Issued ..... 66***  
***Annex E: Deployment Plan..... 78***  
***Annex F: Election Day Checklists ..... 79***  
***Annex G: Letter of Accreditation..... 83***

## Map of Lebanon



Source: <https://2009-2017.state.gov/p/nea/ci/le/index.htm>

## Foreword

In December 2008, former U.S. President Jimmy Carter visited Lebanon to learn about the country's upcoming electoral process through meetings with key government, political and civic leaders. During the visit, the Ministry of Interior and Municipalities (MoIM), the major political parties, and other government officials welcomed The Carter Center to observe the June 2009 parliamentary elections in an effort to make the electoral process more transparent.

The 2009 elections signified an attempt by the two major political factions, March 8 and March 14, to find a peaceful resolution to a political crisis and governing impasse that arose in May 2007. Though the situation turned violent in May 2008, when militia clashes resulted in more than 60 deaths, efforts by key leaders to negotiate an end to the country's political deadlock represented a move to prevent the disintegration of the country into civil strife. The Doha Agreement, signed on May 21, 2008, laid the foundations for the election of a consensus president, the formation of a national unity government, the consideration of several electoral reforms, and an agreement to hold parliamentary elections in 2009.

Lebanon's electoral history of foreign meddling, corruption, and volatile sectarianism, pitted against undercurrents for reform and a minister of interior committed to revamping the electoral process, created a dynamic preelection environment. Interior Minister Ziad Baroud handled the challenges he faced, earning the confidence of Lebanese stakeholders through his dedicated commitment to a transparent and effective electoral process. Lebanon's first single-day voting process, with effective logistical and operational arrangements, elicited very high levels of voter participation and occurred without significant problems. Domestic observers were engaged throughout the electoral process with the Ministry of Interior and Municipalities, the Supervisory Commission on the Electoral Campaign, other government officials, international agencies, and international observers.

The Lebanese people are to be applauded for their peaceful participation in the electoral process and acceptance of the election results with limited incidences of violence. The acceptance of election results by both sides provides an acceptable basis for the consultations regarding the formation of a broad-based government.

The 2008 electoral law introduced attempts to inject more transparent campaign finance and media practices into the 2009 election. Though the campaign finance and media laws are reflective of an overall effort at reform, important loopholes highlight the need for further reform. Vote buying and foreign funding, both illegal practices, were widely reported throughout the electoral process.

While commending both the Lebanese people and the Interior Ministry for a successful election, more needs to be done to bring the electoral process into compliance with international standards. The secrecy of the ballot was undermined by the lack of printed official ballots and the use of the

family code in the voters' registry. Candidates' representatives often served as supplementary polling station staff, introducing an element of partisanship. One of the most outstanding shortcomings of the electoral process was the lack of provisions for election dispute mechanisms. There were no provisions for lodging complaints on election day and the means by which the Interior Ministry and the High Court intended to process and resolve electoral complaints remained unclear and confusing.

It is important for civil society and political leaders to maintain their commitments to further electoral reform. The establishment of an independent electoral authority for the administration and implementation of elections is internationally recognized as ensuring citizens' participation and transparency in elections. Ballot secrecy can be protected through the use of official, standardized, printed ballots. Also, many political figures have spoken of the need for a more representative electoral system. Legal changes pursuing this end should be seriously considered and implemented. All of these changes support the need for a continued national dialogue as a useful forum for parties to debate crucial national questions in search of appropriate solutions.

The Carter Center appreciated the participation of former Yemeni Prime Minister Abdul Kareem al-Eryani, co-leader of our observation mission, whose presence strengthened our delegation. We also would like to thank all the short-term and long-term observers for their dedication and valuable contributions to the observation mission. As always, Carter Center field office and Atlanta staff are responsible for organizing and implementing a successful observation mission.

## **Executive Summary**

The 2009 elections were conducted at a critical moment in the history of Lebanon. After years of civil strife and political crisis, Lebanese political leaders signed the Doha Agreement in May 2008 following negotiations in Doha, Qatar. The agreement led to the election of a consensus president, the formation of a national unity government, and the establishment of parameters for electoral reform and the conduct of the 2009 parliamentary elections.

The parliamentary elections produced results that provided an acceptable basis for consultations on the formation of a broad-based government. Similarly, the electoral process served as an important foundation for additional electoral reforms. The Carter Center notes that a broad spectrum of civil society and political leaders indicated their commitment to further electoral reform.

The Carter Center opened an office in Beirut in early 2009 and deployed six long-term observers in March to assess the preparations for the elections and the campaign period. The observers assessed the political situation across regions in Lebanon. They also assessed the legal framework for the conduct of the elections, including the newly passed Parliamentary Election Law (2008). For the June 7 elections, President Carter and Prime Minister al-Eryani led a mission of 60 observers from 23 countries to assess voting, counting, and tabulation processes. Carter Center

observers visited more than 350 polling stations in the 26 districts in Lebanon.

The Carter Center commends the Lebanese people and the electoral authorities for the successful conduct of the 2009 parliamentary elections, the results of which have been accepted by both sides. While the process fell short of several of Lebanon's international commitments – most notably, secrecy of the ballot – it was conducted with enhanced transparency and in accordance with Lebanon's new consensual electoral law and regulations. The MoIM, tasked with administration of the elections, successfully conducted Lebanon's first single-day voting process, which was marked by high levels of voter participation and civic engagement. The logistical and operational aspects of the elections were conducted effectively, with a high level of professionalism exhibited by staff in most of the polling stations visited. Interior Minister Baroud earned the confidence of Lebanese stakeholders through his commitment to a transparent process. In addition, the security forces played a critical role in supporting the electoral process. They performed their election day duties professionally and were responsive to isolated incidents of violence.

The parliamentary election law, passed in 2008, also contributed to the successful conduct of the elections. The law introduced several important reforms to increase transparency and accountability in the electoral process in line with Lebanon's international commitments. The reforms introduced by the law covered media, campaign finance, balloting, and party representation, among other areas. Specifically, the law included requirements for transparent ballot boxes, inking of voters' fingers, conducting elections on one day, and ensuring that ballot boxes are empty prior to voting, along with defining an explicit role for domestic and international observers.

The Carter Center team noted the significant role that domestic observers played in promoting transparency and encouraging accountability. On the issue of campaign finance, for instance, the law prohibited candidates from foreign funding and obligated them to open a bank account for which bank secrecy was automatically waived. Candidates also were required to declare an auditor; spend within limits set by law; and report all campaign funding and expenses via a financial statement with supporting documents and a notarized declaration of compliance one month after the election.<sup>1</sup>

Despite these positive steps, Lebanon's electoral system falls short of some of its international commitments regarding civil and political rights, including ballot secrecy, the right to be elected, and equal suffrage. The lack of printed ballot papers, for instance, meant that voters could cast their ballots using any piece of paper. This, coupled with the use of family code in the voter registry, undermine ballot secrecy since they allow for the creation of unique ballots that can be

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<sup>1</sup> Chapter 5 of the Parliamentary Electoral Law (2008)

linked to particular voters or sets of voters. Similarly, the restriction of candidacy to 11 recognized religious affiliations does not fully protect the rights of all citizens to be elected, and inequalities in the number of voters per constituency effectively compromise equal suffrage.

## **Key Findings and Recommendations**

The Carter Center encourages all stakeholders, including the electoral administration, civil society, and religious and political leaders, to continue to pursue electoral reform. The following summary of key findings and recommendations for reform is intended to help improve future elections in Lebanon.

- **Electoral System:** The Carter Center recommends that the government of Lebanon and the MoIM adopt changes to make the electoral system more representative and protective of citizens' fundamental rights: (1) Use official, standardized, printed ballots in future elections; (2) Address disparity among constituencies in drawing boundaries for future elections to promote greater equality in suffrage; and (3) implement the bicameral parliamentary institution as set in the constitution.
- **Voter Registration:** Key recommendations include: (1) registering voters in their place of actual residence to give a realistic map of the electorate as a first step to change the actual voting system; and (2) implementing recent legislation on reducing the voting age and the facilitation of overseas voting.
- **Campaign Environment and Campaign Finance:** At polling stations throughout the country, Carter Center observers reported that several parties had set up temporary offices in the immediate vicinity of polling stations, a violation of campaign regulations, which had the potential to influence voters. In addition, in some districts in Southern Lebanon, observers noted multiple instances of intimidation by party supporters outside polling stations. In most cases, the supplementary polling station staff were candidates' representatives, which introduced an element of partisanship. Furthermore, in most polling stations visited, Carter Center observers noted active campaigning both within and around polling stations.

Although the 2008 law adopts provisions to regulate campaign finance, it has important loopholes. In addition, although foreign funding is prohibited by law, public allegations of illegal funding were pervasive throughout the campaign period, as were allegations of vote buying. The Carter Center urges Lebanon to address these problems and further strengthen their system of financial regulation.

- **Voting:** Carter Center observers noted a number of procedural shortcomings on election day that resulted in long lines at many polling stations. For example, until late on election

day, polling procedures allowed only one voter in a polling station at a time. Also, in many cases, the only effective polling staff were those appointed by the MoIM. This lack of sufficiently trained staff hindered efficiency and resulted in overcrowding. It is recommended that more training be conducted for polling staff in future elections. Second, there should be increased protection for ballot secrecy. Providing official, printed ballot papers is one way to ensure more secrecy in the voting process.

- **Participation of Women, Minority Groups, and People with Disabilities:** Carter Center observers noted a high level of female participation in the voting process. However, the Center is disappointed in the low number of female candidates. Despite recent steps to increase the political participation of people with disabilities, Carter Center observers noted that most polling stations did not provide sufficient access for voters with disabilities. The Center recommends the adoption of positive measures to increase the representation of women in parliament and to enhance the participation of people with disabilities.

## The Carter Center in Lebanon

The observation mission deployed for the 2009 parliamentary elections in Lebanon was the first observation conducted by The Carter Center in Lebanon. The mission objectives were to monitor the overall electoral process leading up to the elections and to offer an impartial assessment of the preparations for and actual conduct of the elections. This included an assessment of the administration of elections, the campaign period, voting and counting procedures, electoral complaints and appeals processes, and other aspects of the overall election process throughout all of Lebanon's 26 *qadas* (districts).

At the invitation of the government of Lebanon, The Carter Center opened an office in Beirut in February 2009. In March, the Center launched an international election observation mission (IEOM), deploying six long-term observers (LTOs) representing a diverse team from six countries. The Carter Center received formal accreditation from Lebanon's electoral management body, the MoIM, on March 31.

The Center released a report on May 29 commending the May 26 decision by Lebanon's Council of Ministers to appoint the final five members of the Constitutional Council. The report also urged Lebanese electoral authorities to provide further clarification of procedures for the filing and resolution of election day complaints. Short-term observers (STOs) joined the IEOM shortly before the election, led by President Carter and al-Eryani. On June 8, The Carter Center released its Statement of Preliminary Findings and Conclusions on the June 7 parliamentary elections. After election day, LTOs continued to monitor the election process.

## Election Observation Methodology

At the time of the 2009 Lebanese election, The Carter Center had observed 75 elections in 30 countries and conducted election observation in accordance with the U.N.'s Declaration of Principles for International Election Observation and Code of Conduct for International Election Observation adopted in 2005.<sup>2</sup>

The Center assessed the electoral process against Lebanon's legal framework and its international obligations regarding democratic elections. The legal framework consists of the Constitution of Lebanon, its 2008 Parliamentary Election Law, and other applicable laws and regulations. Lebanon also has ratified a number of international instruments applicable to the conduct of democratic elections, including the International Covenant on Civil and Political Rights. It has signed the Universal Declaration of Human Rights.

**Table 1: Status of Treaty Ratification by Lebanon\***

Treaty/Declaration	Status	Date
International Covenant on Civil and Political Rights (1966)	Ratified	Nov. 3, 1972
International Convention on the Elimination of all Forms of Racial Discrimination (1966)	Ratified	Nov. 12, 1971 Reservation: Art. 22
International Convention on Economic Social and Cultural Rights (1966)	Ratified	Nov. 3, 1972
Convention on the Elimination of Discrimination Against Women (1979)	Ratified	April 16, 1997 Reservation: Art. 9(2), Art. 16 (1c) (1d) (1f) and (1g). Art. 29(1)
Convention on the Political Rights of Women (1953)	Ratified	June 5, 1956
Convention on the Rights of Persons with Disabilities (2006)	Signed, not ratified	Feb. 11, 2002
Convention on the Rights of the Child (1989)	Ratified	May 14, 1991
Universal Declaration of Human Rights (1948)	Signed	1948

\* Lebanon is a member state of the Organization of the Islamic Conference, the League of Arab States, and the U.N.

The Carter Center established a field presence in Lebanon in March 2009, in preparation for a comprehensive observation of the June elections. The core team and six LTOs conducted meetings with representatives from political parties, the government, civil society organizations,

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<sup>2</sup> Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, Commemorated at the U.N., New York, Oct. 27, 2005, <https://electionstandards.cartercenter.org/wp-content/uploads/2013/10/Declaration-and-Code-English-revised.pdf>

and other key stakeholders in the electoral process to assess the political environment and electoral preparations in advance of the polls.

The Center deployed more than 40 STOs during the immediate election period to conduct primary observation of election day activities. President Carter and al-Eryani led the 60-member delegation from June 2 to June 10. These observations, coupled with the assessments of LTOs and core team members, formed the basis of the Center's public reports, preliminary statement, and recommendations.

### **Long-Term Observers**

The Carter Center generally deploys six to 10 LTOs several months before election day. These observers are deployed in teams of two, with various areas of responsibility throughout the country. The observer teams are responsible for conducting assessments of election preparations, the campaign environment, and political situation in their assigned regions. LTOs also are tasked with preparing information and logistical arrangements for STOs. LTOs generally remain in the country for several weeks after election day to allow the Center to continue gathering information on the tabulation and announcement of results in the postelection period.

### **Short-Term Observers**

The Center's STOs formed an integral part of the observation mission. They arrived in the country approximately a week prior to election day and were tasked with deploying throughout the country to conduct assessments of the environment in and around polling stations, the process of voting, and counting and tabulation procedures. These assessments were relayed to the field staff almost immediately to inform reporting and recommendations made on the electoral process.

## **Historical and Political Background**

The years leading up to the 2009 elections in Lebanon were characterized by conflict and division. Fifteen years after a bloody civil war (1975-90), a series of political and sectarian crises pushed Lebanon to the brink of institutional paralysis. Most of the issues that generated tensions in Lebanon during that time related to the Syrian military occupation (1976-2005) and its broader involvement in Lebanese politics. The occupation essentially pitted the people of Lebanon against one another, with groups in the country divided on their stance on Syria-Lebanon relations. Individual and party positions on key political issues were framed in terms of being pro-Syria or anti-Syria.

In 2004, the National Assembly voted to extend the presidential term limit of pro-Syrian President Emile Lahoud, leading to the protest resignation of Prime Minister Rafiq al-Hariri, who opposed the move. Five months after he resigned, Hariri was assassinated on Feb. 14, 2005, precipitating a series of events including the Cedar Revolution. The revolution involved protests by more than 1 million Lebanese citizens demanding an end to the Syrian occupation, an end to

Syria's involvement in Lebanese politics, and an investigation into Hariri's assassination, among other things. Although the revolution led to the withdrawal of Syrian forces in April 2005, its aftermath was marked by political uncertainties.

Political alliances were formed around key issues and tensions continued to mount in the polity. The March 8 coalition united political parties and independents with a pro-Syria stance and in opposition to the March 14 coalition. The March 14 coalition, named after the date of the Cedar Revolution, brought together a coalition of political parties and independents, united by their anti-Syria stance and opposition to the March 8 coalition. These opposing alliances clashed on a number of contentious issues, including relations with Syria and the international investigation of Hariri's assassination. The dates of the coalitions themselves reflected divisions within Lebanese politics: March 14 was the date of the massive protest against the Syrian presence in Lebanon as part of the revolution, while March 8 was the date the opposition called for its own demonstrations against the revolution.

Widespread suspicion that leaders in Syria and Lebanon were involved in the assassination of Hariri and disagreements over whether Hezbollah should retain its military capabilities aggravated the political situation. By the summer of 2006, tensions between Israel and Hezbollah had degenerated into armed conflict, and the political landscape in Lebanon had become even more fractured and uncertain.

In November 2006, the March 8 coalition, the Amal movement, the Free Patriotic Movement, and Hezbollah took steps to gain political leverage by staging protests for the resignation of several lawmakers and shutting down parliament. By January 2007, the protest movement had grown, and thousands of protesters occupied the grounds in front of the parliament building to demand the resignation of pro-western Prime Minister Fouad Siniora. The division between the March 8 and March 14 coalitions intensified when the Lebanese Internal Security Forces (LISL) launched an incursion on the Palestinian refugee camp Nahr al Bared to arrest Fatah al-Islam militants. The clash between the LISL and Fatah al-Islam lasted a day and resulted in approximately 300 casualties before the LISL took over the camp.

On the political side, the Lebanese Parliament was unable to get the required quorum to elect a new president at the end of Lahoud's term in November 2007. Amid demonstrations against rising food prices, labor unions called for a one-day strike, the government issued a crackdown on people and institutions affiliated with Hezbollah's telecommunications network, and the cabinet removed Beirut airport security chief over alleged ties to Hezbollah. This led to a series of violent clashes in Beirut and the Chouf region of Lebanon that killed more than 100 people.<sup>3</sup>

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<sup>3</sup> "Beirut paralysed by labour strike," Al Jazeera, May 7, 2008. <https://www.aljazeera.com/news/2008/5/7/beirut-paralysed-by-labour-strike>

To restore peace, the Government of Qatar invited all parties to Doha to work out a solution to the conflict. The meeting produced the Doha Agreement that resolved the 18-month political standoff between the government and opposition forces. All parties agreed to form a national unity government and elected Michel Suleiman, former commander of the Lebanese Armed Forces, as consensus president. Suleiman pushed for national dialogue among the country's political leaders to address key security issues, including the relationship between Hezbollah's militia and the national army in defending the territory of Lebanon. In return, the governing majority granted the minority opposition a one-third plus one vote in the cabinet of ministers and effective veto power over the government's decision-making process. Party leaders agreed to reduce the size of the country's electoral districts, reverting to a 1960 electoral law allocating smaller constituent boundaries, allowing Christian candidates a greater opportunity to be elected. The parties also agreed to debate electoral reforms proposed by a parliamentary commission headed by former Foreign Minister Fouad Boutros in preparation for the 2009 parliamentary elections.

The national consensus that enabled the presidency of Suleiman soon faded. The March 8 coalition criticized him for his domestic and international policies. The ensuing division between Suleiman and the opposition increased when rumors circulated that he planned to sponsor his own electoral lists in the anticipated parliamentary elections to form a presidential bloc. In May 2008, the ministerial cabinet failed to approve key appointments after the opposition effectively vetoed candidates by withholding the required two-thirds vote.

### **Political Coalitions**

In the lead-up to the elections, the March 8 and March 14 coalitions dominated Lebanese politics. The March 14 coalition consisted of the Future Movement (Sunni), led by Saad Hariri at the forefront; the Progressive Socialist Movement (Druze), led by Walid Jumblatt; Lebanese Forces (Christian), headed by Samir Geagea; and Kateb, headed by Amin Gemayel. After Hariri's assassination in 2005, the March 14 coalition emphasized the withdrawal of Syrian troops, the establishment of an international court to investigate the assassination, the resignation of the Lebanese security officials accused of carrying out the assassination, and the organization of democratic parliamentary elections. During the campaign period for the 2009 parliamentary elections, the March 14 coalition's campaign emphasized upholding the Ta'if Agreement, which ended the civil war in 1990 by reforming the power-sharing structure of government; respect for the constitution; economic development; strengthening Lebanon's sovereignty; and the disarmament of Hezbollah.<sup>4</sup>

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<sup>4</sup>The Ta'if Agreement reformed the power-sharing agreement by reducing the power of the president, conferring more executive powers to the government, and boosting the legislature's power. The number of parliamentary seats was eventually increased to 128 and a 6:5 parliamentary ratio between Christian and Muslim representatives supplanted by equal distribution of seats between Muslims and Christians.

The opposition March 8 coalition was led by Hassan Nasrallah's Hezbollah party (Shia); Amal (Shia), headed by Nabih Berri; and the Free Patriotic Movement (Christian), led by Michel Aoun.<sup>5</sup> In contrast to March 14 coalition, the March 8 coalition was pro-Syria. The coalition opposed the U.S. and Saudi-backed government of Prime Minister Siniora. March 8 candidates specifically emphasized good governance, national unity, gradual reform, and the fight against corruption during the parliamentary campaign. Although a major factor in the national dialogue, Hezbollah's military force and relations with Israel were not particularly addressed.

The most prominent differences in coalition platforms were over foreign policy and Lebanon's national defense strategy. The March 14 coalition advocated a strong relationship with the West, and reduced relations with Iran and Syria, whereas the March 8 coalition sought otherwise. In terms of national defense, the March 14 coalition objected to Hezbollah's possession of arms as an actor outside of Lebanon's formal military structures. However, the March 8 coalition leaders supported Hezbollah due to the alleged security threat posed by Israel, with whom Lebanon does not maintain diplomatic relations.

In terms of political and economic reforms, both coalitions called for the reform of the Lebanese political system. However, neither group supported extreme positions in reforming the government's structure created under the Ta'if Agreement.

### **Geopolitical Interests**

As Lebanon faced the challenge of preparing technical and operational aspects of the elections, the international community, especially regional geopolitical actors, focused their attention on observing and influencing the maneuverings of their preferred political parties. The polls and subsequent winners presented an opportunity for foreign actors to bolster their regional influence.

Syria, Iran, Saudi Arabia, Egypt, and Israel all had very specific interests in the results of the Lebanese parliamentary elections due to that country's potential impact on the geopolitical balance in the region. The possibility of a March 8 coalition victory and the subsequent control of the government by Hezbollah greatly concerned Israel. Days before the election, Israeli Prime Minister Benjamin Netanyahu called on the Lebanese to vote for the March 14 coalition. He made it very clear that Israel's policy and military strategy toward Lebanon would change if the March 8 alliance won the elections.

The U.S. also maintained a keen interest in the Lebanese elections, with Vice President Joe Biden visiting Lebanon in May 2009. The visit came during discussions in Lebanon about a possible shift in U.S. foreign policy toward the country if a U.S./Syrian rapprochement occurred. However, following his meeting with Suleiman, Biden assured the public that the U.S. would

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<sup>5</sup> Other political parties include the Skaff bloc (Christian), Al Marada (Christian), Lebanese Democratic Party (Druze), Nasserist Unification movement (Sunni), and the Islamic Unification movement (Sunni), as well as other smaller political entities.

continue to support a sovereign Lebanon. He also stated that U.S. assistance to the Lebanese armed forces could be reevaluated after the elections, pending a March 8 majority. This position was based largely on Hezbollah's designation as a terrorist organization by the U.S. government.

The European Union's position differed from that of the U.S. in that they did not consider Hezbollah to be a terrorist organization. Additionally, the EU differentiated the party's political organizations from that of its military wing and maintained diplomatic relations with the party. According to Javier Solana, the EU's high representative for common foreign and security policy, the "party was part of political life in Lebanon and represented in the Lebanese parliament."<sup>6</sup>

## **Electoral Institutions and Framework for Parliamentary Elections**

### **Legal Framework**

The Carter Center's observations and findings were based on Lebanon's domestic legislation and political commitments relating to the electoral process and human rights obligations.

