

# Comprehensive Voter's Guide According to Law 44/2017





# Table of Contents

<b>First: Democratic System and Its Relationship to Elections</b>	<b>1</b>
<b>Second: Implications of Using One System of Electoral Systems and Its Obligations</b>	<b>1</b>
<b>Third: Electoral Terms</b>	<b>2</b>
Voter	2
Candidate	2
Proportional System	2
Constituency	2
Electoral Quotient	3
Electoral Threshold	4
Preferential Vote	4
White Paper	6
Open List	6
Incomplete List	6
Voting Paper or Ballot Paper	6
Electoral Silence	9
The Polling Station	9
The Body of the Polling Station	9
Voting Booth (Electoral Isolation)	10
Voter's List	10
<b>Fourth: The Method of Voting</b>	<b>11</b>
<b>Fifth: Looking Towards the Future</b>	<b>12</b>

## Introduction

The Comprehensive Voter's Guide comes as a summary of the project "Promoting the Culture of Democracy", which was implemented in 2017 in partnership between Advanced Democracy for Sustainable Peace and the Konrad Adenauer Foundation in various Lebanese regions. The aim of the project is to sensitize the Lebanese in general and voters of "young men and women" in particular on the importance of the electoral process and its impact on the democratic system. This process is accompanied by the necessity of correct representation of voters and the transfer of power. It requires familiarity with electoral systems in general, their forms and the basic terms on which electoral laws are based; in addition to the impact of each system and the accompanying controls or clauses that help legislators in the formulation of an electoral law, which serves the political aspirations of each state.

A clear systematic methodology has been adopted based on the introduction of ideas and terminology and the presentation of explanatory regulations. It also includes some examples and rules of calculation, in order to help the reader in general and the voter in particular to understand the basic provisions related to electoral law 44/2017 which will be held on Sunday, May 15th, 2022.

The guide contains five sections. The first section summarizes the relationship of the democratic system to the elections. The second section explains the implications of using one of the electoral systems. The third section, in a sequentially scientific manner, is the most important electoral terminology adopted in the electoral laws, providing a definition of each and explaining it, as stipulated in Law 44/2017. Followed by the fourth section, which helps the voter to understand the basic role and how to vote on Election Day. The guide is concluded with a fifth section through which we evaluate the electoral law and propose how

to rectify the negative aspects of this law, wishing the Lebanese in general and voters in particular to succeed in delivering their votes to seats in the upcoming parliament. Followed by Table No.1 - Annex to the law of the election of the members of the Parliament as stated in the text of the law, where the electoral constituencies and sectarian distribution of seats as well as a map showing the geographic divisions of the constituencies.

# Advanced Democracy for Sustainable Peace (AD 4 Peace)

Advanced Democracy for Sustainable Peace (AD 4 Peace) is a nongovernmental organization established on 21 September 2015.

## Purpose:

1. Ad 4 Peace works to publish and promote a culture of dialogue and democracy, and also seeks to prevent and resolve conflicts through peaceful means to reach more stable, open and acceptable sustainable society;
2. To reach the purpose, AD 4 Peace conduct several activities in accordance to the laws and regulations, including, but not limited to, seminars and training workshops, brochures and studies, media campaigns, and conducting all levels of activities (cultural, social, educational, sports, etc.).

## Objectives:

1. Disseminate and promote the culture of dialogue through empowering and enabling individuals of the modern methodology of dialogue and respecting rights and others opinion, that prevent and resolve conflicts by peaceful means;
2. Disseminate the advanced democratic culture and developing it through the provision of legal studies and suggestions, the adoption of educational and social programs that allow the individuals to participate through more representative electoral systems;
3. Strengthening the role of women in decision-making, conflict resolution and peace-building;
4. Create awareness programs for parents and children to resolve family conflicts peacefully.

## The Konrad Adenauer Foundation

The Konrad-Adenauer-Stiftung (KAS) is a German political foundation, closely associated with the Christian Democratic Union of Germany (CDU).

With regard to European and international cooperation efforts, KAS works for people to be able to live self-determined lives in freedom and dignity. Underpinned by those values, the foundation is making a contribution to help Germany to meet its growing responsibilities in the world. With more than 80 offices abroad and projects in more than 120 countries, Konrad-Adenauer-Stiftung makes a unique contribution to the promotion of democracy, dialogue, conflict prevention, civil society and social market economy.

