



The Lebanese Parliamentary Elections – *A Test for Democracy*

Lebanese Information Center - March 31, 2005

Overview

Recent events have made the upcoming Lebanese Parliamentary election the most critical test in determining the fate of Lebanese democracy movement. The assassination of ex-prime minister Hariri and the political bankruptcy of the Lebanese presidency triggered by its aftermath, has shifted the state power from the executive branch to the Lebanese parliament. With its term expiring on May 31, 2005 the profile of the existing parliament reflects the influence that Syrian Intelligence held over the last election in 2000, and consequently is tilted towards Syrian interests. Such influence is at risk with any new election that does not go Syria's way. Indeed, many agree that Hariri's biggest threat to Syrian dominance over Lebanon was his ability and intention to gain a majority in the upcoming election in favor of the opposition and in turn utilize it to loosen Syrian grip over Lebanon.

Faced with the sweeping momentum of the pro-democracy movement, the Syrian regime and their allies in Lebanon have shown a determination to delay or postpone the election by paralyzing the creation of an independent government and bringing to standstill the political process until the expiration of constitutional deadlines. Greatly strengthened by huge popular support, the opposition realizes that any delays to the election would enable the Syrians to sabotage the opportunity to elect Parliamentary representatives who will be able to carry on the Lebanese people aspiration for free, democratic and independent Lebanon.

The success of the US role in support of a sovereign Lebanon and the momentum of our diplomacy in reviving the forces of democracy in the Middle East are also at risk if such elections are subject to Syrian influence, postponement or manipulation. A free, fair and timely Lebanese Parliamentary election should be the benchmark for the success of our policy.

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Background

When the 1989 Taif Accord ended Lebanon's 15 years war, the country had not held parliamentary elections since 1972. The accord included an imperfect compromise designed to balance democracy with sectarian peace a compromise that has since been ignored by a series of pro-Syrian governments. According to the agreement the Parliament has a term of 4 years and constitutes a body of 108 parliamentary seats, which was later increased to 128 under Syrian pressures, divided equally between Christians and Muslims and proportionately between the denominations of each sect. Voters are assigned to electoral districts. Each district is represented by a group of Deputies (Members of Parliament) who generally run as members of a list for their district. Districts were originally drawn around Lebanon's six administrative regions (Muhafazats) to appeal to a broader cross-section of religious communities, and in that sense were intended to reflect equal representation of Lebanon demography. The Taif Accord also included the agreement to issue new election laws following the redistribution of the administrative subdivision and subsequently the creation of new and revised electoral districts.

In the three elections since the Taif, new electoral laws have been arbitrary fabricated contrary to the spirit of the Accord to ensure a pro-Syrian outcome rather than equal and fair representation. In 1992 and 1996 elections, some districts were manipulated to produce the results Syria has wanted by gerrymandering certain parts of the country into tailor-made districts that shrank or expanded to benefit pro-Syrian candidates. For the 2000 election, however, the Taif provisions were entirely ignored, and the country was divided into fourteen electoral districts primarily based on fitting them around pro-Syrian candidates and diluting votes opposing them. In northern Lebanon for example, large unconnected areas with vast demographic differences were folded together into one district while in other areas, much smaller districts were given the same number of representatives. In fact, out of the 64 Christian representatives in the current parliament, only 30 were elected from Christian districts. The other 34 came from districts annexed into larger Muslim ones, and consequently were elected by Muslim votes, mostly favorable to Syria at the time.

Manipulation of the Electoral Process

The unequal and irregular division of the electoral districts was not the only flaw in the past three elections. The abuses of power by government officials to influence elections have been rampant. Nabih Berri, Speaker of Parliament and leader of the Shiite Amal party, forced the recruitment of tens of thousands of his party members in the various sectors of the government. Michel El-Murr, former Minister of the Interior, current Deputy Speaker of Parliament and a relative of President Emile Lahoud has employed large groups of his supporters in the police and government agencies. Both use their extended network of indebted followers to influence and bribe considerable amount of voters.

