

## **The Lebanese Association for Democratic Elections**

### **The text of the press conference after the second phase of the municipal elections**

**Beirut on May 10, 2010**

The second phase of the municipal and mukhtar elections, which have proceeded in a calm and uneventful atmosphere in the governorates of Beirut and the Bekaa, has been completed. A noticeable improvement in administrative organization has been perceived compared to the previous phase. Yet, the second phase has witnessed a lower voter turnout than the first phase. LADE and CLOE have followed up the voting process, the recording of scenes, and the detection of violations by deploying 552 volunteers: 152 volunteers in Beirut (72 fixed observers and 80 mobile) and 400 volunteers in the Bekaa (125 fixed and 275 mobile). LADE has registered 281 violations in both governorates.

### **Ministry of Interior and Municipalities wins United Nations Award for Best Governmental Performance:**

Before assessing the second phase of the municipal elections in the governorates of Beirut and the Bekaa, we go off on a tangent to mention that the Lebanese Ministry of Interior has won the UN award for best governmental performance though 400 other candidates from different countries of the world competing for it. We congratulate Lebanon and the Lebanese in general and the Ministry of Interior in particular for this well-deserved award, since we consider that it represents a confirmation of the reformative methodology adopted in elections and democratic practices, including the importance of the positive relationship and partnership between governments in general and the civil society. The success of the Minister of Interior and the ministry's work team and agencies in building this partnership with organizations of the Lebanese civil society and prodding them forward during the 2009 elections was one of the important elements that characterized the performance of the ministry and contributed to its distinctiveness and victory. The Lebanese civil society, especially the Civil Campaign for Electoral Reform (CCER), CLOE, and LADE, seeks to make this relationship established and institutionalized due to its benefit for all parties, the democratic and electoral practice in general, and its contribution to raising the level of performance for all parties, particularly the performance of the civil society itself and its effective assumption of responsibility.

### **Second Phase of Electoral Process**

Concerning the voting process that took place yesterday, LADE and CLOE point out to some developments that have arisen since the first phase of the elections of last Sunday May 2. LADE found out that the competent judicial authorities summoned the concerned candidate for the bribery violation it had documented in Jbeil (Byblos) to investigate the matter. He might still be under arrest for investigation. LADE considers this development a positive precedent in dealing with electoral bribery, which together with other measures, shall contribute to the reduction of this phenomenon. It also reflects the seriousness of the concerned parties in the follow-up on breaches and violations that we hope would be generalized to become a mainstream practice.

On the other hand, the previous voting process report in the governorate of Mount Lebanon had described the general atmosphere of the voting process as a climate of "general inaction" that all parties contributed to; the report specifically referred to the lax control of and around the polling centers and the organization of the voting process within the polling stations, which is noticeable compared to the parliamentary elections in 2009. It is important for LADE in this area to record that the overall performance during Election Day yesterday in the governorates of Beirut and the Bekaa was characterized by a higher degree of organization in the polling centers and stations, signifying a clear improvement in the performance of security and military forces as well as polling officials. This has been done on the basis of the procedures and instructions of the Ministry of Interior that dealt positively with the observations made in this area, knowing that LADE had drafted a note to the Minister of the Interior including its observations on the management of the electoral process; he was affirmative in responding to these observations.

#### **A- General Observations of LADE on Election Process:**

Similar to our report on the first phase of municipal elections, this report will include at the outset a review of some general observations that have national significance with regards to elections and their democracy, followed by a review of the observations and violations detected during Election Day Two on May 9 in the governorates of Beirut and the Bekaa. The present report shall focus on observations regarding the performance of governmental, judicial and political parties in the elections.

The following are some of the most important point:

**First: the voter turnout** reached 21% yesterday in Beirut and 49% in the Bekaa, and that is a low percentage compared to the voter turnout in the previous phase in Mount Lebanon and compared to what was expected and the intensity of the electoral discourse in both governorates. No doubt, there are multiple reasons behind this. The percentage reflects, in part, a sense of the voters' discontent and dissatisfaction in the two governorates, and it might have been an expression of a negative objection to the way the election process is run by the influential political forces. Maybe, the refusal of a significant percentage of Beirut and Bekaa citizens to participate in the voting process sends a strong signal to the political parties to necessarily restore respect to the electoral process by reforming the electoral law in order to ensure proper representation and re-establish it as a process in which the citizens decide who their representatives are, and not as a process where the citizens are asked to support the candidates chosen by their political leaders.