Lebanon's legal framework is based on the National Pact of 1943, the Ta'if Agreement of 1989, and the Doha Agreement of 2008. The legal framework of the parliamentary elections consists of the Lebanese Constitution, the 2008 Parliamentary Election Law (PEL), and other relevant laws and regulations. The current electoral law is based on the 1960 and 2000 electoral laws and the Boutros Commission draft. The commission was created in August 2005 as the National Commission on Electoral Law (referred to as the Boutros Commission) to assess potential electoral reforms and produce a draft electoral law. Former Foreign Minister Boutros chaired the commission that was made up of lawyers, academics, and civil society activists.

Lebanon has ratified a number of international treaties, including the International Covenant on Civil and Political Rights, and the Convention on the Elimination of Discrimination Against Women. Lebanon also is a signatory to the Convention on the Rights of Persons with Disabilities. The obligations found therein are reflected in Lebanon's legal framework. Compared with the 2000 electoral law, the 2008 PEL includes significant improvements aimed at promoting transparency and deterring voter fraud. Elections are to be held on a single day instead of over four consecutive weeks. In addition, ballot boxes are transparent,<sup>7</sup> observation by domestic and international observers is explicitly provided,<sup>8</sup> polling staff and candidates' representatives are able to ensure that ballot boxes are empty prior to voting,<sup>9</sup> and indelible ink is used to mark the

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<sup>6</sup> Lebanese Forces, "Solana Says Hizbullah Part of Lebanese Political Life, Praises Climate of Accord," June 13, 2009. <https://www.lebanese-forces.com/2009/06/13/50923/>

<sup>7</sup> PEL, Article 85(1)

<sup>8</sup> PEL, Article 20, 83, 94

<sup>9</sup> PEL, Article 86(1)

thumb of voters.<sup>10</sup> The Carter Center noted the positive addition of specific provisions regarding the voting of disabled persons to the electoral law.<sup>11</sup>

### **Confessional System**

Lebanon's political system and its legal framework for elections are shaped by the diverse religious affiliations of its population. Religious leaders produced an informal agreement in 1943 known as the National Pact. It granted proportional representation in government to members of specific religions – a system called confessionalism. While confessionalism was intended to be a temporary solution, the system endures. Christians and Muslims are represented in parliament at a ratio of 6:5, while candidates for specific high-level public offices are reserved for members of the three main religions: the president is a Maronite Christian, the speaker of the parliament is a Shia Muslim, and the prime minister is a Sunni Muslim.

The 1989 Ta'if Agreement reformed the power-sharing arrangement with the aim of reducing conflict among the sectarian factions. It reduced the powers of the president, conferred greater executive powers on the government, and increased the powers of the legislature. The number of parliamentary seats was increased to 128 and the 6:5 parliamentary ratio supplanted by a 1:1 distribution of seats between Muslims and Christians.

This distribution of power among religious groups is supported and reinforced by the constitution. The preamble states: "There is no constitutional legitimacy for any authority which contradicts the 'pact of communal coexistence.'" Article 24 of the constitution clarifies this principle. Subsections (a), (b), and (c) respectively provide for: "equal representation between Christians and Muslims; proportional representation among the confessional groups within each religious community; and proportional representation among geographic regions." Parliamentary seats are subdivided and distributed among 11 confessional branches (four within Islam and seven within Christianity) relative to their demographic representation. Only candidates from that religious community can compete for the seats that are assigned to specific areas. A single seat is assigned to Christian minorities. Lebanese citizens of any other religion, including two that are formally recognized by the state, are not eligible to run for parliament.<sup>12</sup>

Elections are held by universal suffrage. All voters within a constituency, regardless of their religious affiliation, can cast a ballot for an open list of candidates. Lebanon is regarded as a "consensual democracy" in which the proportional representation and voting thresholds are aimed at preventing the rule of majority populations over minority groups and the marginalization of any religious community.

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<sup>10</sup> PEL, Article 90(3)

<sup>11</sup> PEL, Article 91 and 92

<sup>12</sup> The Lebanese Electoral System; IFES Lebanon briefing paper, March 2009.

[https://www.ifes.org/sites/default/files/migrate/ifes\\_lebanon\\_esb\\_paper030209\\_0.pdf](https://www.ifes.org/sites/default/files/migrate/ifes_lebanon_esb_paper030209_0.pdf)

## **Lebanon's Electoral Framework and International Obligations**

Lebanon's electoral framework is based on the 1926 constitution, the 2008 PEL, and other relevant laws and regulations, including circulars issued by the Ministry of the Interior and Municipalities and judicial decisions of relevant courts.<sup>13</sup> The relevant electoral law was based on the 1960 and 2000 electoral laws and draft legislation prepared by a commission specially formed to assess potential electoral reforms. The PEL was adopted by the Lebanese parliament in September 2008 and published in the Official Gazette of the Republic of Lebanon on Oct. 9, 2008.<sup>14</sup>

Despite the need for further electoral reform, the adoption of the 2008 PEL represents a significant step forward. In what marked a novelty in the history of Lebanon, the law was drafted without Syrian interference. The Carter Center commends the participation of a broad variety of actors in drafting the law, including civil society activists. Though the eventual law did not fulfill all their demands, their role in the electoral process established an inclusive and deliberative environment for reform. The commission's objective was to propose a draft law containing several procedural and structural reforms for consideration by the Lebanese parliament. Negotiations led to the enactment of a new parliamentary election law.

Compared with the 2000 electoral law, the 2008 PEL included significant steps to promote transparency and deter voter fraud. For example, the law stipulated that elections would be held on a single day across the country, thus reducing the voting period from four consecutive weekends in various regions.<sup>15</sup> In addition, the law required transparent ballot boxes, institutionalized the role of domestic and international observers, required polling staff and candidates' representatives to ensure that ballot boxes were empty prior to voting, and mandated the use of indelible ink to mark the voters' thumbs in steps intended to deter fraud in the electoral process.<sup>16</sup> The Carter Center noted the positive addition of specific provisions regarding the voting of disabled persons to the electoral law.<sup>17</sup> The new law also introduced provisions regulating campaign finance and the conduct of the media. The Supervisory Commission on the Electoral Campaign (SCEC) is tasked in Articles 60 and 68(5) with ensuring that candidates comply with campaign finance regulations and that there is balance in media access during the electoral campaigning period.<sup>18</sup>

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<sup>13</sup> They included the law on associations; the laws on audiovisual and printed media; the decrees relevant to the electoral process – on international observation, security, members' appointments to the Supervisory Commission on the Electoral Campaign, the Registration Committees and Higher Registration Committees, ceilings applicable to campaign finance, disabled people voting; the relevant circulars from the Ministry of Interior and Municipalities; the bylaws of and the resolutions and statements from the SCEC; and, the laws on the Constitutional Council, the State Council, the Judicial and Military Courts, as well as the relevant courts decisions.

<sup>14</sup> Official Gazette of the Republic of Lebanon, Issue No. 41, Oct. 9, 2008.

<sup>15</sup> PEL, Article 80(1).

<sup>16</sup> PEL, Article 85(1), PEL, Article 86(1), PEL, Articles 20, 83 and 94, PEL, Article 90(3).

<sup>17</sup> PEL, Articles 91 and 92.

<sup>18</sup> PEL, Chapters 5 and 6.

The law also mandated minimum voter education efforts by requiring that civic education programs be broadcast three hours a week; the locations of the polling stations be released at least 30 days before polling day; and the Ministry of Interior and Municipalities publish the voter registry and the polling stations locations on its website in advance of the elections.<sup>19</sup>

The Carter Center applauds the efforts to implement electoral reform in Lebanon enshrined in the 2008 electoral law, and notes that, while further reform is necessary, the law helped bring Lebanon's legal framework into alignment with the country's international commitments with regards to the conduct of elections.

Lebanon also ratified a number of international treaties, including the International Covenant on Civil and Political Rights,<sup>16</sup> the Convention on the Elimination of Discrimination Against Women,<sup>17</sup> and the U.N. Convention Against Corruption.<sup>18</sup> Also, Lebanon signed the Convention on the Rights of Persons with Disabilities.<sup>19</sup> The civic and political obligations found therein were incorporated into Lebanon's legal framework.

## **Electoral System**

Although notable, the new 2008 PEL did not change the confessional nature of the electoral system itself, but the boundary delimitations or electoral constituencies were altered significantly. As agreed in Doha, the law reverted to the constituencies used previously under the 1960 electoral law, thus effectively increasing their number and reducing their size. The 2008 electoral system was based on 26 electoral constituencies. These constituencies were smaller than in the previous electoral system that was largely based on Lebanon's 14 governorates or *muhafazat*. The 2009 constituencies largely coincided with the 19 administrative districts, or *qadas*.

In addition, three electoral districts were made up of two administrative districts each: One administrative district was split into two electoral districts, and Beirut was divided into three adjacent electoral districts.<sup>20</sup> This reduced the number of voters casting a ballot for any particular seat and was intended to meet demands by Christian parties for their candidates to contest elections in more religiously homogeneous constituencies. As a result of the reforms, the 2009 elections were more competitive than the 2005 parliamentary polls; only three seats<sup>21</sup> were uncontested in 2009, compared with 19 of 128 in 2005.<sup>22</sup>

The 2009 unicameral Lebanese parliament, the Chamber of Deputies, was elected according to a majority electoral system with multiple seat constituencies. The seats in each constituency were allotted by religious affiliation or "confession."<sup>23</sup> Voters, regardless of their religious affiliation,

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<sup>19</sup> PEL, Articles 78, 69, and 34.

<sup>20</sup> The IFES Lebanon briefing paper says, "The current 26 electoral districts are based on the administrative boundaries of the *qada* but with some exceptions: in three cases, two *qada* are merged into one district (Marjeyoun-Hasbaya) and in one case, a single *qada* is divided into two districts (Saida and Zahrany).

<sup>21</sup> As of April 23, 2009, which was the day after the deadline for the candidates to withdraw under PEL, Article 52.

<sup>22</sup> European Union Election Observation Mission, Parliamentary Elections, Lebanon 2005, Final Report, Page 41. On the number of seats in Parliament, see PEL, Article 1.

<sup>23</sup> PEL, Article 1.

had the right to vote for each parliamentary seat in their constituency.<sup>24</sup> In an attempt to push forth a unified Lebanese identity, the constitution mandates that elected members of parliament are to represent the whole nation, and not only their constituency or religious group.<sup>25</sup>

The 128 parliament seats were allocated first among 11 religious affiliations and then geographically, because Article 24(1) of the constitution allocated parliamentary seats in equal representation between Christians and Muslims, proportional representation among the groups within each religious community, and proportional representation among geographic regions. Out of 26 constituencies and 128 seats, there were 10 single confessional constituencies, where 30 deputies were elected<sup>26</sup>

Official, standardized printed ballots were not required by law. Voters could cast their ballots as provided or cross out the printed names of candidates from the list and write in their own choice. Unofficial ballots often were provided by political coalitions. These ballots varied greatly in size and there were no standard requirements regarding the font and format. Blank papers were provided inside the voter booth for voters who wished to write down their own list of candidates.<sup>27</sup> In practice, the unofficial ballots distributed by political parties were so small that it would have been difficult for voters to cross out a candidate's name and write in their own choice.

The lack of an official, printed ballot, when combined with other voting procedures, undermined the right to secrecy of the ballot.<sup>28</sup> To support the confessional system, all voters are required to vote in their place of origin. Voters are only allowed to change their residency under involuntary circumstances, with change of residence by a woman due to her marriage being the only exception expressed in the law.<sup>29</sup> When registered, voters are assigned a code by family name.

The lack of a standard ballot format allowed political coalitions to design ballots with unique formatting for specific groups of voters. Lebanese voters and independent civil society groups expressed concern that the family code, coupled with the potentially identifiable ballots, could hypothetically allow candidates' representatives to tie ballots to a specific family during the counting process. Furthermore, the voting procedures facilitated efforts to trace voters since the voters' names and identity numbers were called out loud. Candidates' agents frequently followed the tabulation with a copy of the voters' register in the polling stations.

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<sup>24</sup> PEL, Article 2(B).

<sup>25</sup> Constitution, Article 27.

<sup>26</sup> They were Kesrouan (five Maronite seats), Sidon City (two Sunni seats), Nabatieh and Bint Jbeil (three Shia seats each), Tyr (four Shia seats), Menieh-Donnich (three Sunni seats), Zgharta (three Maronite seats), Koura (three Greek Orthodox seats), and Becharre and Batroun (two Maronite seats each). See Annex to PEL under Article 2(A) of the same law. Also, Democracy Reporting International (DRI) and the Lebanese Association for Free Elections (LADE), *Assessment of the Election Framework. Election law of 2008. Lebanon*, December 2008, pages 18-23; and IFES Lebanon Briefing Paper, *The Lebanese Electoral System*, March 2009

<sup>27</sup> The list of candidates' names in the constituency was provided in the polling booth.

<sup>28</sup> Universal Declaration of Human Rights, Art. 21(3)

<sup>29</sup> PEL, Article 32.

Overall, the lack of non-standardized ballots increased concerns regarding potential vote buying in the days before the elections because of the ease with which ballots could be tied to a group of voters. Although the Boutros Commission recommended the use of official, printed ballot papers, the reform initiative did not receive sufficient support in the parliament from the Sunni political blocs and ultimately was not included in the 2008 electoral law. The Carter Center strongly encourages Lebanese authorities to mandate the use of official printed ballots to protect the secrecy of the ballot and to alleviate concerns regarding voter intimidation before the next electoral cycle.

The 2009 Lebanese electoral system was candidate-based. Legal provisions aimed to regulate individuals running as candidates.<sup>30</sup> Legally, only individuals could run for parliamentary elections, excluding any official party-based candidate list. Although political parties and coalitions played important parts in the electoral campaigns, legally, voter lists were not based on party affiliation. The electoral lists could be printed by anyone at any time since there was no printed ballot paper. Legally there were no political parties as such – only associations that exercised political activities.<sup>31</sup>

Many political and institutional stakeholders, including the MoIM, spelled out their discontent with the shortcomings of the 2008 parliamentary electoral law even with its adoption and called for further reform to the electoral law after the 2009 elections. The Carter Center fully supports these efforts and encourages the Lebanese authorities to undertake reforms in advance of the next electoral cycle.

## **Election Administration**

The MoIM is responsible for overseeing and administering elections in Lebanon. The preparations for elections at the administrative district levels are implemented through the respective governors (*muhafez*), district commissioners (*qaimmakam*), *mukhtars*,<sup>32</sup> and poll workers. For future elections, an independent and impartial election authority would help to ensure that elections are administered transparently and thoroughly such as by the MoIM.

## **Structure and Composition of the Election Administration**

### **The Ministry of Interior and Municipalities**

The MoIM manages all aspects of electoral operations, including logistics, security, budgeting, human resources, public relations, and the use of information and communication technologies.

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<sup>30</sup> Although the 2008 Parliamentary Election Law mentioned “lists” in Articles 64, 68, 70, 71, and 83, and “party agent” in Articles 83, 86, 94, 95, and 98, for instance, it appeared to be errors. Most of the provisions of PEL were aimed to “candidates” or “their agents” – see PEL Article 46 on candidacy application, chapter on Electoral Funding and Spending, and Articles 99 and 100, for instance.

<sup>31</sup> The political associations were regulated by the 1909 Law on Associations.

<sup>32</sup> Mukhtar means “chosen” in Arabic. It refers to a person who has been selected as head of government of a village or of a neighborhood within a town.

In addition, it has an advisory role in the adoption of government decrees on the implementation of electoral law, registration of candidates, and voting day operations. During the preelection period, almost all necessary election preparations were made on time and most polling boards were well-prepared and well-equipped. The MoIM departments responsible for the overall electoral process are the General-Directorate of Political Affairs and Refugees' (GDPAR), the General-Directorate for Personal Status (GDPS), and the General-Directorate for Internal Security (GDIS).

The GDPAR was the electoral management body responsible for administering elections and ensuring that electoral processes comply with the legal framework. Subsequently, it decides the ways in which to apply the election laws and ensure that elections are held under the given legal principles and conditions. The GDPAR organized a training session for polling station staff, produced a polling station manual and other training materials to provide instructions to polling officials (presidents, clerks, and assistants), and disseminated voter education material in cooperation with international organizations. It coordinated and appointed the electoral executive organs.<sup>33</sup> It was completed by a central organ, the Supervisory Commission of the Electoral Campaign (SCEC), and local organs, 47 registration committees and eight higher registration committees.

No provisions were made for lodging complaints in the polling stations. Incidents and complaints were reported to the registration committees and higher registration committees in the polling station minutes. Under those procedures, no response was to be issued to complainants.<sup>34</sup> Complaints could, however, always be filed with the MoIM.<sup>35</sup> Once a complaint had been filed, the MoIM had two months to respond.<sup>36</sup> In response to a complaint, the MoIM could withdraw a challenged decision, issue a new decision, or modify a decision. It could also reject the complaint.<sup>37</sup>

### **The Supervisory Commission on Electoral Campaign**

Parliament established the SCEC with a mandate to monitor, control, and report on the candidates' campaign expenditures and media-related provisions. While the creation of this body is a positive step toward increasing oversight of campaign finance and the media environment, the Center notes that the SCEC faced several challenges beyond its control. For example, banking

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<sup>33</sup> PEL, Articles 11 on the SCEC, and 40 on the appointment of the higher registration committees. There was no provision on appointing registration committees, which were appointed in the same decree as the higher registration committees. See Decrees No. 1469, 1470 and 1471 of March 6, 2009, as well as Decree No. 2106 of May 5, 2009.

<sup>34</sup> Although the 2000 Electoral Law Articles 44 and 61 provided for procedures when a dispute related to the electoral process arose in a polling station, there was no specific provision on this issue in PEL. The polling station handbook provides only on Page 24: "Complaints and Remarks during the Polling Day. The polling station head shall record in the minutes all the complaints and remarks related to the electoral process and submitted by people who are authorized to be in the polling station, including voters."

<sup>35</sup> State Council Law, Article 71. Although two hotlines were operated by the MoIM for the 2009 elections, they were purported to inform voters and polling staff, not to file complaints.

<sup>36</sup> State Council Law, Article 68.

<sup>37</sup> State Council Law, Article 62.

privacy laws were a significant challenge undermining the commission's ability to fully regulate campaign finance by making it possible to open a bank account without providing personal information.

The SCEC consisted of 10 members, including three judges, two lawyers, two media experts, and three election experts, appointed by the Council of Ministers on Dec. 13, 2008.<sup>38</sup> The SCEC mandate started on Dec. 13, 2008, and ends Dec. 7, 2009 (six months after the parliamentary election day.)<sup>39</sup> However, for the duration of the 2009 electoral process, the SCEC was in violation of Article 13 of the parliamentary electoral law because it functioned with only nine members.<sup>40</sup>

### **Administration at the Local Level**

Preselection of public servants to be deployed as polling officials (polling station head and clerk) was orchestrated by the MoIM and the Ministry of Education. The MoIM also deployed its staff members and state employees from other public institutions. The governor or district commissioner was responsible for selecting the polling station president and clerks who directly managed polling and counting. The exact roles of the four polling station assistants are not specified in the parliamentary electoral law or in the official polling guide, and therefore they are often undermined and perceived as insignificant. Recruitment of polling station assistants among party agents, who were predominantly focused on their duties as party agents as opposed to polling station assistants, resulted in an evident lack of support needed by polling officials on election day.

In a positive step, some 1,500 women (about 15% of the more than 11,000 polling staff) were designated by the Ministry of Education to perform the duties and responsibilities of clerks. The explanation given to the Carter Center observation mission as to why women were not selected in past elections or in fewer numbers in this election cited their alleged physical inability to carry the polling station. The GDPAR continued its policy of deploying polling officials in governorates where they were not registered, which resulted in a regional shifting of more than 11,000 polling officials. Female polling station officials were not obliged to abide by this policy.

The registration committees and the higher registration committees were in charge of processing requests and challenges on the voter register, as well as of reviewing and compiling results from polling stations' minutes and sheets.<sup>41</sup> Both registration committees and higher registration

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<sup>38</sup> PEL, Article 12 and Decree No. 1044 of Dec. 23, 2008, on Formation of the Supervisory Commission on the Electoral Campaign. See also IFES Lebanon Briefing Paper December 2008, the Role and Responsibilities of the Supervisory Commission on the Electoral Campaign.

<sup>39</sup> PEL, Article 13 and Decree No. 1044 of Dec. 23, 2008, on Formation of the Supervisory Commission on the Electoral Campaign.

<sup>40</sup> The nominated judge from the auditing court (*Cour des comptes*) refused her appointment to the SCEC. As of July 20, no replacement had been found due to the requirements for the position.

<sup>41</sup> PEL, Articles 39 and 42.

committees were administrative bodies.<sup>42</sup> They consisted of judges who served as chairmen, and elected and/or administrative officials, including MoIM civil servants, who served as members.<sup>43</sup> Since there was no procedure for filing complaints at the polling station level, committees decided on challenges to voter register only.

Challenges on the voters' register could be filed from Feb. 10 to March 10, 2009.<sup>44</sup> Both voters and local officials – *muhafez*, *qaymaqam*, and *mukhtar* – could submit challenges on the preliminary voter register (meaning they had “the right to ask the competent registration committee to cross off or add any name that was illegally registered or unregistered on the roll”).<sup>45</sup> The registration committees had to make their decisions within five days from the submission of the requests.<sup>46</sup> The decisions could be appealed within five days from the notification of the registration committee to a higher registration committee.<sup>47</sup> The law contained no procedures on how the higher registration committees should deal with these complaints (for example, concerning the timeframe in which a ruling should be made and the notification of concerned voters). This could have been clarified through government decrees.<sup>48</sup> In practice, the higher registration committees gave their decisions within five days.<sup>49</sup>

The registration committees and the higher registration committees could grant or reject the challenge. There was no de facto court remedy available against higher registration committees' decisions to be enforceable on the voter register relevant to the 2009 elections since the register was closed by March 30.<sup>50</sup> “This [left] no possibility of making a later complaint should voters discover before an election that they [had] since been deleted from the voters' list.”<sup>51</sup>

### **Organization of the Elections**

In general, the election administration enjoyed a high degree of confidence and election day was professionally organized. There was a high degree of transparency regarding the MoIM's activities. The MoIM elaborated on numerous rules and regulations, maintained an updated and

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<sup>42</sup> The committees were appointed by the MoIM (PEL, Article 40 for the Higher Registration Committees – there was no provision on the appointment of members), and they did not apply *inter partes* procedures. Nevertheless, the Ministry of Justice participated in appointing the members, which was necessary for assigning judges to any task (PEL, Article 41).

<sup>43</sup> PEL, Articles 38 and 40, and Decrees No. 1469, 1470 and 1471 of March 6, 2009, as well as Decree No. 2106 of May 5, 2009.

<sup>44</sup> PEL, Article 36.

<sup>45</sup> PEL, Article 36.

<sup>46</sup> It was not stated explicitly in the PEL. However, it was mentioned as such in IFES briefing paper on voter register, February 2009.

<sup>47</sup> PEL, Article 39.

<sup>48</sup> Democracy Reporting International and the Lebanese Association for Free Elections, *Assessment of the Election Framework. Election Law of 2008. Lebanon*, December 2008, pages 27-28.

<sup>49</sup> IFES/MoIM Voter Registration Media Outreach Campaign (February 2009): “The Higher Registration Committees will inform you of their decision on your appeal within five days of the date it was submitted to them.”

<sup>50</sup> PEL, Article 37.

