



# LEBANON

CAPITAL: Beirut

POPULATION: 3.9 million

GNI PER CAPITA (PPP): \$10,880

SCORES	2006	2010
ACCOUNTABILITY AND PUBLIC VOICE:	N/A	3.83
CIVIL LIBERTIES:	N/A	3.99
RULE OF LAW:	N/A	3.54
ANTICORRUPTION AND TRANSPARENCY:	N/A	2.60

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

## Oussama Safa

### INTRODUCTION

Lebanon's governance system has always relied on a delicate power-sharing formula, enshrined in the constitution, under which the country's main religious groups divide the top executive and legislative posts and hold quotas in the parliament, the civil service, and the security forces. In 1975, a sectarian civil war erupted, partly because Sunni and Shiite Muslims objected to the fact that the Maronite Christians held greater quotas and a monopoly on the presidency despite representing a minority of the overall population.

On a practical level, the sectarian system has instilled clientelist relations between the leaders and members of each religious community. The resulting preeminence of sectarian cohesion at the expense of national solidarity has historically invited and been reinforced by foreign intervention, as occurred with countries including Syria and Israel during the civil war.

The 15-year conflict ended in 1989 with a new national accord brokered by Arab diplomats in the Saudi city of Taef. The peace agreement introduced a new power-sharing formula, shifting significant authority from the Maronite president to the Sunni prime minister and the Shiite speaker of parliament. It also replaced the prevailing 6:5 ratio of Christians to Muslims in state jobs to an even split, though it is generally believed that this still overrepresents the Christians. The Taef accords indirectly designated Syria as the main power-broker in Lebanon and the unofficial arbitrator between its contentious

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communities. This allowed Syria to tighten its grip over the country's political and economic life.

Although the accords stipulated the withdrawal by 1992 of 20,000 Syrian troops stationed in Lebanon, the pullout never occurred. Instead, for 15 years after the end of the war, Lebanese laws, elections, and key appointments were carefully vetted and manipulated by Syrian intelligence officers to protect Syria's interests.

Meanwhile, the major militias that took part in the civil war benefited from a blanket amnesty law that cleared them of any crimes or wrongdoing during the conflict. Former warlords became the new political elite, enjoying senior legislative, judicial, and executive positions and practicing a distinct style of politics based on deal-making and the division of spoils. Leaders who rebelled against Syrian hegemony, such as former army chief Michel Aoun and former Lebanese Forces militia leader Samir Geagea, were exiled or jailed.

As it oversaw the disarmament of Lebanese militias, Syria made sure that Hezbollah—a Shiite Islamist movement created in the wake of the 1982 Israeli invasion of Lebanon and closely allied with the Iranian regime—kept its weapons under the pretext of resistance to the Israeli occupation. Successive Lebanese governments between 1990 and 2000 echoed this characterization of Hezbollah's role, and efforts were made to strengthen Hezbollah's military power at the expense of the regular armed forces. As a result, Hezbollah today is the strongest armed group on Lebanese territory, and the Lebanese government continues to face serious difficulties in its attempts to restore a state monopoly on armed force in the country.

Lebanon's ambitious postwar reconstruction program was largely effective, but massive borrowing coupled with unexpectedly low economic growth led to a ballooning public debt, which today stands at 162 percent of the country's gross domestic product (GDP).<sup>1</sup> The reconstruction plans were drawn up and carried out by governments headed by billionaire prime minister Rafik Hariri.

In early 2004, the relationship between Hariri and the Syrian regime began to sour. Hariri was planning to challenge Syria's dominance by running candidates across Lebanon in the upcoming 2005 parliamentary elections, and his power struggle with President Emile Lahoud, a close ally of Damascus, ultimately led to Hariri's resignation as prime minister in October 2004.

Hariri was assassinated in a powerful bombing in downtown Beirut on February 14, 2005. The act sparked massive rallies on March 14 in which mourners protested Syrian domination, leading to the abrupt withdrawal of Syrian troops the following month. In a rapid succession of events, an international commission was formed to investigate the assassination, the heads of four Lebanese intelligence agencies were arrested, and a new anti-Syrian political bloc, dubbed the March 14 Coalition, posted a strong showing in the parliamentary elections. Meanwhile, a series of assassinations targeted prominent politicians, journalists, and others associated with the new parliamentary majority. The opposition was led by Hezbollah and later included Aoun, who returned from exile to lead

a Maronite Christian political faction. For most of 2005 and early 2006 the main bone of contention between the rival coalitions was the planned formation of a UN-sponsored International Tribunal for Lebanon to try the Hariri assassination case and related crimes. The Syrian-allied opposition sought to control and water down the mandate of the tribunal, whereas the majority sought a more robust entity. The confrontation also reflected a power struggle between Hezbollah and the new government, which was intent on restoring full Lebanese sovereignty in the wake of Syria's withdrawal. The opposition withdrew from the power-sharing cabinet in November 2006, deepening the political deadlock.

Since 2006, Lebanon has faced a series of grave threats to national security. That summer, Hezbollah militants conducted a cross-border attack on Israel, killing five Israeli soldiers and abducting two. Israel responded with massive airstrikes in much of Lebanon as well as a limited ground invasion, while Hezbollah bombarded Israeli territory with rocket fire. The 34-day war resulted in more than 1,000 Lebanese civilian casualties and caused US\$5 billion in direct and indirect losses to the country's economy.<sup>2</sup> Between May and September 2007, the Lebanese army battled an armed Sunni extremist group calling itself Fatah al-Islam that had entrenched itself in the Palestinian refugee camp of Nahr el-Bared in northern Lebanon. The army eventually defeated the militants, but the fighting destroyed much of the camp and displaced its civilian residents.