Another method used to great effect in the past is the falsification of voters' cards. In areas that need an infusion of loyalists' votes, interior ministry officials prepare and print voter cards bearing the name of people who are either dead or living outside the country. As was the case in 2002 Metn by-election, thousands of these cards were issued and were virtually unchallenged due to prohibiting the opposition's representatives from entering polling stations.

One of the most controversial governmental decrees in the last 15 years is the one granting Lebanese citizenship to more than 200,000 mostly Syrian Muslims. In a country that is almost 4 millions in population, the newly naturalized “citizens”, many still living in Syria proper, are typically driven in overfilled buses to polling stations to cast their ballots in favor of pro-Syrian candidates.

In its annual report after the last election, “Reporters Without Borders” listed several violations, related to censorship, the prosecution of reporters, arbitrary legal actions against journalists and the shutdown of opposition media stations MTV and Radio Mont Liban. The government’s practice has been to intimidate and prosecute any members of the opposition in using the media to voice their platform while utilizing government controlled media to continuously hammer away pro-Syrian candidates’ propaganda.

Yet, in another form of electoral manipulation, the 2004 election was postponed until May 2005 in order to guarantee that the Presidential election, or extension as was the case, is decided upon by the current pro-Syrian Parliament.

The draft electoral law

Following the internal and international upheaval against the unconstitutional extension of President Lahoud term, the government issued a draft electoral law intended to appease some opposition leaders. The draft law adopted smaller districts (Qadaa) in line with the 1960 law versus the larger (Muhafazat) districts. The 1960 law is generally viewed favorably by the Lebanese based on its success in electing a Parliament that embodies the direct relations between candidates and voters.

The draft still awaits the approval of the Cabinet and would be passed into law by the final endorsement of the Parliament.

Following are the highlights of the draft law:

➤ ***Number of representatives & districts***

Parliament is composed of 128 MPs elected for a four-year term. The MPs are elected and represent the following 26 Electoral districts:

1. Beirut District 1: Mazraa, Mosseitbeh, Ras Beirut, Dar Mreisseh, Mina al- Hosn and the Port area.
2. Beirut District 2: Bashoura, Zqaq al-Belat, Rmeil, Medawar and Saifi.
3. Beirut District 3: Achrafieh neighborhood.
4. Akkar.
5. Tripoli district including the city of Tripoli, the town of Mina and Qalamoun.
6. Minyeh-Dinnieh.
7. Bsharri.
8. Zghorta.
9. Koura.
10. Batroun.

11. Chouf.
12. Alley.
13. Baabda.
14. Metn.
15. Kesrouan.
16. Jbeil.
17. Sidon.
18. Zahrani.
19. Tyre.
20. Jezzine.
21. Nabatieh.
22. Marjayoun-Hasbaya.
23. Bint Jbeil.
24. Western-Beqaa-Rashaya.
25. Zahle.
26. Baalbek-Hermel.

- Voting is public, confidential and on equal footing between all voters.
- All candidates should be Lebanese and registered in voters' lists, having at least 25 years of age, with full civil and political rights.
- Naturalized candidates cannot be elected before 10 years have passed on their naturalization.

➤ ***The call for voters***

- The public is called to vote by a decree issued 30 days prior to General Election. Such election should be held within the last 60 days preceding the expiration of the current term of Parliament.
- The election date is set for one day for all districts - a special date could be set for each district if required by security issues, provided that elections take place in all districts within the deadlines set in the previous paragraph.

➤ ***Candidacy requirements and eligibility***

The following individuals are prohibited from running or occupying a seat in the Parliament:

1. Active members of the military and security forces unless they have retired or resigned six months prior to elections.
2. Members or directors of public institutions, municipality or religious organization earning a salary from the public treasury.
3. First and second-grade civil servants, mayors, deputy mayors, magistrates and public institution chairmen, directors and members unless they submit their resignation 15 days after the law has been passed.

➤ ***Election campaign and expenses***

- Candidates are limited to LL150 million (\$100,000) in campaign expenses. Any candidate who exceeds the limit or offers gifts, stirs sectarian strife or political sensitivities, uses intimidation, cheating, coercion or threats will be subject to prosecution and his or her candidacy annulled.
- Government officials will determine the locations of electoral advertisements during

the election campaign. It is prohibited to place any advertisement or candidates' pictures in any other place than the set locations and to raise banners extending from one side of the street to the other. Civil servants, municipality employees and mukhtars are prohibited from distributing voting papers or any publications favoring or opposing a candidate.