#### **Second: extension of deadline for accepting withdrawal of nominations until morning of polling day**

During the second phase of voting, two candidates' withdrawals were accepted after the expiration of the five-day limit before Election Day. LADE had been notified that the withdrawal of the nomination of one of the two candidates in Hermel Municipality had been accepted after the deadline, and that led to the unopposed victory of the list. A more extreme case had been registered on the morning of Election Day in the municipality of "Ramasa" where the citizens and polling authority were informed of the withdrawal and unopposed victory before the polling station opened. A failed attempt to cancel the elections based on the alleged withdrawal of the rival candidates in the town of Brital also transpired.

All these cases relied on the consultation of the Legislation and Consultations Department in the Ministry of Justice (on May 3), which were transmitted and distributed by the Ministry of the Interior to the governors and district commissioners on May 4. Four days ago (on May 6), LADE issued a special statement in this regard, whereby it deemed this consultation undermining to the democracy of elections, allowing the extension of the pressure period on the candidates and creating confusion among citizens by infringing upon their rights.

It was cited in this consultation that: “nothing prevents the district commissioner or governor from issuing an adverse decision dictating the acceptance of a nomination withdrawal after the expiration of the period specified in paragraph 6 (of Article 25 of Law no. 97/665), provided that the guarantee in this case remains an acquired right for the treasury.” The decision of the department revolved around the acceptance of the nomination withdrawal after the expiration of the period specified in paragraph 3 of Article 25 itself, considering it an administrative act that is part of their jurisdiction; the only condition is the candidate giving up this right of his.

With respect and emphasis on the importance of interpretation and explanation in the legislative work, we, in the Lebanese Association for Democratic Elections, believe that the legislation department had been influenced in its interpretation and decision by secondary aspects rather than fundamental aspects. Placing this paragraph in its natural context as one of the 6 paragraphs concerned with the nomination mechanisms, all of which include clearly defined time limits, means that the subject of the paragraph is the refraining from running in the elections and time limits associated with it, and that the issue of restoration of the allowance is a subsidiary and secondary one. It is therefore more logical that the interpretation of the paragraph in question lean towards considering it as inclusive of a deadline for the withdrawal of the nomination which is at least five days before the date of the election, and the question of restoring the allowance is a subsidiary point and not the opposite as the legislative department had thought.

On the other hand, when the Legislation and Consultations Department considered accepting the nomination withdrawal as a right for the district commissioners and governors at the candidate’s simple renunciation of his right, it overlooked the fact that the issue is of public concern, and that the nomination and its withdrawal have consequences and implications on the third party, and not on the candidate himself, that which is supposed to put into effect the deadlines specified in the paragraph; that would be consistent with the practice and the common understanding of this paragraph and similar material.

The extra dues paid for the adoption of these time limits go to the maintenance of the candidate’s right and his liberation from the pressure that can be subject to him from the political blocs and large family.

We consider that this decision is against the common trend and affects the democracy of the elections, contrary to the interpretation adopted by the Legislation and Consultations Department, and therefore we call for its re-evaluation and cancellation because it contributes to the lack of control in the management of the nomination and election process, and to the confusion of voters; it also reduces the level of responsibility the electoral candidates have in dealing with the election process, in addition to the fact that it opens the door wide to the

pressure and demands on candidates up to the moment different influential people cast their votes.

### **Third: the overlap of public and private sites**

Differentiating between public and private sites is one of the most important issues in electoral work. LADE and the civil community has given it special attention based on the principle of neutrality of the government and its agencies, whether in the municipal or parliamentary elections. In this report, we would like to comment in particular on the performance of the Prime Minister Saad el-Hariri who is also the leader of the Future Movement, the strongest political party in Beirut, a party directly concerned with the municipal elections there.