A more fundamental threat to civil peace and stability came in early May 2008, when the March 14 Coalition government decided to curtail Hezbollah's private telecommunication lines and end its alleged airport surveillance. Hezbollah responded by deploying its fighters to Sunni sections of Beirut and other areas that were loyal to the governing coalition. Battles between opposition and government supporters in the capital and parts of the north raged for nearly a week, ending with the Qatari-brokered Doha agreement. The pact included a new political understanding that ended an 18-month Hezbollah sit-in protest and enabled the election of a new president and approval of a new parliamentary election law. Taken together, the above conflicts have posed serious challenges for democratic governance in Lebanon's unique sectarian political system.

<b>ACCOUNTABILITY AND PUBLIC VOICE</b>	<b>3.83</b>
FREE AND FAIR ELECTORAL LAWS AND ELECTIONS	3.50
EFFECTIVE AND ACCOUNTABLE GOVERNMENT	2.25
CIVIC ENGAGEMENT AND CIVIC MONITORING	5.00
MEDIA INDEPENDENCE AND FREEDOM OF EXPRESSION	4.57

Lebanon's unicameral parliament, the National Assembly, is elected through universal suffrage every four years. The president, who serves for a single six-year term, is elected by the parliament. Municipal elections take place every six

years; the first postwar municipal elections were held in 1998 under pressure from civil society following a 32-year hiatus. After the civil war, the electoral laws were tailored to ensure victory for Syria's allies. The 2005 legislative elections, held shortly after the withdrawal of Syrian troops, were free and transparent, but they remained governed by the discriminatory old laws, which violated international norms and provided room for manipulation, voter intimidation, and fraud. In addition to such laws, the unwritten National Pact of 1943 stipulates that the president must be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the National Assembly a Shi'ite Muslim. Parliamentary seats are similarly divided among major sects under a constitutional formula that does not reflect the country's current demography. Shi'ites are particularly underrepresented, as they are estimated to comprise at least one-third of the population but are allotted only 21 percent of legislative seats.

Several features of the electoral laws distort the true aspirations of voters while strengthening existing sectarian leaders. Representation is based on a majoritarian, single-count ballot in unevenly divided multimember districts. The system effectively excludes independent candidates and small parties outside of the main parliamentary or sectarian blocs, and districts are gerrymandered to ensure victory for the predominant sect or political force in each constituency.<sup>3</sup> In the 2005 elections, this was true both in districts that favored the March 14 movement and in those dominated by opposition forces like Hezbollah. Other shortcomings that have traditionally marred Lebanese elections include the lack of preprinted ballots, vote buying, and voter intimidation, including regular violation of ballot secrecy.

Amid public pressure in the wake of the 2005 elections, the government in August formed a national commission, known as the Boutros Commission, to reform the electoral laws.<sup>4</sup> Comprised of civil society experts, the panel held nine months of hearings to consider proposals by a wide range of social actors, after which it submitted a set of progressive recommendations. However, only a handful of the proposed reforms were enacted by the parliament, including a system of magnetic identity cards and indelible ink to curb electoral fraud, and a legal cap on electoral advertising and campaign financing, though some observers cited several loopholes.<sup>5</sup> The proposals that were rejected included a mixed system of proportional and majoritarian representation, redistricting, the establishment of an independent electoral commission, and the adoption of a 20 percent quota for women on candidate lists.

Because of the limited nature of the reforms, the outcome of the June 2009 elections did not radically alter the existing array of political forces.<sup>6</sup> The balloting was organized not by an independent electoral commission, but by a supervisory commission under the auspices of the interior minister. The panel was composed of electoral experts from civil society, but most had partisan affiliations.<sup>7</sup> The commission's task was to monitor electoral spending and advertising and address any electoral violations. Its decisions were to be vetted by the Constitutional Council, tasked with validating the results of the elections and

deciding on electoral appeals. At the time of writing, the supervisory commission had submitted reports on 368 violations—ranging from failure to honor advertising contracts to utilizing hate speech in campaigns—which the Constitutional Council was still reviewing.<sup>8</sup> Despite the new campaign finance rules, there was speculation that the elections of 2009 featured unparalleled spending on bribery, vote buying, and development projects designed to win votes.

The results of the elections confirmed Sunni leader Saad Hariri, the son of slain former prime minister Rafik Hariri, as the head of the largest bloc in the National Assembly. His coalition now holds 71 seats (including two independents), compared with the opposition's 57 seats. One of Hariri's key allies is the Druze leader Walid Jumblatt, who heads an 11-seat bloc. In the opposition, Christian leader Michel Aoun, Hasan Nasrallah of Hezbollah, and Nabih Berri of the Shiite Amal Movement control 27, 13, and 14 seats respectively. In the absence of a legal quota for female candidates, the representation of women in the legislature remains severely limited, with only four female lawmakers in the 128-seat parliament.

It is important to note that elections in Lebanon are largely inconsequential in determining the balance of power between branches and within the parliament. In addition to the electoral framework problems described above, the country's political system is consociational. Irrespective of electoral results, the prime minister is obliged in practice to form a national unity government. Consequently, as of October 2009, five months after the June legislative elections, prime minister-designate Saad Hariri was unable to form a government despite leading a clear majority in the parliament. And the opposition, having lost the elections, created the logjam by insisting on a specific share of ministerial posts that Hariri is not inclined to provide. This is but one example of how democratic institutions in Lebanon are easily overridden by communal and sectarian interests. In such a system, elections are reduced to mere referendums on political leaders' clout and ability to command a public following.

Under the parliamentary system enshrined in the constitution, the parliament elects the president and designates a prime minister for official appointment by the president. The prime minister then assembles a cabinet for approval by the parliament. In practice, however, consensus within the governing troika (president, prime minister, speaker of parliament) is needed for all major decisions, blurring any clear checks and balances between the executive and legislative branches.

