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Identifying Solutions to Blockages in the 3RF Judicial Reform Agenda

Projections for political settlements to achieve judicial reform.



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Disclaimer

While the team made all efforts possible to cross-check information and reproduce facts and events accurately, this does not overrule the possibility of inaccuracies or oversights, for which ALEF hereby expresses its regrets.

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Executive Summary

The Lebanese public institutions are facing the gravest crisis and most important milestone for forging a reformist process. Lebanon's judiciary, as a power and an institution, is marked by political interference, institutional paralysis, and widespread erosion of public trust. Weakened trust, combined with low judicial morale, has peaked following the financial crisis and the Beirut Port Blast. While calls for reforms have existed for decades, the convergence of international pressure, civil society activism, and domestic demands has created a narrow window of opportunity for politically feasible judicial reform.

In this report, ALEF-act for human rights has adopted Mushtaq Khan's political settlement framework to assess not only what reforms are needed, but what reforms are possible given Lebanon's current power dynamics. It moves beyond technocratic prescriptions to analyse the political economy sustaining judicial dysfunction and identify entry points for practical, sequenced reform.

Findings from key informant interviews and surveys reveal a judiciary entangled in informal networks and elite patronage, where appointments, transfers, and rulings often serve political ends. The High Judicial Council (HJC) and oversight bodies like the Judicial Inspection Authority are either paralysed or politically compromised, while rampant corruption and lack of infrastructure undermine case management and legal certainty.

Reform must therefore be understood not just as a matter of legal design, but as a negotiated outcome among actors with varying levels of "holding power." In Lebanon, this includes political elites, segments of the judiciary, civil society, and increasingly, international donors who are conditioning aid on reforms aligned with human rights and governance standards. This report does not seek to undermine, or erase, advocacy and proposals from civil society and other actors. ALEF adheres and supports a structural deep reform of the judiciary. However, ALEF aims in this report to showcase the convergence of politics and normative requirements for reform in a realistic recipe projection.

This shifting alignment, in the political settlement (pre-2020), suggests a fragile but notable reconfiguration of incentives. Judges, though still embedded in patronage networks, are asserting demands for improved working conditions, training, and transparency.

Donors and civil society actors are forming new alliances to pressure for reforms. Political elites, facing electoral pressures and reputational costs, are selectively adopting reformist narratives without ceding systemic control.

Within this constrained environment, the report identifies a set of reforms that, while not deeply transformative, are politically feasible and strategically valuable. These include:

- » Advancing transparent criteria and procedures for judicial appointments.
- » Supporting targeted accountability in high-profile cases.
- » Investing in infrastructure and digitization to improve court functionality.
- » Institutionalizing judicial communication to counter misinformation.
- » Supporting inclusive legislative workshops on judicial independence.

The report emphasizes that these steps, as realistic as they are, are unlikely to dismantle elite capture or guarantee independence, but they can build momentum, shift incentives, and restore some public confidence. Crucially, the reform strategy must be grounded in political realism, acknowledging that reforms must align with dominant interests or offer them new benefits to be viable. Stakeholders are invited to adopt that realism and focus their pressure and advocacy in that direction to achieve these procedural wins prior to the May 2026 milestone (scheduled parliamentary elections).

Ultimately, the paper argues that reforming Lebanon's judiciary requires an approach that balances normative ambition with pragmatic action. Change will be incremental, shaped by both bottom-up pressure and top-down consent. If leveraged strategically, the current political moment (framed by donor conditions, civil society mobilization, and electoral recalibration) can yield tangible gains in one of Lebanon's most contested institutions.



Introduction

In his book *Waste Land*, Robert Kaplan reflects on the Weimar Republic's institutional breakdown, marked by elite fragmentation, political paralysis, and loss of state legitimacy.^{1,2} Lebanon's contemporary reality shares clear similarities. The judiciary, in particular, exemplifies how prolonged political interference, institutional neglect, and systemic patronage have hollowed out core state functions. With public trust eroded and judicial independence compromised, Lebanon's judiciary risks becoming a symbolic shell, unable to deliver justice or safeguard democratic development.

Importantly, the current demands for reform did not arise solely from the 2019 financial crisis or the aftermath of the Beirut Port explosion. As early as 1997, civil society organizations such as ALEF and Nouveaux Droits de l'Homme (NDH) had documented concerning findings on the lack of independence of the judiciary, and due process manipulation.³ Over the years, these demands have gained international resonance.⁴ What were once demands spearheaded by civil society-led advocacy efforts have now been translated into donor expectations (and conditionality), and policy dialogue frameworks. Calls for reform are now embedded in Lebanon's post-crisis recovery agendas, particularly through mechanisms like the 3RF.⁵

Nonetheless, despite the extent of consensus on what needs to change, reform has largely remained out of reach.⁶ Political influence continues to shape judicial appointments, promotions, and rulings. The 2017 appointments serve as a stark example, where political affiliations overrode merit-based criteria, exacerbating concerns around judicial impartiality.⁷ Judges have

1 Robert D. Kaplan, *Waste Land: A World in Permanent Crisis*, Random House, 2025.

2 Robert D. Kaplan, "Welcome to Weimar 2.0", *Foreign Policy*, 17 January 2025, <https://foreignpolicy.com/2025/01/17/global-crisis-geopolitics-conflict-technology-history-weimar-republic/>

3 NDH & FIDH, Shadow Report Submitted to the Human Rights Committee, <https://alefliban.org/wp-content/uploads/2018/02/Rapport-sur-les-droits-de-l%E2%80%99Homme-au-Liban-1997-Fr.pdf>

