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STATEMENT OF THE NDI ELECTION OBSERVER DELEGATION TO LEBANON'S 2009 PARLIAMENTARY ELECTIONS

BEIRUT, JUNE 8, 2009

I. EXECUTIVE SUMMARY

This preliminary statement is offered by the National Democratic Institute's (NDI) international election observer delegation to Lebanon's June 7, 2009, parliamentary elections. The delegation visited Lebanon from June 3 to June 9, 2009, and was deployed throughout the country.

The delegation was co-led by Robin Carnahan, Secretary of State for the State of Missouri, Audrey McLaughlin, former Member of Parliament and former leader of the New Democratic Party (Canada), John E. Sununu, former U.S. Senator, and Frank G. Wisner, former U.S. Ambassador to Egypt and India. The delegation leadership also included parliamentarians from Canada, Nigeria, Sweden, and Turkey, and political and civic leaders, regional and election experts, media specialists, and human rights activists from Africa, Asia, Europe, and North and South America. The delegation consisted of 52 credentialed observers, both long and short-term, from 22 countries.

The delegation's findings were informed by two pre-election missions, one in March and one in May. A team of eight NDI long-term observers has been monitoring the electoral process since March 30, 2009. NDI, a registered NGO in Lebanon, has worked with political and civil society actors in the country since 1995 and has maintained an office in Beirut since 2001. The Institute is working to support and strengthen Lebanese civil society, electoral reform, and other elements that are needed to create strong democratic institutions and a peaceful and stable society.

Prior to the elections, the delegation met with representatives of political parties, civil society, the domestic election monitoring group, the incumbent government, election administrators, and the Supervisory Commission on Electoral Campaigns (SCEC). On election day, the delegation visited over 300 polling centers throughout the country.

The delegation's purpose was to demonstrate the international community's continued support for advancing the democratic process in Lebanon and to provide an impartial assessment of the June 7 parliamentary elections. NDI conducted its activities in accordance with the laws of Lebanon and the Declaration of Principles for International Election Observation.

Summary of Observations

The Lebanese people went to the polls on June 7 to elect a new parliament. They did so under a new electoral law and administration agreed to by all political contestants. This represents a significant step toward transparency and confidence in the process and the development of Lebanon and its institutions as a sovereign state. The Lebanese people should be proud of the progress made in the electoral process.

Too often Lebanon has been defined by events and actors outside the country's borders. NDI is part of a growing network of friends of Lebanon who agree that Lebanon's people alone should determine the country's future.

Lebanon's history and sectarian divisions have given rise to a unique electoral system based on an allocation of seats along confessional lines. The outcome in some districts was pre-determined by political deals among contestants, but the enthusiasm and voter turnout on election day demonstrated that there is significant political competition and that voters regard the parliamentary elections as an opportunity to shape their country's future.

While not without flaws, Lebanon's June 7 election was fundamentally peaceful and well administered and should provide the basis for confidence in the electoral process and by extension, the formation of the new government.

In this competitive environment, set in an already polarized context, the Minister of Interior, formerly a civil society activist, secured the confidence of all major contestants by establishing a record of impartiality. The Minister and Ministry, charged with the administration of the elections and with coordinating logistics and security on election day, also gained the trust of the public.

Most polling stations opened on time. Ballots, voters lists and other necessary election materials were on hand in most of polling places observed by NDI's delegation. Observers noted the enthusiasm and dedication of poll workers, party agents, and voters alike. Domestic observers were present in virtually every polling center and party representatives from each major political coalition attended the majority of polling places, providing oversight of the process and helping to mitigate potential political clashes.

Lebanese elections have traditionally taken place over four consecutive weekends and 2009 marks the first time they have been held on one day. The Lebanese Armed Forces (LAF) and Internal Security Forces (ISF) were charged with providing security on election day and with facilitating movement of voters who had to travel to their ancestral villages to vote. Given the magnitude of the task, and the unprecedented mobilization of security forces, observers noted that the LAF and ISF discharged their responsibilities professionally and efficiently.

Traffic congestion, anticipated as a major election day challenge, was not a significant factor in the election, and voter movements appeared unhindered. While observers praised the effectiveness of the security and logistics planning and the positive role of security forces, it was noted that in future elections the LAF and ISF's role should be limited to security, with election officials taking full control of polling centers.

There were reports of administrative problems. In many districts, particularly where political competition was greatest, observers reported long lines and voting delays as long as four hours. Some voters left polling stations without voting; in other areas frustration with slow procedures caused tensions leading to minor disruptions of the process.

There were a few reports of irregularities in voter identification and some problems with inaccurate voters lists. There were numerous reports of campaigning in and around polling stations and reports of party agents distributing campaign materials. The media reported a small number of violent incidents.

