

MATT NASH

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Charbel moves to delay polls one week

Short delay sought to salvage polling in June.



Voters may have to wait an extra week – or longer – to elect the next Lebanese parliament. (AFP Photo)

With a paltry 25 candidates currently contesting the 2013 parliamentary elections, caretaker Interior Minister Marwan Charbel is looking to extend the filing deadline by one week. Approving the request, however, would require either Caretaker Prime Minister Najib Miqati to act unconstitutionally or presumed PM-to-be Tammam Salam to form a government and sign the decree before April 10.

Charbel issued a decree on Friday requesting the extension, and according to Michel Karam, an aide, the decree is only awaiting the signature of President Michel Suleiman before being enforced, which Karam insisted would happen soon.

However, both the president and prime minister need to sign the Interior Minister's decree for it to be enforced, Jihad Rizkallah, a lawyer familiar with election law, told NOW.

Article 64 of the constitution says a caretaker government cannot sign decrees, but they have in Lebanon's history, so there is a precedent for Miqati to act. He could not, however, be reached for comment.

At the beginning of March, President Michel Suleiman and then-PM Miqati signed a decree calling for elections on June 9, in line with the still-legally-binding election law on the books (Law No. 25 of 2008, commonly referred to recently as the “1960 law”).

Article 49 of the existing election law says that anyone wishing to contest the elections must file their candidacy with the Ministry of Interior “60 days before polling day.” By law, the deadline for candidates to file is currently April 10. Charbel’s decree, if signed by the president and a prime minister, would move the actual election day to June 16, pushing the candidate filing deadline to April 17.

All of this becomes irrelevant, of course, should parliament approve a new election law or delay the polls by extending its own mandate, said lawyer Rabih Fakhry, who specializes in election laws. If there is a delay or a new law, he said that candidates who have filed their papers with the Ministry of Interior would be reimbursed the fee and deposit (totaling \$4,000 USD) they are required to pay.

He also noted that these candidates “can sue for damages” if a delay or new law come to light. If there’s a new election law, Fakhry said any candidates who have already filed their papers would have to re-file under the terms of the new law.

However, should it come to pass that no new election law is put in place and parliament does not extend its own mandate, the elections will proceed as scheduled, Fakhry and Zeina Aawar, communications director of the Lebanese Association for Democratic Elections, told NOW. And given the minimal turnout in terms of candidates filing to date, it seems most who filed would win straight away – especially given that Christian leaders from across the political spectrum announced this week they would boycott the candidate filing process to protest any possible use of the current election law.

Aawar noted that the law on the books says that any candidate running unopposed for a seat is automatically elected. Fakhry added that if that happens, and only a handful of the 128 parliament seats are filled, the remaining unfilled seats will be contested in the future as by-elections (i.e., the open seats will be treated as a seat is treated when a parliamentarian dies in office).

Article 45 of the current election law says by-elections to fill vacant seats must take place “within two months after the vacancy date,” meaning on or before August 9 or 16, depending on whether or not Charbel’s decree is approved.

In the end, based on numerous conversations with people from across the political spectrum, it seems the most likely scenario is for Parliament to extend its own mandate for at least five months once the new PM forms a cabinet.