<sup>51</sup> Democracy Reporting International and the Lebanese Association for Free Elections, *Assessment of the Election Framework. Election Law of 2008. Lebanon*, December 2008, Page 42. In addition, there was no provision in the polling station handbook for implementing PEL, Article 81(3), which left no room for last-minute correction. See PEL, Article 81(3): “No one shall be allowed to vote unless their name is registered on the check list of the polling station or *unless they obtain the competent registration committee's decision allowing them to register their name.*” [Emphasis added.]

informative website, and conducted a voter information campaign, including information on voter registration. The Carter Center enjoyed a cooperative relationship with the minister's adviser and met regularly with the General-Directorate of Political Affairs and Refugees. The level of cooperation the Carter Center observers received from the General-Directorate for Personal Status and its regional civil registry offices throughout the country was low in the preelection period.

With the support and under the guidance of international organizations, including the UNDP and the International Foundation for Electoral Systems (IFES), the MoIM organized intensive training sessions for trainers and more than 11,000 polling officials employed on election day. The Center's observers commented positively on the training of polling officials but found it less comprehensive than desired due to it being limited to one day. Adding to the confusion, the MoIM published two separate guidelines for polling station clerks, but neither was adopted as an official MoIM document. These training issues led to some problems with a lack of professionalism and vote counting and tabulation protocols and procedures on voting day.

The MoIM hotline was established on May 15, 2009, to respond to the queries of polling officials and voters by trained operators and appears to have been well-publicized and well-used. Two weeks before election day the hotline received 1,023 calls (an average of 205 calls a day). Carter Center observers noted that on election day the hotline appeared to be effectively employed, and operators were largely responsive to the issues raised by voters and poll workers when a connection was made. While the hotline represents an important step to ensuring that poll workers are aware of their responsibilities and adequately prepared to effectively implement procedures, establishing the hotline at least two months prior to the election and providing operators with more comprehensive training would have increased its effectiveness. Also, the operators did not receive procedural updates on a daily basis.

The Directorate-General of Internal Security Forces (ISF) was to assure security and safety on election day. The ISF implemented two plans: one related to traffic on election day, and another related to the security in cities and at the entrance and around polling stations. In this respect, the ISF deployed 12,000 to 13,000 personnel throughout the country. In addition, the Lebanese Army Forces (LAF) deployed 40,000 officers. ISF and LAF security forces and efforts were joined by 800 security personnel of the Security General and 400 security personnel of the State Security. A total of 52,000 to 53,000 security personnel were deployed throughout the country on election day. Although there are female ISF officers, they were not deployed for elections.

ISF organized training for the ISF officers and produced an informational brochure including relevant articles of the parliamentary electoral law for security personnel recruited on the election day. Citizens could call ISF's operations room at any time on election day to report any accident or emergency.

## Boundary Delimitation

Although the two competing blocks in the elections adopted a nonsectarian agenda, sectarianism dominated the discourse of many of the candidates. The Doha Agreement settled the electoral districts by adopting the *qada*, as this played a role in promoting sectarianism as a strategic tool to attract the votes of electorates in those districts. Many of Lebanon's 26 *qadas* are homogenous in terms of their confessional landscape, but in others, certain sects enjoy a demographical advantage.

Only a few *qadas* are balanced in terms of demographic composition vis-à-vis confessional affiliations. It was noted that candidates running in homogeneous districts adopted a stronger sectarian discourse, feeling the need to outflank each other with their loyalty to the confession, while candidates running in heterogeneous districts kept a more moderate discourse as a campaigning strategy to appeal to a cross-cutting demographic.

With the 2009 boundary delimitation, the Lebanese electoral system did not comply with Lebanon's international obligations for equality of suffrage and the right of citizens to vote. The 26 electoral constituencies varied significantly in population size and seat allocation and resulted in inequalities in the weight of votes across constituencies. For example, one seat was allocated for less than 18,000 voters in Keserwan and for more than double in Nabatiye and Beint Jbeil (from 38,000 to more than 40,000 voters, depending on sources).<sup>52</sup>

In addition to inequalities associated with electoral population weight in each constituency, equality of suffrage also was distorted among religious communities. Although the constitution provided equality and proportion rules for allocating the seats,<sup>53</sup> "Regions [were] not proportionally represented: areas with concentrations of Muslim voters [were] underrepresented (in particular in the south of the country). A seat in a redrawn Christian district [was] elected by fewer voters than in a Muslim area, making a Muslim vote worth less than a Christian vote."<sup>54</sup>

The registration of citizens in their family's place of origin (based on the grandfather's place of birth), as opposed to registration in the actual place of residence, also significantly complicated the system's ability to fulfill its international obligation of equal suffrage. Changing one's place of registration could be difficult and might take up to a year at least under the parliamentary electoral law.<sup>55</sup> Moreover, the implementation of provisions on changing registration locations are not necessarily consistent and uniform across districts. The procedures are not transparent and

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<sup>52</sup> See the website of the Ministry of Interior and Municipalities at <http://www.elections.gov.lb/Electoral-Districts/List-of-Districts-And-Seat-Allocation.aspx>, and <http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/> - [سقف-الانفاق-الانتخابي-](http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/سقف-الانفاق-الانتخابي-) [النهائي-بحسب-تقسيم-الدوائر-1.aspx](http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/النهائي-بحسب-تقسيم-الدوائر-1.aspx); as well as Democracy Reporting International and the Lebanese Association for Free Elections, *Assessment of the Election Framework. Election law of 2008. Lebanon*, December 2008, Page 51.

<sup>53</sup> Constitution, Article 24.

<sup>54</sup> Democracy Reporting International and the Lebanese Association for Free Elections, *Assessment of the Election Framework. Election Law of 2008. Lebanon*, December 2008, Page 19; figures provided at Page 51 of the same report.

<sup>55</sup> PEL, Article 32.

require approval from the Council of Ministers, who have substantial discretion.<sup>56</sup> Under these circumstances, the voter register could not reflect the accurate distribution of the electoral population over the Lebanese territory.<sup>57</sup>

Combined, all those parameters infringed significantly on the equality of suffrage. Because each member of the Chamber of Deputies represents the whole country, rather than a religious affiliation,<sup>58</sup> the requirement of equal suffrage even appeared to conflict with the idea of confessional representation. The Ta'if Agreement, reiterated in the preamble, Point H, and Article 22 of the Lebanese Constitution, had aimed to address this issue. A second chamber should be created so that the lower chamber, the Chamber of Deputies, would be nonconfessional. The newly created upper chamber, the Senate, would represent confessional communities, and handle matters of major national interest only. At the time of the election, no steps had been taken to implement those provisions.

Confessional representation was a significant barrier to Lebanon's compliance with the international obligation to allow all citizens an equal opportunity to be elected.<sup>59</sup> The 128 seats in parliament were reserved for 11 confessional groups (including one seat for religious minorities) out of 18 officially recognized confessions.<sup>60</sup> Recent initiatives sought to lessen the impact of the confessional system, but the Carter Center remained concerned that candidates had to be affiliated with a recognized religion to run for election.<sup>61</sup> No provision was made to ensure the representation of citizens that belonged to another religious group or who were not affiliated with a specific religion.<sup>62</sup>

## Suffrage

Overall, more people could legally exercise their right to vote under the parliamentary electoral law than under the 2000 electoral law. The PEL allowed for people sentenced for nonfraudulent

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<sup>56</sup> Democracy Reporting International and the Lebanese Association for Free Elections, *Assessment of the Election Framework. Election Law of 2008. Lebanon*, December 2008, Page 27.

<sup>57</sup> "For example, the electoral districts of Beirut [had] a relatively small number of voters, despite significant urbanisation over recent decades. According to estimates, half the country's population [lived] in Beirut, but there [were] only some 430,000 voters registered there." Democracy Reporting International and the Lebanese Association for Free Elections, *Assessment of the Election Framework. Election Law of 2008. Lebanon*, December 2008, Page 27.

<sup>58</sup> Constitution, Article 27. See also PEL, Article 2(B).

<sup>59</sup> ICCPR, Article 25(b); Convention on the Political Rights of Women, Article 2; and Concluding Observations of the Human Rights Committee: Lebanon. Jan. 4, 1997. CCPR/C/79/Add.78, Para. 23.

<sup>60</sup> See, for instance: [http://www.iri.org/newsreleases/2009-06-election\\_watch\\_lebanon.asp](http://www.iri.org/newsreleases/2009-06-election_watch_lebanon.asp); or U.S. State Department's *International Religious Freedom Report 2005*.

<sup>61</sup> Further, in Opinion No. 247/2009 of March 24, 2009, the Ministry of Justice reminded that when the confession affiliation had been removed from the civil register, the person did not waive his/her confession. In any case, s/he would need the information for the voters' register as per PEL Article 72, for running as a candidate as per PEL Article 2, and for determining which religious law would be applicable to his/her personal status. In a previous opinion, No. 276/2007, the ministry reached the same conclusion.

<sup>62</sup> It is the same for personal status matters. See Decree no. 8837 of June 15, 1932.

bankruptcy to register,<sup>63</sup> provisions were made to increase accessibility for people with disabilities,<sup>64</sup> and polling station workers were allowed to vote three days before election day.<sup>65</sup>

Although Article 1 of the PEL provided for universal suffrage, the right to vote still appeared subject to unreasonable restrictions. Specifically, citizens naturalized for less than 10 years and nonretired security personnel were forbidden to vote.<sup>66</sup> In addition, the failure to accommodate voters who were housebound by illness or age, were hospitalized, or detained through a lack of provisions for voting outside polling stations led to their effective disenfranchisement.

The parliamentary electoral law stipulated that nonresident Lebanese citizens were entitled to vote outside of the country.<sup>67</sup> The passage of the law in late 2008 prevented out-of-country voting from taking place for the 2009 elections. However, plans are in place to implement the law before the 2013 elections. Though a constitutional amendment is being processed, the voting age for the 2009 elections was still 21, preventing citizens between the ages of 18 and 20 from voting.<sup>68</sup> The MoIM did, however, make provisions for anyone over the age of 18 to serve as a domestic election observer.

## Pre-election Developments

### Voter Registration

Lebanese citizens who are 21 must be added to the voters list. Voter registration is conducted by the General Directorate of Personal Status under the MoIM. According to the 2008 electoral law, “non-retired military personnel of various ranks” are ineligible to vote. Voter lists are permanent in nature and updated once a year based on the civil registry. Administrative changes to people’s status are introduced by *mukhtars* (local elected officials that work in cooperation with the MoIM to manage the issuance of voter ID cards) based on birth, death, and religious marriage certificates. The general voter list is based on information provided by the regional civil registry offices and departments, offices of the police record in each governate, judicial courts, Lebanese embassies and consulates abroad, and other relevant bodies and institutions.

The absence of a central electronic civic register database requires manual bookkeeping in 47 registration offices, a potentially burdensome practice that could be counteracted by the creation of an automated database at the national level. The provisions of the 2008 PEL dealing with voter registration have shortcomings – most notably that revisions to the list can only be made during specific updating periods. This practice excludes from the register those who come of age between March 30 and election day in an election year. This could be addressed by allowing

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<sup>63</sup> PEL had limited people disenfranchised on the ground of bankruptcy to people sentenced of fraudulent bankruptcy. See PEL, Article 4(7).

<sup>64</sup> PEL, Articles 91 and 92.

<sup>65</sup> PEL, Article 80.

<sup>66</sup> PEL, Articles 5, 6, and 8.

<sup>67</sup> PEL, Chapter 10.

<sup>68</sup> The Ministry of Interior and Municipalities allowed them to participate in observing the electoral process as domestic observers.

those whose birthdays will fall within that period to register during the updating period, despite not yet reaching the age of majority.

A large-scale public information campaign was conducted to inform voters of their rights and duties regarding voter registration. The MoIM specifically encouraged voters to check their names through the ministry's webpage or via a CD containing the voter register. In addition, a number of *mukhtars* and candidates demonstrated initiative by conducting door-to-door canvassing to improve the quality of the register. According to the authorities, the process of checking and verifying data on the voter register resulted in the deletion of approximately 40,000 double entries. Some 45,000 citizens newly eligible to vote were included in the current voter register. In total, 3,258,572 citizens were registered to vote in the June 7 elections.

However, the system does not register voters according to their "actual residence" in the civil registry. Instead, citizens are registered in the place of their family's origin, which, in many cases, differs from their current domiciles. This neglects the existing demographic map and causes unnecessary inconvenience to voters, who must travel to vote on election day, as well as disenfranchising voters with limited mobility or who are unable to travel away from their place of residence.

Despite efforts to improve the quality of voter lists, some stakeholders continued to express concerns regarding the accuracy of the voter list. Carter Center observers reported that in some polling stations visited on election day, voters were refused the right to vote because their names were not on the voter list.

### **Identity Cards**

To cast a ballot, voters must prove their eligibility by presenting an ID card or a valid Lebanese passport in place of the national voter card previously used in elections. While authorities embarked on a large-scale effort to provide voters with ID cards prior to the election, a significant number of voters were refused ID cards due to negligent fingerprinting techniques by *mukhtars* at registration centers. This deficiency was addressed by several extensions of the deadline for ID applications, the establishment of 27 temporary centers, and by the gradual introduction of digital scanning kits to facilitate the work of civil registry offices.

Due to the high number of errors and subsequently rejected applications, the MoIM extended the deadline for corrections and issuance of ID cards until May 23, 2009 (two weeks before election day). The MoIM also introduced digital fingerprint scanning kits and 27 temporary ID card issuing centers to ensure that all eligible voters were provided with the necessary identification documents.

In the days leading up to the election, reports of fake IDs being issued to voters and concerns about fraud were rampant. Carter Center observers did not report any cases of fake IDs being used on election day.

## **Voter Education**

States must take specific measures to address difficulties that may prevent people from exercising their electoral rights effectively.<sup>69</sup> Voter education is recognized in international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote. In the run-up to the election, the MoIM conducted a large-scale public information campaign to inform voters of their rights and duties in regard to voter registration.

In accordance with the 2008 electoral law, civic education programs were broadcast three hours a week; the locations of the polling stations were published in the official gazette at least 30 days before polling day; and voters' registration and polling station locations were posted on the website of the MoIM. A quarter-million leaflets educating voters on how to obtain their national ID cards were distributed.<sup>70</sup>

In April, the MoIM launched nationwide voter education radio and TV programs (seven public service announcements and three documentaries). Voter education programs were broadcast on both public and private outlets. The MoIM, supported by UNDP, conducted national voter education and awareness campaigns informing voters where, when, and how to register and to vote.

MoIM voter education efforts included a focus on cooperation with the Lebanese Council of Women, a network of approximately 170 nongovernmental organizations based in six districts.<sup>71</sup> UNDP organized roundtables where women had the opportunity to ask questions and discuss relevant topics with the candidates.

## **Candidates, Parties, and Campaigns**

### **Candidate Registration**

The legal requirements for candidate eligibility appear objective and reasonable under the ICCPR, Article 25 obligations,<sup>72</sup> except for the naturalized persons<sup>73</sup> and confessional requirements.<sup>74</sup> Naturalized persons had to wait 10 years after their naturalization to run for office. This limitation does not appear reasonable under Lebanon's international obligations.<sup>75</sup> Confessional representation also hindered compliance with international obligations allowing all

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<sup>69</sup> Specific difficulties include such things as language barriers, poverty, and impediments to the freedom of movement. States must ensure that voter education reaches the broadest possible pool of voters (U.N. Human Rights Committee General Comment 25, Para. 11).

<sup>70</sup> Pursuant to PEL, Articles 34, 69, and 78.

<sup>71</sup> Beirut, Bekaa, Nabatyeh, Mount Lebanon, North Lebanon, and South Lebanon.

<sup>72</sup> Only literate Lebanese citizens at least 25 years old who are registered voters may run for parliamentary elections. See PEL, Articles 7 and 8.

<sup>73</sup> PEL, Article 8.

<sup>74</sup> PEL, Article 2.

<sup>75</sup> UNCHR General Comment 25, Para. 15: "Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria."

citizens an equal opportunity to be elected.<sup>76</sup> A total of 128 seats in parliament were reserved for 11 confessional groups (including one seat for religious minorities) out of 18 officially recognized confessions.<sup>77</sup> While recent initiatives had sought to lessen the requirement for confessional affiliation,<sup>78</sup> The Carter Center remains concerned about political confessionalism.<sup>79</sup> No provision was made to ensure the representation of citizens who belonged to other religious groups or who were not affiliated with a specific religion.

The parliamentary electoral law mentions numerous eligibility restrictions for military personnel,<sup>80</sup> public employees, board members of public or private institutions or bodies, and municipal council presidents and vice presidents. Candidates in these positions had to retire six months before the election or the end of the parliamentary mandate, while municipal council presidents and vice presidents had to retire two years prior to elections.<sup>81</sup> Limitations also applied to judges without a time limit for resignation.<sup>82</sup> The limitations were not applicable to university staff.<sup>83</sup>

Candidates could stand in any district but could only stand in one district.<sup>84</sup> Prior to running for elections, candidates had to pay a fee and submit a notarized application to the MoIM. The candidacy period was open for one month. There was no standard application form and evidence of the candidates' civil status, which includes confession, was required in the application file. The ministry did not reject any candidacy applications, and there were no challenges before the State Council.<sup>85</sup> When an application was not complete, it was returned to the candidate, who could resubmit it before the deadline. The deadline for applying was midnight April 7, 2009.<sup>86</sup>

A total of 702 candidates applied, including 13 women. The candidates had 15 days to withdraw (until April 22, 2009).<sup>87</sup> By the end of the candidacy period, 587 candidates, including 12

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<sup>76</sup> ICCPR, Article 25(b); Convention on the Political Rights of Women Article 2; and Concluding Observations of the Human Rights Committee: Lebanon. Jan. 4, 1997. CCPR/C/79/Add.78, Para. 23.

<sup>77</sup> See, for instance: [http://www.iri.org/newsreleases/2009-06-election\\_watch\\_lebanon.asp](http://www.iri.org/newsreleases/2009-06-election_watch_lebanon.asp); or U.S. State Department's *International Religious Freedom Report 2005*.

<sup>78</sup> See Circular No. 14/1 issued on Feb. 6, 2009, by the Ministry of the Interior and Municipalities that made the confession affiliation in the civil register optional. Opinion No. 247/2009 of March 24, 2009, from the Ministry of Justice had confirmed that an individual could run as a candidate for parliamentary elections when s/he had asked for removing his/her confession affiliation from the civil register. S/he had to submit a statement from the religious confession that he still belonged to it.

<sup>79</sup> Further, Opinion No. 247/2009 of March 24, 2009, from the Ministry of Justice reminded that when the confession affiliation had been removed from the civil register, the person did not waive his/her confession. In any case, s/he would need the information for the voters' register as per PEL, Article 72, for running as a candidate as per PEL, Article 2, and for determining which religious law would be applicable to his/her personal status.

<sup>80</sup> PEL, Article 9: "Military personnel of various ranks, whether in the army, State Security, Internal Security Forces, Public Security or Customs Police and those considered as such may not run for parliamentary elections; however, they may run as candidates if they are sent into retirement or if their resignation has been accepted six months before the elections' date."

<sup>81</sup> PEL, Article 10.

<sup>82</sup> PEL, Article 10(1)(a).

<sup>83</sup> PEL, Article 10(2).

<sup>84</sup> PEL, Articles 46 and 51.

<sup>85</sup> PEL, Article 49.

<sup>86</sup> PEL, Article 49(1).

<sup>87</sup> PEL, Article 52. When a candidate dropped out within the legal time, "he may recover half of the deposit paid."

women, were officially running for the 2009 parliamentary elections. A total of 115 candidates, including one woman, withdrew for political considerations. There were three uncontested seats.<sup>88</sup> The official list of candidates was sent to the districts and governorates on time.<sup>89</sup> Based on the candidate list, the 2009 elections appeared to be more competitive than in 2005.<sup>90</sup> Each winning candidate was allowed to recover their candidacy deposit. Losing candidates could not recover their deposit unless they received at least 20% of the legally counted votes within the electoral district.

## Campaigning

Article 13 of the constitution guarantees freedoms of opinion, expression, assembly, and association, and these were generally respected during the 2009 electoral process.<sup>91</sup> The PEL included specific provisions on security for the electoral operations, campaign finance, and media outlets. These measures were successfully implemented for the 2009 electoral campaign.

The PEL set specific restrictions on campaigning. According to the law, no opinion poll could be published, broadcast, or distributed in the 10 days prior to the closing of all ballot boxes on election day.<sup>92</sup> All audiovisual media outlets were to be silent 24 hours before the closing of ballot boxes on election day and were only allowed to cover electoral activities on polling day.<sup>93</sup> Finally, distribution of ballot papers or other campaign documents was prohibited in the vicinity of polling stations on election day.<sup>94</sup>

The tone of the electoral campaigning was generally aggressive and veered toward negative campaigning. Political messages clearly showed the strong and unbending divisions among the candidates. Some candidates smeared opponents by shining light into their past and exposing the dangers they might inflict on Lebanon's peaceful coexistence and independence.

The candidates used various methods to convey their political messages: mobile phones, short text messages, billboards, car convoys, media appearances, advertisements, music festivals, and rallies. These promotions were not trouble-free. Burning of billboards, removal of candidates'

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<sup>88</sup> PEL, Articles 50 and 51.

<sup>89</sup> PEL, Article 53.

<sup>90</sup> In 2005, 123 candidates withdrew, 448 candidates officially ran, and 15 seats were uncontested.

<sup>91</sup> UNHRC General Comment 25, Para. 25:

<sup>92</sup> PEL, Article 74(4). The MoIM issued a reminder on May 28, 2009, available at: <http://www.elections.gov.lb/news/-بارود-بصدر-تعميما-ينكر-فيه-بتحظير-نشر-او-بيت-اوتوز.aspx>.

<sup>93</sup> PEL, Article 73. The SCEC issued a statement on June 3, 2009, clarifying what the audiovisual and printed media could broadcast and publish. It also specified that the blackout period started at midnight on June 6, 2009, and that it applied not only to audiovisual media but also to the print media, candidates, and political parties. The SCEC statement is available at: <http://www.elections.gov.lb/Media-Corner/Media-Regulations---Application/اعتبا-الاعلام-التقيد-بها.aspx>.

<sup>94</sup> PEL, Article 72 and Circular No. 44/IM/2009 of June 4, 2009, which defined the vicinity of polling stations up to 50 meters.

pictures, and street fights were reported almost daily. In some places, there were reports of armed demonstrators.<sup>95</sup>

During the campaign, the use of administrative resources was apparent at various levels. A number of government officials and members of parliament running for elections reportedly used their institutional activities to their advantage. A few top-ranked officials openly used the resources available to their ministries to reach a wider audience.<sup>96</sup>

As in previous elections, political platforms continue to play a weak role in Lebanese electoral politics.<sup>97</sup> In prior elections, without exception, campaign messages revolved around political reforms, foreign relations, and economic issues. Intersectarian coalitions, state intervention, and vote bargaining have structured the Lebanese elections, as have electoral laws demarcating the boundaries of the electoral districts.<sup>98</sup> Most past elections – including on June 7, 2009 – were held in periods of uncertainty, internal and external threats, and a possible outbreak of civil strife. The elections of 1949, 1956, and 1973 all faced similar conditions.<sup>99</sup>

## Campaign Finance

As a result of the campaign finance decree issued on April 4,<sup>100</sup> the 2009 parliamentary election was the first to be financially regulated in Lebanon. Although implementation of the decree was challenging and flawed, the new provisions did improve the overall transparency of the electoral process. The regulations were applicable for the duration of the campaign, but the start date for when the regulations applied differed for each candidate based on when their application was completed.<sup>101</sup>

The new regulations set candidates' duties as well as the level of SCEC control. Candidates were obligated to open a bank account (for which bank secrecy was automatically waved), declare an auditor, spend within the legal limit, and report all campaign funding and expenses (via a financial statement with supporting documents and a notarized declaration of compliance) one

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<sup>95</sup> At about 7 p.m. May 12, the LTO team in Saida observed a Future Movement convoy of 10 cars, including four armored cars, passing twice around Martyr Square. Bodyguards were hanging out of the car windows, exposing their pistols in a show of force.