For example, the president can refuse to sign decrees issued by the council of ministers, effectively blocking their implementation. When the government appointed foreign service officers in 2006, President Emile Lahoud refused to sign the law on the grounds that the government was illegitimate and unconstitutional, since the six opposition ministers had resigned in protest. The foreign service officers did not assume their positions until the fall of 2008, after a new president, former army chief Michel Suleiman, was elected in the wake of the Doha agreement in May. Similarly, the National Assembly speaker, who

belongs to the opposition and exercises significant legislative authority, can prevent the parliament from holding sessions by simply refusing to convene it. From December 2006 to May 2008, speaker Nabih Berri refused the government's demands to hold sessions and pass important laws. Sessions were postponed by the speaker 19 consecutive times,<sup>9</sup> mainly to forestall attempts by the majority to elect a president to replace Lahoud, whose mandate expired in September 2007. Lebanon was thus without a president from September 2007 until Suleiman's election in May 2008.

The system does not ensure that the people's choices are free from domination by political interest groups. Lebanon has an entrenched clientelist system that is fueled by the confessional apportionment of state resources and benefits. This system allows community leaders and religious figures to wield power as the intermediaries between the community or sect and the state, and as the main conduit for the distribution of government services and jobs. Community leaders are consequently able to mobilize their "clients" around important political issues at any given time. During elections, they are able to enforce voter loyalty through routine intimidation and potential retribution ranging from physical violence to the withholding of favors and development funds. All appointments in the public sector are made according to an unspoken and delicate formula of sectarian allocation, which is adhered to even when it may hinder the proper functioning of an important government institution. For example, the understaffed General Directorate of Internal Security Forces (ISF)—which includes the police, traffic police, judicial police, and drug enforcement agencies—are in need of recruits, but because the volunteers in early 2006 consisted of 11,000 Muslims and just 3,600 Christians, recruitment was limited to 3,600 from each side to ensure confessional balance. Muslims, both Shiites and Sunnis, dominate the underpaid and overstaffed civil service, which is considered antiquated, lethargic, and largely corrupt.

Civil society groups and the media are allowed by law to take part in and testify during parliamentary sessions. However, requests to attend sessions must be submitted to a lawmaker or the general secretariat of the parliament, and these requests are not always approved. In a positive development, experts from the Civil Campaign for Electoral Reforms and the Lebanese Association for Democratic Elections regularly testified before parliamentary committees discussing the draft electoral law in August and September 2008. The parliament had never before allowed civil society groups to testify on such sensitive political issues.

Lebanon's association law dates to the Ottoman era and remains one of the most liberal in the region, allowing the free formation of new parties and associations of various kinds. To register, a new party or association must simply notify the Ministry of Interior; it becomes a legal entity 90 days after the notice is received. Although the law has been abused by previous interior ministers who chose to curb the formation of rights-based civil society associations, freedom of assembly and association is generally unrestricted, and Lebanon

hosts more than 3,600 registered nongovernmental organizations (NGOs).<sup>10</sup> In 2008, notices of formation from 19 political parties and 660 NGOs were submitted to the ministry, and all were accepted.<sup>11</sup> During 2005–06, Lebanon featured heightened NGO activity, including the formation of a number of new NGOs in the wake of the war between Israel and Hezbollah in the summer of 2006. Following the presidential election in May 2008, the Civil Campaign for Electoral Reforms, a consortium of 58 NGOs, launched a major lobbying effort in coordination with international organizations based in Beirut to pass a reformed electoral law. The campaign was free of any pressure or intimidation by state authorities or other actors. Another ongoing campaign involves a group of NGOs pressuring the parliament to pass a law that would allow women to transfer their Lebanese citizenship to foreign husbands and their children.<sup>12</sup> Donors also operate freely, and Lebanon's association law allows for the acceptance of foreign donations so long as the funds are accounted for regularly.

Freedom of the press and expression is unhindered in principle, but is subject to restrictive regulations. These include the media law passed in 1994 (No. 382/1994), which effectively restricted ownership of television and radio stations to influential politicians and heads of communities. The law led to the shutdown of existing media outlets and severely limited the ability of future outlets to gain a permit. Moreover, laws against slander have been abused to restrict coverage, and the television station MTV was shut down permanently in 2001 for political reasons, after it supported an election candidate opposed to then president Lahoud and his Syrian allies. The overlapping functions of the Ministry of Information and the National Audiovisual Media Council (NCA) create confusion in media oversight mechanisms.

Freedom of speech is guaranteed in the constitution, but there is no freedom of information law, meaning journalists must rely on leaks and anonymous sources. The 1994 media law allows censorship of pornography, threats to national security, political opinion, and slander against religion. The law is illegal to attack the president in the media. In 2008, the General Directorate of State Security prohibited the circulation of three films and censored one foreign publication.<sup>13</sup> There have not been any cases of imprisonment of journalists due to their opinion or coverage since 2005. In December 2006, however, two opposition journalists were arrested and accused of breaking into the apartment of a witness to the assassination of Rafik Hariri, in what might have been a politically motivated case. The journalists were charged with theft and tampering with evidence and released after a year and a half.<sup>14</sup> In 2008, anchor Ghada Eid of New TV, an opposition station, was summoned for questioning after airing an episode on corruption in the justice minister's office. Her program, *Corruption*, tackles such issues on a weekly basis. The authorities' investigation centered on the sources of her information, and she was eventually cleared of any wrongdoing.