The report approaches this performance from the perspective of the law with its direct articles, and from **a more comprehensive political perspective related to the content of the message such a performance carries in terms of consolidating or weakening the idea of separating the responsible government position from a political movement leadership.**

On the one hand, some electoral activities – though limited – occurred on the public site. Most activities of an electoral nature, which are connected to the municipal elections in Beirut, occurred in the private residence of the Prime Minister, yet there was more than one violation. For instance, there was the meeting of the Prime Minister with a delegation from the Islamic Group at the Grand Serail on 28/4/2010 in which they discussed the topic of election lists and the possibility of electoral consensus between the two parties. On May 3, Premier Saad el-Hariri received in the Grand Serail the Saida candidate Mr. Mohammed el-Saoudi. They talked about the developments of the elections in Saida. Moreover, the Newspapers mentioned a meeting that took place on April 29 in Ain el-Tineh which included the prime minister and speaker, MP Michel Aoun and the Qatari Prime Minister. Part of the meeting touched on the Beirut elections.

LADE perceives that this performance remains lacking considering the negative impression it has left on the government's neutrality and on how easy it is for the overlap between electoral public and private sites. LADE urges that this matter be taken seriously and that clearer restrictions be placed to limit it, since this practice is common to many parties, and we have already mentioned its recurrence in other previous electoral occasions.

### **Fourth: Performance of Political Parties**

Our observations here are connected to the general political and media performance in electioneering, which, based on Article 68 of the parliamentary election law and other articles, constitute a multifaceted pressuring factor on the voter. They also infringe on the democracy of elections by reproducing the political polarization on the municipal elections. LADE had already called in its press conference for the launching of a municipal elections monitoring campaign on April 22, considering **that this intended politicization of municipalities is the most imminent danger threatening the citizens' freedom of choice.** It also called for the liberation of municipal elections from the imposition of a cloned political struggle on the municipal level. The following paragraphs contain an assessment of the relevant political parties' performance from that perspective. Therefore, we introduce some examples of the political discourse and practice

that are pressuring towards a deliberate politicization of the municipal and mukhtar elections, and we consider this a moral pressure on the voter and an infringement on the democracy of the election process. We refer to these examples regardless of the intentions and motives that prompted them.

- **Example one**, the exaggerated emotional arousal of the Beirut citizens to vote for the list supported by the Future movement and its allies, which likened not voting for Beirut to the betrayal (moral of course) of the martyred Premier Rafic el-Hariri and of Beirut (speech of Premier Saad el-Hariri in Qraitem on May 4).
- **Example two**, the position of Free Patriotic Movement (FPM) which turned the election of some mukhtars in certain neighborhoods to a huge political battle heavy with serious implications regarding the correction of Christian representation, referendum on influence, re-examination of the municipal division, etc... this is a bit of an amplification in politicizing the mukhtar elections, since these people are performing duties that are absolutely apolitical, and they are the closest to the people in their daily dealings, so under no circumstance should their image be politicized. This politicization was spoken of by the head of the FPM in his press conference on May 4, and the FPM sent short messages on Election Day itself mentioning the following: “Beirut is free: an urgent call for all Ashrafieh, Rmeil, and Saifeh voters. You have to vote for the mukhtar lists supported by FPM to make Ashrafieh an independent district”, implying some sectarian overtones.
- **Example three**, the electoral campaign for the alliance of Hezbollah and Amal Movement in Bekaa included a morally pressuring speech on the voters coupled with strong political and religious messages, implicitly alluding to treason. In the statement of MP Nawar el-Sahili on May 7, voting for Hezbollah and Amal Movement in some areas of Baalbek-Hermel was linked to a victory for the Resistance line. The text was as follows: “**The victory in these elections is over the Zionist enemy through extensive participation in this voting process in order to confirm the choice of the Resistance and thwart the enemy’s plan to weaken the Resistance**”. This is also an example of excessive politicization for municipal action and of moral pressure toward linking voting for one list with victory for the Resistance in the face of the enemy.

#### **Fifth: Cases of Bribery in Zahle**

Obviously, electoral bribery is not limited to the municipality of Zahle, just as it is not limited in number to the documented cases which had reached 5 cases until this morning. For that reason, we elucidate on this issue given its gravity and specificity.