The mission of the Country Program Lebanon is to:

- inform about relevant political, economic and social issues and offer platforms for exchange and constructive debate
- contribute to the political, economic and social development in Lebanon
- promote knowledge about the functioning of political institutions and processes
- support the political forces of moderation and progress
- strengthen the Lebanese Republic as a democratic and pluralistic state through its institutions
- foster bilateral relations between Germany and Lebanon

To achieve this, the Konrad-Adenauer-Stiftung works together with a multitude of local partners such as governmental institutions, political parties, think tanks, civil society associations, media, and organizations of the private sector as well as universities and scientific institutions.

*The content of this guide does not necessarily reflect the official opinion of the Konrad Adenauer Foundation. Therefore, the information and opinions contained therein are the writer's responsibility only.*

## **First: The Democratic System and Its Relationship to the Elections**

Elections are one of the most important pillars of the democratic system, through which the condition of the people's rule is achieved through the election of representatives, using an electoral system that allows for correct representation and fair distribution of seats. The votes are translated into seats in the parliament.

## **Second: The Implications of Using a System of Electoral Systems and Its Obligations.**

Election and representation can be achieved through a variety of electoral systems, which differ in their implications and results, depending on the cultures, characteristics and needs of the people. While the majority system requires small constituencies or single circle (one seat) for correct representation, the proportional system requires major circles or a single circle (all seats in parliament). The political nature of each country requires a certain kind of electoral system. Large parties are widely spread by the proportional system in large circles, while smaller parties, limited candidates or independent candidates are proportional to the majority system in individual circles. The type of list has an effect. If the lists are complete, then they serve the major parties or the political alliances. And if the lists are incomplete, then they serve the smaller parties or the regional parties, leading to the increase in the number of competing lists and resulting in the dispersal of votes. The list also has a significant impact on political life, whether it is open to voting for people (the voter has the right to arrange the list by means of a preferential vote and vote for individuals within the list), or closed (voting for parties or electoral programs). The more open regulations we have, the greater the possibility of forming political alliances, and the possibility of clear and real electoral programs. While closed lists in large circles prevent small parties or independent candidates from competing with major parties.



## Third: Electoral Terms

### Voter:

Is any Lebanese who meets the legal and civil conditions and has completed the age specified in the Constitution, i.e., the twenty-one years of age before the 31st of March of the year in which the elections are held, and not more than 100 years old in the same date; Whether resident or non-resident on Lebanese territory with the exception of non-retired military officers of all ranks, whether they are from the army or from the internal security forces, public security, state security, customs control and those in power.

### Candidate:

Every Lebanese shall be 25 years of age before March 31st of the year in which the elections are to be held. He/she is in the voter's list and is not deprived of his/her civil and political rights.



### Proportional System:

It's a list for each political party or force. Voters vote for a list that wins a percentage of seats in proportion to its percentage of votes, provided that it obtains at least the electoral threshold equivalent to the electoral score in Law 44/2017. The proportional system becomes more efficient with the increase in the size of the constituency, i.e. it is more representative and fair in the distribution of seats in the larger constituencies.

### Constituency:

It's an important geographic or population area with seats in the parliament. Administrative regions such as the judiciary or the governorate can be constituencies. In Law 44/2017, Lebanon is divided into 15 constituencies including province, such as Zahle, Metn, Baabda. Some are larger than provinces, and others includes a governorate. (Annex Table 1 - Annex to the law of the election of the members of the parliament).

## Electoral Quotient:

An accounting base used in proportional representation to calculate the number of votes needed to win a seat in the parliament. It is determined in Law 44/2017 at the level of the Great Electoral District, by dividing the number of valid votes cast and calculated by the number of seats allocated to this constituency. The lists that did not receive the electoral quotient are excluded from the distribution of seats. Then they calculate again the new electoral quotient after deducting the votes of the regulations that were excluded, in order to know the new electoral record, which will determine the number of seats won by each list.

The remaining seats shall be awarded to the eligible lists, which shall receive the largest fraction of the votes remaining from the first division by the rank of the party, and the same shall be repeated in the same manner until the remaining seats are distributed.