Impunity for violent attacks against journalists remains a serious problem. Investigations into the 2005 car-bomb assassinations of prominent journalists



Gebran Tueni and Samir Kassir, and an attack the same year that left television journalist May Chidiac permanently injured, have made no headway in recent years, and no arrests have been made. Those affiliated with the March 14 movement believe that pro-Syria assassins were behind the attacks given these journalists' strong anti-Syrian views, while within the opposition, various factions believe that pro-Israel or jihadist forces committed the crimes. Lesser attacks, such as the beating of journalists from one political camp at their opponents' rallies, regularly go unpunished. Journalists are restricted from reporting from some Hezbollah-controlled areas without the group's explicit permission and oversight. In addition, during the May 2008 factional fighting, opposition forces shut down two newspapers, a magazine, a television station, and two radio stations; the outlets resumed operation shortly afterward following a public outcry.

Despite the reduction in violence against journalists since 2006, media stations often practice self-censorship, a habit that dates to the presence of Syrian troops in Lebanon. There is also an unspoken rule against directly attacking religious leaders in the media for fear of inciting sectarian conflict, though that does not prohibit media outlets from using a sectarian discourse or having a political agenda. Lebanon's 9 private television stations and 15 daily newspapers are divided among the various political factions and cater to their respective needs. While the media broadcast law bars incitement and sectarianism, television stations aired divisive, polarizing coverage during street clashes in February 2007 and January and May 2008. The 1994 law imposes onerous licensing fees and taxes on media outlets, making the establishment of new ones a costly enterprise. The state-owned channel *Télé Liban* is underfunded and dull, faring poorly in competition with the private stations. The state media do not receive preferential legal treatment, but they rarely challenge the ruling authorities. Internet access is unrestricted, though the still-developing infrastructure remains rudimentary compared with other countries in the region, and cost is an obstacle for some users. 38.3 percent of the population uses the internet.<sup>15</sup>

## CIVIL LIBERTIES

**3.99**

PROTECTION FROM STATE TERROR, UNJUSTIFIED IMPRISONMENT, AND TORTURE	2.63
GENDER EQUITY	4.00
RIGHTS OF ETHNIC, RELIGIOUS, AND OTHER DISTINCT GROUPS	3.50
FREEDOM OF CONSCIENCE AND BELIEF	4.33
FREEDOM OF ASSOCIATION AND ASSEMBLY	5.50

Civil liberties are guaranteed by the constitution, including the right to freely exercise religious beliefs. While abuses including arbitrary arrests and detentions were common prior to the withdrawal of Syrian forces in 2005, the freedoms to associate, assemble, and demonstrate have been practiced freely since then, with protest rallies and sit-ins a common sight until the political accord of



May 2008. The judiciary remains the main guarantor of civil liberties and the medium through which to seek redress for violations.

Lebanon has ratified major international conventions against torture and the inhumane and degrading treatment of prisoners. In December 2008, it ratified the optional protocol against torture. However, it has only complied to a limited extent with such commitments, as national laws and mechanisms do little to prevent torture or hold security personnel accountable for abuses. There are no explicit guarantees against torture in the constitution or the country's various criminal justice laws. In a recent report, a local NGO cited routine torture by various branches of the security forces, most notably the intelligence services.<sup>16</sup> Amnesty International and Human Rights Watch have also stated that torture remains a serious problem, particularly in security-related cases but also for those charged with drug offenses or even petty crimes.<sup>17</sup>

Security officials are rarely if ever prosecuted for torturing or mistreating a detainee, and each judge has the discretion to accept evidence obtained under duress. There are no legal provisions for prosecution on charges of torture or abusing detainees. According to Human Rights Watch, the ISF established an internal unit tasked with monitoring human rights violations in February 2008, but the unit remains understaffed.<sup>18</sup> Human rights NGOs are granted limited access to certain prisons, with the exception of the military intelligence prison situated in the Ministry of Defense, on the condition that they sign a confidentiality statement which limits activists' ability to effectively investigate torture.<sup>19</sup> In most cases of alleged torture, victims were not allowed to see a doctor, lawyer, or family members for a prolonged period of time.

Prison conditions are poor and fall short of basic human rights standards. In certain facilities, the number of detainees exceeds capacity by five or six times, and prisoners are mixed together regardless of offense, age, or mental fitness.<sup>20</sup> Preferential treatment of detainees by prison wardens is common practice, taking the form of mattresses, cigarettes, and other privileges for select inmates. Effective means of redress for violations are problematic. Although nearly five years have passed since Lebanon issued the 2005 Ombudsman Law, the ombudsman's office is yet to be established. A draft law mapping out implementation was being prepared as of mid-2009. In the absence of such an agency, citizens may lodge complaints with the Presidential Complaints Office, established in 1998 as a precursor to the ombudsman's office. However, the office does not accept complaints regarding legal or judicial problems, lacks a constitutional mandate, and is overseen by military officers rather than civilians.<sup>21</sup>

Detainees, particularly those suspected of involvement in armed groups, are usually considered guilty until proven innocent, and their detention without trial may be prolonged. This also extends to non-Lebanese who are detained as illegal immigrants. For these individuals, arbitrary and long detentions are the norm despite refugee laws and international standards for the treatment of immigrants. In many cases, refugees are viewed as illegal immigrants and treated as criminals. In November 2007, however, the government issued a decree

ordering the extradition of all foreigners who have completed their prison sentences, putting an end to indefinite detention.<sup>22</sup> Lebanon does not have a serious human-trafficking problem, but it suffers from inadequate mechanisms to deal with the abuse of mostly Asian domestic workers.

Street crime is generally not a problem beyond pickpocketing and car theft, which is a persistent challenge because it is backed by powerful armed militias in the rural Bekaa Valley region. The ISF has taken measures to combat such crimes. The most serious threats to public safety have come from occasional sectarian clashes and the 2007 fighting initiated by the Sunni extremist group Fatah al-Islam, whose leader remains at large.

