



The ten members of the previous Constitutional Council.
 See <http://www.conseil-constitutionnel.gov.lb>

The Constitutional Council is established under Article 19 of the Lebanese Constitution.

Article 19

A Constitutional Council is established [...] to arbitrate conflicts that arise from parliamentary and presidential elections. [...]. The rules governing the organisation, operation, composition and modes of appeal of the Council are decided by a special law.

This provision was adopted in 1990 as one of the constitutional amendments introduced by the Taef Agreement. Previously, challenges to electoral results were handled by Parliament itself.

The Law on the Constitutional Council was adopted in July 1993, and was recently amended by Parliament in December 2008. It is supplemented by the formal regulations of the Council, adopted in its Bye-Laws of 2000 which have the force of law.

The Lebanese Constitution is available here:
<http://elections.gov.lb/Legal-Framework/Constitution.aspx>

The Law on the Constitutional Council (Law No. 250 of 1993) and the Bye-Laws of the Constitutional Council (Law 243 of 2000) are available here:
<http://elections.gov.lb/Legal-Framework/conseil-constitutionnel.aspx>

Mandate

The Constitutional Council, 'an independent constitutional body of judicial nature', has a jurisdiction limited to reviewing the constitutionality of laws and to adjudicating on challenges to the results of presidential and parliamentary elections. This mandate includes any challenges to the election of the Speaker of Parliament.

Composition

The Constitutional Council is composed of ten members, five appointed by the Lebanese Parliament and five by the Council of Ministers. *De facto*, there must be a balance in its members between Christians and Muslims. The members of the Constitutional Council must be aged between 50 and 70 years and must have at least 25 years of experience as judges, lawyers or legal academics. The members have a six-year term of office but exceptionally under the December 2008 amendments, half of the current members will be required to leave after three years. The five members to be replaced will be chosen by lottery.

The 'parliament' members

The five 'parliament' members were chosen by a vote held in the Parliament on 18 December 2008. Of sixteen nominees, two were appointed in the first round of voting with an absolute majority of all 128 Deputies. A second round of voting was then held to select the remaining three members, requiring a simple majority of the 115 Deputies present for the vote.

<i>Nominees as parliamentary members</i>	<i>Votes in 1st Round</i>	<i>Votes in 2nd Round</i>
Ahmad Taqi El Dinn (Shia)	105*	
Tarek Ziyadeh (Sunni)	104*	
Zghaloul Attieh (Greek Orthodox)	64	62**
Antoine Messara (Greek Catholic)	63	65**
Antoine Kheir (Maronite)	63	63**
Raymond Eid	49	41
Michel Bou Arraj	48	43
Salah Moukhaiber	46	43
<i>Eight other nominees won less than five votes each and so did not enter the second round</i>		<i>* elected in 1st round ** elected in 2nd round</i>

Nominees as 'cabinet' members

- Salah Moukhaiber** (Greek Orthodox)
- Issam Suleiman** (Maronite)
- Assad Diab** (Shia)
- Souheil Abdel Samad** (Druze)
- Twofiq Soubra** (Sunni)

No other nominees were discussed.

The 'cabinet' members

After extensive delay, the five remaining 'cabinet' members were appointed by a unanimous vote of the Council of Ministers on 26 May 2009. There had been growing public, political and diplomatic concern that a failure to appoint the full membership of the Constitutional Council ahead of the 7 June parliamentary elections could undermine the credibility of those elections, as no other body would have the authority to resolve challenges to the results. The delay in the appointment was part of a broader political deadlock over issues being discussed by the Council of Ministers.

Appointment of the Constitutional Council President

Law 250 requires that the first act of the Constitutional Council members after taking their oath is to elect a President (who has the rank of a Minister) and Vice-President. On 27 May 2009, media reports have indicated that the Cabinet have agreed that Issam Suleiman, the nominee of President Michel Sleiman and a legal professor, will become the Council's President. The ten members will also vote for two of their colleagues to act as the Secretary-General and a member of the General Council Office, which is headed by the President and which is responsible for the organization of caseload and administrative issues.

Quorum and decision-making

At least eight members of the Constitutional Council must be present for it to be in session (Article 11 of Law 250). For a challenge against the results of the parliamentary elections to succeed, it must be supported by at least seven members (Article 12). Members are able to make dissenting judgments which are published. The decisions of the Constitutional Council are irrevocable and cannot be appealed. Members of the Constitutional Council are forbidden from discussing their deliberations.

Challenges to election results (see Articles 24-31 of Law 250)

The results of an election in a district can only be challenged by a losing candidate from that district. The challenge must be submitted to the Bureau of the Constitutional Council within 30 days of the announcement of the official results. The challenge must state reasons and evidence for why the results should be annulled. The Speaker of Parliament and the Minister of Interior are informed of the challenge. The Ministry of Interior must provide the Constitutional Council with all relevant documentation relating to the challenge.

The submission of a challenge does not suspend the announced results, and the Deputy being challenged will still be able to function in full as a parliamentarian. The Deputy being challenged has the right to be provided with full details of the claim and may respond to the challenge or provide counter-evidence within 15 days. Both sides are entitled to be represented by a lawyer.

The role of the Supervisory Commission for Electoral Campaign (SCEC)

The SCEC is under an obligation to submit its report on a Deputy's compliance with campaign finance rules in any case where there is a challenge against the results relating to the Deputy's seats (see Parliamentary Election Law Article 62). It is not yet clear if the SCEC will make its campaign finance reports available to the Constitutional Council on all elected Deputies or if it will provide the report on whether the Deputy being challenged complied with media regulations.

Review of the challenge

The President of the Constitutional Council will assign one member to review the challenge. The assigned member "enjoys broad powers...to carry out required investigations" including the right to call "anyone he considers fit" as a witness or to provide evidence, although arrest warrants cannot be issued. A draft report must be submitted within three months of the date the member was assigned to review the challenge. The report is submitted to the Constitutional Council President who must "immediately" call a session of the full Council to discuss the report. The Council must then reach a decision within one month.

Enforcement powers of the Council

If the Council votes to accept a challenge as valid, it has two options:

- Option One:* It annuls the result of the election for the challenged seat, cancels the mandate of the Deputy, announces corrected results, including the name of the new Deputy (it need not be the candidate who submitted the challenge).
- Option Two:* It annuls the result of the election for the challenged seat, and calls for a new election for that seat, requiring a by-election in line with the Parliamentary Election Law.