



**EUROPEAN UNION ELECTION OBSERVATION MISSION**

**PARLIAMENTARY ELECTIONS**

**LEBANON 2005**

**FINAL REPORT**

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*This report was produced by the EU Election Observation Mission and presents the EU EOM's findings on the Parliamentary elections in Lebanon. These views have not been adopted or in any way approved by the Commission and should not be relied upon as a statement of the Commission. The European Commission does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof.*

## **1. Introduction**

The European Union Election Observation Mission (EU EOM) was deployed in Lebanon since 11 May 2005, following an agreement between the EU and the government of the Republic of Lebanon. A Memorandum of Understanding, outlining the rights and responsibilities of observers and their unrestricted access to all parts of the electoral process, was signed between the Lebanese government and the European Commission on 14 May.

The Mission was led by a Chief Observer, Mr. José Ignacio Salafranca (Spain), a Member of the European Parliament. The Core Team comprised: Deputy Chief Observer, Riccardo Chelleri (Italy), Country Expert, Agnes Favier (France), Election Expert, Ron Herrmann (Germany), Legal Expert, Fredrik Blanck (Sweden), Media Expert, Alexandre Castanias (France), Press Officer, Sarah Fradgley (UK), Operations Expert, Miguel Arranz (Spain), Field Coordinator, Alessandro Parziale (Italy), Assistant Field Coordinator, Eirini Skouzou (Greece) and Security Expert, Stuart Poucher (UK).

A total of 26 Long-Term Observers from 24 different EU member states, plus two from Switzerland were deployed on 16 May, while 62 Short-Term Observers (50 from EU member states, 10 from Canada and 2 from Switzerland) were deployed on 26 May. For the observation of the four election days, they were also joined by four locally recruited Short-Term Observers from EU member state embassies in Lebanon. A Delegation of seven Members of the European Parliament, led by Mr. Carlos Carnero González (Spain) also joined the EU EOM during the four election days. For the first round of the election, a seven-member delegation of the Spanish Parliament also joined the EU EOM.

The key objectives of the EU EOM were to undertake a comprehensive analysis of the entire election process and to provide an impartial, balanced and informed assessment of the entire election cycle and to provide support to the development of the Lebanese institutions and election procedures in the country.

In making its assessment of the electoral process the EOM took account of key Lebanese laws and international treaties to which Lebanon is a party, in particular the UN International Covenant for Civil and Political Rights.

The EOM met with Lebanese institutions, candidates, political parties, representatives of major media outlets, national non-partisan election observation organisations and representatives of civil society. It also maintained close contact with representatives of EU Member States.

The EU EOM wishes to thank the Lebanese Ministry of Internal Affairs and election administration for their cooperation and assistance during the course of the observation. Also, it wishes to thank the Lebanese Ministry of Foreign Affairs for its assistance, and candidates, political parties and civil society organisations for their valuable time and co-operation.

This final report presents the findings of the EU EOM covering the 2005 Parliamentary elections (including pre-election days period and post-election day developments) and contains a number of recommendations for future elections. The report and its conclusions remain the sole responsibility of the EU EOM.

## **2. Executive Summary and Recommendations**

- The elections were well managed and took place in a peaceful manner within the existing framework for elections. However, there is a need for urgent reform of the legal and election framework
- A large number of candidates contested the elections offering a broad range of political options. However, lacking provisions on election campaigning meant that there was not enough equal playing field. The role finance played in the campaign, and the heated debate on money politics that followed clearly underlined the need of regulations for campaign and financial disclosure.

- The decision of holding the elections during four weeks influenced the campaign because of the publishing of the results of earlier rounds. Candidates in different areas did not have the same time available for campaigning.
- Key Constitutional provisions, based on the Taif Agreement have not yet been implemented. Namely, a bicameral Parliamentary system and aiming at the reduction of the role of confessionalism in public life
- The current electoral system does not respect the principle of equality of votes. Also, the delimitation of electoral constituencies does not respect this principle.
- The right to suffrage of Lebanese voters is restricted in several ways by the current system.
- One of the main features of the first part of the election was the assignment of seats by default before even voting took place. Only one candidate was then available for one seat, therefore winning it by default regardless to the number of votes received on election day. The seats were officially assigned by the Ministry of Interior to the candidates before election day, which meant that the voting process was considered irrelevant. While the lack of competition on some seats is a regrettable effect of the election system and the practice of power-brokering, the problem is exacerbated by the official understanding that the seat is assigned without the voters being given a chance to express their preference. With this system it would be possible to have elections decided entirely before election day.
- Even if the election administration, under the Ministry of Interior, generally performed well and was committed to holding the elections according the legal deadlines, shortcomings such as ill-defined procedures, lacking provisions and overlapping responsibilities were evidenced during the electoral process.
- The system for voter registration showed serious shortcomings. Antiquated legislation, lacking regulations and the lack of modern technical means make it unreliable, non transparent and in need of urgent reform. Also, candidates and *mukhtars* play a too big role in allowing voters to obtain Voter Cards, allowing for discrimination and pressure.

