



May 25, 2020

## Request to the United Nation

### Reason:

Corruption of the rulers, failure of the State to respect the international commitments which bind it and especially those stipulated in the UN Convention against corruption and the repercussions of this generalized corruption and this failure of the State on "the State of law and democracy" and on "security of Lebanese people "and its maintenance on the territory.

### Applicants:

- Mouvement des Citoyens Libanais du Monde (MCLM)
- Lebanese Swiss Association – L.S.A.
- Hiam B. Mouannès, Maître de Conférences
- Maitre Nadine Moussa - Attorney in Law
- هيئة حماية الثورة - Revolution Protection Body -
- المرصد اللبناني للفساد - Lebanese Observatory for Corruption -
- Lebanon Abroad
- Le RPL - Beyrouth
- United Anti Corruption Canada UACC
- Green Party of Lebanon

**Request:**

Put pressure and enjoin the power in place to take the necessary measures to stem corruption from its roots and its consequences on the functioning of public institutions and help the Lebanese people to recover to rebuild a true rule of law and democracy- by particularly implementing articles 11, 13, 31, 40, 52 - of the UN Convention against Corruption, in light of the flagrant violation by Lebanese authorities of both the spirit and substance of this convention.

**Facts:**

Since October 17, 2019, Lebanon has experienced a Revolution against the corrupt political system and against the denial of the gravity of the situation by the ruling power. The country has been crumbling under debt and economic problems for over 30 years; the giant peaceful protest movement against the government is an indicator of the general anger and rage of the Lebanese people.

We, as a civil society in Lebanon, have been trying for years to promote the need for change of the system in place (it has not really changed since the establishment of the State of Greater Lebanon in 1920) and this, despite the challenges we faced in the complex society of Lebanon.

In the last years preceding the October 17/2019 Revolution, Lebanon experienced a considerable increase in public debt (\$92 billion, or more than 150% of its GDP, one of the highest ratios globally according to the International Monetary Fund), unemployment (rate today stands at 40%) and poverty (two million Lebanese currently living below the poverty line). The economic system is collapsing and the Lebanese government can no longer ignore the serious repercussions of these crises. A budget plan was curiously presented the same day of the Revolution when no plan had been since 1990! So, over the past thirty years, the government was spending public funds with no vision or economic plan to adjust government spending and revenues. It should be mentioned that all spending was for personal gain for the benefit of those in power (ministers, deputies, etc.), which accelerated the economic crisis. The budget plan presented in October 2019 admits the presence of a huge deficit and indicates, to escape the crisis, the need to reduce it by overwhelming taxpayers with more taxes. These additional taxes have only exacerbated the Lebanese anger throughout the territory.

In this request, the applicants is addressing your General Assembly to demonstrate to you what brought the Lebanese people to the Revolution demanding the resignation of the government and the modification of the corrupt political system. We expose below the specificity of the corruption of the Lebanese political system and its infiltration in all the political, administrative and judicial sections of the State. Our request to the United Nations General Assembly has a basis and a request.

The foundation: Lebanon is a founding and active member of the United Nations; it is bound by its provisions as well as those of the Universal Declaration of Human Rights of 1948 (paragraph 3 of the Preamble to the Lebanese Constitution revised on September 21, 1990); Lebanon is also bound by the provisions of the United Nations Convention against Corruption (known as the New York Convention, which Lebanon ratified on April 22, 2009). However, none of the obligations arising from said international commitments are respected by the Lebanese authorities (in power for thirty years!).

**The request:** To put serious and effective pressure on the Lebanese power in place and to enjoin it to take the necessary and urgent measures to stem from its roots this endemic corruption, to annihilate its consequences on the progress of public institutions and to help the Lebanese people to rise to rebuild a true rule of law and democracy.

### **1. How corruption manifests in Lebanon and how it plagues the entire political, administrative and judicial system:**

Corruption occupies a dominant place in Lebanese governance, it plagues the public sectors to such an extent that it has become an integral part of governance and administration policy since the period preceding the 1990s; this endemic corruption had a serious impact by affecting Lebanese society in vital economic, social and environmental terms.