<sup>96</sup> A few examples could be listed here: In April, many Lebanese received on their mobile phone a voice message recorded by the minister of telecommunications, Jibril Bassil, in which he listed his achievements at the ministry. On May 14, 2009, Prime Minister Saniora laid the foundation stone for the Medayrej-Taanayel highway that links Beirut with Damascus.

<sup>97</sup> For more information on this subject, see Bassel Saloukh, "The Limits of Engineering in Divided Societies: Elections in Post-war Lebanon," *Canadian Journal of Political Science* 39:3 (September 2006); Farid El Khazen, *Lebanon's First Postwar Parliamentary Election, 1992: An Imposed Choice*. Oxford: Centre for Lebanese Studies, 1998; Michael C. Hudson, "The Electoral Process and Political Development in Lebanon." *Middle East Journal* 20 (1966); Hilal Khashan and Judith Harik, "Lebanon's Divisive Democracy: The Parliamentary Elections of 1992," *Arab Studies Quarterly*, 15:1 (Winter 1993).

<sup>98</sup> Saloukh, "The Limits," and Salibi, Kamal S. *Crossroads to Civil War. Lebanon: 1958-1976*. Delmar: Caravan Books, 1976.

<sup>99</sup> Ibid.

<sup>100</sup> Decree No. 1655 of April 4, 2009, defining the variable ceiling of campaign spending.

<sup>101</sup> PEL, Article 54.

month after the election.<sup>102</sup> The candidates were prohibited from receiving foreign funding, making or receiving in-kind and cash donations, or providing people with favors.<sup>103 104</sup>

The SCEC formed a subcommittee to control campaign spending that could check campaign accounts and request information at any time. The committee was mandated to submit a report on candidates' compliance.<sup>105</sup>

Even before the electoral campaign started, many stakeholders, including candidates and political parties, criticized the campaign finance provisions and their implementation for lack of clarity. The SCEC, with support from the MoIM, attempted to clarify many provisions in the PEL by defining everything that qualified as a campaign expense, specifying which facilities were prohibited or restricted, and allocating the expenditures of political parties, coalitions and lists to the respective candidates.<sup>106</sup>

Although the campaign expenses and spending to be reported were defined under Article 58 of the PEL, the list provided was all-inclusive.<sup>107</sup> For clarity, the SCEC stated that any posters, publications, and pictures used during the electoral campaign were to be reported, along with any festivals, gatherings, public meetings, and meals given for electoral purposes, any office space offered freely to a candidate or coalition, as well as any transportation offered by the candidates during the electoral campaign.<sup>108</sup> These included posters made and paid for before the start of the campaign, fuel reimbursement for those traveling to the polls, and flights to Lebanon from abroad.

The SCEC also specified that in-kind and financial assistance offered by a candidate to individuals or organizations, being not less than three years to the start of the campaign, had to be continuous and similar in quantity to qualify as an exception to the prohibition on payments to voters under Article 59 of the 2008 electoral law.<sup>109</sup> Furthermore, the SCEC prohibited the use of public places for campaigning. However, the SCEC did clarify that the religious authorities of churches, mosques, *Husayniyya*, and their annexes could determine their own status and rent them for the purposes of campaigning.<sup>110</sup>

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<sup>102</sup> PEL, Articles 55, 56, 57, and 61.

<sup>103</sup> PEL Article 56(3). PEL does not prohibit funding from Lebanese citizens living abroad.

<sup>104</sup> PEL, Article 59.

<sup>105</sup> PEL, Article 60, and SCEC bylaws, Article 14.

<sup>106</sup> The SCEC resolutions and statements are available at: <http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations.aspx>; or in the newspapers.

<sup>107</sup> When listing the expenses, PEL, Article 58 indicates, "It shall include among others."

<sup>108</sup> Numerous posters were hung before the electoral campaign started, including posters from the previous elections. On July 1, 2009, a public notice was issued by the MoIM reminding district commissioners and governors to remove all the campaign posters.

<sup>109</sup> SCEC statements of March 25, 2009, and April 7, 2009, are available at: [http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/بيان-من-هيئة-الاشرف-على-الحملة-الانتخابية-لتوضيح.aspx](http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/بيان-من-هيئة-الاشرف-على-الحملة-الانتخابية-لتوضيح), [http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/بيان-من-هيئة-الاشرف-على-الحملة-الانتخابية-حول-ال.aspx](http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/بيان-من-هيئة-الاشرف-على-الحملة-الانتخابية-حول-ال), and [http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/بيان-من-هيئة-الاشرف-على-الحملة-الانتخاب.aspx](http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/بيان-من-هيئة-الاشرف-على-الحملة-الانتخاب).

<sup>110</sup> SCEC Statement of May 2, 2009, is available at: <http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/-تحديد-نطاق-الحملة-الانتخابية-حول-العبادة.aspx>.



candidates' statements. Though many civil society organizations advocated for the public release of candidates' financial statements, it was decided that they were not to be published separate from any information released in the SCEC's report.<sup>114</sup>

Under the PEL, anyone intentionally breaching the provisions of campaign finance was liable to a prison sentence or fine. Whether the SCEC received finance complaints was unclear, and they had no role in following through with them. Though the SCEC attempted to maintain consistency in regulating campaign finance, numerous challenges arose. Bank secrecy was a significant obstacle. While candidates' main campaign accounts did not have the right to secrecy, candidates could still have other undeclared accounts used for campaign purposes which still had the right to secrecy.<sup>115</sup>

Controlling and monitoring foreign funding was virtually impossible.<sup>116</sup> The SCEC only began monitoring campaign finance on the date that candidates completed their application, meaning that they could have engaged in undeclared spending during the campaign. Lack of a uniform monitoring start date created space for unfairness under the law.<sup>117</sup> Though incumbent officials were explicitly prohibited from using their government position and resources to favor any candidate, actual practice was reported to be otherwise.

Although the PEL regulated campaign finances of candidates, the regulation of political parties, clearly key electoral players, was left out.<sup>118</sup> For the 2009 election, political parties were still registered and regulated by the 1909 law on associations. Under this law, no authorization was required for registration besides sending notice to the MoIM.<sup>119</sup> Only political associations promoting Arab nationalism or based on any individual nationality and secret associations were prohibited.<sup>120</sup> Out of approximately 300 registered political associations, 122 were active for the 2009 election. The 1909 law did not regulate associations' funding, who in practice, followed the same procedures as companies for opening accounts and receiving money.<sup>121</sup>

A stronger electoral system needs to be achieved through more expansive political finance regulations to introduce greater transparency. The right to elect has been compromised by the ability of politicians and political parties to negotiate and decide on the seat winner, leaving no

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<sup>114</sup> See the financial statement template in Annex.

<sup>115</sup> PEL, Article 55

<sup>116</sup> Direct and indirect foreign funding was explicitly prohibited under PEL, Article 56(3).

<sup>117</sup> PEL, Article 54.

<sup>118</sup> Although political parties had been regulated as any other associations under the 1909 law, their specificity was well acknowledged politically. During the national dialogue of March 2, 2009, the participants made commitments including to work with all authorities and concerned representatives to guarantee the appropriate political and security atmosphere in tandem with the June 7, 2009, elections with the highest degree of stability and internal reinforcement; fully avoid any use of violence through any means, including through the media, through statements and through speeches and keeping the acceptable electoral rhetoric within decent limits and the principles of discourse; to lift the cover off anyone violating those regulations; and, to circulate these commitments to all the party members and followers and inviting them to commit to its content.

<sup>119</sup> Association Law of 1909, Article 2, amended by a law issued on May 26, 1938.

<sup>120</sup> Association Law of 1909, Articles 4 and 6.

<sup>121</sup> Global Integrity Report, Lebanon: Integrity Indicators Scorecard, 2007 Assessment, available at: <http://report.globalintegrity.org/Lebanon/2007/scorecard/2>.

choice to the electorate. Closer regulation of candidates' finances would reduce room for negotiation and strengthen electoral competition. In addition, Lebanon should consider becoming a party to the U.N. Convention Against Corruption to further meet international obligations on political finance.<sup>122</sup>

## **The Media**

The media played a vital role in the 2009 electoral campaign by informing voters, communicating with the platforms of candidates, and framing electoral issues. Indicative of greater Lebanese society, the media landscape was politicized and reflective of confessional divisions.

Both printed and audiovisual media are required to be licensed through the Ministry of Information, but only nonpolitical printed media have received licenses. The ministry has not granted political newspapers licenses for years, but previously issued licenses can be bought, inherited, or donated under Print Law Articles 31, 32, and 39. Licenses for audiovisual media required decisions from the Council of Ministry, upon applications forwarded by the Ministry of Information, after recommendation of the National Audiovisual Council (*Conseil National de l'Audiovisuel*).<sup>123</sup> Electronic media, including the internet, is not regulated under law.

The Ministry of Information<sup>124</sup> normally is in charge of media monitoring, but in the case of the 2009 electoral campaign, the SCEC took over that responsibility as designated in PEL Article 19<sup>125</sup> to implement the new provisions on media outlets.<sup>126</sup> Although the SCEC was not fully independent from the MoIM,<sup>127</sup> Baroud stated his commitment to stand by any SCEC decisions several times.

In an attempt to encourage responsible and neutral media coverage, the Ministry of Information issued a code of ethics for journalists and organized training sessions for them. Though the code was a voluntary commitment to adhere to standards of neutrality, 47 out of 50 organizations adopted the code. With UNDP support, the training sessions were held weekly over the course of a month to inform journalists of the electoral law, the technology in use for election administration, the SCEC mandate, polling station organization, and an overview of logistics.<sup>128</sup>

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<sup>122</sup> UNCAC, Article 73: "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political party."

<sup>123</sup> Article 16 of Law No. 382 of 1994 on Audiovisual Media, as well as Articles 5, 7, 8, and 9 of the same law.

<sup>124</sup> Audiovisual Law, Article 47.

<sup>125</sup> In the 2005 electoral process, the *Conseil National de l'Audiovisuel* was in charge of media monitoring, and it issued a report on June 21, 2005.

<sup>126</sup> PEL, Chapter 6 on Electoral Media and Advertising.

<sup>127</sup> PEL, Article 11.

<sup>128</sup> See Newsletter No. 5 of the MoIM.

The SCEC regularly issued statements and reminders throughout the campaign period, many of which restated the PEL provisions.<sup>129</sup> The SCEC also chose to monitor four foreign satellite channels.<sup>130</sup> The list of media outlets entitled to participate in electoral advertising were published on the website.<sup>131</sup>

Although the SCEC was not obligated to do so, it released three reports on media monitoring and violations. The first report, covering approximately 30,000 recordings from April 14 to 28, 2009, was launched in a press conference jointly held by the minister of interior and the SCEC president on May 7, 2009. The SCEC sent a letter to each concerned media outlet to give them the opportunity to self-correct before applying penalties under PEL Articles 68 and 76. The SCEC's rationale was that the media should be considered as acting in good faith and given an opportunity to address the violations voluntarily, at least initially.<sup>132</sup>

The second report, released at the end of May 2009, analyzed 32,000 recordings from May 7 to 13, while the third report, released at the end of June, analyzed 26,600 recordings from May 23 to 30. The second report stated that the SCEC asked websites to remove materials violating the law, required audiovisual media to grant equal access to candidates, and prevented an electoral advertisement from being released.<sup>133</sup> The SCEC referred one case to the Court of Publications, which fined the media outlet.

However, under PEL Articles 68 and 76, the SCEC could only address violations by issuing a warning and compelling the media to publish or broadcast an excuse or apology for the violation, or by requesting an official response to the violation. The SCEC decision refusing release of an advertisement in violation was challenged before the State Council. In a decision on May 21, 2009,<sup>134</sup> the court acknowledged extended SCEC powers to sanction the media. It justified the decision through the discretionary power of SCEC to assess compliance of electoral advertisements with PEL Article 68. In practice, it gave censorship power to the SCEC that was not provided by law.

More generally, the implementation of PEL Articles 68 and 76 raised an issue regarding freedom of the press. Although limitations to freedom of expression and information include hate speech and protection for the reputation and rights of others under ICCPR Article 19, international

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<sup>129</sup> Out of 16 statements available on the website, the SCEC issued three that restated the PEL provisions and four actually called reminders. They are available at: <http://www.elections.gov.lb/SCEC/Media-Regulations.aspx?lang=ar-lb>.

<sup>130</sup> PEL, Art 75(2) SCEC and SCEC statement of June 15, 2009, available at: <http://www.elections.gov.lb/news/appendicespdf.aspx>.

<sup>131</sup> There is no date of issuance mentioned in the four SCEC statements. They are respectively available at [http://www.elections.gov.lb/SCEC/Media-Regulations/Fees\(1\).aspx](http://www.elections.gov.lb/SCEC/Media-Regulations/Fees(1).aspx) on prices list; <http://www.elections.gov.lb/SCEC/Media-Regulations/الاعلان-الى-جميع-وسايل-الاعلام-المريية-والمسموعة-و-ال> on request from domestic media; <http://www.elections.gov.lb/SCEC/Media-Regulations/الاعلان-الى-جميع-وسايل-الاعلام-الفضائية-غير-اللبناني> on request from international media; and <http://www.elections.gov.lb/SCEC/Media-Regulations/الوسايل-الاعلام-التي-يحق-لها-المشاركة-في-الدعاية-و-ال> on media which are entitled to participate in the electoral advertising.

<sup>132</sup> Available at: <http://www.elections.gov.lb/SCEC/SCEC-Reports/SCEC-Report-Number1.aspx>

<sup>133</sup> Available at: <http://www.elections.gov.lb/SCEC/SCEC-Reports/SCEC-Report2.aspx>.

<sup>134</sup> State Council, Decision No. 15637/2009, May 21, 2009.

agreements on freedom of expression indicate that the media should not be liable for reported statements unless the statement was ruled unlawful in court or directly incited violence.<sup>135</sup>

The third report noted that four cases were referred to the Court of Publications, warnings were sent to various media outlets and websites were asked to remove materials. The main violation in all three reports was defamation by politicians and candidates. In terms of reporting, none of the reports provided specific figures on media sanctions implemented by the SCEC, nor did they analyze the data provided in charts. Each report includes paragraphs on the methodology without defining which violations were included under “miscellaneous.”

## **Civil Society**

### **Election Observers**

For the first time, the 2008 electoral law explicitly provided for the accreditation of domestic election observers. The creation of an observer coordination unit at the MoIM helped to facilitate accreditation of both international and domestic observers. Several domestic organizations participated in the 2009 elections. The Lebanese Association for Democratic Change (LADE) and the Lebanese Transparency Association (LTA) – domestic, nonpartisan civic organizations in Lebanon – were widely present on election day.

LADE recruited 2,325 volunteers and trained 1,744 representatives,<sup>136</sup> as well as extensively following media conduct throughout the electoral process. LADE issued a number of public reports regarding electoral violations in the preelection period. In addition, the LTA trained and deployed 79 monitors and tracked campaign funding and expenditures as of August 2008. In addition to assessing the cost of publicity, and electoral offices, LTA developed a monitor’s manual. Following the election, the LTA planned to issue public reports and embark on an advocacy campaign regarding campaign finance.

Carter Center observers reported meeting domestic observer representatives in over 80% of the polling stations visited. In general, domestic observer access to the polling stations and electoral process was not hindered, and they could actually observe the process unfold.

### **Electoral Dispute Resolution**

Resolution of electoral disputes through a legal process is key to maintaining a peaceful, democratic political environment. Compared with the 2005 elections, the 2009 parliamentary elections were more competitive, and the electoral process overall was more transparent and gave

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<sup>135</sup> International Mechanism for Promoting Freedom of Expression, Joint Statement on the Media and Elections, May 15, 2009: “The media should be free to report on election-related matters. They should also be exempted from liability for disseminating unlawful statements made directly by parties or candidates – whether in the context of live broadcasting or advertising – unless the statements have been ruled unlawful by a court or the statements constitute direct incitement to violence and the media outlet had an opportunity to prevent their dissemination.”

<sup>136</sup> LADE Report No. 2, May 8, 2009, Page 2.

more room for complaints and challenges. In 2009, 142 complaints were related to the media, campaign finance, and polling procedures.

Nevertheless, dispute resolution was not a strong suit of the Lebanese legal system.<sup>137</sup> Complaints and court challenges were not the most common way of settling disputes related to elections with negotiations and media pressure appearing to be the main way. This lack of clarity was and is one of the main shortcomings in the Lebanese electoral system. Most of the electoral complaints were lodged with the SCEC.<sup>138</sup> In addition, the 2008 PEL did not have any provision for lodging complaints on election day.<sup>139</sup>

Dispute resolution in the 2009 electoral process was to be reviewed under Lebanon's international obligations, which were mainly defined in the ICCPR, CEDAW, and ICERD.<sup>140 141</sup> <sup>142</sup> The three treaties provided for the right to effective remedy.<sup>143</sup>

**Allegations of vote buying:** Allegations of vote buying cast a shadow over the campaign environment. Vote buying, a form of clientelism, is a well-known practice in Lebanon. Although accusations of vote buying flew constantly between camps and candidates through the media, it was difficult to prove. Allegedly, Saudi Arabia and Iran each spent millions of dollars to assist their respective Lebanese allies to win the elections. According to the LTA's preliminary findings on the elections, vote buying occurred, most prominently in Zahle, Saida, Zghorta, Metn, Batroun, and West Bekka. The report claimed that the price paid for each ballot varied from one area to the other.<sup>144</sup> As reported by the media, thousands of expatriates may have received all-expense-paid trips to Lebanon to vote for the political party sponsoring their visit, despite such trips being denounced by all political groups.

Vote buying, whether real or alleged, reduced confidence among the electorate and contributed to inflammatory allegations between camps during the campaign. All election stakeholders openly recognized the problem, but little has been done by state institutions to end this malpractice. As far as the Carter Center observation mission was able to determine, no criminal charges have been brought against any individuals in relation to this activity. The fact that vote buying is a common practice not prosecuted *ex-officio* contributes to an atmosphere of impunity.

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<sup>137</sup> For example, the Constitutional Council could not issue any decision on the 13 challenges to the 2005 election results.

<sup>138</sup> The Carter Center did not have access to the SCEC official data on this issue.

<sup>139</sup> The issue was not addressed in the official polling station handbook, Page 24.

<sup>140</sup> Available at: [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).

<sup>141</sup> Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

<sup>142</sup> Available at: [http://www.unhchr.ch/html/menu3/b/d\\_icerd.htm](http://www.unhchr.ch/html/menu3/b/d_icerd.htm).

<sup>143</sup> ICCPR, Article 2(3); CEDAW, Article 2(c); and, ICERD, Articles 5(a) and 6. ICCPR had defined the right to effective remedy as obligation for "Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted."

<sup>144</sup> "Lebanese Transparency Association Report," Lebanese Parliamentary Elections June 2009, 2010.

**SCEC involvement:** The SCEC was in charge of ensuring compliance with electoral regulations on campaign finance, campaign advertising, and coverage by media outlets.<sup>145</sup> For this purpose, it handled complaints on media behaviors.<sup>146</sup> Although the PEL did not have provisions for complaints on campaign finance matters, the SCEC stated it was “ready to receive all complaints and inquiries on all election-related issues” in a resolution of April 7, 2009.<sup>147</sup> Complaints could be lodged by candidates, as well as lists, political parties, or coalitions to which the candidate was affiliated through qualified persons officially authorized by the authorities that they represented as long as the SCEC was informed of the names of those persons in advance.<sup>148</sup>

The SCEC received complaints during the electoral campaign and after election day.<sup>149</sup> In 2009, 142 complaints were filed by candidates and political parties, as well as media outlets,<sup>150</sup> on issues relating to the media, campaign finance, and polling procedures.<sup>151</sup> About 77% of those complaints fell under Article 68 of the PEL because they dealt with media matters. The SCEC made decisions on “the basis of absolute majority of members who legally constitute[d] it.”<sup>152</sup> All the SCEC decisions could be challenged to the State Council within three days of publication.<sup>153</sup>

In media matters, the SCEC was to consider any complaint “immediately,” and file the complaint with the Court of Publication within 24 hours.<sup>154</sup> Except for forwarding a complaint to the court on media matters, the PEL did not provide any deadline for the SCEC to give a decision.<sup>155</sup> In practice, upon receipt, a complaint was processed in SCEC meetings for review and decision. The SCEC would then issue an individual reply, as well as a general statement when the same issue was raised in several complaints. On average, each complaint was processed in a week. The SCEC could sanction media violating Chapter 6 of the PEL by issuing a warning and enforcing broadcast of an excuse or the right to answer, or by referring the media to the Court of

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<sup>145</sup> PEL, Article 19. See also IFES Lebanon Briefing Paper, December 2008, The Role and Responsibilities of the Supervisory Commission on the Electoral Campaign.

<sup>146</sup> PEL, Article 75(3).

<sup>147</sup> SCEC statement on the procedure of lodging complaints of April 7, 2009, available at:

<http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/بيان-من-هيئة-الاشرف-على-الحملة-الانتخابية-بشان-تح.aspx>

<sup>148</sup> SCEC statement on the procedure of lodging complaints of April 7, 2009, available at:

<http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/بيان-من-هيئة-الاشرف-على-الحملة-الانتخابية-بشان-تح.aspx>.

<sup>149</sup> The first complaint was filed on May 5, 2009, and the last one on June 9, 2009.

<sup>150</sup> Most of the complaints were filed by candidates, mainly in three districts: Saida (18 complaints), Kisirwan (21 complaints), and Zahle (26 complaints). Apparently, only three political parties submitted complaints: Lebanese Forces, Hezbollah, and Future Movement. Under PEL and the SCEC Statement No. 20 of April 7, 2009, the complaint procedures did not seem to be open to media outlets. See PEL 75(3).

<sup>151</sup> Complaints were on PEL, Articles 66, 68, 70, and 71 (media matters), 56 and 59 (campaign finance), 86 (polling procedures), and Criminal Code, Articles 383 and 384. There were conflicting sources on this issue – some official sources asserted complaints were filed in media matters.

<sup>152</sup> PEL, Article 21.

<sup>153</sup> PEL, Article 21. As of July 10, 2009, one SCEC decision was challenged to the State Council.

<sup>154</sup> PEL, Article 75(3).

<sup>155</sup> PEL, Article 75(3).

Publications.<sup>156</sup> In campaign finance, the SCEC clarified that it had no power to enforce penalties under Article 62.<sup>157</sup>

From the dispute resolution perspective, three courts had jurisdiction in electoral matters under specific provisions that expressly referred to elections: the Constitutional Council, the State Council, and the Court of Publications. In addition, two other courts, the Judiciary Courts and the Military Courts, had jurisdiction in criminal matters that extended to matters related to elections – offenses committed during and related to the electoral process or electoral offenses.<sup>158</sup>

**The State Council** had advisory and litigation jurisdictions in the 2009 elections. It consisted of one consultative chamber and five litigation chambers.<sup>159</sup> The first advised government members on legal drafts. Consultation was mandatory for decree drafts.<sup>160</sup> The other chambers ruled in litigation cases based on jurisdiction by matter: procurement, civil servants, taxation, liability and public work, and challenge to administrative decisions. The latter included any enforceable administrative decision, such as a decree for instance.<sup>161</sup>

The five chambers would meet in plenary session on the request of the State Council head, the government commissioner, or a chamber head to make binding precedents and to decide on specific matters such as a judge's liability. Administrative judges had been acting under a different status from judiciary judges. Although they were appointed by decree,<sup>162</sup> their independence and judge status were protected by law.<sup>163</sup> There were 52 judges. Due to understaffing, an administrative judge would usually be assigned to at least two chambers at once.