Women and men have equal rights in principle, but opportunities and resources are not shared equally. While the country has no extreme forms of violence against women, and women are granted equal access to education and the job market, discrimination due to local customs and social norms remains a problem. Some legislative improvements have taken place over the decades, including amendments permitting a woman to obtain a passport and travel without the consent of her husband. Other restrictive legal provisions remain in place, however. As family and personal status issues are adjudicated by the religious authorities of each sectarian community, women are sometimes subject to discriminatory rules governing marriage, divorce, inheritance, and child custody. They are also unable to pass their citizenship to foreign husbands or their children. The religious leaders of the various confessions, who exercise significant influence over policy making, carefully protect the existing legal framework on these issues. Cases of domestic violence against women are common, and the law does little to prevent them. So-called honor crimes, in which women are attacked or killed by relatives for perceived moral transgressions, are rare but do occur in peripheral areas. The punishments for perpetrators are usually lenient.

The state budget contains no special provisions to tackle gender inequality or improve female health, nutrition, or education. Despite vigorous efforts by civil society groups, much work remains in terms of implementing laws to end discrimination against women and pass sexual-harassment legislation. The state occasionally tries to promote equitable representation in the various branches of government but has failed to strengthen women's presence. With the help of civic groups and the Lebanese Women's Council, some symbolic improvements have been registered over the past few years; in 2004 the government included, for the first time ever, two female ministers. However, the outgoing government in 2009 included no women in a cabinet of 30 ministers.

Lebanon has a fairly large population of disabled individuals, as an estimated 100,000 people were disabled during the civil war. Under the latest electoral law, disabled people were provided with specially equipped ballot stations. A law passed in 2000 guarantees disabled people equality before the law and a series of tax exemptions, as well as access passes and special privileges in government properties, public transportation, and parking. However, there is little

evidence that such provisions have been enforced, and most efforts to assist persons with disabilities are carried out by family members or poorly funded private organizations.

There is no official or systematic discrimination against Lebanon's 18 officially recognized sectarian groups. Compared with other countries in the region, Lebanon has managed to integrate minorities well and allowed them to secure political representation. The Armenians are a case in point, as are emerging sectarian groups such as the Alawites, who acquired a seat in the parliament within the past decade and were recognized in the post-Taef constitution as an official sect. Nevertheless, the system of sectarian apportionment in state institutions is inherently discriminatory in that it is based on confession rather than merit. Beyond official institutions, societal discrimination is common and easily detectable in the media and the private sector.

Lebanon is home to more than 300,000 Palestinian refugees. They are denied citizenship and equal access to jobs, despite the fact that many arrived—or descend from those who arrived—as early as 1948. Some of this discrimination is based on the labor law of 1962, which bars Palestinians from the job market and relegates them to menial positions regardless of their level of education or skill. These policies stem from a long-held view that the integration and naturalization of Palestinian refugees would upset the delicate confessional balance in favor of Sunni Muslims. In June 2005, however, the minister of labor relaxed labor restrictions and allowed Palestinians access to approximately 50 professions. Palestinians are not allowed to own property in Lebanon, a rule that many consider unconstitutional, and living conditions in the country's Palestinian refugee camps are abysmal. The destruction of the Nahr el-Bared camp in 2007 added to this misery by displacing some 5,000 families to neighboring camps. The government's Lebanese Palestinian Dialogue Committee is tasked with drawing up plans to rebuild the camp, but it has faced stiff opposition from the Christian Free Patriotic Movement (CFPM) and residents of villages surrounding the camp, who want to prevent its reconstruction. While local residents are angry at the losses incurred during the fighting with Fatah al-Islam, the CFPM is opposed to the reconstruction on the grounds that it will facilitate the permanent settlement of Palestinians in Lebanon.

Freedom of religious belief is guaranteed by the constitution, and there are no restrictions placed on religious observance or ceremony. Proselytizing is not recognized by law, and interfaith marriages are considered civil marriages and must be carried out in a foreign country. An individual's sect is mentioned on a civil registration document, though not on identification cards or passports. In February 2009, Minister of Interior Ziad Baroud issued a memorandum allowing individuals to petition to remove their sect from the civil register, though many criticized this step as insufficient and largely ineffective given the entrenchment of sectarian divisions in the broader legal and political system. Various religious communities offer religious education through their own

school systems, and religious leaders are appointed from within each religious community. These appointments and elections are occasionally influenced by political leaders, but they remain largely independent.

Freedom of assembly is guaranteed by the constitution, and it has expanded dramatically since the end of the Syrian military presence. Demonstrations technically require the prior approval of the Ministry of Interior, though demonstrations and sit-ins have sometimes taken place without such approval, and there is little or no interference by state authorities in practice. In February 2006, demonstrators protesting Danish cartoon depictions of the prophet Muhammad attacked and burned the building housing the Danish consulate in Beirut, and although dozens of demonstrators were arrested, they were later acquitted. In January 2008, demonstrations to protest power outages evolved into violent clashes with the Lebanese army, leading to the death of seven civilians. And from December 2006 to May 2008 the opposition staged a prolonged sit-in in downtown Beirut that was left unhindered by the state, although it also enhanced the public sentiment that political factions have abused the right to assembly by staging endless political rallies, disrupting normal life and contributing to the closure of dozens of businesses.

The state widely respects the right to form, join, and participate in trade unions. The General Confederation of Labor Unions is a historically powerful grouping of specialized federations, but in recent years it has been accused of siding with the political opposition in most of its rallies and calls for strikes. In fact, the May 2008 clashes between government and opposition supporters began with a strike that was supposedly aimed at protesting price hikes.