All politicians in Lebanon (without exception) abuse their power and their dominant position for private gain. The practice of corruption, clientelism, embezzlement of public funds, lobbying, conflicts of interest, favoritism and all kinds of unhealthy pressures and influences is practiced in all public sectors from the highest hierarchy to the most subordinate function. In fact, and according to the report by the NGO Transparency International (TI) and the corruption perception index of 2018, Lebanon is in 138th place out of 175 in the ranking of the least corrupt countries.

Political parties, public administration, parliament, the police and the judiciary are seen as the most corrupt institutions in the country. Indeed, since 1990, no anti-corruption measures have been taken; inaction and negative incompetence of public authorities encouraging clientelism and the misappropriation of public funds, and consequently delaying any social and economic development of the country. As such, and according to the World Competitiveness Report of the World Economic Forum in 2012-2013, corruption is one of the major obstacles to the conduct of economic activities in Lebanon, an obstacle coming just after insufficient infrastructure, red tape and government instability.

Although the Lebanese Penal Code criminalizes most forms of corruption, bribery has become commonplace and an official practice to facilitate business in Lebanon. Many laws against corruption have been enacted but never implemented, either because the necessary

decrees of application were never issued (like for example the law of the right to access to information) or because the stipulations of the law made its application impossible (the law against illicit enrichment) or because the relevant authorities never exercised their competences in applying the law...)

In reference to what has just been mentioned above, Lebanon was placed in 2011 in the bottom quartile of the World Bank's indicators of global governance (WGI). Lebanon scored 19.4 on a scale of 0 to 100 in terms of corruption control.

For these reasons, corruption is perceived by Lebanese citizens as a problem aggravating the economic recession in Lebanon, and this has resulted in the Revolution that we have known since October 17, 2019.

## **2. The multiple forms of corruption in Lebanon:**

### **2.1. political corruption:**

The Lebanese political regime is parliamentary, but the political system is based entirely on a sharing of power between the different religious communities. The confessional distribution of the two sovereign powers (the Legislative and the Executive) extends to all other jurisdictional and administrative authorities. However, this sharing of absolute power in closed circles has always favored the respective interests of community leaders, political parties, the Executive and Parliament at the expense of the interests of the Lebanese Nation and "people". The constitutional obligation to abolish political confessionalism has never seen even the shade of a pre-plan by stages for its realization (cf. paragraph H of the Preamble to the Constitution and articles 22, 24 and 95 of the Lebanese Constitution). And for good reason, the current system allows this "closed" circle in power thus communitarized to use and abuse corruptive processes (purchase of votes and other bribes, etc.) justifying this statement by Freedom House. in 2012: "Lebanon is not an electoral democracy").

Citizens do not trust their parliament or the political parties they consider among the country's main corrupt institutions. As such, a survey carried out by the Lebanese Association for Transparency in 2010 showed that 65% of Lebanese companies interviewed are forced to pay bribes to facilitate or speed up government procedures, 47.8% of these companies had to pay between 1% and 5% of their annual revenue to public officials. In 2011, Transparency International's global corruption barometer found that more than one in three citizens admitted to having paid a bribe the year before the survey. What is even more outrageous is the fact that 97.7% of companies feel obliged to pay a bribe to obtain a public contract. Bribes have become an official process to speed up the business of investors.

## **2.2. The police:**

The police are also prone to endure, even accept and practice corruption. According to Transparency International in 2011, 61% of citizens consider the police to be one of the most corrupt institutions in the country. 38% of Lebanese admitted to having paid bribes to the police in the past twelve months. Promotion in the police force also follows the same principle of denominational job sharing, the citizen simply cannot report a complaint to him, this complaint being unable to succeed because of the dependence of the police officers on those who "boosted" them to get their jobs!

In addition, there is no administrative or judicial mechanism for receiving administrative complaints or litigation for abuse of power by the police; The police institution also lacks the financial means to function properly (Global Integrity, 2009), which pushes police officers to act with impunity, especially in cases where they are affiliated with /or have links strong with powerful political and religious figures. This creates a real feeling of insecurity on the part of investors and citizens, as the police are not always reliable in protecting them from crime and within the framework of laws protecting freedoms and public order.