Throughout Election Day yesterday, LADE and CLOE observers, as well observers from the Lebanese Transparency Association (LTA), media outlets, and citizens were all talking about the semi-public phenomenon of bribery occurring in the lists’ electoral offices that are near the polling centers. This process was visible to all and LADE observers were able to document five cases and refer them to the public prosecution, noting that they form but a fraction of what the city had witnessed.

What distinguishes the municipal elections in Zahle on that level is that the bribery was widespread and semi-public, and that prompts us to stop at two points:

- **Point one:** the existence of a good deal of evidence on the widespread bribery in Zahle is considered one of the reasons that advocate the legality of contesting the results of the municipal elections there.
- **Point two:** in light of its experience in the first phase of the elections in Mount Lebanon, LADE hastened in documenting these cases and informing the Ministry of Interior of what it knows; it also notified the respective judicial authorities on the same day. Some instant measures as stipulated by the law were taken in this area. **However, the phenomenon continued in the afternoon, and there were no mechanisms for rapid and immediate intervention to put an end to this process during the same day, that which would have been more meaningful. This aspect could reveal a procedural and legislative loophole that must be dealt with, because the aim of reporting bribery is not to announce it publicly but to speed up verifying it on the ground in order to terminate it immediately if possible.**
- Concerning this issue, we would like to indicate that the exposed methods in dealing with the bribery carried out by the electoral lists would imply a disregard for the legitimacy and the state and, at the same time, a manifestation of a moral crisis that must be fully considered and its perpetrators punished.
- We would also like to confirm that LADE observers are volunteers and not experts in the field of survey and investigations, and therefore, the Public Prosecution shall deal with the information and testimonies they give as pieces of news prompting it to action and not as a comprehensive survey.

### **Seven: Participation of Women**

LADE noted the low levels of participation for women candidates; it was estimated in the governorate of Bekaa at 3.2% for municipal seats and 1.49% for mukhtar seats, i.e. at an average rate of 2.87% for municipalities and mukhtar councils.

These rates in Beirut reached 13.38% for municipal seats and 3.9% for mukhtar seats, i.e. at an average rate of 7.29% for municipal and mukhtar councils.

And those are very low rates.

### **B- Assessing Election Day: Views and Observations**

#### **First: Security Incidents:**

Several unrelated security incidents were recorded; most occurred in the Bekaa and some in Beirut. A number of clashes with LADE observers arose while they were documenting various violations, such as the recording of a security incident that happened between the army and the supporters of a political list in the town of Rayyaq. Furthermore, LADE observers were harassed by the supporters of an electoral lists in Nabi Sheit because one unregistered voter attempted to cast his vote. The polling official acted firmly and asked for the assistance of the security forces to settle the matter without delay. The observers reported that delegates of lists present at the

polling stations and centers were negative in their attitude and irritated others in more than one town and village in Mid Bekaa and West Bekaa.

Moreover, LADE observers prevented the monitoring of the vote count in some centers for unknown reasons. They observed some cases where the count took place in the absence of cameras and video recorders.

**Second:** LADE points out to the disorder and chaos some polling authorities suffered from when they received the ballot boxes and supplies for the voting process in the morning and delivered them at the end of the counting process in the evening. The use of force and disorganization were a result of the crowdedness, and some security officers uttered insulting words and struck people with the butts of their rifles in some cases such as the occurrences of yesterday in BIEL, Beirut. LADE confirms that what happened was caused by the disorganization characterizing this process, and it calls on the concerned parties from governors and district commissioners to take all necessary procedures to safeguard the dignity of the heads and members of polling authorities. Most of them are multigenerational teachers who deserve the utmost respect and appreciation from each and every one of us.