- It is prohibited to distribute publications favoring or opposing candidates on elections day. Candidates' representatives are prohibited from keeping voters' identity cards or electoral cards before the elections and on elections day.
- All audiovisual media and nonpolitical press are prohibited from broadcasting electoral propaganda during the run-up to elections, at the risk of having the concerned institution closed for a maximum period of 30 days and fining it a sum ranging between LL10 million and LL100 million.
- Campaign expenses allowable by law include the opening of offices, the holding of gatherings, rallies and public meetings, holding banquets for electoral purposes, publishing and distributing publications and leaflets in the form of hard copies, ordinary mail or email, hanging pictures, posters and banners, buying and renting transportation means to transport voters, offering food and shelter on the eve of the elections and on election day.
- Electoral bribery is prohibited and includes donations and assistance by a candidate under social, health, education, sports and charity pretexts to associations, private institutions, hospitals, orphanages, clubs that are located within his electoral candidate, unless those donations have been offered for a period of three years before the elections. Bribery includes gifts or cash given to candidates' supporters or voters.

➤ ***Campaign media***

- Private and public audiovisual media and press must comply by the directives issued by the National Audiovisual Media Council regarding campaign advertising.
- Each individual candidate is given, upon a written request, 5 minutes of television time and 19 minutes of radio time per week. Each list of candidates is given a period ranging between 20 and 30 minutes weekly in radios and televisions.
- Each candidate is given a 1/12 surface of daily newspapers or one quarter of a page in weekly publications. Electoral advertising is limited to the internal pages of publications only. Candidates are prohibited from attacking one another in the media or in advertising.
- The "Committee for Monitoring Electoral Advertising and Media in Publications" will be formed and will supervise the compliances of candidates and publications with campaign laws. It will be headed by a magistrate, and includes a representative of the Press Federation, a representative of the Journalists Union, a representative of the Information Ministry, and a representative of the Interior Ministry.
- The "National Committee for the Monitoring of Electoral Expenses" will be formed and will supervise all financial operations related to electoral campaigns. A magistrate will preside over the committee which will include an auditor from the Auditing Department and a representative of the Interior Ministry.
- Any candidate violating any part of the electoral law will be subject to prosecution and having his or her election nullified.

Loopholes and risks

➤ *Constitutional timeframe*

Lebanese law states that a minimum of 30 days should lapse between the date when the decree for voting is issued to the public and the date of General Election. It further states that the general election should be held within the last 60 days preceding the expiration of parliament term. The term of the current parliament expires on May 31, 2005.

The norm has been to split the election between the last four Sundays prior to the last Sunday of the parliament term. The reason given was the administrative difficulties in conducting the election in one day. However, due to the unusual circumstances this year it is feasible to conduct the upcoming election in one day, such as Sunday May 29, 2005. Consequently the draft law should be approved by a new cabinet and passed by the current parliament and then a decree for vote is issued by April 28, 2005.

In case the new law does not pass within the constitutional timeframe, the government might attempt to revive the 2000 electoral law. This law allows much more advantage to the pro-Syrian government in again diluting a considerable amount of the Opposition votes in districts fashioned around strongholds of Syrian supporters.

Therefore, it is imperative that the new law be passed expediently. The obvious maneuvers of the Syrians and the government to withhold the appointment of new cabinet are a belligerent plan to sabotage the fair chances of the Opposition and designed to lead to either the revival of the more Syrian favorable law or to completely postpone the election until new realities prevail.

➤ *The supervision of the election by the existing government*

There are four governmental entities authorized to supervise the electoral process and thus able to affect its outcome. It is worthy of note that all four are currently directed by staunch Syria supporters.