- Polling took place in a calm and orderly way. However, the EOM observed extensive campaigning during election day, both outside and inside polling stations, which did not always create an optimal environment for voters.
- The absence of uniform ballots lessened the secrecy of vote. Also, provisions that foresee the burning of ballots immediately after the count make reconciliation and recount of vote impossible; this would create uncertainty and lack transparency in case of controversies about results.
- Lebanese media, both public and private, gave an extensive coverage of the electoral campaign. The coverage was, however, unbalanced, and did not offer the same opportunities to all candidates. An experimental initiative of self-regulation, the Code of Ethics, was initially adopted by the main media, but was largely ignored by them in the second part of the elections.

### **Recommendations**

- It is widely recognised in Lebanon that the system of political representation and the election framework need to be overhauled. The Taif Agreement and the Constitution foresee reforms which would reduce the role played by confessions
- According to the Lebanese Constitution and the Taif Agreement, Parliament should be divided into two houses, the Chamber and a Senate.
- The electoral law should be completely revised. Discussion on a new electoral law should start soon and must be inclusive, engage state institutions, political representatives, civil society and citizens. It should take into account the Constitution, national laws and international obligations for elections. There have been extensive discussion in Lebanon on this issue and the Ministry of the Interior has already received around 40 different propositions for a new electoral law, an indication for the broad interest the question of electoral reform enjoys.
- While the choice of the election system is a matter of domestic debate, the number of constituencies should allow for a large enough number of seats in each constituency in order to have representatives from each of them reflecting all major political views in respective region. A certain number of seats could be

distributed nationwide to achieve an even more proportional representation. For a diverse society as the Lebanese it is crucial to have as many different views as possible represented in Parliament. Delimiting electoral district boundaries should be done in such manner that it serves best the principles of equal vote, and adequate political representation.

- Voters should be registered in their place of actual residence and changes of residence should be taken into consideration according to a transparent and accessible procedure, without the right of a discretionary veto from the Council of Ministers. This would establish a link between citizens and local politicians, enhancing accountability.
- Official uniform ballots should be adopted to enhance the secrecy of vote and to enhance the accountability of the tabulation process, as they would allow reconciling numbers of voters and votes cast. Provisions on burning ballots after the counting should be abolished, in order to allow for possible recounts, if necessary.
- Financial disclosure should be mandatory for all candidates, and should be audited by an independent body at the end of the elections. Campaign spending limits should also be considered.
- Voting should take place during one single day, to allow for equal campaigning opportunities all through the country.

In addition, numerous other steps could be undertaken to strengthen the elections system:

#### **Election and other Laws**

- Limitations on the electoral rights for army and police officers should be abolished and other restrictions of suffrage regarding professions should be limited as much as possible.
- Provisions should be introduced to enfranchise the homebound and hospitalised, election officials and public servants on duty on election day, in order to make



suffrage as universal as possible. There are different possibilities to be considered such as mobile teams, pre election voting at the local election authority, postal voting or documents issued by the local election body authorising to vote in another polling station than where registered.

- A vast number of Lebanese citizens in the diaspora are still registered in Lebanon. This leads to uncertainties about the actual numbers of voters. This question should be carefully studied in order to find an adequate and balance solution taking into account that some countries allow out-of-country voting for their citizens living abroad.
- It could be considered to lower the age of eligibility for voting to 18, in line with the age of legal majority (attainment of full age) age of 18 years.
- The right of domestic and international election observers to follow all relevant stages of the election process should be recognised in the law.
- There is a need for legislation related to political parties including their legal status, rights of establishment, their rights and obligations, the byelaws necessary for their internal work, etc. Such a reform should include a revision on the regulations concerning non-governmental organisations in order to establish a distinction between bodies involved in politics or with political agendas and other organisations with mainly educational/cultural and/or humanitarian aims. It should guarantee the implementation of the recognised right to form, belong to and participate in associations in line with Art. 22 UN International Covenant for Civil and Political Rights (ICCPR).
- There should be a campaign silence during the last day of the campaign and on Election Day itself, especially in and around polling sites
- There should be an obligation for the elections administration to promptly publish all election related laws, sub-legal acts, decrees and decisions. This could be done on a daily updated official website of the future election authorities. This issue could also be addressed in broader legislation related to access to public information.