### **Third: Reports of Mobile Teams on Polling Centers and their Environs**

The monitoring process, in terms of the observations and violations in the centers and their environs, that LADE adopted based on a random stratified sample, which has been selected according to scientific criteria as follows:

- Electioneering: 44 cases in Beirut and 25 in Bekaa. They comprise the distribution of lists and data in and around the polling stations and a heavy presence of electoral machines.
- Pressuring voters: 7 cases in Beirut and 5 in Bekaa (in different constituencies).
- Violence acts in and around polling centers: 1 case in Beirut and 4 in Bekaa, from the total sample of polling stations.
- The intervention of security forces or a public official in the electoral process: 4 cases in Beirut and 4 in the Bekaa from the total sample of polling stations.

### **Second: Reports of Stationary Observers on Observations and Violations of Polling Stations in Selected Sample:**

They include the observations and violations detected in **the specified sample of polling stations**, which amounted to 72 in Beirut, i.e. 100% of centers and 125 polling stations in the Bekaa from the total governorate's polling stations. The rates of violations in this stratified sample that has been scientifically selected by LADE are as follows:

### **Assessment of Opening Process of Polling Stations**

- 1- The polling authority was complete (4 members) at the opening of 98% of polling station in the Bekaa and 96% in Beirut. The remaining stations were completed in the period directly after the opening, according to the selected sample.
- 2- The supply of all equipment for 92% of the polling stations in the Bekaa and 67% in Beirut at the opening of the voting process, according to the selected sample.

- 3- The curtain was put up in a place that guaranteed ballot secrecy in 95% and 96% of polling stations in the Bekaa and Beirut respectively, according to the selected sample.
- 4- Opening 81% of polling stations on time in the Bekaa and 76% in Beirut according to the selected sample. As for the remaining polling stations, they were opened as follows: from 7:01 to 7:30: 14% in Bekaa and 23% in Beirut, and after 7:30, 5% in Bekaa and 1% in Beirut.
- 5- Polling stations equipped to facilitate the voting of people with disabilities reached about 83% in the Bekaa (these numbers refer to the facilities inside the polling stations and not in the centers) and 35% in Beirut.

### **The Electoral Process**

The percentage of polling stations that have between one and 5 names missing from the voter lists, according to the selected sample are:

40% in Beirut

57% in the Bekaa

The percentage of polling stations that have between 6 and 15 names missing from the voter lists, according to the selected sample are:

6% in Beirut

10% in the Bekaa

The percentages of polling stations that have at least one case of voting without a valid identity card or passport, according to the selected sample are:

0% in Beirut

2% in the Bekaa

The percentages of polling stations that have registered at least one case of refraining from dipping the thumb in ink, according to the selected sample are:

7% in Beirut

20% in the Bekaa

### **The percentage of polling stations that have recorded the following cases**

The repeated uncalled for entry of security forces into the polling station without interfering in the voting process on Election Day, according to the selected sample:

32% in Beirut

26% in the Bekaa

The intervention of security forces in the voting process by expressing their opinion to the polling authority, delegates, or voters at least once, according to the selected sample:

5% in Beirut

8% in the Bekaa

The intervention of security forces in the voting process by distributing lists or pressuring delegates or voters at least once, according to the selected sample:

6% in Beirut

2% in Bekaa

At least one vote outside the curtain, according to the selected sample

32% in Beirut

42% in Bekaa

Crowdedness inside the polling station for a specific period of time during the day, according to the selected sample

16% in Beirut

41% in the Bekaa

Suspending the election process at some point for whatever reason, according to the selected sample

6% in Beirut

13% in the Bekaa

Electioneering inside the polling station, according to the selected sample

19% in Beirut

25% in the Bekaa

### **At the end of voting and counting**

Closing the polling station at seven o'clock, according to the selected sample

83% in Beirut

85% in the Bekaa

Discrepancies between the number of envelopes and the number of voters, according to the selected sample

0% in Beirut

7.5% in the Bekaa

Electricity cut at some point during the vote count, according to the selected sample

2% in Beirut

12% in the Bekaa

The percentage of polling stations where disputes over the ballot paper took place, according to the selected sample

8% in Beirut

55% in the Bekaa

The percentage of polling stations where at least one ballot paper had a nickname or mark, according to the selected sample

12% in Beirut

38% in the Bekaa

The percentage of polling stations where the results were posted by the polling official at the entrance of the polling station itself, according to the selected sample

88% in Beirut

77% in the Bekaa