Structural flaws noted in the run-up to the election included unequal district sizes, reports of vote buying, and the lack of a pre-printed, standardized, and official ballot. Voters may write their choice of candidates on a blank piece of paper and parties distribute completed ballots to voters using various paper sizes and print fonts. It is possible that party agents could identify the ballots distributed by their faction, compromising the secrecy of the vote – an important standard for fair elections. It should be noted that some improvements were made for 2009, including an envelope for the ballot and transparent ballot boxes that contributed to confidentiality of the vote.

The apparently successful conduct of the 2009 parliamentary polls forms the basis for further institutional strengthening in Lebanon by providing the framework for a genuinely independent election commission and strengthened media and campaign finance regulations. The election could also enhance public confidence in the LAF and ISF, helping develop these important security institutions. Finally the Lebanese people may be inspired to improve the representativeness and accountability of the parliament through the adoption of further election reform following this election.

While the 2009 elections were a very positive step in the development of Lebanon's institutions, every step toward better governance in Lebanon is tentative, and the existence of weapons and armed groups outside the control of the state give rise to a fear that achievements could be quickly overridden or reversed. Lebanon's democratic institutions are vulnerable and would benefit from the continuation of the remarkable international interest demonstrated in Lebanon's parliamentary elections.

It is still early in the post-election period, and although official results have been announced, election complaints and challenges still must be considered and resolved in accordance with the rule of law. The delegation, therefore, cannot render a complete or definitive assessment of the election process at this time. Indeed, it is the people of Lebanon who will determine the credibility of these elections and their significance for ongoing democratization processes. Further statements may be released and a final report will be completed after the period for filing complaints with the Constitutional Council has concluded.

II. ELECTORAL CONTEXT

Lebanon, which has one of the most complex political landscapes in the world, has held periodic elections since it won independence. In 1943, a "National Pact" was agreed upon, establishing what has become known as the confessional system, confirming representation in the parliament among religious "confessions" and reserving certain political posts for

specific groups. Under the confessional system, the country's president must be a Maronite Christian, the prime minister a Sunni Muslim, and the parliament's speaker a Shi'a Muslim.

From 1975-1990, Lebanon experienced a civil war, which left Syrian troops in the country as a "peace-keeping" force. In March 2005, in the wake of the assassination of former Prime Minister Rafiq Hariri and the anti-Syrian popular movement known as the Cedar Revolution that followed, Syria withdrew its army and intelligence services, ending its 15-year dominance over Lebanon. A few months later, Lebanon held its first parliamentary elections free of Syrian influence. A coalition named for the date of a major anti-Syrian demonstration – March 14th—won the 2005 elections, and the group known as the March 8 coalition, named after the date of a popular pro-Syrian rally, became the parliamentary minority.

The current phase of Lebanon's political history began in August 2006, after the end of a 34-day war between Israel and Hezbollah. The governing March 14 coalition and the March 8 opposition coalition clashed on two primary issues: the right of Hezbollah to maintain weapons and the formation of an international tribunal to prosecute suspects in the assassination of former Prime Minister Rafiq Hariri. On November 11, 2006, the five Shi'a Ministers representing Hezbollah and the Shi'a Amal movement resigned from the Council of Ministers. The opposition launched an open-ended sit-in around the government offices in Beirut and called for the formation of a "national unity cabinet" in which it would hold veto power. Speaker of the Parliament, and leader of the Amal Movement, Nabih Berri subsequently closed the doors of the parliament, arguing that Prime Minister Fouad Siniora's cabinet had lost its legitimacy and was no longer constitutional due to the absence of Shi'a representation.

Despite several international attempts to bring leaders back to the dialogue table, the rival coalitions failed to reconcile and resume the political process. November 2007 marked a new development in the crisis when the mandate of the president came to an end and no successor was elected, as the President of the Republic is elected by parliament under the Lebanese Constitution, and the parliament was paralyzed. The presidential vacuum served to further exacerbate the ongoing crisis.

The standoff escalated in May 2008 when the government was perceived by Hezbollah to have challenged the group's influence over security of the airport and its surrounding areas and called for the dismantling of its private telecommunications network in Lebanon. Street fighting erupted in Beirut and other regions throughout the country with Hezbollah and its allies establishing dominance in Beirut, prompting the Arab League to invite Lebanese leaders to Doha, Qatar. On May 21, all sides signed the Doha Accord and agreed to end all acts of violence, elect Army Commander General Michel Sleiman as President of the Republic, form a national unity cabinet (in which the opposition holds veto power – the so-called "blocking third"), and organize parliamentary elections in the spring of 2009 based on the districts of the 1960 electoral law. Parliament elected President Sleiman on May 25, who subsequently asked Prime Minister Siniora to form the new government.