For example, there are three competing lists, A, B and C. They compete for 10 seats.

List “A” received 50,000 votes, “B” received 40,000 votes, or “C” received 9000 votes, while the remaining 1000 votes were white.

$$\begin{aligned}\text{Electoral Quotient} &= \frac{[\text{Number of votes (A + B + C + White votes)}]}{(\text{Total Number of Seats})} \\ &= 100000/10 \\ &= 10000 \\ &= \text{Electoral Threshold}\end{aligned}$$

Both lists A and B are qualified while list C was not qualified because it has not received at least 10,000 votes, thus re-calculating the electoral score.

$$\begin{aligned}\text{Electoral Quotient of Seats' Distribution} &= \frac{[\text{Number of votes (A+B+White votes)}]}{(\text{Total Number of Seats})} \\ &= 91000/10 \\ &= 9100\end{aligned}$$

List A has obtained:  $50000/9100 = 5.49$  (5 seats + 1 with the largest fracture 0.49)

List “B” has obtained:  $40000/9100 = 4.39$  (4 seats)

List A will receive 6 seats, and List B will have 4 seats.

The negative aspect of this law is that List C represents 9,000 voters and did not have a seat, while list A obtained only an additional seat with 4,500 votes through the fraction (0.49).

### Electoral Threshold:

The threshold is the minimum number of valid votes or the number of seats needed by a party, list or candidate to ensure its representation in the parliament. In electoral law 44/2017, the electoral threshold of each constituency is determined by at least one seat.

This will lead to a difference in the value of the threshold of the deduction among constituencies; Therefore to the inequality between the regulations of different constituencies.

### Preferential Vote:

Used in polling on ballot papers. Voters are allowed to arrange candidates according to their preference, or to select one candidate from the lower constituency (as defined in Law 44/2017) from the list he/she has chosen in order to increase the chances of the candidate in the seat that may be obtained by the list that was voted. So that the winner of the highest percentage of the preferential votes (in each denomination



according to the number of seats assigned to the denomination in the lower constituency) wins, after the names of the candidates of the constituency are arranged in a list from top to bottom according to each candidate of those who received the percentage of the preferential votes in its smaller constituency or in its constituency which is not composed of small constituencies. Attached is a map of the division of constituencies in different colors, some of which include districts or geographical areas that reflect the smaller constituency. There is also

Table No. 1 - Annex to the law of the election of the members of the Parliament- includes in the second column departments smaller.

**Note:** What is meant by the smaller constituency is the “constituency in which the Lebanese used to vote.” For example, in the Chouf-Aley district, the smaller constituency is the district of Chouf alone or the district of Aley alone.

The percentage of the preferential votes for each candidate shall be calculated on the basis of the distribution of its preferential votes over the total of the preferential votes obtained by the eligible regulations in the lower constituency or in the constituency which is not composed of junior constituencies.

The distribution of seats to the winning candidates from the top of the list (for the smaller department), which includes all candidates in the eligible lists, shall be given to the first seat of the candidate who obtained the highest percentage of the preferential votes and the second seat of the second-ranked candidate, and so on the third seat until the distribution of the entire seats of the constituency to the candidates belonging to the other eligible regulations.

The distribution of seats on the lists shall take into account the following conditions:

- The seat shall be vacant according to the sectarian distribution of the seats and/or in the lower constituency. After the quota of the denomination and/or the smaller constituency within the constituency is completed, the remaining candidates of this sect and/or the smaller constituency shall be removed from the competition.
- If the list does not meet its specified quota of seats and if the distribution process reaches a candidate who belongs to a list that has fulfilled its quota of seats, this candidate is passed to the next candidate.

### **White Paper:**

It's the official electoral list for which no reference has been made. In other words, when the voter enters the electoral isolation-behind the curtains (mandatory), he/she does not place any sign on the ballot paper, but simply folds it out and places it in the voting box. Law 44/2017 states: "Papers that do not include any ballot and white papers shall be counted among the votes of the registered voters."



### **Open List:**

It allows voters to choose their preferred candidates in the list they voted for, rearranging the candidates within the list. In Law 44/2017, the open list was adopted, and the voter was given the right to vote with only one preferential vote, allowing candidates with the highest percentage of preferential votes to win the number of seats won by the list.