## **RULE OF LAW**

**3.54**

INDEPENDENT JUDICIARY	3.40
PRIMACY OF RULE OF LAW IN CIVIL AND CRIMINAL MATTERS	3.00
ACCOUNTABILITY OF SECURITY FORCES AND MILITARY TO CIVILIAN AUTHORITIES	2.75
PROTECTION OF PROPERTY RIGHTS	5.00

The judiciary consists of civilian courts, a military court, the Judicial Council, and the Constitutional Council, which has the authority to rule on the constitutionality of government actions. The judicial system functions reasonably well, and the civilian courts follow international standards of criminal procedure. However, the judiciary faces limits on its independence. Until 2005, it faced pressure by influential, Syrian-backed politicians, and it remains subject to executive and confessional influence on appointments and financing. Due process rights are not well protected in the military court, which consists largely of officers with no legal training and features trials that are concluded in a matter of minutes.

The Judicial Council nominates judges, who are then approved by the minister of justice, and monthly salaries and expenses are paid by the minister of finance. A member of the Judicial Council resigned in October 2008, citing the body's refusal to endorse even one of the hundred or more qualified judges on its list over the previous two years. Only rarely have judges shown true independence by making decisions that went against the government, and even in these instances the judgment was not always carried out. In the past year, the independence of the judiciary has been questioned by the opposition following the release of four intelligence generals who were incarcerated in the aftermath of the Hariri assassination. They were freed for lack of evidence, leading many to interpret the initial arrests as politically motivated. Moreover, they had been held in preemptive detention for some three years despite rules limiting such detention to a three-month period, renewable once.

In 2006, the March 14 Coalition majority in the parliament amended Law No. 250/1993 to disband the Constitutional Council before its official term expired, purging the judiciary of what were considered pro-Syrian judges. Legal experts considered this action unfair and a dangerous precedent for heavy-handed political interference in the judiciary.<sup>23</sup>

The judiciary is also subject to pressure by parochial sectarian interests, particularly in nominations to the Constitutional Council and the Judicial Council, whose seats must be apportioned by confession. Indeed, the two bodies were suspended from 2004 until 2009, when the major sectarian leaders reached an agreement on their composition. Judges and other officials in the judiciary are appointed in a similar manner, based on a sectarian quota defined in advance. The delicate sectarian balance makes it difficult to completely protect the judiciary from interference by religious leaders. For example, the mostly Sunni suspects jailed after the attack on the Danish consulate were quietly released following protests by the Mufti of the Republic. The training of judges is carried out at the Judicial Training Institute and is generally done in a professional manner. Allegations of judicial corruption emerge from time to time, but it is not widely perceived to be a serious problem.

While the ordinary justice system is seen as competent and reliable, it suffers from backlogs, understaffing, and a lack of in-service training, prompting calls for serious reforms. While defendants have the right to independent counsel, there is no legal aid for those who cannot afford an attorney. Moreover, high court fees make access to justice difficult for many.

The Central Inspection Bureau (CIB) is charged with investigating wrongdoing by public officials, but it has rarely been able to prosecute senior politicians. It has pursued lower-ranking individuals, though its procedures are not fully transparent. According to the CIB, in 2007, 200 low-ranking civil servants were referred to the disciplinary council.<sup>24</sup> The legal immunity enjoyed by public officials poses a key obstacle to justice in such cases. Charges against a public official or civil servant for a bureaucratic violation or a felony must be

approved by that official's agency and by the prosecutor general. There are no whistleblower protection laws or access to information laws, seriously hindering investigations against public officials.

The ISF is in charge of internal security and includes an antiriot force. Because the ISF is perceived to be under the control of the Sunnis, however, the army assumes antiriot duties in most instances. The military is seen as the sole guarantor of peace and stability in Lebanon and is regarded as nonsectarian and trustworthy by the public. The General Directorate of State Security, which oversees immigration, diplomatic security, and the national borders, is perceived to be under the control of the Shiites. There is also a security agency under the control of the Council of Ministers that is limited to the protection of prominent figures and leaders.

Civilian control over the military and security services is at times limited by confessional loyalties. In 2006, the minister of interior tried to centralize intelligence information by requiring security agencies to utilize one main computer system at the ministry. The General Directorate of State Security, considered close to the opposition, refused to comply, and the entire initiative was frozen.

Accountability for involvement in human rights abuses is limited. With the exception of the 2005 arrest of the heads of the four major intelligence services at the request of an international investigator, there have been no other recorded instances of military or security officials being arrested by civilian authorities. Though there is a parliamentary committee for defense and security, its mandate has been limited to approving budgets and other bureaucratic matters. During the fighting in Nahr el-Bared in 2007, civil society groups and camp residents made multiple complaints of alleged rights violations by the army, but no investigation followed. The army command suspended 11 soldiers and temporarily detained 3 officers for misconduct after the deadly clashes with demonstrators in January 2008, but the results of the investigation were never released to the public.<sup>25</sup> This rare case of disciplinary action by a security service was widely seen as politically motivated since the army commander was a presidential hopeful and did not want to alienate the opposition, with which most of the victims were affiliated.

In recent years there has been no significant interference by security services in the political process, though prior to 2005 it was common practice for security officers to rig elections and involve themselves in political appointments and even judicial decisions. There is no human rights training for members of the military or security services. Corruption is not considered a problem in the security forces.

Property rights are generally protected, and regulations pertaining to the acquisition, benefits, use, and sale of property are well defined. This fits with the generally market-oriented economy and the country's plans to join the World Trade Organization (WTO). It is important to note, however, that Law No. 296/2001 bars Palestinian refugees from owning property due to concerns

that they could permanently settle in Lebanon and alter the sectarian balance. Women can freely own property but cannot bequeath it to children of foreign fathers.

The private sector forms the backbone of the economy, and the government is careful to protect the country's reputation as a land of free economic and trading activities to help attract investment. Foreign investors may fully own and manage their business and private assets without any restriction, and they are not obliged to engage in any particular sector or project. Resource allocation is a business decision that public authorities may not influence through direct intervention.