1. Ministry of the Interior is responsible for issuing voters' lists and has the ability to change the spelling of many names making those voters unable to cast their ballots. The ministry is also responsible for issuing voters registration cards within a very limited time span. Delays have been frequently used in the past to prevent opposition voters from the ability to vote. Lastly, the police is under the supervision of this ministry and historically have been used to "safeguard" voting stations from opposition supporters and cover any wrongdoing inside.
2. Ministry of Justice supervises the final tallying of the votes through a body of judges. Historically, these judges have been notorious in hoaxing many results and nullifying wins by the opposition. The ministry also has the responsibility of looking into any complaint filed on the day of election which in reality has given it the right to arbitrary taking action against any candidate deemed not to be in compliant. Further the ministry is entitled under the elastic electoral law to shut down any media outlet deemed as promoting a certain candidate. Such decisions are considered final and not subject to appeal as was the case with MTV in 2002.

3. National council for the Audiovisual Media supervises media outlets and their compliance with the electoral law. The council is empowered to prosecute and shutdown any offending TV or radio station not adhering to the government interpretation of the law. This council is constituted of ten members all of which recently appointed by the government from among the elite crop of Syria's beneficiaries.
4. The Constitutional Council is the ultimate authority in any appeal related to election law and process discrepancies. Historically, this council was utilized to cast a legal cover on the government practice to pass tilted and unjust laws. Additionally, the council has the final say in all complaints brought by a losing candidate against a winning MP and can nullify the result of any election. This was done repeatedly in favor of pro-Syrian candidates in the elections of 1996 and 2000. In fact, in the by-election of 2002, this council refuted the election of the opposition candidate who won with over 50% of the votes and instated in his place another candidate who won a mere 2% of the vote. In the last few weeks, three new members were appointed to this council; one is the brother of President Emile Lahoud and two other judges who have been previously disbarred for questionable practices.

➤ *Vagueness of some law provisions*

There are three specific clauses in the current draft also present in previous laws, clauses 63, 68 and 74 which address the media, campaign expenses and campaign bribery. All are written in such a vague way that allows arbitrary interpretation by the government. As was the case in the past, these clauses could be legally stretched to intimidate and prosecute any opposition candidate.

The essence of these provisions stand contrary to the fair spirit of the democratic process and by prohibiting the media from dealing with the election, it deprives candidates from properly reaching their intended constituents. Furthermore, subjecting campaign results to the whims of corrupted officials presets the conditions for wide spectrum of election fraud. Considering the stakes, it is almost assured that given the chance, present officials will use all means at their disposal to reach an outcome that guarantees the continuation of the status-quo.

Recommendations

The essence of the political whirlwind in Lebanon today is the ability of the people to lift Syria's dominance over Lebanon and to rebuild the state's institutions to represent the will of the people.

Given that the Lebanese have resolved to reach these objectives through peaceful means, the only path available to them is through the constitutional process of parliamentary election. This process has become the only measure of changing the Syrian-dependent dynamics of the Lebanese state. However, the popular forces moving this process forward still need our accelerated assistance to battle the stumbling block of a corrupt and desperate regime. To that effect, specific requirements should be focused on to ensure a free and fair process:

➤ ***Syrian non-interference***

- All Syrian armed forces must leave Lebanon prior to the initiation of the electoral process. This includes all intelligence services and remnants of security agencies that might be left behind.
- Syria must stop interfering in the political process whether directly through her appointees in the government and political parties or through poisoning the political climate by implied and direct threats to individuals and public security.

➤ ***Government neutrality***

- A new cabinet made of highly regarded individuals who are not running in the election must be established quickly to oversee the process. Heads of the four government entities controlling the process should be replaced with neutral and capable individuals along with replacing the heads of the six main security agencies.
- The latest night time bombings in Beirut underline the attempt of the government agencies in sabotaging public security. This is coupled with the recent issuing by the Lebanese defense Ministry of thousands of licenses to carry arms. These licenses are valid to whoever carries them and therefore are an indicator of plans to provoke some major unrest.
- It should be made clear to all officials and parties that acts of this nature, causing harm to individuals and properties and disrupting the peace will result in criminal investigations by world bodies and will lead to prosecution and imprisonment of the culprits.