### **Incomplete List:**

It's the list which can be formed by a number of candidates less than the number of seats in the constituency. Law 44/2017 states: "Candidates must be in lists. Each list shall include a minimum of 40% in the constituency with at least 3 seats and shall include at least one seat from each constituency in the constituencies that consist of more than one small constituency."

### **Voting Paper or Ballot Paper:**

It's a paper used by the voter to determine his options in the elections. The official ballot papers include all the competing lists in the constituency. They also include the specifications specified in the form prepared by the ministry, in particular: the color of the list and its name and the empty box allocated to each of them; the tripartite name of each candidate and its sect and the smaller department or constituency which does not consist of junior constituencies. The name of each candidate shall be placed next to the name of each candidate, with an empty box dedicated to the voter's right to vote within the list, with his preferred vote in accordance with the provisions of this law.

**Note:** The voter shall vote exclusively on these papers and shall not use any other papers for the exercise of the right to vote. One of the advantages of its use, it protects the secret ballot and reduces the pressure on voters by candidates or parties.

The picture below is a preliminary picture of the ballot paper. We used the largest constituency, Al Shouf-Aley constituency, which includes 13 seats. The picture shows that it is a ballot paper for Al-Shouf voters who have the right of preferential voting for only one of the eight candidates allocated to the Al Shouf region, thus showing a box or circle for each list that is voted in favor of an existing regulation. The box or circle is beside the name of each candidate of Al Shouf, so that the preferential vote is checked in it for the benefit of one of the candidates for the seats allocated to Al Shouf from the list that was selected. We also give an example of how the regulations are not complete with at least 40% of the number of seats in the list and the freedom to arrange the names of candidates and their communities within.

**General Parliamentary Elections May 15, 2022 Mount  
Lebanon Fourth Constituency: Chouf-Aley  
Minor constituency ballot paper: Chouf**

**Lebanon Republic  
Ministry of Interior and Municipalities**

A voter has the right to vote for only one list. Place an (X) or (V) Facing the name of the list.

You can also vote for one candidate within the list you chose by placing an (X) or (V) in the box next to the candidate you preferred, provided that it is from the same district in which you voted (other than those colored in black).

List D	List C	List B	List A
Maronites-Chouf	Roman Catholic-Chouf	Maronites-Chouf	Druze-Chouf
Maronites-Chouf	Maronites-Chouf	Maronites-Chouf	Druze-Chouf
Maronites-Chouf	Sunni-Chouf	Maronites-Chouf	Sunni-Chouf
Roman Catholic-Chouf	Druze-Chouf	Roman Catholic-Chouf	Sunni-Chouf
		Sunni-Chouf	Maronites-Chouf
		Druze-Chouf	Maronites-Chouf
		Druze-Chouf	Roman Catholic-Chouf
Maronites-Aley	Roman Catholic-Aley	Maronites-Aley	Druze-Aley
Maronites-Aley	Maronites-Aley	Maronites-Aley	Druze-Aley
	Druze-Aley	Roman Catholic-Aley	Maronites-Aley
		Druze-Aley	Maronites-Aley
		Druze-Aley	Roman Catholic-Aley

**Aley Seats**

**Chouf Seats**

Note: Please close the ballot before leaving the back of the booth to ensure the secrecy of the ballot

### **Electoral Silence:**

This is the period leading up to the day of election, so that the electoral campaigns stop and the participants in the electoral process, especially the candidates and the media, are prohibited from making statements or carrying out any action that promotes a candidate or an organization, especially so-called statistical studies to guide voters or influence on voters. Law 44/2017 states: “From 00:00 pm on the day preceding the Election Day (i.e. the beginning of Saturday) until the closure of the ballot boxes, all media shall be prohibited from broadcasting any news, advertisement, or appeal.”

### **The Polling Station:**

A place where voting is held and may contain more than one polling station, usually a school, a municipality, a church hall, a mosque, or any place where there is a possibility of a polling station and the privacy is required. Article 44/2017 states: “The electoral district shall be divided, according to the decision made by the Minister, to a number of polling stations containing a number of stations.” Each village with a minimum of 100 voters and four hundred ballots shall have one station.