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<sup>156</sup> PEL, Article 76.

<sup>157</sup> Judge Ghassan Abou Alwan, head of the SCEC, remarks made at “Media as partners in the Electoral Reform Conference,” Phoenicia Hotel, May 26, 2009. As of July 20, 2009, it was not clear whether the criminal courts would confirm their jurisdiction in those matters, since most of the institutional stakeholders would mention the Constitutional Council as the court handling electoral offences.

<sup>158</sup> Overall, the judiciary includes one court of cassation, seven courts of appeal, and 72 chamber and one-judge tribunals (which exclude other one-judge tribunals with jurisdiction in other matter than criminal – if included, the total is 113). See the website of the Ministry of Justice at: <http://www.justice.gov.lb/CP/ViewPage.aspx?id=235&language=1>, as well as the decision of April 4, 2009, based on Decree-Law No. 150 of Sept. 16, 1983, and Decrees No. 18 and 1464 respectively of July 11, 2008, and March 6, 2009. For the purpose of the present report, the Lebanese court system is described for the 2009 parliamentary elections. It is not a comprehensive and exhaustive description. For instance, the Constitutional Council also has jurisdiction in challenges on the elections of the president of the republic and the parliament speaker, as well as in constitutionality issues (Constitutional Council Law of 1993, Articles 18 and 23). More generally speaking, the Lebanese judiciary is inspired by the French court system. In the same ways, the administrative courts are different from the judiciary courts. They have different jurisdictions and judges' bodies. The administrative courts have jurisdiction over matters involving the administration or related to an administrative decision. The only administrative court is currently the State Council, or *Shura* Council. It also has a unique and exclusive jurisdiction in municipal elections matters under Articles 63, 109, 110, and 111 of the 1975 Law on the State Council.

<sup>159</sup> State Council Law of 1975, Article 34.

<sup>160</sup> State Council Law of 1975 Articles 57, 58, and 59. The State Council had consultative mandate in giving advice on decrees to be taken for electoral operations. In addition, on the Minister of Interior's request, it provided him with a three-administrative-judge commission for advice on the measures to be taken in the electoral process.

<sup>161</sup> State Council Law of 1975, Articles 62 and 65. For example, should a decree be issued for completing the PEL under Article 15, it could be challenged before the State Council. It could also be the case for MoIM decisions. For the other matters under the State Council's jurisdiction, see Article 61 of the same law.

<sup>162</sup> State Council Law of 1975, Articles 5, 6, and 7.

<sup>163</sup> State Council Law of 1975, Article 4. See also Articles 22, 23, and 24 of the same law on the disciplinary procedures.

In addition to reviewing challenges to administrative decisions,<sup>164</sup> the State Council had jurisdiction in two specific matters in parliamentary elections. It could rule on challenges to SCEC decisions<sup>165</sup> and to MoIM decisions to reject a candidate's application.<sup>166</sup> Any person directly interested could file a request to challenge an administrative decision.<sup>167</sup> This measure was applicable to SCEC decisions.<sup>168</sup> When challenging the MoIM's decision to reject a candidate, only the rejected candidate could file a request.<sup>169</sup>

The request to challenge an administrative decision was to be filed within two months from the issuing of a decision.<sup>170</sup> Although the State Council would not have to comply with any deadline for ruling on the challenge, there were fast-track remedies available.<sup>171</sup> The 2009 electoral process showed successful implementation of these remedies.

Another remedy was specifically applicable in electoral matters. For SCEC decisions, the challenge was to be filed within three days of notification or publication.<sup>172</sup> For the rejected candidacy, a duty-free petition could be filed within five days from notification of express rejection.<sup>173</sup> The State Council was to give a decision within three days from the challenge submission on a SCEC decision or from the receipt of the petition on candidacy application rejection.<sup>174</sup> The State Council's power to challenge SCEC decisions was implemented during the 2009 electoral campaign.

The State Council would decide on facts and legal issues of the submitted cases. The available remedies would depend on which grounds the petition was filed. Because there was no higher court, it could give only final rulings.<sup>175</sup> In rejected candidacy matters, it specified that decisions were final and irrevocable.<sup>176</sup> In the 2009 electoral process, the State Council issued two decrees.

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<sup>164</sup> State Council Law of 1975 Articles 62 and 65. The State Council had confirmed its jurisdiction for reviewing administrative decisions related to elections in one of the two decisions given during the 2009 electoral process. See State Council, decisions No. 15673/2009, June 5, 2009. This decision overruled the precedents from 2007. In 2007, the State Council ruled it did not have jurisdiction in parliamentary election matters since the Constitutional Council should have a full jurisdiction in those matters. See: State Council, decisions No. 701/2006-2007 and No. 485/2007, July 18 and August 1, 2007. Since the Constitutional Council jurisdiction had been limited to the challenges on the electoral results, the 2007 precedents left a vacuum in the remedy for challenging the administrative decisions related to elections. The 2009 decision resolved the vacuum.

<sup>165</sup> PEL, Article 21.

<sup>166</sup> PEL, Article 49(6).

<sup>167</sup> State Council Law of 1975, Article 106.

<sup>168</sup> Although the State Council in Decision No. 15637/2009 of May 27, 2009, confirmed that the same requirement was applicable for challenging SCEC decision, it applied it loosely. In this case, the defendant raised the issue that the plaintiff did not show his affiliation to the interested national coalition. The State Council found that the plaintiff did not need to show it specifically since it can be understood from the accuracy of the fact.

<sup>169</sup> PEL, Article 49(6).

<sup>170</sup> State Council Law of 1975, Article 69.

<sup>171</sup> State Council Law, Articles 102 and 103. The fast-track remedies would be applicable to electoral matters. Some of the time limits for fast-track remedies were not specified, such as the deadlines for reporting on the case and for ruling, for instance. Nevertheless, a challenge might be filed without a previous decision from the administration under State Council Law, Article 103(1).

<sup>172</sup> PEL, Article 21.

<sup>173</sup> PEL, Article 49(6).

<sup>174</sup> PEL Articles 21 and 49(6).

<sup>175</sup> State Council Law of 1975, Article 94.

<sup>176</sup> PEL, Article 49(6).

In the first, it ruled out a challenge to a SCEC decision preventing the release of an electoral advertisement.<sup>177</sup> In the second, it ordered for a stay of execution on a circular from the MoIM.<sup>178</sup>

**The Court of Publications** has jurisdiction in criminal matters related to media,<sup>179</sup> and more specifically when a media violates provisions of Chapter 6 of the PEL.<sup>180</sup> It held hearings on Monday, Wednesday, and Thursday mornings and consisted of three judicial judges – one president and two panel members.

Under the PEL, cases could be initiated by three stakeholders. The SCEC could initiate a case before the court by forwarding complaints. A case could also be directly prosecuted by the public prosecutor, or a case could be prosecuted upon request of the wronged party.<sup>181</sup> Because the provisions of Chapter 6 were applicable during the electoral campaign period only, it would indicate when complaints could be filed.<sup>182</sup> Nevertheless, the SCEC referred cases to the court after election day for sanctioning media violations under the parliamentary electoral law.<sup>183</sup>

After receiving a case, the court would notify the accused media outlet. Upon notification, the latter was to submit a brief to the court within 24 hours. Once the 24-hour period was over, the court was to render a decision when no reply was received.<sup>184</sup> The first case was referred on May 12 and ruled on May 16. Nevertheless, the court encountered notification issues<sup>185</sup> that delayed ruling in five cases referred by the SCEC on June 5 and 9, 2009. One was ruled on June 29, 2009; three on July 8, 2009; and one on July 15, 2009. Therefore, rulings were issued after three weeks or more in five out of six cases referred by the SCEC.<sup>186</sup>

The court could fine the charged media outlets between US\$33,000 and \$66,000, partially suspend the work of the media outlet for a maximum of three days or, when a violation recurred, totally suspend the media outlet for a maximum of three days.<sup>187</sup> The court's decision could be appealed by either party before the Court of Cassation<sup>188</sup> within 24 hours of the declaration by the

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<sup>177</sup> State Council, Decision No. 15637/2009 of May 27, 2009.

<sup>178</sup> State Council, Decision No. 15673/2009 of June 5, 2009. Circular No. 43/2009 of June 2, 2009, from the MoIM was challenged on the provisions that when a ballot paper shows only the family and first names of a candidate, who has similar names to another, the ballot paper is counted for the most well-known candidate.

<sup>179</sup> Article 28 of Law Decree No. 104 of June 30, 1977. Offenses under the Criminal Code were ruled under the ordinary procedure, which is not specific to the electoral matters and differs from PEL procedures. Matters could be relevant to elections as the decision issued by the Court of Publication on July 14, 2009, had showed it.

<sup>180</sup> PEL, Article 76(B).

<sup>181</sup> PEL, Article 76.

<sup>182</sup> PEL, Article 65: "During the electoral campaign period determined in this law, the electoral material used in the audio visual and printed media starting the date of application for candidacy until the closing of ballot boxes, shall be governed by the provisions of the present chapter."

<sup>183</sup> SCEC referred five cases to the Court of Publications on June 9, 2009, in addition to one case referred on May 12, 2009.

<sup>184</sup> PEL, Article 76.

<sup>185</sup> For instance, in Beirut Court of Appeals, Decision No. 76 of July 15, 2009, regarding As-Safir: Although the case was referred by the SCEC to the Court of Publication on June 5, 2009, the accused media was notified on July 9, 2009, and replied to the day after.

<sup>186</sup> Beirut Court of Appeals, decisions No. 61 of May 16, 2009, No. 68 of June 29, 2009, Nos. 71, 72, and 73 of July 8, 2009, and No 76 of July 15, 2009. The accused media were, respectively, Ad-Diyar, NTV Al Jadeed, Al Liwa, Al Masira, and As-Safir.

<sup>187</sup> PEL, Article 76.

<sup>188</sup> There was a mistake in the English translation of PEL, Article 76. It should have read: "The Public Prosecution and the accused party may appeal the decision before the Court of Cassation acting as a court of appeal," instead of "Court of appeal."

public prosecutor or of the notification for the accused media. The appeal would not prevent the Court of Publication from implementing its decision unless a verdict was filed within 24 hours by the Court of Cassation.<sup>189</sup> For the 2009 electoral campaign, the SCEC referred six cases to the court, including one before the elections.<sup>190</sup> The latter case was ruled on before the elections.

**Criminal Courts:** Since the Judiciary Courts had general jurisdiction in criminal matters,<sup>191</sup> they had jurisdiction over the handling of electoral offenses unless provided otherwise. Under the criminal code, there were offenses relevant to elections without being specific to elections. The courts would handle matters related to the electoral process such as vote buying, forgeries, and violence.<sup>192</sup> There also were offenses specific to the elections. The PEL provided for two kinds of electoral offenses without specifying judicial jurisdiction. The first kind related to polling staff malpractice<sup>193</sup> and the second to intentional breaches of Chapter 5 on electoral funding and spending.<sup>194</sup>

A case could be prosecuted either by the public prosecutor directly or at the request of the injured persons. In electoral offense matters, it could be candidates, their representative, a voter, a polling staff, or a domestic observer.<sup>195</sup> When a decision regarding a misdemeanor was given by a one-judge tribunal, it could be appealed before a court of appeal. When a decision regarding a criminal matter was given by a *court d'assises*, it could be appealed before the Court of Cassation.

Generally speaking, the criminal code indicated the penalties applicable to each offense. For instance, the penalties applicable to vote buying might be one year in prison and US\$100,000-\$650,000 and/or the loss of civic rights.<sup>196</sup> The penalty for forgery of election results might be two months to two years in prison.<sup>197</sup>

The PEL specified the penalties applicable to the offenses related to polling staff. The penalties were one month imprisonment or 1 million LBP (US\$650) when an election worker would fail to appear in the polling station, and three months to three years imprisonment or a fine of 1 million

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<sup>189</sup> PEL, Article 76.

<sup>190</sup> The SCEC referred the case on May 12, 2009.

<sup>191</sup> There were three levels of courts: the one-judge tribunals in misdemeanor cases, and the *court d'assises* in criminal cases; the courts of appeal; and the court of cassation. The court of cassation, seven courts of appeal and 56 one-judge tribunals had jurisdiction in criminal matters. See Decision of March 27, 2009, based on Decree-Law No. 150 of Sept. 16, 1983, and Decrees No. 18 and 1464, respectively, of July 11, 2008, and March 6, 2009.

<sup>192</sup> The only prosecuted case in 2009 was reported by political activists. The Code of Criminal Procedures was applicable. Provisions in the code guaranteed some due process rights: rights during examination by investigating judge (Articles 75, 76, 80, and 83), right to a lawyer (Article 79), and rights during preliminary imprisonment (*garde a vue*) (Article 47 as amended in 2001), for instance.

<sup>193</sup> PEL, Article 79(4). As of July 14, there were no cases prosecuted on those grounds.

<sup>194</sup> PEL, Article 62(1). As of July 14, 2009, there was no campaign finance matter transmitted by the SCEC for prosecution. It was not clear whether the criminal courts would confirm their jurisdiction in those matters since most of the institutional stakeholders would mention the Constitutional Council as the court handling electoral offences.

<sup>195</sup> The only prosecuted case in 2009 was reported by political activists.

<sup>196</sup> Criminal Code, Articles 331 and 332.

<sup>197</sup> Criminal Code, Article 333.

to 3 million LBP (US\$650-\$2,000) when polling staff would not perform according to their obligations under the PEL.<sup>198</sup> The law also specified the penalties applicable to the offenses related to electoral funding and spending matters: six months imprisonment and/or a fine of US\$33,000-\$66,000.<sup>199</sup>

**Military Courts** also were relevant to the 2009 electoral process. Although the Military Courts' jurisdiction was under consideration due to crimes committed against or by military officers off duty,<sup>200</sup> it was still broadly defined.<sup>201</sup> In addition to cases involving military staff or facilities, the military courts had jurisdiction on terrorism, espionage, and national security cases.<sup>202</sup> The jurisdiction also was broadly defined with regards to the persons to be prosecuted.<sup>203</sup> Although only one case related to the 2009 elections was reportedly prosecuted by the Military Courts,<sup>204</sup> they held broad jurisdiction over electoral violence matters.<sup>205</sup>

A case could be prosecuted directly by the government commissioner or upon request of injured persons.<sup>206</sup> The Code of Criminal Procedures,<sup>207</sup> the Penal Code, the Military Justice Code, and the Terrorism Law of Jan. 11, 1958, would be applicable. These included provisions protecting "the defense rights and the defendant's safety, preserving the investigations' integrity."<sup>208</sup> The defendant had the right to request assistance of a civil or military lawyer to defend him/her during the investigation and the trial.<sup>209</sup>

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<sup>198</sup> PEL, Article 79(4).

<sup>199</sup> PEL, Article 62(1).

<sup>200</sup> See "Military Justice in Lebanon. General Overview," presentation prepared by Lt. Col. Sami El Khoury, administrator of the Military Court. It specified that the Military Court's jurisdiction covered public liability only, that if the case fell under civil courts and the offence involved firearms, then the civil courts should handle the case.

<sup>201</sup> Concluding observations of Human Rights Committee: Lebanon, Jan. 1, 1997. CCPR/79/Add.78: "14. The Committee expresses concern about the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians. It is also concerned about the procedures followed by these military courts, as well as the lack of supervision of the military courts' procedures and verdicts by the ordinary courts. The State party should review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts."

<sup>202</sup> "Some basic principles of the Lebanese military judiciary," handout published by the Permanent Military Court, 2009. It included terrorism crimes; treason, spying, and illegal contact with enemy; firearms- and ammunition-related crimes; crimes involving ISF personnel and civilian staff on duty; any crime that affects both Army and ISF interests. See the Military Jurisdiction Law of 1968, Article 24.

<sup>203</sup> The Military Jurisdiction Law of 1968, Article 27(6): "Every principal, accomplice, accessory or instigator of a crime in which any of the persons mentioned in the preceding paragraphs were deferred before the Military Jurisdiction."

<sup>204</sup> Only one case was reported to be prosecuted by the Permanent Military Court. It was mentioned in the press and confirmed by the court. Upon investigation, the case has been submitted to the Military Court on the ground of threat to state security in March 2009. As of July 6, 2009, the case was still under investigation.

<sup>205</sup> Circular No. 38/2009 of April 27, 2009, from the Ministry of Justice called both the general public prosecutor of the Criminal Courts and the government commissioner of the Military Courts to strictly enforce the law for ensuring the success of the electoral process.

<sup>206</sup> The Military Jurisdiction Law of 1968, Articles 34 and 35.

<sup>207</sup> The Military Jurisdiction Law of 1968, Articles 33, 39, and 54.

<sup>208</sup> "Some basic principles of the Lebanese military judiciary," handout published by the Permanent Military Court, 2009.

<sup>209</sup> The Military Jurisdiction Law of 1968, Article 21. See also "Military Justice in Lebanon. General Overview," presentation prepared by Lt. Col. Sami El Khoury, administrator of the Military Court.

The court determined the penalty and whether a stay of the decision was to be granted.<sup>210</sup> The range of possible penalties was provided by the applicable law that defines the relevant offense. For example, the penalty for threats with a weapon would be up to six months imprisonment when the weapon was not used.<sup>211</sup> Appeals and cassation were available in the same way as before the criminal courts.<sup>212</sup>

Nevertheless, some provisions show that the independence of the Military Courts might be questionable for handling ordinary criminal matters. The Military Courts' judges were appointed by the Ministry of Defense. They were "directly subject to the authority of the Minister of National Defense."<sup>213</sup> The oath of the officers appointed referred to honesty and faithfulness without mentioning impartiality and neutrality.<sup>214</sup> In the Permanent Military Court and the Military Court of Cassation, decisions were to be made by the majority of ruling judges at least, which left the decision to military members of the panels.<sup>215</sup> The independence and professionalism of the Military Courts had been questioned by a 2009 Amnesty International report.<sup>216</sup>

**The Constitutional Council** was the primary electoral court,<sup>217</sup> as it was the only court to rule on challenges to the parliamentary elections results<sup>218</sup> and, when applicable, on campaign finance<sup>219</sup>

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<sup>210</sup> The Military Jurisdiction Law of 1968, Article 68.

<sup>211</sup> Criminal Code, Article 573. In the only reported case prosecuted by the Military Court, a hand grenade was found in a car cross the street from a candidate's house.

<sup>212</sup> The Primary Military Courts had jurisdiction in misdemeanor cases. The Permanent Military Court had jurisdiction in felony and crimes cases, and it was also a court of appeal. The decisions of the Primary Military Courts could be appealed to the Permanent Military Court (Article 72 of the 1968 Military Jurisdiction Law), whose decisions could be reviewed by the Military Court of Cassation (Article 73 of the same law). When the Permanent Military Court ruled in criminal and felony cases, the decisions could be appealed to the Military Court of Cassation (Articles 90 and 91 of the same law).

<sup>213</sup> The Military Jurisdiction Law of 1968, Article 14. Nevertheless, the judicial judges attached to the Military Courts were appointed by decree upon proposal of the Ministries of Justice and National Defense and upon approval of the Superior Judicial Council. See the Military Jurisdiction Law of 1968, Article 13.

<sup>214</sup> The Military Jurisdiction Law of 1968, Article 15: "I swear in the name of the Mighty God, that I shall carry out my duties with honesty and faithfulness, and I will observe the absolute secrecy of deliberations and shall adopt in all my acts the behaviors of the honest judge."

<sup>215</sup> There were seven military courts (Article 1 of the 1968 Military Jurisdiction Law): five primary military courts in the regions, with solo judges; the permanent military court, made up of two military judges (president and counselor) and one civilian judge (counselor) in felony cases; there are two additional military counselors in criminal cases (Article 6 of the same law); and, the Military Court of Cassation had the same kind of panels in criminal and felony cases as the Permanent Military Court (Article 5 of the same law).

<sup>216</sup> "Trials before military courts have invariably fallen seriously short of international standards for fair trials, notably in that their judges are predominantly serving military officers who cannot be considered independent and lack adequate judicial training, and because military court judgments do not provide full explanations for their verdicts." *The Special Tribunal for Lebanon: Selective Justice?*, February 2009, available at: <http://www.amnesty.org/en/library/asset/MDE18/001/2009/en/c9f6e5a4-688e-4bb6-983b-096e099bf649/mde180012009en.pdf>

<sup>217</sup> Constitutional Council Bylaws of 2000, Article 1: "The Constitutional Council is an independent constitutional body enjoying a judicial nature."

<sup>218</sup> Constitutional Council Law of 1993, Article 24.

<sup>219</sup> PEL, Article 62(2).

and other criminal matters.<sup>220</sup> Nevertheless, it had a limited jurisdiction since it did not have jurisdiction on the voters' register,<sup>221</sup> electoral law constitutionality,<sup>222</sup> and damages.<sup>223</sup>

The council consisted of 10 members appointed without a confessional requirement.<sup>224</sup> Five members resigned from the court in 2005,<sup>225</sup> which meant that the institution could not function properly for six years. A new Constitutional Council was appointed for the 2009 parliamentary elections: Parliament appointed five members on Dec. 18, 2008, and the government appointed the five others on May 26, 2009.<sup>226</sup> On June 5, 2009, the new council started its mandate and elected Judge Issam Sleiman as president, Judge Tarek Ziadeh as vice president, and Judge Assaad Diab as secretary.<sup>227</sup>

In addition to receiving challenges to electoral results, the president of the Constitutional Council received statements on the wealth of MPs, their spouses, and their underage children within three months of their election.<sup>228</sup> They had to submit them by filling out a standardized form in a sealed envelope. The envelopes were to be stored by the council. If a statement was not submitted on time, the MP would be considered to have resigned. The MPs had to file such a statement at the beginning and at the end of their mandate, unless they were reelected. The MPs who submitted statements in 2000 and who were reelected in 2005 and 2009 did not have to submit any statement.<sup>229</sup>

A challenge could be filed in the Constitutional Council within 30 days from the official announcement of the election results.<sup>230</sup> Any losing candidate could challenge the results for the seat(s) in the district where they ran for election.<sup>231</sup> Therefore, losing candidates could only

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<sup>220</sup> For instance, see Constitutional Council, Decisions of Dec. 8, 2000, No. 10/2000. In this case, the council undertook specific investigation on evidence of defamation and vote buying. It had been clarified the Constitutional Council would not hold on decisions from criminal courts when a criminal matter was submitted to it.

<sup>221</sup> Constitutional Council, Decisions of Dec. 8, 2000, Nos. 10/2000, 11/2000, 12/2000, 13/2000, 15/2000 and 16/2000.

<sup>222</sup> Constitutional Council, Decisions of Dec. 8, 2000, Nos. 16/2000 and 17/2000. In these cases, the Constitutional Council stated it could not review constitutionality of the electoral law when acting as electoral judge.

<sup>223</sup> Constitutional Council, Decisions of Dec. 8, 2000, No. 6/2000.

<sup>224</sup> Constitutional Council Law of 1993, Article 3.