## **2.3. The judicial system:**

The Lebanese Constitution certainly guarantees the independence of the judicial authority (article 20 of the Constitution), but the institution undergoes, like all other elementary public services, a serious interference from politics and religion seriously and manifestly affecting its reliability (Freedom House, 2012). Political interference and the recruitment of judges based on confessionalism and political and religious affiliations make the judiciary vulnerable, ineffective and dangerous for litigants seeking "justice" (Global Integrity, 2009). It is therefore not surprising that, given this reality, Lebanon is ranked 131 out of 144 of the countries studied as regards the independence of their justice system.

The situation is even more serious and dangerous for citizens-litigants when we observe that a third of Lebanese citizens admit to having paid bribes to the judicial institution during the 12 months preceding 2011 (Transparency International). Bribes and irregular payments are often exchanged for favorable court decisions.

The Judicial Review Authority is responsible for monitoring the proper administration of justice and the ethics of judges. However, this Authority has not worked since 2007 (according to Transparency International, 2011) and still does not work. In addition, if a citizen wishes to access information relating to cases involving politicians, he must pay an unreasonable bond (\$ 16,000 USD); and if the complaint turns out to be unfounded, the complainant risks a substantial fine or even imprisonment. A bill on illicit enrichment defining criminal and civil offenses and the related sanctions was submitted to Parliament in 2009, but has never been examined (see Transparency International, 2011).

## **2.4. The energy sector:**

Electricity production in Lebanon is not self-sufficient and has been for the past thirty years. It is therefore supplemented by energy vessels "FATMAGÜL" which cost Lebanese taxpayers more than \$ 53 billion (as of the date of this request). Despite this exaggeratedly high cost, power cuts are incessant and daily. The Lebanese government has made no serious effort to reform and improve the energy sector.

Recently, oil and gas reserves have been discovered on the Lebanese coast. The revenue that Lebanon could hope for is likely to cover Lebanese debts and meet the energy needs of Lebanon and the Lebanese (Baroudi, 2012). The discovery of this natural wealth of Lebanon has only aggravated corruption. The government failed in creating and providing the administration with no plan to manage and extract these oil and / or gas reserves. No information or transparency exists on the budget and finances necessary to carry out the extraction. This bankruptcy is due to disagreements between the political parties and religious communities in power regarding the sharing by quota of this wealth.

## **2.5. Business and tax administration:**

The companies are in a dramatic situation because they cannot function without paying bribes especially in their relations with the administrative and fiscal authorities. Almost half of the companies admit having to give gifts and pay bribes to obtain building permits, for example.

In Lebanon illegal constructions are legion as well as the assignments for private purposes of the public domains. As for the citizens, they are totally helpless in the face of this scourge which eludes them and which puts investors, politicians and other influential generals in direct contact.

The export and import sector is not immune to corruption. Any effort to fight against this scourge is in vain because importers and exporters are caught in a vice to "advance their business". It should be noted that corruption affects the import sector more than the export sector.

## **3. What has the Lebanese state done to fight corruption:**

The Lebanese Government has failed in its fight against corruption. The few competent institutions are indeed subject to political interference and cannot therefore do their job properly. In this regard:

- **The Office of the Minister of State for Administrative Reform:** This has taken, since its creation in 1993, a number of anti-corruption measures but which have remained at the "project" stage: anti-corruption bills, projects Access to Information Laws, the

Citizens Charter, the Youth Charter against Corruption and the Civil Service Management Act which has worked to improve accessibility to information and public services. Despite these initiatives, these small steps have not lived up to expectations due to the interference of the general administration and the lack of real political will.