### **The Body of the Polling Station:**

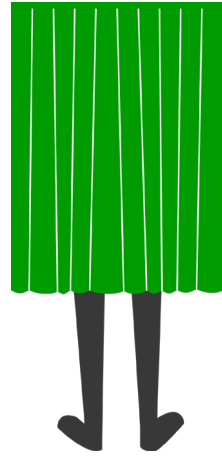
It's the human team to administer the electoral process in each polling station. Law 44/2017 states: “The Governor or the District Commissioner shall appoint, within each scope, for each polling station a president and one or more clerks appointed by the State.” “The head of the station shall assist two assistants, one of whom shall be elected by the voters present at the opening of the polling station. The other voters shall choose the second assistant from among them, provided that the two assistants who should know how to read and write. The Registrar shall register the names of the assistants in the minutes of the voting register provided for in this law.

The head of the station and the clerk shall be present throughout the electoral process. The head of the polling station alone shall have the power to maintain order within the station. No member of the security forces shall be present in the station except at his request, temporarily and exclusively, in order to ensure the integrity of the electoral process.”



### Voting Booth (Electoral Isolation):

It's the place where the voter freely votes for his/her candidate. It is a compartment or a place blocked by a curtain or any means to secure the secrecy of the ballot. At least one Electoral Isolation must be available in each polling station. The electoral law stipulates that the ballot must be imposed behind the insulator: "The ballots shall have one or more isolates." It is prohibited to conduct any electoral process without the presence of the isolator under the invalidity of the operation in the station concerned.



### Voter's List:

An official list containing the names of voters who have the right to vote in a particular area (polling station or constituency). It shall include, on a mandatory basis, the third name of each voter and the name of his/her mother, his/her registration number as set forth in the personal status records, gender, date of birth and denomination, identity card number and passport number. As well as three boxes are allocated for the following:

1. The signature in the first box.
2. The member in charge of verification of voting, in the second box.
3. The third box is left to add notes about the electoral process when necessary.

All voter's lists belonging to each Registry shall be linked to each other and numbered and marked with the stamp of the Ministry.

**Note:** No one may vote unless his/her name is restricted to the voter's list of the polling station or if he/she has obtained from the competent registration committee a decision to register his/her name before the twenty-fifth of March after the ministry's review.

## Fourth: The Method of Voting

To the voter who reached the twenty-one years before the end of March and not more than a hundred years, first he/she should make sure that his/her name is correct on the lists of voters before March 10 of the year in which the elections will be held. For the full text of the voters list: <http://bit.ly/2ElfYSp>

The voter must go on Election Day to his polling center, accompanied by his identity card or valid passport (not expired), between 7 am and 7 pm. Upon entering the polling station, he/she must know his/her polling station by looking at the voters lists affixed to the entrance of the polling station, which determine the numbers of the records of citizens and the sector to which the voter belongs. When the voter knows about the polling station, the voter shows his/her identity card to the security man at the door of the station. Then he/she goes directly to the table where the ballot box stands. Behind the box stands the head of the station, showing his/her identity card or passport, so that the clerk makes sure that the name of the voter is on the lists of voters. The name of the voter shall be marked, then the head of the station and the clerk shall sign on the back side of the official ballot paper, seal it and give it to the voter, who in turn may request to explain how to vote. The explanation shall be by the head of the station or the clerk verbally, without giving a hint to a specific list or candidate. Then the head of the station has to go to the back of the isolation (curtain usually), where he/she votes to one of the lists in the ballot paper, and selects one candidate from the list he/she voted. The name of the candidate chosen in the list will be the preferred vote. When he/she votes to a list and preferred candidate in the list, he/she folds it, goes out from the isolation, and put it in the box after taking permission from the head of the station who will make sure that there is only one ballot paper folded without touching it. After that, the voter signs beside his name on the voter's list, puts his thumb in the ink or any other thing that ensures that he/she voted. At the end, the voter takes his/her ID card and leaves the station without talking to the delegates.



## Fifth: Looking Towards the Future

Every electoral process has an importance in emphasizing the democracy of the state through the rule of the people through voting. Any political authority is affected by its legitimacy based on the number of voters. The electoral process is accompanied by procedures that ensure correct representation and equitable distribution of seats and it also provides freedom and confidentiality in the voting process.