<sup>225</sup> Their mandate was ended in 2003. Nevertheless, they stayed on board as per Constitutional Council bylaws of 2000 Article 4. The five members who did resign in 2005 stayed on board up to 2009.

<sup>226</sup> Constitutional Council Law of 1993, Article 2. See Article 3 of the same law on members' qualification requirements and selection process.

<sup>227</sup> After taking an oath before the president of the republic, the new member met and elected the president, the vice president, and the secretary of the Constitutional Council. It was reported in the council minutes, and notified to the president, the speaker of parliament, and the prime minister.

<sup>228</sup> Unlawful Wealth Law, Article 6.

<sup>229</sup> No statements were submitted in 2005 since there was no Constitutional Council president for receiving them.

<sup>230</sup> Constitutional Council Law of 1993, Article 24.

<sup>231</sup> Constitutional Council Law of 1993, Article 24; see also for instance: Constitutional Council, Decisions of Dec. 8, 2000, No. 18/2000 and Nov. 4, 2002, No. 5/2002: "*le recours en invalidation de la députation d'un député élu peut-être présenté par tout candidat concurrent battu dans sa circonscription électorale à la présidence du Conseil Constitutionnel* [official translation]."

challenge the MPs of the same confession as their own, but they could challenge any or all those elections.<sup>232</sup>

Because the results were officially announced on June 8, 2009, the deadline for filing challenges was midnight July 8. For the 2009 election,<sup>233</sup> the Constitutional Council received 19 challenges. All of them were filed by losing candidates within the three days before the deadline.

The challenge had to be filed according to Article 24 of the 1993 Constitutional Council Law “under the penalty of formally rejecting the request.” The defendants, challenged MPs, were required to come to the Constitutional Council for notification and a copy of the relevant challenges. They had 15 days from their visit to the council to respond to the challenges.<sup>234</sup> The council was to receive SCEC reports and candidates’ account statement<sup>235</sup> as well as information and document from the MoIM attached to the election challenge file.<sup>236</sup> The proceedings would not suspend the challenged MP’s mandate, and the MP was considered elected as long as there was no decision invalidating their election.<sup>237</sup>

A Constitutional Council member was appointed to submit a report within three months of his appointment. On July 9, 2009, the council appointed two rapporteurs per case for ensuring neutrality in reviewing and investigating each case. Several kinds of alleged violations were to be investigated, mainly those involving confessional violence,<sup>238</sup> fraudulent transfer of voters to Zahle, and vote buying. Once the report was submitted, the Constitutional Council would give a decision within one month.<sup>239</sup> The procedural terms and deadlines were only advisory – the Constitutional Council could extend the time for further investigation beyond three months if it judges it necessary. There was no sanction applicable for breaching the deadlines set by law. Therefore, the Constitutional Council could postpone ruling in electoral challenges for as long as it judged it necessary.

The Constitutional Council had the same authority as the investigating judge in parliamentary elections challenge cases, except for issuing arrest warrants.<sup>240</sup> Nevertheless, plaintiffs had to bring evidence to support their allegations for the council to investigate the case.<sup>241</sup> Upon submission of the report, the Constitutional Council was to make a decision with a majority

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<sup>232</sup> It also means that the results of losing candidates could not be challenged; only the results for the winning candidates could be challenged.

<sup>233</sup> Twenty challenges were filed in 2000 (parliamentary elections), 11 in 2005 (parliamentary elections), and one in 2007 (by-election).

<sup>234</sup> All the challenged MPs came to the Constitutional Council and received a copy of the challenges on July 13 and 14, 2009.

<sup>235</sup> PEL, Article 62(2). For this purpose, the president of the Constitutional Council sent a letter to the SCEC on July 13, 2009.

<sup>236</sup> Constitutional Council Law of 1993, Article 28. The president of the Constitutional Council sent a letter to the minister of interior on July 13, 2009, for details of the challenged results.

<sup>237</sup> Constitutional Council Law of 1993, Article 26.

<sup>238</sup> Apparently, many challenges referred to the statement made by the Maronite Patriarch on the day before election day.

<sup>239</sup> Constitutional Council Law of 1993, Articles 29 and 30.

<sup>240</sup> Constitutional Council Law of 1993, Article 32.

<sup>241</sup> Constitutional Council, Decisions of Dec. 8, 2000, No. 6/2000, 7/2000, 9/2000, 10/2000, 11/2000, 12/2000, 15/2000, 18/2000, 19/2000, and Nov. 4, 2002, No. 5/2002.

agreement by seven members.<sup>242</sup> This majority rule in the council had been introduced by an amendment to the 1993 law in November 2008. The main purpose was to strengthen the legitimacy and weight of the council's decisions. It also had introduced the publication of dissenting opinions along with the decisions.<sup>243</sup>

The Constitutional Council would decide the validity of the contested mandate. If found invalid, the court could either announce the elected candidate or order a by-election.<sup>244</sup> The grounds for invalidating a mandate were not specified in the law – only PEL Article 85(3) detailed invalidating results at the polling station level.<sup>245</sup> The council developed precedents on this issue in 1997, 2000, and 2002.<sup>246</sup>

For invalidating a mandate, numerous, premeditated, and repetitive irregularities had to have directly affected the contested election and had to have largely determined the election of the challenged candidate.<sup>247</sup> So far, the Constitutional Council invalidated one mandate in 2002, declaring the third candidate in number of votes the winner of the elections.<sup>248</sup> For the 2009 challenges, the council planned to render all the decisions by November 2009.

### **Election-Related Violence**

Although the months leading up to the elections were generally calm, some areas witnessed violence directly related to the elections.<sup>249</sup> Violence erupted mainly in areas that were considered “hot spots,” where the inter-Christian competition between the March 8 and March 14 candidates for the Christian seats was especially fierce. Since all the Sunni seats were spoken for by March 14 and the Shi'ite seats by March 8, the intense electoral competition was between Christian candidates allied with Michel Aoun's March 8 coalition and the March 14 coalition. Hot spots included Batroun, Sidon, Jbeil, Kisrwan, and Metn. Violence has always characterized parliamentary elections in Lebanon. According to a report published by IFES in 2010, between

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<sup>242</sup> Constitutional Council Law of 1993, Article 12.

<sup>243</sup> In the 2009 Lebanese context, the publication of the dissenting opinions might trouble the people. It might weaken the Constitutional Council's decision-making authority and it might not encourage people to accept the elections results. For the same opinion, see Lecture of Emile Bejjani, IFES Conference, 2008.

<sup>244</sup> Constitutional Council Law of 1993, Article 31.

<sup>245</sup> “The voting booth is mandatory under the penalty of canceling the voting operation in the concerned polling station.”

<sup>246</sup> There was no decision given in the 13 challenges to the 2005 electoral results. It had been confirmed that none would be given by the new Constitutional Council.

<sup>247</sup> Constitutional Council, Decisions of Dec. 8, 2000, No. 9/2000, 10/2000, 11/2000, 12/2000, 13/2000, 17/2000, 18/2000, and Nov. 4, 2002, No. 5/2002.

<sup>248</sup> Constitutional Council, Decisions of Nov. 4, 2002, No. 5/2002. It should be noted that the challenged elected candidate did not contest the allegations against him, and the second candidate in number of votes refused to be announced as elected. For grounding the announcement of the third candidate as winner, the Constitutional Council stated the irregularities that affected the results of the elected candidate would also affect the results for the second candidate.

<sup>249</sup> Some examples extracted from the Daily Star: “(...), unidentified assailants set fire to the Mazboud offices of the March 8's Free Patriotic Movement (FPM) and the car of an Islamic Labor Front party member. On (...), shots were fired outside of a restaurant in Jbeil, where Fares Soueid, the coordinator of March 14's General Secretariat, was delivering a speech. FPM MP Ibrahim Kanaan's family home in Jounieh was set ablaze (...). “The candidate that has perhaps faced the most violence and intimidation ahead of the polls is Ahmad al-Assaad. The head of the Lebanese Option Gathering, Assad is a March 14-aligned Shiite, running against Lebanon's traditional Shiite powerbrokers Hizbullah and Amal in their strongholds in south Lebanon.”

January 1 and May 20, 2009, approximately 107 incidents involving confessional or political motivation have been reported, of which only seven were characterized as critical.<sup>250</sup>

The weekend of the elections was relatively calm. No serious violent incidents were reported, and the presence of security forces was considered positive. All political party leaders respected the silent period and refrained from any type of campaigning, calling on their supporters to follow suit.

The only event that could be considered a breach of the silent period was a statement by the Maronite Patriarch on the Saturday night before the elections saying Lebanon faced a threat to its Arab identity if the opposition won.<sup>251</sup> The March 8 leaders from all sides had, on a few occasions, showed their discomfort with the Patriarch's discourse and have called upon him to refrain from favoring one side over the other.

## Election Day

The electoral time span was a major challenge of the 2009 elections. The elections were the first parliamentary elections conducted on a single day in Lebanon. Previous parliamentary elections were conducted in stages due to lack of staff and security personnel. The single-day election was possible because the MoIM prepared extensively during the preelection period. Additionally, large numbers of security forces were deployed widely and many poll workers were trained. Overall, the poll workers were professional, and the Carter Center commends the democratic maturity displayed by the Lebanese citizens despite the inconvenience of having to vote in their place of origin. Election day was marked by high levels of voter participation and Baroud earned the confidence of Lebanese stakeholders through his commitment to a transparent process.

## Opening and Voting

On election day, observers generally noted that polls opened on time. Sporadic delays were caused by minor administrative issues, but there were no systematic occurrences or mistakes by election administrators. Carter Center observers noted that procedures were generally implemented properly, including the use of the voter booth. However, delays in the voting process and long lines were caused by the procedure of only allowing as many voters into the polling station as there were polling booths. Another cause of delay was the insufficient number of adequately trained polling staff, which hindered efficiency and resulted in overcrowding. Only staff appointed by the MoIM were sufficiently trained. Delays led to tensions in some places as voters waited for several hours. The MoIM announced that additional voting booths would be

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<sup>250</sup> IFES, Report, Levra 2009.

<sup>251</sup> On June 6, 2009, Maronite Patriarch Nasrallah Sfeir made a statement in which he said, "If the opposition wins in the elections, then that would threaten the Lebanese entity and change its Arab identity." Sfeir added that the Lebanese people have a duty to be aware of the evils that are being plotted for them. Consequently, they should work hard to thwart the plots because if successful, they will change the face of Lebanon.

provided as needed, but this instruction was not consistently communicated to polling station staff.

Carter Center observers noted candidates' representatives in all polling stations visited, increasing the transparency of the election. Many of the visiting candidate representatives were selected to serve as polling assistants, but they did not always play their role and instead acted as candidates' representatives. This left some polling stations understaffed and contributed to partisanship within the polling station.

Carter Center observers also reported widespread campaigning within a 50-meter radius of the entrance to the polling station despite prohibitions against this behavior. Campaigners and supporters handed out printed ballots, wore party paraphernalia within the polling place, campaigned from cars, and hung posters. Carter Center observers also witnessed multiple incidents of voter intimidation by party supporters in some parts of Lebanon. Observers considered the presence of party supporters in and around polling stations, as well as the establishment of temporary party offices in the immediate vicinity of polling centers, to be intimidating.

Despite the underrepresentation and low visibility of women on the election ballot, the Carter Center team commends the initiative of the MoIM to include women. There were more than 2,000 women among the polling staff. Female party representatives also were observed at most of the polling places visited by the Center's observation mission. On May 13, 2009, the Lebanese government issued a decree to improve accessibility for voters with disabilities. These include training of poll workers and the inclusion of architectural features to polling stations. However, the Center was disappointed that access to polls for voters with disabilities remained extremely limited and suggests that future polling places be more readily accessible.

For the first time, the 2008 election law explicitly provided for the accreditation of domestic election observers. Several domestic organizations, including LADE and the LTA, participated in the 2009 elections. Carter Center observers reported meeting domestic observer representatives in over half the polling stations visited and in general, domestic observers were not hindered in their access to polling stations and during the electoral process. Domestic observers played a significant role in promoting transparency and encouraging accountability.

A problem that hindered the election day process was the late dissemination of many rules and regulations. Rules include a number of circulars detailing aspects of the process such as the distance from the polling station within which campaigning is prohibited. Circulars regarding essential matters such as the procedure for tabulating votes at the registration committee were not distributed in advance of the election. The degree to which the poll workers were aware of these circulars varied, but the process of tabulating votes remained unclear throughout election day.

The electoral process falls short of international standards regarding secrecy of the ballot. Lack of an official printed ballot, which allowed political coalitions to design ballots with unique

formatting for specific groups, and the use of the family code in the voters' registry undermined secrecy of the ballot by allowing for the creation of unique ballots that can be linked to a particular voter or set of voters.

### **Closing, Counting, and Tabulations**

An accurate and nondiscriminatory vote counting process, including the announcement of results, is an essential means of ensuring that fundamental rights are fulfilled.<sup>252</sup> Most polling stations observed by The Carter Center closed at 7 p.m. and voters in line at that time were able to cast their ballots. In general, the environment during poll closing and counting was peaceful and took place free from unauthorized interference.

Carter Center observers did note that procedures in some polling places were not followed consistently. One problem in particular was that envelopes were not sorted based on validity and invalidity, although in most cases the validity of the ballots themselves was determined according to the established procedure. Carter Center observers reported that overall, ballots were accurately counted in polling stations visited and results were publicly posted in a consistent manner.

The Carter Center observed tabulation of results at registration committees and higher registration committees throughout the country. There was a lack of cooperation between some committees and the Carter Center observers, which worsened during the tabulation of election results. In one instance, observers were refused entrance by the higher registration committee in Metn. While observing the tabulation of votes at registration centers, most Carter Center observer teams noted the lack of clear procedures for the tabulation of votes. This resulted in confusion, especially during the material collection process. The Carter Center recommends more timely clarification of procedures for the next election.

On a positive note, the MoIM published most election results by polling station on its website shortly after election day. However, the MoIM did not ensure accuracy of the results. The results were posted with the disclaimer: "*The following figures are solely and completely based on the Registration Committee tally sheets. The MoIM is not responsible for any error that might be present, it has only copied the results as they are presented by the RC.*" This leads to potential inaccuracies in the results.

### **Transmission of Results**

Apart from the traditional transmission of results, protocol sheets from the polling stations to registration committees to the high registration committees and finally to the MIOM were assessed as positive. The scanning and electronic transmission of tally sheets from the higher

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<sup>252</sup> International Covenant on Civil and Political Rights, Art (25(b).

registration committees to the MIOM was generally assessed as a positive development; it proved to be a financially affordable solution that facilitated faster transmission of provisional results.

In many ways, the 2009 elections were an improvement over past Lebanon elections, conducted with enhanced transparency and accordance with Lebanon's new electoral law and regulations. The electoral process provides the foundation for additional electoral reforms. However, in other ways, the 2009 elections fell short at a critical moment in the country's history after the Doha Agreement in May 2008.

### **Participation of Women**

The Lebanese Constitution states that all citizens have equal status. Lebanon is a state party to the U.N. Convention on the Political Rights of Women, as well as the U.N. Convention on the Elimination of All Forms of Discrimination Against Women. Despite international and national legal frameworks that provide the basis for equal participation of women and men, women in Lebanon remain underrepresented in political life, especially at higher levels of decision-making bodies.

Although women make up about 53% of the population, about 2 million, only 12 women contested seats out of 587 official candidates (2% overall), of whom only four were elected to Lebanon's 128-member parliament.

Lebanese women obtained the right to vote and run for elections in 1953, and they have been in parliament since 1992, when three female members of parliament won seats. While there are some prominent women in politics, most of whom belong to political dynasties, their participation in the political life of Lebanon is generally limited. Although Bahaya al-Hariri was an MP before her brother's assassination in 2005, women cabinet ministers such as Nayla Moawad, former minister of Social Affairs, or former Industry Minister Leila Solh, joined politics after their husband and father, respectively, died.

Out of 128 deputies in the outgoing parliament, six were women (4.7%) and only one woman – the sister of former Prime Minister Rafiq Hariri and the minister of education, Bahaya al-Hariri – was a member of the outgoing government and one of 30 ministers. This is considered by the Carter Center as evidence that Lebanese women lack an equal and fair chance to participate fully in the political life of the country.

Regarding the eligibility of candidates, there are no legally established electoral quotas for women in Lebanon and, as such, political parties are free to decide on the number of women they nominate.

Attempts to address women's political inequality, such as a 2005 electoral law that proposed a 30% quota for women in parliament, have not been successful. A number of organizations are engaged in the promotion of women's rights and are trying to facilitate women's involvement in politics by advocating for a quota system to encourage fair representation. Some of them stressed

that 12 female candidates were downgraded to lower positions on the lists and effectively had little chance of being elected.

The 2008 electoral law does not include any regulation to specifically promote female representation in parliament. Also, specific measures were not in place to encourage female candidates or to increase the participation of women in the elections. UNDP launched an awareness-raising campaign to encourage women to vote and to put forward questions related to gender equality in roundtables with politicians and candidates.

Apart from the slogans that some parties were using during the campaign period aiming to attract women voters, specific topics related to women or gender equality was neither included in the competitors' platforms nor evident during the campaign. Overall, there was little effort by parties to specifically target female voters.

Although the constitution guarantees equal rights for men and women, the level of women's participation in upper levels of the election administration is low. Women are for the first time in Lebanese history represented in the lower levels of the election administration, as polling station staff. Some 1,500 women (13% of the more than 11,000 polling staff) have been identified through the Ministry of Education to perform the duties and responsibilities of clerks. However, women constituted an overwhelming majority of party agents who were at polling stations throughout the country, chosen for the positions of polling station assistants.

### **Participation of Persons with Disabilities**

Lebanon has signed the Convention on the Rights of Persons with Disabilities. States are obligated to ensure that persons with disabilities can exercise all political rights on an equal basis with others, including the right to vote and be elected.<sup>253</sup> All citizens are to have equal access to the election process, which should enable those who are blind (including citizens with limited sight) or deaf and those living with other disabilities to cast a secret ballot.

On Jan. 20, 2009, the Ministry of Interior announced a draft decree to ensure the full participation of people with disabilities in the electoral process. On May 13, 2009, the Lebanese government issued a decree regarding accessibility for voters with disabilities – the first significant attempt to improve the access of persons with disabilities to the polls. More specifically, it announced criteria that polling stations should meet to accommodate voters with disabilities. These include adding architectural features to polling stations and centers to facilitate access to polling stations by persons with disabilities such as accessible parking lots, wide entrances and corridors, wheelchair ramps, elevators, voting premises large enough to install curtained booths to ensure privacy, and training for poll workers.

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<sup>253</sup> Article 29 of the United Nations Convention on the Rights of Persons with Disabilities.

While such steps have the potential to increase access to polls for the approximately 68,000 registered voters with disabilities in Lebanon, Carter Center observers were disappointed to note that, in practice, access to the polls for voters with disabilities remained extremely limited and suggest that in the future polling places be made more accessible. With polling stations on upper floors, with no accessibility ramps or wide enough entrances, people with disabilities experienced serious difficulties casting their vote. In some cases, voters in wheelchairs had to be carried up several levels of stairs to cast their vote.

The Lebanese Physically Handicapped Union (LPHU), sponsored by the International Foundation for Election Systems, conducted a study of the 1,741 polling stations in Lebanon and assessed them according to the ministry's accessibility criteria. They found that only six polling stations out of 1,741 – less than half of 1% – satisfied all the accessibility criteria.

Overall, in practice, the local and election administrations were not considerate of the special needs of people with disabilities and failed to ensure that they could participate with relative ease. Given the findings of the polling station survey, and the Center's observers' findings, the Interior Ministry's decree may be a case of delayed initiative to provide voters with disabilities with full access to the polls on election day.

There were public awareness programs on voting rights of persons with disabilities and efforts to promote their political and social rights, undertaken by the Lebanese Handicapped Union and the Youth Association for the Blind (YAB). In addition to advocacy campaigns, the LPHU also conducted training workshops for local election monitors and the media.

## **Election Results and Postelection Developments**

The Saad-Hariri-led March 14 coalition captured 71 seats, allowing it to remain in control of the government. The Hezbollah-led March 8 coalition won the remaining 57 seats. No candidates outside these two coalitions won. Approximately 54.8% of Lebanon's 3.2 million eligible voters participated in the elections.<sup>254</sup> The Carter Center commends the overall peaceful acceptance of election results by both the March 8 and March 14 coalitions and their willingness to work together.

After accepting the results, Lebanese parties expressed their willingness to resolve their internal disputes, which is a step forward in overcoming political divisions in Lebanon. Following the announcement of election results, several bilateral and multilateral meetings were held in preparation for a new government. Prime Minister Hariri actively met with different political leaders within and outside the March 14 coalition.

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<sup>254</sup> Marcella Hodeib, "March 14 Coalition Retains Majority After Parliamentary Elections," Daily Star, June 8, 2009, Politics section. [http://www.dailystar.com.lb/article.asp?edition\\_id=1&categ\\_id=2&article\\_id=102787](http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=102787)

Especially relevant was the meeting held between the leaders of Hezbollah and the Future Movement to discuss the formation of the next cabinet and the postelection political situation. They stressed the importance of following up on dialogue and praised the efforts of all political parties to reduce tensions. The meeting was considered a positive step toward overcoming the long lack of trust between both formations.

International actors and most Arab states welcomed the results of the elections. They all showed interest in cooperating to help the Lebanese parties form a unified government. The unannounced understanding between Saudi Arabia, Syria, and Egypt will greatly assist the Lebanese in agreements on the next government.

Future Movement leader Saad Hariri was nominated as prime minister and stepped down on Thursday, Sept. 10, 2009, before getting reassigned to the same position a week later. Hariri's initial cabinet lineup of 30 ministers was rejected by the National Opposition for not reflecting its demands. Therefore, the proposal was not signed by President Suleiman. After his redesignation, Hariri kicked off his second version of parliamentary consultations on Sept. 24, but this time with a "nontraditional" approach that he hoped would be more fruitful.

After three months of political deadlock, the solution may finally surface following Syrian-Saudi rapprochement. Lebanese politicians believe this might accelerate Hariri's parliamentary consultations to reach a faster agreement. Politicians, analysts, and observers believe that the outcome of the Saudi-Syrian summit surely will have a "positive impact" on Lebanon's crisis. Domestically, the political deadlock seems to be loosening up as the PM-designate is meeting with the head Change and Reform bloc MP Michel Aoun. According to media sources, a positive atmosphere is prevailing, and the result might be a near formation of a national unity government.

The EU's move toward Hezbollah might well be of great assistance to ease the tension and to facilitate the formation of a new government. Right after the elections, leaders of the U.S. and the EU expressed support for the new government and the alignment of their policies on Lebanon.<sup>255</sup>

With all the positive developments described above, the Lebanese still must resolve a number of issues to overcome long-standing political confrontations. Violent clashes were reported in a neighborhood in Beirut with a mixed Sunni-Shia population. Members of the Future and Amal Movement clashed during a weekend fight resulting in one death and at least 11 injuries. The Lebanese army intervened to break up the fighting, and soldiers arrested some alleged perpetrators. Political leaders intervened and indicated that instigators should face justice.

## Recommendations

The Carter Center opened an office in Lebanon in February of 2009 to conduct an observation of the June 2009 parliamentary elections. The observation commenced in March 2009 with the

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<sup>255</sup> U.S. - EU Summit Factsheet, June 10, 2008 <https://georgewbush-whitehouse.archives.gov/infocus/eusummit/2008/index.html>

deployment of six long-term observers and continued through several weeks after election day. In the spirit of cooperation with the people and the government of Lebanon, the Center offers the following recommendations for continued improvement.