- **The Lebanese Court of Accounts:** This administrative jurisdiction is responsible for controlling the use of public funds in the State Administrations, autonomous offices and municipalities. The Presidency of the Court remained vacant between 2005 and 2010, paralyzing this institution reporting to the Prime Minister. The Court of Auditors is required to publish annual reports on its activities and make proposals for legislative reform, but no report was published between 2005 and 2010.
- **The Special Investigation Commission** was created in 2001 to investigate suspicious transactions relating to the Lebanese Central Bank. This Special Commission of Inquiry has exclusive jurisdiction to lift bank secrecy, deal with counterfeiting, terrorist financing, embezzlement, money laundering from organized crime and other financial criminal activities. In 2011, 355 cases were brought before this Commission, of which almost 10% concerned the financing of terrorism (which exceeded its own competence on this specific issue). An organism whose existence is purely formal and of no real use.

In addition, it was in vain that the summit of the Arab Forum for Combating Corruption and Financial Intelligence was held in Beirut in 2018 with the aim of finding best practices to fight corruption and to discuss the main obstacles and challenges faced by operational agencies regarding their anti-corruption actions.

The Chairman of the Financial Action Task Force for the Middle East and North Africa, who was also the Secretary-General of the Special Commission of Inquiry on Lebanon, Abdel Hafid Mansour, said that the fight against corruption does not had not been implemented in many countries, particularly developing countries. He added that the best evidence of the spread of corruption is the number of bribes paid by institutions and individuals each year worldwide. Meanwhile, the Egmont Group and the Lebanon-led Middle East and North Africa Financial Action Task Force have said that fighting corruption is one of the Presidency's priorities. In addition, OECD support for anti-corruption programs and initiatives, including those in the Middle East and North Africa, highlights the need for dialogue with stakeholders and the obligation to fight corruption effectively by providing assistance, if necessary, to any State which requests it. It is tragic that Lebanon did not respond favorably to this invitation.

The Governor of the Bank of Lebanon, Riad Salameh, referred to the 2015 legislative changes which broadened the reform of the law on money laundering and the financing of terrorism to bring it into line with FATF standards; these changes included corruption, embezzlement of public funds, conflicts of interest, abuse of power, unjust enrichment and

tax evasion. He pointed out that, according to him, the Special Commission of Inquiry and the Lebanese Financial Assessment Unit met all the requirements prescribed by international standards, and that the National Central Authority for the collection of transaction reports suspects were able to make appropriate decisions in this regard.

However when the special investigation committee was requested to freeze temporarily all suspicious assets belonging to politically exposed persons (peps) as of October 21 2019 , by the Association of Lebanese Judges, the Committee ignored completely such a request and never bothered to even reply to it.

However, for the effective implementation of these reforms, the governor relied in vain on the Government and its members who have held office for the past 30 years.

#### **4. Conclusion:**

The purpose of this request is to explain the reasons for the Lebanese Revolution of October 17, 2019 and to send an urgent appeal to the United Nations for help. This Revolution is a manifestation of the general anger accumulated over decades of corruption, a dysfunction in the governance of Lebanon, the failure or even the absence of basic public services. The unemployment rate in Lebanon has reached 40%, two million Lebanese live below the poverty line and its debt is around 92 billion dollars, more than 150% of Lebanon's GDP. Systemic and endemic corruption as well as the failure of the political authorities in place for thirty years have brought the country to its knees, annihilating any possibility of economic, political and social resolution and taking away all hope for the people to lead a normal, dignified and fulfilled life. within the framework of fair laws that protect rights and freedoms.

We request the United Nations to take the necessary measures with regard to the Lebanese power in place, by forcing it to stem from their roots all elements favoring and consolidating corruption (the prevention of conflicts of interest, pose and guarantee independence, neutrality and transparency of justice, etc.) and by requiring it to respect the provisions of the Conventions which bind it, in this case, the United Nations Convention against Corruption that Lebanon ratified on 22 April 2009.

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### **Le Mouvement des Citoyens Libanais du Monde (MCLM)**

Le MCLM réunit des ressortissants libanais résidant au Liban ou en dehors du Liban, indépendamment de leurs confessions ; il accueille toute personne désireuse d'agir activement afin de promouvoir et de défendre les valeurs démocratiques et républicaines au Liban, sur une base institutionnelle non confessionnelle ; le MCLM est enregistré au registre des associations de France sous le numéro RNA W751251717.