### **Election Administration**

- It should be considered to establish an independent electoral body being in charge of all electoral processes, including voter registration, preparing, organising and supervising polling, counting, tabulation and publication procedures, providing sufficient training of all election officials, assuring an efficient and outreaching voter education program, facilitating a speedy, transparent, comprehensive and accountable complaints and appeals procedure and possibly assisting Parliament in drafting more sustainable electoral framework.
- In order to avoid undue influence on voters and allegations of unfair treatment, election related functions currently performed by *mukhtars* should be transferred to local levels of the election administration.
- Introduction of a permanent and transparent procedure assuring a regular and speedy update of the civic records as the basis for voter lists, including a fully computerized data management linking different registration offices.
- Consideration should be given to abolish the Voter Card system, where it actually creates more controversies than benefits to voters. As the question is only for the voter to identify him/herself, the current partial national ID system should suffice if extended to all Lebanese citizens.
- A campaign silence period immediately before election day should be considered to give voters time to reflect on their choice. Also, campaigning should be forbidden on election day around polling stations, and candidates should be responsible for any infringements.
- Polling board members should be forbidden from wearing or carrying any propaganda material.
- All polling board members should be appointed by the election administration, and should be given effective training and instructions prior to each elections and be clearly identifiable as elections officials

- There should be direct accessibility of physically impaired voters or others with additional needs at any polling station, strengthening the full integration of all electors.

### **Election Complaints**

- A system for efficiently dealing with election-related complaints should be put in place, allowing voters and candidates to obtain legal redress efficiently and transparently. The highest level of an independent election administration could be ultimately responsible for the resolution of election-related complaints. Polling station committees should be given the power to adjudicate issues related to voting procedures on Election Day. Alternatively, the judiciary might be involved in the resolution of complaints, in which case the delimitation of jurisdiction between the election administration and court system would have to be clearly defined.

### **Media**

- Media, and in particular public-owned ones which are financed by citizens' taxes, should provide all contestants equitable and fair media coverage. This should be specified in law. Private media should be required to apply the same conditions at least for advertisements and to provide either free or paid airtime on an equal basis. Compliance should be monitored by a supervisory body with access to sanctions against infringements of the legal provisions

## **3. Political and Historical Background**

### **3.1 Data on electoral population and territory**

Lebanon is culturally, religiously and ethnically diverse with noticeable regional differences and social inequalities. The only official census the country has known is that of 1932. Because of the sectarian organization of power, any population census is seen as a sensitive issue that might upset the general balance of power.

Each Lebanese is born into, grows and dies as a member of a religious group. Most aspects of family law (such as marriage, divorce and inheritance) are governed according to religious affiliation. Religious freedom is guaranteed by the Constitution and Lebanon has several established religious communities. Nineteen communities are legally recognized, but only seventeen are institutionalized: 12 Christian (Maronite, Greek-orthodox, Greek-catholic, Armenian-orthodox, Armenian-catholic, Chaldean, Nestorian, Syriac, Jacobites, Latin, Protestant, and Copt), four Muslim (Shiite, Sunni, Druze, Alawite) and one Jewish. The two non-institutionalized communities recognized in 1936 are the Ismaelite and the secular community. According to the registered voters' figures, the most numerous groups are Sunni Muslims, Shiites Muslims, Maronite Christians, Greek-orthodox Christians, Druses and Greek-Catholics.

Despite the absence of an official census, and official figures pertaining to the national resident population, the Central administration for statistics estimated in 1997 a resident population of 4 million (of which 7.6 % are foreigners, mostly Palestinians who enjoy no social or political rights). A recent study <sup>2</sup> calculated that the resident Lebanese population in 2001 was of 3 935 000, 36 % of which lives in the Greater Beirut Region (Beirut and its suburbs).	<i>Mohafaza</i> <sup>1</sup>	%
	Beirut	8.7
	Mount Lebanon	43.5
	- Beirut's suburb	27.3
	- Rest of M-L	16.2
	North Lebanon	19.9
	South Lebanon	9.7
	Nabatieh	6.3
	Bekaa	12

<sup>1</sup> Resident population per region in 2001, source : Kasparian

<sup>2</sup> Choghig Kasparian, *La population libanaise et ses caractéristiques*, Presses de l'Université Saint Joseph, 2003.