### Legal Framework

- The Carter Center fully endorses Lebanon’s long-standing national goal to abolish political confessionalism outlined in the constitution through the **creation of a nonconfessional Chamber of Deputies and a confessional Senate**. While reasonable restrictions on the right to vote are recognized in international law,<sup>256</sup> those found in Lebanon’s electoral law appear overly restrictive and should be reconsidered.
- The Carter Center encourages the Ministry of the Interior and Municipalities to **provide the Lebanese diaspora with the opportunity to fulfill their rights in their place of residence**. Such action may help reduce the alleged practice of parties organizing all-inclusive trips for voters to travel to Lebanon to cast a ballot.
- The Center welcomes the **extension of suffrage to youth voters by reducing the voting age from 21 to 18** through the process of constitutional amendment.<sup>257</sup>
- **Voting of army and police officers** should be contemplated in the electoral law.
- **Allow voters to vote in the place where they have their permanent domicile** and not where their families originally come from. This would enhance connections between the citizens and their representatives.
- **Political associations need proper legislation covering their constitution, obligations, internal mechanisms, funding, etc.**

### Election System

- To better protect the fundamental rights of citizens, The Carter Center recommends that **official, standardized, printed ballots** be used in future elections.
- The Carter Center urges **implementation of the bicameral parliamentary institution**, as set in the constitution.<sup>258</sup>
- **Boundary delimitation for future elections should address the disparity among constituencies** to promote greater equality in suffrage.
- **Straightforward mechanisms should be put in place to assist the prime minister to form his/her government** and how he/she distributes the seats on the different political parties.
- **The “pact of communal coexistence” and the legality of all decisions related to it should be clarified constitutionally.**

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<sup>256</sup> UNHRC General Comment 25, paras. 4 and 10.

<sup>257</sup> “On March 19, 2009, Parliament voted unanimously to adopt a Constitutional Law to reduce the voting age in Lebanon from 21 years to 18 years.” International Foundation for Electoral System (IFES), Lebanon’s 2009 Parliamentary Elections. Parliament’s Vote to Lower the Voting Age to 18 years, IFES Lebanon Briefing Paper, March 20, 2009.

<sup>258</sup> Constitution, Article 22.

## Election Administration

- Strengthen institutional memory through **creating and maintaining systematic records of planning, data, and staff training.**
- **Written minutes of all MoIM sessions and meetings, as well as regulations, decrees and decisions,** should be produced within 24 hours after their completion and made accessible to the public on the ministry's website.
- **Training of polling officials (polling station presidents and clerks) should be more in-depth** and longer than one day; uniform implementation of election regulations and procedures should be ensured.
- To limit overcrowding, consideration could be given to **reduce the maximum number of registered voters per polling station.**
- **Campaigning should be strictly forbidden around polling stations on election day,** and candidates should be held responsible for any infringements.
- **Ensure stronger enforcement of laws against party propaganda in the polling stations and within the 50-meter limit;** polling officials should be forbidden from wearing or carrying any campaign material.
- Consider **establishing the MoIM's hotline earlier,** well in advance of election day, to enhance the comprehensive training of operators, plan activities, and take care of matters relating to providing information to citizens throughout all phases of the electoral process.
- Consider **including the rights of domestic and international election observers to follow all relevant phases of the election process in the parliamentary electoral law.** All candidates and accredited observers should be permitted access to the information at the registration and higher registration committees to ensure confidence and transparency.
- **An increased number of polling officials could ensure better performance, and additional polling assistants should not be candidate agents.** Also, citizen assistants should have some form of financial compensation.
- **Produce a guide to best practices and standardized procedures** for the MoIM and election officials in general.
- **Develop the electronic transmission of tally sheets between the higher registration committees and the MoIM** to offer reliable and swift preliminary results.

## Voter Registration

- **Reinforce civil offices and remove *mukhtars* from responsibilities in the electoral process.**
- Register voters in their actual place of residence to **create a realistic map of the electorate** – a first step in changing the actual voting system. Also, the civil register should be centralized, linking the registration offices for accurate and swift updates.
- Continue efforts to **improve the accuracy of the voter lists.**

## Campaign Finance

- **Limit bank secrecy for effective control of campaign finance** and implementation of UNCAC, Article 40.
- **Publishing candidates' financial statements and the SCEC reports** could be helpful for more effective public control.
- **Creating specific regulations on political parties' spending** would help control external financing, differentiate political activities from others, and include expenses paid outside the electoral campaign period.
- **Strict rules should be imposed on the campaigns of public officials and ministers running for elections.** It was noticed that many of them had abused their positions for campaigning purposes.

## The Media

- The parliamentary electoral law provisions on media mainly cover media behavior during the electoral campaign.<sup>259</sup> To fully address the media environment in Lebanon, **regulation of the licensing and ownership conditions would help foster a more pluralistic media environment** for promoting diversity and preventing undue concentration.<sup>260</sup>

## Complaints and Appeals

- **Create, clarify, and/or enforce fast-track remedies in the courts.**
- Consider **allowing accredited domestic observer associations to initiate electoral criminal cases** to the public prosecutor.

## Participation of Women

- **Significant efforts should be made to substantially and effectively increase women's participation** in election administration and ultimately their representation in parliament and government. (Although a large number of women voted in this election, only five women were elected to office.)
- Introduce a **provision for gender representation in election administration in the parliamentary electoral law.**

## Participation of Persons with Disabilities

- **Ensure accessibility of voters with physical impairments and others with special needs at every polling station.** A significant effort should be made to place polling

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<sup>259</sup> PEL, Article 65.

<sup>260</sup> International Mechanism for Promoting Freedom of Expression, *Joint Statement on the Media and Elections*, May 15, 2009: "States should put in place a range of measures [...] to create an environment in which a media sector can flourish. These should include, among others, obligations of transparency of media ownership, licensing of different types of broadcasters to promote diversity, rules to prevent undue concentration of media ownership and measures to promote content diversity among and within media outlets."

stations on the ground floor of buildings and to use ramps for wheelchair access, along with Braille templates, magnifying screens, etc.

### **Voting Procedures**

- **Select polling facilities to better fit the needs of all categories of people**, including elderly and disabled voters. Governors should receive clearer instructions on the criteria for establishing polling facilities.
- **All polling officials should be appointed and properly trained** by the Ministry of Interior and Municipalities.

### **Voter Education**

- Establish **broader government-sponsored voter education programs**.
- **Target voter education sessions to specific groups**, such as women and youth, and launch them well in advance of election day.

## Annex A: Acknowledgements

The Carter Center is grateful for the support provided by a number of organizations and individuals, whose contributions made the international election observation mission to Lebanon possible. The Center wishes to thank the government of Lebanon and Minister of Interior and Municipalities Ziad Baroud for inviting the Center to observe Lebanon's election process. In addition, the Center gratefully acknowledges the contributions of Lebanese political party members, civil activists, journalists, poll workers and citizens who welcomed the Center's staff and observation efforts.

The Center also acknowledges Abdul Kareem al-Eryani, former prime minister of Yemen, and President Carter for their leadership of the delegation, and extends its gratitude to all members of the observer delegation. Special thanks go to the dedicated team of long-term advisors who completed three and a half months of observation covering pre- and post-electoral periods.

This project would not have been possible without the commitment of the Center's staff in Lebanon. Field directors Delphine Blanchett and Adolfo Cayuso were aided by several other expatriate staff including legal/electoral analyst Gaelle Deriaz, observer coordinator Masa Janjusevic, campaign finance analyst Magnus Ohman, and national staff operations manager Maya Bou Ayache and field office accountant Elie Haddad.

Carter Center Democracy Program Staff in Atlanta had overall responsibility for the mission. Associate Director Sarah Johnson served as project manager with oversight from Democracy Program Director David Carroll and significant assistance from Assistant Project Coordinator Zenobia Azeema and Program Assistant Tynesha Green. Senior Program Associate Avery Davis Roberts and Assistant Project Coordinator Amber Charles also provided important support on democratic election standards and mission implementation. Additional thanks go to Debbie Hakes who served as media relations coordinator. Interns Bentley Brown, Narsay Bello, Alexandra Blackman, and Robyn Olejniczak supported the election observation mission from Atlanta and in Lebanon. The team also benefited from the support provided by Vice President for Peace Programs John Stremmlau. Sita Ranchod-Nilsson assisted with the Final Report.

## Annex B: Terms and Abbreviations

<b>CEDAW</b>	Convention on the Elimination of Discrimination Against Women
<b>CERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>CRPWD</b>	Convention on the Rights of Persons with Disabilities
<b>GDIS</b>	General-Directorate for Internal Security
<b>GDPAR</b>	General-Directorate of Political Affairs and Refugees
<b>GDPS</b>	General-Directorate for Personal Status
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>IEOM</b>	International Election Observation Mission
<b>IFES</b>	International Foundation for Electoral Systems
<b>ISF</b>	Internal Security Forces
<b>LADE</b>	Lebanese Association for Democratic Change
<b>LPHU</b>	Lebanese Handicapped Union
<b>LTA</b>	Lebanese Transparency Association
<b>LTOs</b>	Long-term observers
<b>MoIM</b>	Ministry of Interior and Municipalities
<b>NGO</b>	Nongovernmental organization
<b>PEL</b>	Parliamentary election law
<b>SCEC</b>	Supervisory Commission of the Electoral Campaign
<b>STOs</b>	Short-term observers
<b>UNCAC</b>	U.N. Convention Against Corruption
<b>UNCPRW</b>	U.N. Convention on the Political Rights of Women
<b>UNDP</b>	U.N. Development Program
<b>UNHRC</b>	U.N. Human Rights Committee
<b>YAB</b>	Youth Association for the Blind

## **Annex C: Delegation and Staff**

### ***Delegation Leadership***

#### **Former U.S. President Jimmy Carter**

Co-founder of The Carter Center

#### **Former First Lady Rosalynn Carter**

Co-founder of The Carter Center

#### **Abdul Kareem al-Eryani**

Former prime minister of Yemen

#### **Dr. John Hardman**

President and CEO of The Carter Center

### ***Long-term Observers***

Bujar Halo (Albania)

Karalenne Gayle (U.S.)

Roger Bryant (United Kingdom)

Marwa Alkhalid (U.S.)

Johan Temmerman (Belgium)

Teresa Encarnacao (Portugal)

### ***Short-term Observers***

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Murad al-Gharati (Yemen)

Abeer Abdelhafiz Ahmed (Sudan)

Wafaa Attia (Egypt)

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Robert Malley (U.S.)  
Augustus Richard Norton (U.S.)  
Adnan Abu Odeh (Jordan)  
Robyn Olejniczk (U.S.)  
Jama Omar (Sweden)  
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Mary O'Shea (Ireland)  
Robert Pastor (U.S.)  
Anwar al-Rasheed (Kuwait)  
Karen Reinhardt (U.S.)  
Cynthia Rice (U.S.)  
Joshua Roberts (U.S.)  
Cheri Robinson (U.S.)  
Bill Rolston (Ireland)  
Khuzama al-Saqqal (Jordan)  
Richard Scannell (Ireland)  
Hogir Shekha (Iraq)  
Claire Spencer (Great Britain)  
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Nathan Stock (U.S.)  
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**Narsay Bello**, intern

## Annex D: Statements Issued

### **Carter Center Launches Election Observation Mission to Lebanon**

April 21, 2009

FOR IMMEDIATE RELEASE

The Carter Center launched an international election observation mission to Lebanon last week by deploying six long-term observers to cover all of the country's qadas (districts). The observers represent a diverse team from six countries: Portugal, Belgium, Iraq, the United Kingdom, Albania, and the United States.

Observers will monitor the electoral process leading up to parliamentary elections anticipated on June 7. Their assessment will focus on the administration of the elections, the campaign period, voting and counting procedures, electoral complaints and appeals mechanisms, and other issues related to the overall electoral process in Lebanon. The Center's evaluation will be made against Lebanese electoral law, the constitution, and the country's international commitments regarding democratic elections. The Carter Center received formal accreditation from Lebanon's Ministry of Interior and Municipalities on March 31.

A Carter Center office was established in Beirut in late-January and is led by Field Office Director Adolfo Cayuso. Observers will meet with election officials; political party and civil society representatives, including domestic observation groups; members of the international community; and other stakeholders to form an assessment. The Center's long-term observers will be joined by some 40 short-term observers from various nationalities around election day.

"The Carter Center welcomes the opportunity to observe Lebanon's electoral process," said David Carroll, director of the Carter Center's Democracy Program. "We hope that our presence will contribute to a peaceful, transparent, and credible electoral process, and will support Lebanese efforts to promote key reforms for future elections."

The Carter Center conducts its activities in a nonpartisan, professional manner in accordance with applicable law and international standards for election monitoring set forth in the Declaration of Principles for International Election Observation, adopted at the United Nations in 2005. The Center will remain in close communication with the Lebanese authorities, all political parties, candidates, civil society organizations, media, and other international and domestic observer missions.

The Center will release periodic public statements on electoral findings, available on its Web site: [www.cartercenter.org](http://www.cartercenter.org).

## **Carter Center Commends Lebanon's Constitutional Council Appointments; Urges Further Clarification of Election Procedures**

[\(Read in Arabic\)](#)

May 29, 2009

FOR IMMEDIATE RELEASE

In a report released today, The Carter Center welcomed the May 26 decision by Lebanon's Council of Ministers to appoint the final five members of the Constitutional Council, the body mandated to adjudicate candidates' challenges to electoral results. At the same time, the Center urged Lebanese electoral authorities to provide further clarification of procedures for the filing and resolution of election day complaints by voters and party agents and for the district-level tabulation of official election results.

The June 7, 2009, parliamentary elections promise a high degree of competition, with the possibility of close races in certain districts. Given this, it is important that the election dispute resolution mechanisms of the Constitutional Council are clear to all stakeholders and that parties and candidates follow prescribed means to file any challenges to election results.

The Carter Center launched its 2009 election observation mission for the parliamentary elections in Lebanon in early February. Upon receipt of official accreditation by the Ministry of Interior and Municipalities on March 31, the Center deployed six long-term observers to assess election preparations and the political campaign in Lebanon's 26 electoral districts. The Center will deploy approximately 50 short-term observers to observe balloting, counting, and tabulation processes. In summary, The Carter Center offers the following observations in advance of the elections, which are described further in the attached report:

- The 2009 parliamentary campaign appears to be more competitive than the 2005 elections, with more than 3,258,000 voters registered to vote and more than 500 candidates running for 128 parliamentary seats.
- The 2009 elections are regulated by a new election law, passed in 2008, which introduced several important changes and improved the transparency of the Lebanese electoral process. These include more stringent election day procedures, greater transparency regarding campaign finance and the media, and more accessible information regarding the voters list and polling station locations.
- Effective electoral dispute resolution mechanisms are an essential part of a credible electoral process. The appointment of the remaining five members of the Constitutional Council should help to ensure credible and timely resolution of challenges to the electoral results. To this end, appropriate authorities should take steps to ensure that Constitutional Council's mechanisms for adjudicating candidates' challenges to election results are clear to all stakeholders.
- While the process for candidates to challenge results before the Constitutional Council is clear, there is a need for further clarification of legal procedures and remedies for election day complaints by voters and party agents. The Carter Center encourages the Ministry of Interior and

Municipalities to clarify complaints procedures in enough time prior to election day to allow for adequate dissemination of this information to stakeholders, including polling staff.

- Minister of the Interior and Municipalities Ziad Baroud has gained the confidence of most stakeholders in the electoral process. The Ministry has made significant efforts regarding the administrative preparations for the elections, including the correction and computerization of the voters' registry and the issuance of several thousand identification cards to voters.
- Steps have been taken to strengthen security on election day, which should help to foster a calm electoral environment. The Carter Center calls on Lebanese leaders to continue to maintain respect for the peaceful resolution of conflict through the political process that has been reinitiated with the Doha Accord.
- There remain important issues that, while they cannot be addressed in advance of these elections, should be addressed in advance of future elections. These include the lack of official printed ballot papers, which undermine the secrecy of the ballot.
- Despite the promotion of women's participation in the electoral process, for example by encouraging greater gender parity among poll workers, there is nonetheless a deficit of female candidates running for office. This gender imbalance will result in the under-representation of women in the parliament. The Carter Center calls upon Lebanese women to vote on June 7 to increase female participation in the electoral process more broadly.

The Carter Center election observation mission will remain in Lebanon until the end of July to monitor the postelection environment, including the complaints process as necessary. The Carter Center election observation mission assesses the electoral process in Lebanon against the relevant legal framework, including, Lebanese election laws, the Constitution of Lebanon, and Lebanon's international commitments. The Center's election observation activities are conducted in accordance with the Declaration of Principles for International Election Observation. The Declaration of Principles was adopted at the United Nations in 2005 and has been endorsed by 33 international election observation groups.

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*The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.*

## **Carter Center Election Observation Mission to Lebanon**

### **Pre-Election Report**

May 29, 2009

The June 2009 parliamentary elections in Lebanon will mark a critical step in the consolidation of democratic stability for the country. Not only are these elections the first since the signature of the Doha agreement in May 2008, which marked the end of the political crisis that had ensued following the end of former President Emile Lahoud's term in office. They are also the first to take place under a new election law, passed in 2008, and agreed upon by all political parties. The new law includes several important changes that should increase the transparency of the electoral process, including allowing the accreditation of international and domestic observers. In the final week of election preparations, The Carter Center offers the following pre-election observations in a spirit of cooperation with the people of Lebanon.

#### **Election Administration**

For the first time, Lebanese authorities will hold parliamentary elections on a single day. Previous parliamentary elections were held in four successive weekends, mainly due to a lack of human resources, both in terms of staff and of security forces. Minister of the Interior and Municipalities Ziad Baroud appears to enjoy the confidence of most stakeholders including political associations, candidates, media, and the voters themselves. For the June 7, 2009, elections, the Ministry of Interior and Municipalities (MoIM) plans to mobilize significant resources to assure the feasibility of holding the elections on one day, and to deter disorder during polling.

The MoIM has so far met most of the legal deadlines with regard to technical preparations and operations for the elections. Top-down cascade trainings (training of trainers) on election procedures have been organized and will reach the entirety of the approximately 11,000 polling station officials by the end of the month. In addition, The MoIM is setting up 1750 polling centers and 5181 polling stations throughout the country.

Reports by Carter Center observers indicate that election preparations are well under way at the local level. However, the level of preparedness of local election administration appears to vary among municipalities, especially with regards to the work of the Mukhtars (local elected officials that work in cooperation with the MoIM to manage the issuance of voter ID cards).

**ID Cards** – In order to cast a ballot, registered voters must prove their identity by showing an ID card or a valid Lebanese passport. In the lead-up to the elections, Lebanese authorities vigorously issued ID cards to potential voters who had requested the required documentation. Preliminary assessments suggest that some 250,000-300,000 citizens have received ID cards since the beginning of the year, approximately 6,000-7,000 cards per day.

However, the issuance of ID cards was delayed for a significant number of applicants due to difficulties in the fingerprinting process at the Mukhtar level. This resulted in the need for voters to resubmit their fingerprints in order to process their applications. This deficiency was addressed by several extensions of the deadline for ID applications, the establishment of 27 temporary centers, and by the gradual introduction of digital fingerprint scanning kits to facilitate the work of civil registry offices. The issuing of ID cards to rejected applicants was finalized on May 23. In spite of these efforts, a few political parties

still fear that IDs will not be issued before election day to all potential voters, who then may face disenfranchisement.

**Ballot Papers** – The 2008 Lebanese electoral code does not mandate the use of standard official printed ballot papers provided by the government and containing the names of all running candidates in a given district or qada. Voters in Lebanon have the right to choose candidates from across different electoral lists, either by writing their own choice on a standard blank piece of paper provided inside the polling booth or by "crossing-off" the names of certain candidates on a ballot prepared by the candidates and writing in the name of their alternative choice. This feature permits political associations and candidates to prepare and distribute non-standard ballots to the electorate.

The lack of standard official printed ballots may compromise the secrecy of the ballot and opens channels for political parties and elites to exercise inappropriate influence over the choices of voters.<sup>261</sup> In addition, non-standardized ballot papers remain a challenge to other aspects of the electoral process, particularly with regard to the counting of ballots. Standard printed ballots would be easily reconciled, thus reducing the possibility of invalidating a ballot due to misspelled names. It would also reduce the potential for confusion regarding the intention of the voter, unlike non-standard ballot papers.

**Flow of Voters** – The law provides that the number of registered voters per polling station shall not exceed 800. Depending on the number of voters, polling stations will have up to three voting booths. The number of voters allowed to be inside the polling stations at the same time will be established according to the number of booths. This could lead to long queues of voters and delays in closing the polls.

**Election Day Security** – The MOIM has introduced additional security precautions for the immediate election period that the Center hopes will have a positive effect on the process. Based on discussion with election administration officials and candidates, on and around election day, security forces will facilitate electoral processes by directing traffic, delivering election materials, maintaining security at polling stations (at the request of polling station heads), and escorting sensitive election materials from polling stations to registration committee offices.

**Facilitation of Voting for Disabled Citizens** – The Lebanese government recently issued a decree explicitly providing access to polls for the disabled and allowing them to ask for assistance in the voting process. This is the first decree of its kind in Lebanon. Approximately 68,000 Lebanese voters are registered as disabled with the Ministry of Social Affairs. The Carter Center welcomes these reforms and will comment further on their implementation in subsequent public statements.

**Complaints and Electoral Disputes** – The 2009 parliamentary elections will be governed in part by the 2008 Parliamentary Election Law as well as other relevant laws and regulations. The 2008 law includes several key improvements from the Parliamentary Election Law of 2000, such as more stringent election day procedures (for example, the use of indelible ink, and transparent ballot boxes), greater transparency regarding campaign finance and the media<sup>262</sup> and more accessible information regarding the voters list and

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<sup>261</sup> ICCPR, Art. 25.

<sup>262</sup> Please note that The Carter Center will comment more fully on these issues in subsequent public statements.

polling station locations. However, there remains a lack of clarity regarding the mechanisms for resolving electoral complaints and disputes.

The 2008 Parliamentary Election Law and other legislation, such as the Constitutional Council Law of 1993, stipulate that a number of bodies are responsible for the resolution of electoral complaints and disputes. These include institutions charged with election administration, specifically the MoIM, the recently established Supervisory Commission of the Electoral Campaign (SCEC), the Registration Committees, and the Higher Registration Committees. In addition, a number of courts have potential jurisdiction over electoral matters, including the State Council, the Court of Publications, the Criminal Courts, and the Military Courts.

Despite this, the resolution of electoral complaints and disputes remains unclear. To date, aggrieved parties have lodged administrative complaints regarding electoral issues with the SCEC, which regulates campaign finance and media. Given the SCEC's limited mandate, the extent to which it can adjudicate other matters is unclear. Similarly, the Ministry of Interior and Municipalities' mandate to resolve complaints (as opposed to answering questions and/or inquiries) deserves clarification.

In addition, the 2008 electoral law lacks a provision for voters to lodge a complaint and seek adjudication of their complaint on election day on the local level. In the days remaining before the elections, the MoIM should provide further clarification on these procedures.

Newly introduced boundary delimitation, which decreases the size of each qada, could also have an impact on the adjudication of electoral disputes and challenges to the electoral results. Increased electoral competition is likely to reduce the differences in vote totals among candidates in a number of constituencies. In previous elections, the Constitutional Council was likely to confirm the electoral results when challenged, given that there was often a wide margin between the totals for the candidates, and therefore little possibility that the challenged ballots would alter the overall results. With greater competition, there may be an increase in challenges regarding the results of the June 7 elections submitted to the Constitutional Council.