### **Lebanese-Swiss Association – L.S.A.**

The Lebanese Swiss Association for Human Rights protection, L.S.A is an association, which aims at achieving the 30 articles of the Universal Declaration of Human Rights, signed by the United Nations in Lebanon, and this is by using all the judicial routes available for the prosecution of anyone who stands behind the violation of human rights of the Lebanese people.

Lebanese-Swiss Association is a non-profit association under the laws of Switzerland registered under the number CHE-159.574.379.

### **Maitre Nadine Moussa - Attorney in Law**

Maitre Nadine Moussa is a Beirut based Attorney with over 15 years experience in public interest advocacy and promoting civil society organisations, subject of a profile in Wikipedia, founder and former president of the Lebanese Association to Prevent Corruption, civil rights advocate and pro-bono legal consultant for human rights and environmental cases and NGOs, advocate and local organiser for women's empowerment, published op-eds in local newspapers, speaker on the promotion of democracy and fight against corruption in the Arab world at several international forums (G8's Broad Middle East & North Africa Initiative, Arab parliament, Arab League) and active member of Lebanon Bar Association since 1995.

### **هيئة حماية الثورة - Revolution Protection Body**

The Revolution Protection Body is a round table including a variety of revolutionary groups. It offers a democratic platform for the 17th of October Lebanese revolution. Our main goal is to establish a real democracy and hold the corrupted officials who have been robbing us blind for 30 years accountable.

### **المرصد اللبناني للفساد - Lebanese Observatory for Corruption**

The Lebanese Observatory of Corruption was formally registered to the Lebanese Ministry of Interior in November 2005, under Number 155/2015, the members are of various communities and intellectual backgrounds. Since its founding, it has been aimed at detecting and exposing corruption in public administrations and public transactions and using the relevant references to hold the perpetrators accountable, in cooperation with civil society associations, the media and correctional initiatives from public activists. Since its inception, the Lebanese Observatory of Corruption has undertaken a series of efforts to correct public transactions, particularly in the areas of solid waste management, water management, electricity, communications, judiciary and regulatory systems, at the judicial and media levels and parliamentary pressure.

## **Lebanon Abroad**

Established in December 2019, Lebanon Abroad was established by a group of Australian Lebanese Diaspora who are passionate about democracy, social justice and humanity.

Lebanon Abroad is an NPO organization located in Sydney-Australia. Our mission is to support and raise awareness of any issues facing the Lebanese diaspora communities, and to offer guidance to the new Lebanese arrivals who want to settle, study or work in Australia. Most recently, after the Lebanese people started to peacefully protest against the corrupted and sectarian governance system in Lebanon, we took upon us the mission of providing them with any possible support. In Australia, we are living and experiencing the importance of human rights in building an equal, respectful and inclusive prosperous nation. Watching our fellow Lebanese uprising to demand the basic human rights for them and their children has sparked a hope to seeing Lebanon as fair and thriving as Australia.

## **Le RPL – Beyrouth**

Un groupe qui œuvre pour l'instauration d'un Etat civil et démocratique, Etat de droit, de justice et d'égalité devant la loi.

## **United Anti Corruption Canada UACC**

United Anti Corruption Canada UACC fights corruption within Canada and the Citizen's countries of origin, Lebanon is a preferred area of interest.

Our vision is for a society where strong, transparent, and accountable institutions ensure that corruption is not tolerated.

Our mission is to fight corruption through an emphasis on legal systems that work and effective enforcement of the law.

We have been watching the Lebanese strive for change since October 17, and we continue to support any correction measure that will ease the economic and structural crisis.

## **The 10 principles of the Green Party**

- 1-The Oneness of Man and Nature
- 2-Sustainable Development
- 3- Respect for Diversity and Difference
- 4-Equal Rights and Duties for Men and Women.
- 5-Democracy, Freedoms and Human Rights.
- 6- Modern State and Citizenship
- 7-Sound Administrative Decentralization.
- 8-A free and Orderly Economic System.
- 9-Nonviolence
- 10-Openness and International Cooperation.