As political leaders were convening in Doha, civil society groups that had gathered under the Civil Campaign for Electoral Reform (CCER) launched a lobbying campaign to include key administrative reforms to the 1960 electoral law. While the law that ultimately passed in the fall of 2008 included some of the reforms recommended by the National Commission for the Electoral Law (Butros Commission) and for which CCER was advocating – campaign

finance and media regulations and a single day election – MPs defending elements of the status quo from both the governing and opposition coalitions prevented the adoption of other amendments. Proportional representation, a quota for women, and, most importantly, pre-printed, standardized, official ballots failed to make it into law.

III. PRE-ELECTION OBSERVATIONS

The pre-election period witnessed important positive developments.

While control of many of the parliamentary seats is predictable based on confessional distributions and the relative strength of factions in specific areas and some were decided by bargains between political leaders before election day, a significant number of swing districts witnessed vigorous and competitive campaigns, which will determine the composition of the next majority in parliament and therefore the next government.

The newly-formed Supervisory Commission on Electoral Campaigns (SCEC) serves as a potentially important precursor institution. It is charged with monitoring the campaign finance and media regulations included in chapters 5 and 6 of the new electoral law – significant improvements from past practices – albeit diluted by potential loopholes. While the SCEC falls short of an independent electoral commission, it sets an important precedent as an intermediary body that could pave the way for the creation of such a commission as was the case in Mexico in the 1990s.

Though late, and after much political debate, the formation of the Constitutional Council represents a positive development in Lebanon's electoral process, ensuring that a body exists to receive electoral challenges and to validate the process. Public confidence in the Council will increase if it provides effective enforcement of election regulations.

Additionally, the decision of the Council of Ministers to invite domestic and international observers to monitor the June 7 elections marked the first time in Lebanon's history in which observers were accredited to observe the electoral process. This initiative brings an added degree of transparency to the process and helps to build confidence in the elections by Lebanese citizens.

At the same time, the pre-election period highlighted significant challenges for the election and post-election period.

Assessing the Lebanese electoral system in relation to international standards and norms presents a challenge for election observation. The Lebanese army is charged with maintaining order around the elections but one of the political contestants maintains an armed force not under control of the state. Other parties also possess arms of various sizes and capabilities.

The lack of pre-printed, standardized, official ballots can compromise the secrecy of the vote and strengthens the power of political elites, creating the opportunity for deal-making and undue political influence. A uniform pre-printed ballot would help ensure voting privacy, expedite counting, and discourage some forms of vote buying.

Furthermore, districting under the current electoral law could lead to justifiable claims of under-representation, as it created significant discrepancies in the number of voters per district, giving unequal weight given to each vote.

Vote buying – a common complaint voiced by representatives of all parties – appears to be a prevalent practice. Whether purchasing airplane tickets, exchanging money or promising local services, buying the promise of a vote has a corrosive effect on democratic institutions and devalues the principle of a free vote cast on the basis of conscience.

The requirement that voters register and vote in their ancestral villages rather than their place of residence, compounded with the generally positive new provision calling for elections to be held on one day, could exacerbate challenges of voter mobility and security. Some voters are required to return to villages they left during the civil war and, in the absence of reconciliation with former enemies, some have been apprehensive about returning to these areas to vote.

In the absence of reforms designed to increase women’s representation in politics and parliament and given the small number of women candidates, it appears likely that the already low number of women in parliament will decrease after the election.

IV. ELECTION DAY OBSERVATIONS

1. Conduct of Elections

Among the most striking aspects of election day was the high voter turnout and overall orderly and enthusiastic conduct of the elections. While turnout varied from district to district, overall the turnout was 20 percent higher than in 2005, according to the Ministry of the Interior, and as high as 70 percent in the most contested districts. While there were incidents of friction and campaigning in close proximity to the vast majority of polling stations observed, there was a spirit of general enthusiasm and cooperation. Despite concern about conducting the elections on one day, logistics did not prove to be a challenge and voters were easily able to get to and from polling stations. Overcoming this challenge may have been facilitated by the significant security presence, careful planning, and announcement of national holidays for the day before and after the election.

2. Organization of Polling Centers

In general, polling centers were well managed and administered. Most polling stations opened on time. Ballots, voters lists and other necessary election materials were on hand in most of polling places observed by NDI’s delegation. In some cases, polling centers were taxed by high turnout, which led to long lines, a disorganized environment, and frustrated voters. Some voters left polling stations without voting and the slow procedures caused tensions leading to minor disruptions of the process.

The backlog may have been exacerbated by the fact that often polling stations were operating with two instead of three staff, as required by the electoral law, and a lack of clarity over who held authority over the polling station. In contrast, polling stations were packed with party

agents who displayed party paraphernalia and distributed branded lunch boxes. Additionally, the election workers were operating under a new law and, at times, polling station workers were unable to answer questions posed by voters.