<b>ANTICORRUPTION AND TRANSPARENCY</b>	<b>2.60</b>
ENVIRONMENT TO PROTECT AGAINST CORRUPTION	1.75
PROCEDURES AND SYSTEMS TO ENFORCE ANTICORRUPTION LAWS	2.50
EXISTENCE OF ANTICORRUPTION NORMS, STANDARDS, AND PROTECTIONS	3.00
GOVERNMENTAL TRANSPARENCY	3.17

Since the destructive civil war, the government has generally succeeded in restoring functional state institutions. Nevertheless, pervasive patron-client networks, confessional apportionment of jobs and positions, and conflicting authority between different agencies hinders efficiency and facilitates corruption. Bureaucratic red tape allows officials to solicit bribes for the provision of state services, a phenomenon that has undermined the government's credibility and contributed to the rise of nonstate actors like Hezbollah. Lebanon ranked 102 out of 180 countries on Transparency International's 2008 Corruption Perceptions Index, receiving a score of 3.0 out of 10 for the second consecutive year.<sup>26</sup> Lebanon has yet to sign the UN Convention Against Corruption.

In a system where compromise is always necessary to maintain the sectarian balance of power and protect confessional spheres of influence, it is very difficult to enforce accountability and integrity, even when required by law. Petty bureaucratic corruption is endemic, and it is common for public servants to view their positions as a means of earning money and obtaining kickbacks. There is no clear antibribery law or ombudsman mechanism to field complaints. Bribe takers are usually members of cliques that are protected by powerful politicians or communal leaders, rendering them essentially immune from punishment. Dismissal of civil servants for any form of malfeasance is rare.

During the period of rapid postwar reconstruction under Rafik Hariri, accusations of vast corruption and embezzlement of state funds were common. Many of the public facilities that were rebuilt—such as the airport, seaport, and sports stadium—were thought to have cost less than what was spent on them, but because there was no formal audit or control over expenditures, it has



been difficult to verify these allegations. Special councils such as the Council for Development and Reconstruction, the Council of the South, the Fund for the Displaced, and the Municipality Fund were created to run the rebuilding efforts, while the roles of the Ministry of Labor and Public Works and the Ministry of Interior were significantly reduced. The special councils and funds came under the direct control of sectarian leaders and were not accountable through official state channels of audit and procurement. They continue to make up a sizable share of the annual state budget and remain unaudited.

There are no laws that prevent appointed or elected officials from pursuing other jobs, or that clearly define conflicts of interest. Many incumbent lawmakers, for example, continue to practice their previous professions as lawyers, bankers, or entrepreneurs. The Constitutional Council requires that officials submit a summary of their assets at the beginning and the end of their tenure, but the disclosures are confidential. Regulation of political party financing is rarely if ever enforced, and parties are funded with undisclosed sums from unknown sources. Some are believed to receive substantial support from foreign powers. The lack of transparency is exacerbated by Lebanon's ironclad banking secrecy laws, which undermine asset declarations and hinder efforts to investigate malfeasance.

The CIB, the Court of Accounts, and the Civil Service Board are all tasked with investigating allegations of official corruption and referring cases for prosecution. There is also a disciplinary council to oversee all ministries and produce yearly reports about abuses and corruption. Efforts to establish a parliamentary committee to investigate and eventually prosecute senior officials have never come to fruition, and a law establishing an ombudsman's office was passed in October 2004 but never implemented. In practice, the existing anticorruption bodies are ineffective and have rarely issued indictments of senior officials. There are no adequate state mechanisms to compensate victims of corruption.

Because of these institutional weaknesses, fighting corruption remains a political decision and is directly related to the sectarian balance of power between major politicians. In the late 1990s, then minister of energy Shaeh Barsoumian was jailed on charges of embezzling ministry funds, but he was released after a few years due to intervention and lobbying by influential figures in his Armenian community. During the 2006 war between Israel and Hezbollah, a scandal about a public servant illegally selling donated rations appeared in newspapers, but it quickly disappeared following an intervention by influential politicians.

There is no way to accurately audit and verify the collection of taxes, given the banking secrecy enjoyed by citizens and corporate entities, nor are there effective mechanisms to protect educational institutions from corruption and political influence. The Lebanese University, a public institution, is seen by many as a victim of corrupt practices and sectarian appointments that deprive it of much-needed competence. Instances of students being required to bribe teachers or pay additional fees to access basic educational services are rare.

Nevertheless, following the withdrawal of Syrian troops, one case of a forged medical degree granted by the Lebanese University Medical School to the brother of a Syrian intelligence officer made headlines.

A widely publicized effort by civil society and several lawmakers to pass whistleblower protections and freedom of information legislation has not been successful to date. State institutions are not required by law to publicize their procedures, deliberations, or decisions. The public generally learns of corruption scandals only when something is leaked to the press or announced by a state official.

The executive budget-making process is generally transparent and open to intense scrutiny by the legislature. However, passing the budget is a matter of consensus between rival factions. Because of the deadlock between the majority and opposition in recent years, the state still functioned based on the 2005 budget at the time of writing. While the Audit Bureau considers this legally questionable, lawmakers have justified it on force majeure grounds.

Since 2005, the Ministry of Finance has published accurate accounts of expenditures on its website. In general, these are made public every year. The awarding of government contracts, however, is not always an open and transparent process. As mentioned above, entities like the Council of the South and the Fund for the Displaced are not open to public scrutiny and are not obliged to apply open procurement and bidding mechanisms in selecting their projects.