As the sole institution with jurisdiction over challenges to the electoral results, the Constitutional Council will be critical to the resolution of electoral disputes. The Carter Center welcomes the appointment of the five remaining Council members and encourages steps to ensure that all stakeholders understand the Council's mechanisms for resolving challenges.

**Voter Registration Verification Process** - In the run-up to the election, the MoIM conducted a large-scale public information campaign to inform voters of their rights and duties with regard to voter registration. Voters were able to check and challenge incorrect entries or omissions with Registration Committees.<sup>263</sup> According to the authorities, the process of checking and verifying data on the voter register resulted in the deletion of approximately 40,000 double entries. Some 45,000 citizens newly

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<sup>263</sup> Decisions by these bodies may be appealed to a Higher Registration Committee.

eligible to vote have been included in the current voter register. For the June 7 election, 3,258,572 citizens are registered to vote.

The Carter Center's observation mission welcomes as a positive step the intention of the MoIM to raise public awareness of each citizen's opportunities to check and verify their inclusion on the voter register. This enhances the transparency of the process. While the Center is pleased with the MoIM's transparency overall, it is concerned about the unwillingness of some local authorities to discuss the voter registration process and provide observers access to this critical process.

**Women's Participation in the Electoral and Political Process** - While there are no legal obstacles to the political participation of women in Lebanon, women remain under-represented both in the political environment and in election administration. The 2008 election law does not include provisions to promote women's participation or address gender issues.

Only 12 of the 587 official candidates running in the 2009 Parliamentary elections are women. They represent 2 percent of the candidates officially registered who did not withdraw by April 22, 2009. This is a disappointing figure.

However, the MoIM has taken some steps to ensure that women play a larger role in other aspects of the 2009 elections than in previous elections. Voter education for the female electorate is ongoing with support of the MoIM, and for the first time in Lebanon's electoral history, women will have a role in election administration serving as polling station staff. Some 2,000 women, or 15-20% of the 11,200 polling staff, have been identified through the Ministry of Education to perform the duties and responsibilities of clerks. The Carter Center commends the MoIM for increasing female participation in the administration of the upcoming elections and encourages female voters to cast their ballots on June 7 to ensure greater female participation in the electoral process as a whole.

## **Jimmy Carter to Co-Lead Carter Center Delegation to Observe Lebanon's June 7 Elections**

June 1, 2009

### **FOR IMMEDIATE RELEASE**

BEIRUT...The Carter Center announced today that former U.S. President Jimmy Carter and former Yemeni Prime Minister Abdul Karim al-Eryani will lead the Center's international election observation delegation to observe Lebanon's June 7 parliamentary elections. The Carter Center mission will also include more than 50 observers representing more than 20 different nations deployed throughout the country to observe balloting, counting, and tabulation processes.

The leaders will meet with the electoral authorities, political party leaders, representatives of domestic and international election observation delegations, and others, and will monitor the polls on election day, the counting process, and handling of challenges.

The Carter Center launched its election observation mission to Lebanon in early February 2009, and after receiving accreditation from Lebanon's Ministry of the Interior and Municipalities in March, dispatched six long-term observers to monitor the electoral process leading to parliamentary elections in all 26 electoral districts.

The Carter Center election observation mission will remain in Lebanon until the end of July to monitor the post-election environment, including the complaints process as necessary.

The Carter Center election observation mission assesses the electoral process in Lebanon against the relevant legal framework, including Lebanese election laws, the Constitution of Lebanon, and Lebanon's international commitments. The Center's election observation activities are conducted in accordance with the [Declaration of Principles for International Election Observation \(PDF\)](#). The Declaration of Principles was adopted at the United Nations in 2005 and has been endorsed by 33 international election observation groups.

*"Waging Peace. Fighting Disease. Building Hope."*

*A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers in developing nations to increase crop production. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide.*

- Carter Center observers noted a high-level of female participation in the voting process. However, the Center is disappointed in the low number of female candidates.
- Despite recent steps to increase the political participation of disabled citizens, Carter Center observers noted that most polling stations did not provide sufficient access for disabled voters.

- The Carter Center encourages all stakeholders, including the electoral administration, civil society, and religious and political leaders to continue to pursue electoral reform. Key recommendations for reform include:
- Increased protection for secrecy of the ballot, for example through the use of official, standardized, printed ballots.
- Increased independence of the electoral authority.
- Positive measures to increase the representation of women in parliament.
- The adoption of changes aimed at making the electoral system more representative.
- Implementation of recent legislation regarding lowering the voting age and the facilitation of overseas voting.
- Steps to ensure equal participation of disabled persons in the electoral process.

## **Carter Center Commends Lebanon's Successful Elections; Notes Shortcomings and Encourages Continued Reform**

[\(Read in Arabic\)](#)

June 8, 2009

### **Executive Summary**

The Carter Center commends the Lebanese people and the electoral authorities for the successful conduct of the 2009 parliamentary elections, the results of which have been accepted by both sides. While the process fell short of several of Lebanon's international commitments, most notably secrecy of the ballot, it was conducted with enhanced transparency and in accordance with Lebanon's new consensual electoral law and regulations.

In this context, the election has produced results that should provide an acceptable basis for consultations regarding the formation of a broad-based government. In addition, the 2009 electoral process provides an important foundation for additional electoral reforms to which a broad spectrum of civil society and political leaders have already committed.

The 2009 elections fall at a critical moment in the nation's history. Following years of civil strife and political crisis, Lebanese political leaders signed the Doha Agreement in May 2008 which led to the election of a consensus president, the formation of a national unity government, and established parameters for electoral reform and new parliamentary elections.

The Center opened an office in Beirut in early 2009 and deployed six long-term observers in March to assess electoral preparations and the campaign period. For the June 7 elections, President Carter and former Prime Minister of Yemen Abdul-Kareem al-Eryani led a mission of 60 observers from 23 countries to assess voting, counting, and tabulation processes. Carter Center observers visited more than 350 polling stations in all districts of the country.

The Carter Center offers the following findings and recommendations about the electoral process:

- The Minister of Interior and Municipalities, tasked with the administration of elections, successfully implemented Lebanon's first single-day voting process, which was marked by high levels of voter participation. The logistical and operational aspects of the election were conducted effectively, with a high level of professionalism being exhibited by polling staff in most of the stations visited. Minister Baroud earned the confidence of Lebanese stakeholders through his commitment to a transparent process. In addition, the security forces played a critical role in support of the process, behaved professionally throughout election day, and were responsive to isolated incidents of violence.
- The 2008 elections introduced several important reforms in the country's electoral system which increased transparency in the electoral process. These reforms include the provision of an explicit role for domestic and international observers. The domestic observers in particular, played a significant role in promoting transparency and encouraging accountability.

- Despite these positive steps, Lebanon's electoral system falls short of international standards regarding fundamental civil and political rights, including secrecy of the ballot, the right to be elected, and equal suffrage. The lack of official printed ballot papers, together with the use of the family code in the voter registry, undermines secrecy of the ballot by allowing for the creation of unique ballots that can be linked to particular voter or sets of voters. In addition, the electoral system, which restricts candidacy to eleven recognized confessions, does not fully protect the right of all citizens to be elected, and inequalities in the number of voters per constituency effectively undermine equal suffrage.
- Although the 2008 law adopts provisions to regulate campaign finance, it has important loopholes. In addition, although foreign funding is prohibited by law, public allegations of illegal funding were pervasive throughout the campaign period, as were allegations of vote buying. The Carter Center urges Lebanon to address these problems and further strengthen their system of financial regulation.
- Carter Center observers noted a number of procedural shortcomings on election day that resulted in long lines at many polling stations. For example, until late on election day, polling procedures only allowed one voter to be in a polling station at a time. Additionally, in many cases, the only effective polling staff were those appointed by the MOIM. This lack of sufficiently trained staff hindered efficiency and resulted in overcrowding.
- In addition, in most cases the supplementary polling station staff were candidates' representatives, which introduced an element of partisanship. Furthermore, in the majority of polling stations visited, Carter Center observers noted active campaigning both within and around polling stations
- At polling stations in areas throughout the country Carter Center observers reported that several parties had set up temporary offices in the direct vicinity of polling stations, a violation of campaign regulations which had the potential to influence voters. In addition, in some districts in Southern Lebanon observers noted multiple instances of intimidation by party supporters outside polling stations.
- Carter Center observers noted a high-level of female participation in the voting process. However, the Center is disappointed in the low number of female candidates.
- Despite recent steps to increase the political participation of disabled citizens, Carter Center observers noted that most polling stations did not provide sufficient access for disabled voters.
- The Carter Center encourages all stakeholders, including the electoral administration, civil society, and religious and political leaders to continue to pursue electoral reform. Key recommendations for reform include:
  - Increased protection for secrecy of the ballot, for example through the use of official, standardized, printed ballots.
  - Increased independence of the electoral authority
  - Positive measures to increase the representation of women in parliament.
  - The adoption of changes aimed at making the electoral system more representative.
  - Implementation of recent legislation regarding lowering the voting age and the facilitation of overseas voting.
  - Steps to ensure equal participation of disabled persons in the electoral process.

*This statement is preliminary; a final report will be published several months after election day. The observation mission was conducted in accordance with the [Declaration of Principles for International](#)*

[Election Observation \(PDF\)](#). *The Carter Center assessed these elections based on the relevant domestic laws and international obligations. Carter Center observers will remain in Lebanon to observe the post-election environment.*

## Annex E: Deployment Plan

Team #	District	Observer Team
1	Metn/Beirut	President and Mrs. Carter David Carroll
2	Beirut/Aley	Abdul Kareem al-Eryani John Hardman
3	Beirut	Adnan Abu Odeh Robert Malley
4	Beirut/Metn	Gaelle Deriaz, Cheri Robinson, and Delphine Blanchett
5	Beirut	Masa Janjusevic Carter Center Staff
6	Metn	Robbie Colgin Leigh O'Neill
7	Mount Lebanon/Metn	Karalenne Gayle Romain Grandjean
8	Baabda	Bujar Halo Bill Rolston
9	Aley	Helga Baumgarten Michael Hudson
10	Zahle	Nesma Ahmed Ibrahim Augustus Richard Norton
11	Baalbek	Mary O'Shea Jama Omar
12	Baalbek/Zahle	Neel Kantha Uprety Bentley Brown
13	Akkar	Murad al-Gharati Abeer Abdelhafiz Ahmed
14	Minnieh Dinnieh	Jawad Ali Ruth Wedgwood
15	Tripoli	Marwa Alkhairo Terence Duffy
16	Zgharta	Asmaa Falhi Roger Bryant
17	Koura/Kfar Aaqqa	Ellen Weintraub Wafaa Attia
18	Bcharre	Samantha Aucock Nathan Stock
19	Batroun	Richard Scannell Khanum Rahim Lateef
20	Jbeil	Ali Saif Hassan Sabina Viganì
21	Keserwan	Daniel Corstange Julie Ballington
22	Nabatieh	Karen Reinhardt Hogir Shekha
23	Saida	Michele Camerota Fatoumata Traoré-Diop
24	Jezzine	Richard Lappin Robyn Olejniczk
25	Marjaayoun-Hasbaya	Robert Pastor James Carter
26	Tyre	Anwar al-Rasheed Alex Barney
27	West Bekaa	Joshua Roberts Khuzama al-Saqqal
28	Chouf	Berna Turkili Claire Spencer

## Annex F: Election Day Checklists

### POLLING STATION OPENING FORM

LEBANON PARLIAMENTARY ELECTION - JUNE 7, 2009				
	Observer Team Names: _____	Team #:		
	Electoral District: _____	Arrival Time: _____ am pm		
	Polling Center Name: _____	Departure Time: _____ am pm		
	Polling Station #: _____			
		Yes	No	N/A
1	Is the polling area accessible to all voters including the disabled?			
2	Is the environment around the polling place peaceful?			
3	Is the polling place free from campaigning and campaign materials?			
4	Is the polling place and its surrounding environment free from obstructions to the free movement of voters, poll workers or others?			
5	How many people are registered to vote at the polling station? _____			
6	Were the polling station head and the clerk present before opening in sufficient time to prepare the polling station for opening?			
7	Were the polling station head, clerk and two polling assistants present for the start of opening?			
8	Was the opening process free from interference? (including by security personnel and party agents)			
9	Were all election materials delivered to the polling place safely and securely? <small>(check all that apply: primary, proxy, postal, absentee, etc. (circle one) or all items the polling station) (check all that apply below)</small>			
10	<input type="checkbox"/> Voters List <input type="checkbox"/> List of Party Agents <input type="checkbox"/> The Electoral Law <input type="checkbox"/> Polling Station Minutes			
11	Was the polling place setup according to procedure (Page 3 of 'Polling Station Handbook')? (If no, please indicate if this could have a potentially detrimental effect on the conduct of voting).			
12	Were two additional polling assistants chosen by the voters from the pool of literate voters present at the polling station before opening?  Please indicate the total number of female polling officials (e.g. 5/6): _____ / _____			
13	Was the ballot box presented as empty to all present including party agents, candidates and observers?			
14	Was the ballot box locked (with six white plastic seals bearing the unique polling station number) after being shown to be empty?			
15	Did the polling station head count the official envelopes to verify that the number was equal to the number of voters registered at the polling station?			
16	Did the Polling Center open at 07:00h? If not what time did it open? _____ If the polling station did not open at 07:00h, why not? (please check all that apply) <input type="checkbox"/> Polling staff lack of understanding of procedures <input type="checkbox"/> Insufficient materials <input type="checkbox"/> Late arrival of materials <input type="checkbox"/> Insufficient number of polling staff <input type="checkbox"/> Other _____			
17	Were candidates' representatives present at the polling place to observe opening? (please write in the names of parties that fielded observers below, and comment on whether any party agents were barred from observing)  Please indicate the total number of female representatives (e.g. 5/17): _____ / _____			
18	Were domestic observers present at the polling place to observe opening? (check all that apply below) <input type="checkbox"/> LADE <input type="checkbox"/> LTA <input type="checkbox"/> Other _____			
19	Are conditions in the polling station such that accredited persons can actually see the process unfold? 			

Continue on Back

## POLL CLOSING AND VOTE COUNTING OBSERVATION FORM

LEBANON PARLIAMENTARY ELECTION - JUNE 7, 2009					
	Observer Team Names: _____		Team #:		
	Electoral District: _____		Arrival Time: _____ am pm		
	Polling Center Name: _____		Departure Time: _____ am pm		
	Polling Station #: _____				
Poll Closing			Yes	No	N/A
1	Were all voters who were in line at 19:00h (7pm) allowed to vote?				
2	Were all voters who arrived after 19:00h (7pm) turned away without voting?				
3	At 19:00h (7pm); approximately how many voters were in line to vote? _____				
4	Was the environment around the polling place peaceful during closing?				
5	After the last voter has cast their ballot, did the polling station officials seal the ballot box slot with a plastic seal to prevent additional voting?				
Counting and Reconciliation					
6	At what time did the count begin? _____ pm				
7	Did polling station officials check that ballot box seals were intact prior to commencement of counting?				
8	Did the polling official open the ballot box, remove the envelopes, and present the box as empty in the presence of candidates or their representatives?				
9	Prior to the commencement of counting, did polling officials reconcile the number voters' signatures on the checklist, and the number of envelopes in the ballot box, and record this in the minutes?				
10	Are envelopes sorted based on validity and invalidity?				
11	Were ballots contained in valid envelopes sorted based on validity and invalidity (invalid ballots should be separated by reason for invalidity)?				
12	Was the validity of ballots and envelopes determined in an impartial and objective manner (refer to pages 9-10 of the 'Polling Station Handbook')?				
13	Was the counting process free from efforts to link a particular envelope or its contents to a voter?				
14	Were the television and video camera set up to ensure that vote counting was transparent and observable by party agents, domestic observers, and accredited media?				
15	Were ballots displayed in front of the video camera to ensure their contents were visible to accredited persons?				
16	Were all ballots accurately counted?				
17	Was the counting environment peaceful?				
18	Were polling officials equipped with all necessary materials to complete counting (i.e. lamps, appropriate forms, television set, ball of string, packing tape, etc.)?				
19	Was the polling place free from the presence of unauthorized persons during counting?				
20	Was the counting process free from challenges? If NO, on what grounds were these challenges based (please check all that apply)				
	<input type="checkbox"/> Voter intent <input type="checkbox"/> Miscounting <input type="checkbox"/> Invalidity of valid ballots/envelopes <input type="checkbox"/> Validation of invalid ballots/envelopes <input type="checkbox"/> Other _____				
21	How many ballots were ruled invalid (e.g. 5/400)? _____ / _____. Of the total ruled invalid please indicate the number ruled invalid for each of the reasons below.				
	Identification Mark on envelope or ballot _____ Insulting Comments on envelope or ballot _____ Lack of official Stamp on envelope _____ Lack of official signature on envelope _____ Multiple ballot papers in envelope _____ Ballot paper non-white _____ Includes candidates from other electoral districts _____				
22	Were the numbers of votes for each candidate record on the counting sheet as counting progressed?				
23	Was the counting process free from interference (including by the security personnel and candidates' representatives)?				
24	Was the counting process free from official complaints?				

**Continue on Back**

## POLLING STATION OBSERVATION FORM

LEBANON PARLIAMENTARY ELECTION - JUNE 7, 2009			
	Observer Team Names: _____		Team #:
	Electoral District: _____		Arrival Time: _____ am pm
	Polling Center Name: _____		Departure Time: _____ am pm
	Polling Station #: _____		
Outside the Polling Area			
1	Approximately how many voters are in line waiting to vote?: _____		
2	Approximately how long has the first person in line been waiting to vote?: _____		
3	Is the polling area accessible to all voters including the disabled?		
4	Is the environment around the polling place peaceful?		
5	Is the polling place free from campaigning and campaign materials?		
6	Is the polling place and its surrounding environment free from obstructions to the free movement of voters, poll workers or others?		
7	Were polling station staff outside the polling station to control the queue? (i.e. checking ID and checking voters' left thumb for ink)		
8	How many voters are registered at this polling place? (please refer to the voters' list posted at the polling station entrance)		
Inside the Polling Area			
<b>Note: Questions 9-11 will require you to speak directly to polling officials and domestic observers. Please do so <u>only</u> when this will not disrupt the voting process.</b>			
9	Did the polling place open at 07:00h? If not what time did it open? _____ If the polling station did not open at 07:00h, why not? (please check all that apply) <input type="checkbox"/> Polling staff lack of understanding of procedures <input type="checkbox"/> Insufficient materials <input type="checkbox"/> Late arrival of materials <input type="checkbox"/> Insufficient number of polling staff <input type="checkbox"/> Other _____		
10	How many voters have voted so far? _____		
11	Were adequate election materials available for all registered voters?		
12	Were all the following lists publicly displayed or available for review (on a table) in or around the polling station? (check all that apply below) <input type="checkbox"/> Voters List <input type="checkbox"/> List of Candidate's Representatives <input type="checkbox"/> Electoral Law <input type="checkbox"/> Polling Station Minutes		
13	Is the environment inside the polling area peaceful?		
14	Was the process free from interference (including by security personnel and candidates' representatives)?		
15	Did security personnel remain outside of the polling station unless invited by polling station head for the purpose of maintaining order?		
16	Were at least three polling station officials (including the station head and/or clerk) present at the polling station? Please indicate the total number of female polling officials (e.g. 5/6): _____ / _____		
17	Were candidates' representatives present at the polling place to observe voting? (please write in the names of parties that fielded observers below) Please indicate the total number of female representatives (e.g. 5/17): _____ / _____		
18	Were domestic observers present at the polling place to observe voting? (please check all that apply below) <input type="checkbox"/> LADE <input type="checkbox"/> LTA <input type="checkbox"/> Other _____		
19	Are conditions in the polling station such that accredited persons can actually see the process unfold?		
Polling			
20	Were voters' left thumbs checked for signs of indelible ink before presenting voter identification and being given an envelope?		
21	Were all envelopes that were issued to voters signed by the polling station head immediately before being given to the voter? (envelopes should display the label of the Ministry of Interior and the stamp of the district)		
22	Were all envelopes free from marks that could identify a cast envelope to a voter?		

**Continue on Back**

# POLLING STATION OBSERVATION SUMMARY FORM

LEBANON PARLIAMENTARY ELECTION - JUNE 7, 2009									
	<b>Observer Team Names:</b>					<b>Start Time:</b>	am pm		
	<b>Location(s) (e.g. Districts/Region):</b>				<b>End Time:</b>	am pm			
	<b>Number of Polling Stations visited by Team:</b>								
Please write in <u>numerical</u> totals for ALL polling stations observed (for example if you observed 10 polling stations a question could show; YES: 6, NO: 3, N/A: 1)						Total # YES	Total # NO	Total # N/A	
Outside the Polling Area									
3	Is the polling area accessible to all voters including the disabled?								
4	Is the environment around the polling place peaceful?								
5	Is the polling place free from campaigning and campaign materials?								
6	Is the polling place and its surrounding environment free from obstructions to the free movement of voters, poll workers or others?								
7	Were polling station staff outside the polling station to control the queue? (i.e. checking ID and checking voters' left thumb for ink)								
8	How many voters are registered at this polling place? (please refer to the voters' list posted at the polling station entrance)								
Inside the Polling Area									
9	Did the polling place open at 7:00h?								
11	Were adequate election materials available for all registered voters?								
12	Were all necessary lists (voters list, list of candidates representatives, electoral law, and polling station minutes) publicly displayed or available for review?								
13	Is the environment inside the polling station peaceful?								
14	Was the process free from interference (including by security personnel and candidates representatives)?								
15	Did security personnel remain outside of the polling station unless invited by polling station head for the purpose of maintaining order?								
16	Were at least three polling station officials (including the station head and/or clerk) present at the polling station?								
17	Were candidates' representatives present at the polling place to observe voting?								
18	Were domestic observers present at the polling place to observe voting?								
19	Are conditions in the polling station such that accredited persons can actually see the process unfold?								
Polling									
20	Were voters' left thumbs checked for signs of indelible ink before presenting voter identification and being given an envelope?								
21	Were all envelopes that were issued to voters signed by the polling station head immediately before being given to the voter? (envelopes should display the label of the Ministry of Interior and the stamp of the district)								
22	Were all envelopes free from marks that could identify a cast envelope to a voter?								
23	Did all eligible voters that requested envelopes receive one?								
24	If any ineligible voters attempted to vote, were they barred from doing so?								
25	Based on your observations, does it appear that women are voting in equal/near equal numbers to men?								
26	Did polling officials clearly explain voting procedures to voters?								
27	Did voters appear to understand the process for correctly casting their ballots?								

Continue on Back

## Annex G: Letter of Accreditation

*Republic of Lebanon*  
*Ministry of Interior and Municipalities*  
*The Minister*

N° 5555



Beirut 31 MAR 2009

Mr. David J. Carroll  
Director, Democracy Program  
The Carter Center  
Election Observation Mission

**Subject:** Your Election Observation Mission's Accreditation  
**Ref:** The Carter Center application dated March 23, 2009

Dear Sir,

With reference to the above mentioned subject, I am pleased to inform you that The Carter Center has been accredited to observe the Parliamentary Elections of 2009, according to article 20 of the electoral law and the provisions of Decree number 1517 dated March 13<sup>th</sup>, 2009.

The Ministry of Interior and Municipalities is committed to smooth the process of international observation and ensure full cooperation with all concerned.

Sincerely yours,

Minister of Interior and Municipalities



Ziyad Baroud

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