3. Ballot

Lack of a pre-preprinted, standardized, official ballot led to the majority of voters voting with ballots printed and distributed by party agents. This practice makes it possible for party agents to identify the ballots distributed by their faction, thus potentially compromising the secrecy of the vote. It should be noted that some improvements were made for 2009, including an envelope for the ballot and transparent ballot boxes that contributed to confidentiality of the vote.

4. Role and Training of Security Forces

The LAF and ISF, which were charged with maintaining public order on election day, performed their responsibilities professionally and efficiently. While their overall performance boosted public confidence in the security forces and made voters comfortable in turning out to the polls, in some cases their role was unclear. Observers noted instances in which security forces played a more active role than mandated by law inside polling stations, and other instances in which they were passive in crowd control.

5. Vote Buying

Observers heard numerous allegations of vote buying, and the Lebanese Association for Democratic Elections reported 44 incidents of bribes in a number of districts, particularly in Zahle, Tripoli, Chouf, Kserwan, and Saida (Sidon).

6. Accessibility

Despite the provision in the electoral law requiring all polling centers to be accessible to people with disabilities, many polling centers did not meet these requirements.

7. Role of Domestic Observers and International Election Observers

These elections were the first in which Lebanon accepted and accredited significant numbers of domestic and international observers. Lebanese civil society organizations, led by the Lebanese Association for Democratic Elections (LADE) within the Coalition Libanaise pour l'Observation d'Élections (CLOE), organized Lebanon's largest domestic observer mission. LADE deployed a total of 2,500 observers throughout the country, which represented a combination of stationary and mobile observers. LADE and CLOE developed an SMS (text message) reporting system, which was used for the first time in Lebanon.

In addition to NDI, the European Union and the Carter Center also organized international observer missions.

V. RECOMMENDATIONS

- While the 2009 elections were generally well run, there were administrative challenges resulting in part from the high voter turnout and because officials were administrating a new electoral law. Among improvements that might be considered are clarifying authority over administration of polling centers by appointing a single civilian official, ensuring that there are an adequate number of officials in polling stations, and enforcing the prohibition on campaigning by party agents in polling stations. NDI's final report will contain more detailed recommendations.
- Elections are a vehicle to address and resolve political differences through peaceful means. In Lebanon, strengthening the mechanisms for the peaceful resolution of disputes is of the highest priority. In that spirit, we urge that any controversies about election outcomes be referred to the Constitutional Council for orderly resolution and that all the political contestants allow the expressed will of the people to form the basis for governance. We urge the Council to act quickly and vigorously to investigate and resolve electoral challenges.
- NDI's delegation recommends the adoption of a pre-printed, standardized, and uniform ballot.
- While it had limited authority, the Supervisory Commission on Electoral Campaigns (SCEC) established an important precedent in this election. Consideration should be given to strengthening the role of the SCEC for the next elections by converting it to an independent election commission.
- The confessional system has evolved in Lebanon as a mechanism to protect the rights of sectarian groups. Increasingly, however, political actors in Lebanon have expressed an interest in at least supplementing the confessional system with other avenues for representation. The delegation encourages the continued debate of further electoral reform as recommended by the President Sleiman, the Minister of the Interior, SCEC, CCER and others.
- The 2009 elections mark the first time women were engaged as poll workers. Consideration should be given to reforms that would result in increased participation of women in all aspects of Lebanese public life, including political parties, parliament, and government.
- In advance of the next elections, care should be taken to implement the requirement of the law that all polling centers be fully accessible to people with disabilities.
- Observers reported a need for greater information for candidates, parties, and the public on the specifics of the new electoral law and noted that there is confusion about the role of officials in the electoral process. NDI recommends that election officials initiate a more extensive voter education campaign in advance of the next elections.

VI. BACKGROUND ON THE DELEGATION AND INTERNATIONAL OBSERVATION

International election observation has become widely accepted by countries all around the globe and it now plays an important role in informing citizens and the international community about the nature of each country's electoral process. International election observation, when done in accordance with accepted principles for impartial assessments, seeks to enhance the integrity of election processes by encouraging best electoral practices and deterring misconduct, as well as by identifying problems and irregularities, which can lead to effective redress. It thus contributes to building public confidence in elections and resulting governments.

International observation does not favor any electoral contestant and election observers are welcomed by long-established democracies, as well as by countries that are in the early stages of democratic development. NDI has organized over 150 delegations to observe pre-election, election-day, and post-election processes around the globe, including in Morocco, the Palestinian Territories, Yemen, as well as Lebanon. The Institute conducts its election observation in accordance with the [Declaration of Principles for International Election Observation](#), which is endorsed by 32 intergovernmental and non-governmental organizations, including the United Nations Secretariat.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, and civil activists. NDI had been officially accredited to conduct an international election observation mission by the Ministry of the Interior and is grateful to the Ministry for welcoming this and other international observation groups. The delegation offers this post-election statement in the spirit of supporting and strengthening democratic institutions in Lebanon.

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