The distribution of foreign assistance, especially in the wake of the civil war and the 2006 conflict between Israel and Hezbollah, has been bitterly criticized by civil society and independent observers. The political crisis and the sit-ins that ensued after the 2006 war, as well as the rapid disbursement of funds, left the government ill-equipped to manage the spending. Donor competition and duplication added to the confusion, as did the rival reconstruction priorities of the opposition and the majority.<sup>27</sup> Controls appear to have improved more recently, and the Ministries of Interior, Administrative Reforms, and Justice have created offices for the coordination of donor money.

## RECOMMENDATIONS

- In order to encourage the emergence of modern political parties and issue-based, nonsectarian politics, continue the implementation of the 1989 Taef accords by creating an upper house of parliament that is free of sectarian quotas.
- Continue efforts at electoral reform based on the recommendations of the Boutros Commission, including the establishment of an independent electoral commission empowered to direct a redistricting process.
- Develop serious and credible initiatives to reform the security sector by transferring control to civilian authorities and introducing human rights training for all security forces.
- Apply Article 95 of the civil code, which safeguards the independence of the

judiciary. Empower the Judicial Council to make decisions on appointments, promotions, and discipline, and ensure judicial oversight by parliamentary committees. Include among the reforms a program of early retirement for older high-ranking judges and their replacement with younger jurists, as well as the modernization of the Judicial Training Institute and the adoption of a code of ethics for judges.

- Encourage women's participation in politics by including in any electoral reform a quota within the electoral lists for parliamentary and municipal contests.

## NOTES

For URLs and endnote hyperlinks, please visit the *Countries at the Crossroads* homepage at <http://freedomhouse.org/template.cfm?page=139&edition=8>.

- <sup>1</sup> "Lebanese Government Aims to Reduce 'Public-Debt-to-GDP Ratio,'" *Daily Star*, March 19, 2009.
- <sup>2</sup> United Nations Development Programme (UNDP), *UNDP's Participation in Lebanon's Recovery in the Aftermath of the July 2006 War* (Beirut: UNDP, 2007), 12.
- <sup>3</sup> Huda Rizk, "The Positions of Political Forces before and after the Elections," in *The 2005 Legislative Elections in Lebanon: In the Midst of Regional and Local Transformations* (Beirut: Lebanese Center for Policy Studies [LCPS], 2007), 31 (in Arabic).
- <sup>4</sup> The commission's work and the full text of the proposed law can be accessed at the commission's website.
- <sup>5</sup> Maysam Ali, "New Law Fails to Curtail Campaign Spending," NOW Lebanon, May 20, 2009.
- <sup>6</sup> For a full, simulated comparison between the electoral laws of 2005 and 2009, see the website of the Civil Campaign for Electoral Reforms.
- <sup>7</sup> Detailed information on the membership and work of the commission can be found at <http://www.elections.gov.lb>.
- <sup>8</sup> Amnesty International, "Open Letter to Lebanon's Political Leaders Urging Them to Place Human Rights at the Centre of their Election Campaigns," April 23, 2009.
- <sup>9</sup> "Lebanon Army Chief Is Elected president," *New York Times*, May 25, 2008.
- <sup>10</sup> S. Nasr, *Arab Civil Societies and Public Governance Reforms: An Analytical Framework and Overview* (Beirut: UNDP Publications, 2005), 8.
- <sup>11</sup> Office of the Prime Minister, *Information International 79* (February 2009): 5 (based on the official gazette). All official gazette editions are published on the website of the Prime Minister's Office and can be accessed at <http://www.pcm.gov.lb>.
- <sup>12</sup> A report on the campaign is available at [http://nesasy.org/index2.php?option=com\\_content&task=view&id=5715&Itemid=179](http://nesasy.org/index2.php?option=com_content&task=view&id=5715&Itemid=179) (in Arabic).
- <sup>13</sup> Samir Kassir Eyes, "Annual Report Summary of 2008," SKeyes home page, February 12, 2009.
- <sup>14</sup> Paul Cochrane, "Are Lebanon's Media Fanning the Flames of Sectarianism," *Arab Media & Society 2* (May 2007): 4.
- <sup>15</sup> OpenNet Initiative, "Lebanon," in *Country Profiles* (Munk/Toronto/Cambridge/Ottawa: Citizen Lab, University of Toronto, Berkman Center for Internet & Society, and SecDev Group, August 6, 2009).
- <sup>16</sup> The Lebanese Association for Education and Training (ALEF), *Lebanon: The Painful Whereabouts of Detention* (Beirut: ALEF, February 2008), 13.

- <sup>17</sup> Human Rights Watch, *Lebanon's 2009 Parliamentary Elections: A Human Rights Agenda* (New York: Human Rights Watch, May 2009).
- <sup>18</sup> Ibid.
- <sup>19</sup> ALEF, *Lebanon*, 21.
- <sup>20</sup> Ibid., 54.
- <sup>21</sup> Oussama K. Safa, *The Official Campaign against Corruption in Lebanon* (Beirut: LCPS, 2000).
- <sup>22</sup> ALEF, *Lebanon*, 19.
- <sup>23</sup> N. Saghiyeh, *Critical Review of the Post-Taef Judicial Reform Discourse*, LCPS Policy Papers No. 2 (Beirut: LCPS, 2008), 13 (in Arabic).
- <sup>24</sup> For more information, see the Central Inspection Bureau's website at <http://www.cib.gov.lb/rap2007.htm> (in Arabic).
- <sup>25</sup> "Moussa in an Impossible Mission and Investigation Continues," *Al-Akhbar Daily*, February 5, 2008 (in Arabic).
- <sup>26</sup> Transparency International, *2008 Corruption Perceptions Index*, (Berlin: Transparency International, September 22, 2008).
- <sup>27</sup> M. Kraft, M. al-Masri, H. Wimmen, and N. Zupan, *Walking the Line: Strategic Approaches to Peacebuilding in Lebanon* (Bonn: Working Group on Development and Peace, December 2008), 7.