➤ ***Passage of the draft electoral law***

- The law is still pending the approval of the cabinet whose appointment is being dragged on. The law must be approved and pass the existing parliament prior to April 28, 2005.
- The draft law is the right frame for conducting the election provided that Articles 63, 68 and 75 are either replaced or corrected. These articles provide an ambiguous mandate to the government to be used in prosecuting opposition's candidates. Additionally, Article 68 prevents the media from performing its critical task of being the public eye in observing and sorting out the electoral process.

➤ ***Political freedom.***

It is ironic that the current government hides its ill intentions by the veil of public requests for a cabinet of unity, considering that one pillar of the opposition Mr. Hariri, was sent to his grave few weeks ago, another pillar Dr. Samir Geagea is still in the defense department prison after 11 years of captivity and General Aoun is still forbidden from returning to Lebanon. The fact is public healing and true democratic process cannot be implemented without the return of General Aoun, the release of Dr. Geagea and the elucidation of Hariri's assassination. Disbanded political parties such as the Lebanese Forces party should be able to operate without intimidation and prosecution.

➤ ***Voters' registration.***

The illegal naturalization of thousands of Syrians has played a pivotal role in the past in swinging key districts. Voters' registration should be conducted in way that guarantees a level playing field for all candidates and thus past practices of utilizing those made-to-order voters should not be permitted. All individuals carrying Lebanese ID cards under the illegal naturalization decree should be prohibited from receiving voters' registration cards. In addition, serious consideration should be given to the legitimate right of the thousands of Lebanese expatriates to vote from outside Lebanon.

➤ ***Monitors and observers.***

Outside monitors and observers are crucial to oversee the electoral process. This can be accomplished by having international monitors involved early in the process to get acquainted with the complicated local scene. Such monitors would need to issue frequent reports before the elections regarding their concerns about the process. During the election, observers would be tasked with carefully documenting any fraud they witness.

➤ ***Key challenges that need close supervision are:***

1. Secrecy of the voting process. In years past security officers were stationed inside polling stations and voters were asked to vote in full view of them, without any curtain to protect their secrecy, making those voters subject to bribery and intimidation.
2. Legitimacy of election outcome. In past elections, authorities rejected valid wins by opposition candidates and used an array of legal poison pills to insert loyal candidates in their place. Monitors will be able to certify the legitimacy of every candidate.
3. Monitoring the application of legal measures. It is likely that some form of campaign spending limit will be passed in the new law. Past restrictions were used to invalidate some elections while turning an eye on massive financial support by Iran and Syria to others. Close monitoring is needed to ensure that whatever restrictions are there, will apply equally to all candidates.
4. Certification of voting registrations and insuring accurate tallying of all votes will lend validity to the process and prevent some of the most common fraud.

Conclusion

The new parliamentary Lebanese election will determine the fate of Lebanon's freedom and democracy for many years to come. This crucial event, as was the case in Iraq, will have wide implications on other countries in the region and will greatly enforce the notion that freedom is on the march. The ability to perform a Free and Fair election is fundamental to liberating Lebanon from the forces of tyranny and occupation as it is part of the basic rights of all mankind.

A "Free" electoral process is where human rights are respected and freedom of speech, freedom of political expressions, freedom from violence and intimidation, freedom of assembly and to hold political rallies and the freedom to vote in secrecy are all protected by the law and in practice.

A "Fair" electoral process is where all parties and candidates are given reasonably level playing field. Guaranteed rights through applicable laws, equitable opportunities for the electorate to receive political information and an independent, non-partisan electoral organization to administer the process should all be indispensable parts of the process.

Given its turbulent history of foreign interventions and fraudulent elections under Syrian occupation, the Lebanese now face this test with tremendous amount of will and hope. In this endeavor they also face the determination of a desperate tyrannical regime capable of committing atrocities to cling to their power. In the words of one pro-Syrian Lebanese minister, Waam Wahab, "...we are not a charitable organization... it will be impossible to allow the opposition to win..." implying that all means will be used to prevent the course of democracy to proceed. It is up to the free world and the US leadership to provide the insistence and protection to ensure that Mr. Wahab and others like him are not sabotaging the hope and aspiration of the Lebanese and to see that freedom, sovereignty and independence become a reality.

END