It should be noted here that electoral law 44/2017 did not mention the quota of youth, and even gave priority in its texts to the oldest. It also did not notice a quota of women, marginalizing a large segment of the electorate under the masculine system. It also adopted a high electoral threshold with a mechanism to calculate the electoral outcome, a mechanism for allocating seats and the accompanying conditions, and a high ceiling of financial expenditure, with an impossibility of monitoring (one hundred and fifty million) for each candidate plus five thousand pounds for each voter in the constituency, in addition to one hundred and fifty million for each candidate in the list), and the possibility of forming more than one list in each district of the parties of the Authority in the presence of incomplete regulations.

All this is in the interest of the major parties and alliances of the political class to win the majority of seats in each department at the expense of small or new parties and independent regulations, which prevents the new elites from reaching the parliament and thus lead to the return of the political class itself to power, which raises question marks on the principle of the circulation of power in democratic systems.

The only hope remains is through reducing the disadvantages of Law 44/2017 by educating the largest number of voters on the bets of the electoral process with regard to their future and the future of their children and through the participation of the largest proportion of voters in the voting process in the 2018 elections, as if the law oblige voters to vote, so as to rely on the category that has consistently boycotted the elections. This may ensure the arrival of new and young elites with better political concepts who believe in true democracy, and adopt the principle of the rule of law and institutions and the strict

separation of powers, which in turn believes in a state of transparency and accountability.

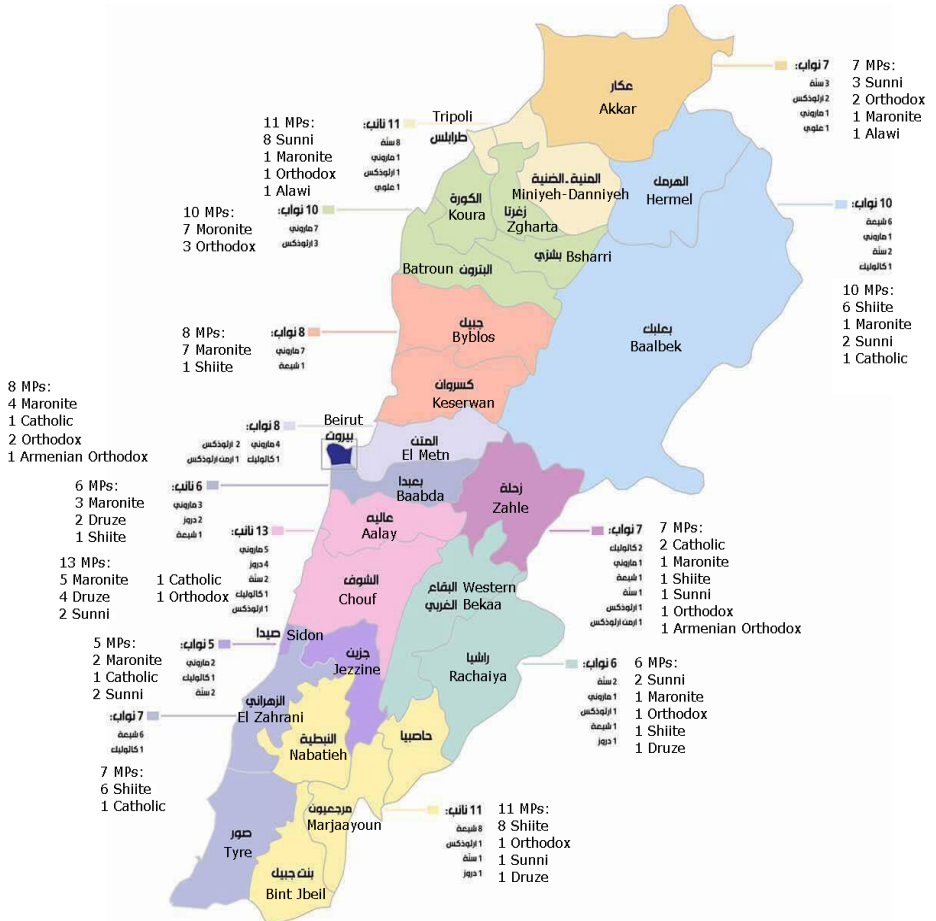
Hereafter is the division of number of seats among constituencies according to the sectarian and religious divisions according to the law 44/2017:

Supplement to the law of election of members of the House of Representatives															
Great Constituency	Small Constituency	Number of seats	Sunni	Shia	Druze	Alawi	Total Muslims	Maronites	Roman Catholic	Rom Orthodox	Evangelical	Armenian Catholic	Armenian Orthodox	Minorities	Total Christians
Beirut 1st	Ashrafieh-Rmeieh- Modarar-Saifi	8						1	1	1		1	3	1	8
	Ras Beirut-Dar Mraieih- Mina hoson-zolak blat- Mazraa-Mosaitbieh-Marfa Bashoura	11	6	2	1		9			1	1				2
South 1st	Saida	2	2				2								3
	Jeziine	3						2	1						3
	<b>Total</b>	<b>5</b>	<b>2</b>				<b>2</b>	<b>2</b>	<b>1</b>						<b>3</b>
	Sour (Tyf)	4		4			4								4
South 2nd	Saida Villages(Zahrani)	3		2			2		1						1
	<b>Total</b>	<b>7</b>	<b>6</b>				<b>6</b>		<b>1</b>						<b>1</b>
	Bent Jball	3		3			3								3
	Nakabiyeh	3		3			3								3
South 3rd	Marjaayoun & Hasbiya	5	1	2	1		4			1					1
	<b>Total</b>	<b>11</b>	<b>1</b>	<b>8</b>	<b>1</b>		<b>10</b>			<b>1</b>					<b>1</b>
	Zahle	7	1	1			2	1	2	1			1		5
	Rachaya-West Bekaa	6	2	1	1		4	1		1					2
Bekaa 3rd	Baalbek-Hermel	10	2	6			8	1	1						2

**Supplement to the law of election of members of the House of Representatives**

Great Constituency	Small Constituency	Number of seats	Sunni	Shia	Druze	Alawi	Total Muslims	Maronites	Roman Catholic	Rom Orthodox	Evangelical	Armenian Catholic	Armenian Orthodox	Minorities	Total Christians
North 1st	Akkar	7	3			1	4	1		2					3
	Tripoli	8	5			1	6	1		1					2
North 2nd	Mineh	1	1				1								
	Dinnieh	2	2				2								
	<b>Total</b>	<b>11</b>	<b>8</b>			<b>1</b>	<b>9</b>	<b>1</b>		<b>1</b>					<b>2</b>
North 3rd	Zgharta	3						3							3
	Bcharre	2						2							2
	Kouraa	3								3					3
	Barroun	2						2							2
	<b>Total</b>	<b>10</b>							<b>7</b>				<b>3</b>		<b>10</b>
Mount Leb, 1st	Jail (Byblos)	3		1			1	2							2
	Kesrouan	5						5							5
	<b>Total</b>	<b>8</b>		<b>1</b>			<b>1</b>	<b>7</b>							<b>7</b>
Mount Leb, 2nd	El Meiri	8					4	1	2			1		8	
Mount Leb, 3rd	Baabda	6		2	1		3	3						3	
Mount Leb, 4th	Chouf	8	2		2		4	3	1						4
	Aley	5			2		2	2		1					3
<b>Total</b>	<b>13</b>	<b>2</b>		<b>4</b>		<b>6</b>	<b>5</b>	<b>1</b>	<b>1</b>						<b>7</b>

## The following map shows the electoral constituencies in Lebanon as per the law 44/2017



MP: Member of Parliament







Prepared by Mr. Assem Chaya, founder and president of the “Advanced Democracy for Sustainable Peace” association. Diploma graduate in political and administrative sciences from the Lebanese University, researcher and lecturer in electoral systems since 2002. He proposed and submitted an electoral law to the Committee of Minister Fouad Boutros in 2005. Expert in the administration and monitoring of Lebanese and Arab elections. Consultant to international and local organizations. Trainer on several skills, especially: leadership skills, advocacy and good governance. Active in civil society organizations since 1995.

## **Advanced Democracy for Sustainable Peace (AD 4 Peace)**



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