4 See different UPR Sessions on Lebanon

5 EU, UN and WB, Lebanon Reform, Recovery and Reconstruction Framework (3RF), December 2020. <https://www.lebanon3rf.org/sites/default/files/2023-05/Lebanon-Reform-Recovery-and-Reconstruction-Framework-3RF.pdf>

6 Georges Ghali, Incrementalism in international development policymaking: Understanding the application of incrementalism in Lebanon's Reform, Recovery and Reconstruction Framework (3RF), University of Bath, Institute for Policy Research, 2023. [Unpublished]

7 Theo Byl, Harold Epineuse, Oliver Hoffmann, Jean-Paul Jean, Giovanni Pasqua, Gianluigi Pratola, Alberto Perduca, Dario Quintavalle, Renate Winter, and Jens Woelk, Functional Review of the Justice System in Lebanon, 2023. https://www.lebanon3rf.org/sites/default/files/2023-12/Functional%20Review%20of%20the%20Justice%20system%20in%20Lebanon%20Summary%20Report-EN_0.pdf

protested in response to salary reductions and diminished benefits, further undermining morale. High-profile investigations into financial misconduct, such as the Mecattaf⁸ case and the attempts to prosecute Riad Salameh⁹, have been actively obstructed. All these developments are not isolated, but constitute a broad picture of the way the judiciary is entangled in elite politics.

Efforts by civil society and professional coalitions to defend judicial independence have grown more coordinated. Many of the legal tools already exist, but political will is absent. Oversight bodies such as the High Judicial Council and the Judicial Inspection Authority are frequently paralyzed or bypassed.

This reality is compounded by Lebanon's fiscal collapse. With debt mounting and the state unable to maintain basic infrastructure, public investment in justice remains minimal at less than 0.5% of the national budget.¹⁰ Palaces of Justice are deteriorating physically, and case backlogs are overwhelming a demoralized judiciary. Without targeted investment, even modest reforms, such as digitizing court systems or modernizing the Judicial Training Institute, will struggle to gain traction.

In response to this crisis, the international community launched the Recovery, Reform, and Reconstruction Framework (3RF) to provide a platform for coordinated action.¹¹ The 3RF brought together government entities, civil society organizations, and international partners to chart a pathway for recovery. However, while the framework aims to improve legitimacy and coherence, its implementation has been hindered by elite resistance, weak follow-through, and political fragmentation.¹²

Against this backdrop, the key question is no longer just *"What reforms are needed?"* but rather *"What reforms are achievable?"* Lebanon's judiciary operates within a broader ecosystem of negotiated power-sharing and political settlements. Historical examples like the emergence of reformed public institutions after the 1989 Taef Agreement show that institutional change only occurs when elite interests are aligned or sufficiently incentivized.¹³ Normative or technocratic approaches to reform often fail to gain traction when they threaten embedded power structures.

8 The Independence of the Judiciary Coalition, "Statement by the Independence of the Judiciary Coalition on the Charging of Riad Salameh: A Positive Step, But...", Legal Agenda, 26 February 2024. <https://english.legal-agenda.com/statement-by-the-independence-of-the-judiciary-coalition-on-the-charging-of-riad-salameh-a-positive-step-but/>

9 The Independence of the Judiciary Coalition, "Independence of the Judiciary Coalition Statement on Jamal Hajjar's Coup: Halting Investigations into Financial Crimes Deprives the Public Prosecution Offices of Purpose", Legal Agenda, 15 June 2024. <https://english.legal-agenda.com/independence-of-the-judiciary-coalition-statement-on-jamal-hajjars-coup-halting-investigations-into-financial-crimes-deprives-the-public-prosecution-offices-of-purpose/>

10 Theo Byl, Harold Epineuse, Oliver Hoffmann, Jean-Paul Jean, Giovanni Pasqua, Gianluigi Pratola, Alberto Perduca, Dario Quintavalle, Renate Winter, and Jens Woelk, Functional Review of the Justice System in Lebanon, 2023. https://www.lebanon3rf.org/sites/default/files/2023-12/Functional%20Review%20of%20the%20Justice%20system%20in%20Lebanon%20Summary%20Report-EN_0.pdf

11 EU, UN and WB, Lebanon Reform, Recovery and Reconstruction Framework (3RF), December 2020. <https://www.lebanon3rf.org/sites/default/files/2023-05/Lebanon-Reform-Recovery-and-Reconstruction-Framework-3RF.pdf>

12 Georges Ghali, Incrementalism in international development policymaking: Understanding the application of incrementalism in Lebanon's Reform, Recovery and Reconstruction Framework (3RF), University of Bath, Institute for Policy Research, 2023. [Unpublished]

13 Georges Ghali, "Unpacking the Limitations of the 3RF in Lebanon: A Political Settlements Perspective", University of Bath, Institute for Policy Research, 2024 [Unpublished].



Methodology - Political Settlement Model

While extensive efforts have already been made to identify reform priorities for Lebanon's justice system, this research adopts a different point of departure. Previous initiatives - including the findings of the Venice Commission, the Functional Review of the Justice System in Lebanon, and the legislative proposals proposed by the Independence of the Judiciary Coalition - have contributed significantly to clarifying what needs to change within Lebanon's legal and judicial structures. However, the persistent gap between diagnosis and implementation raises a critical question: why has reform, despite being technically sound and broadly agreed upon, remained out of reach? The answer, this research argues, lies not in the absence of expertise or legislative readiness, but in the structure of power that underpins and often obstructs reform. This is why the research adopts the political settlement framework developed by Mushtaq Khan as its primary methodological lens.¹⁴

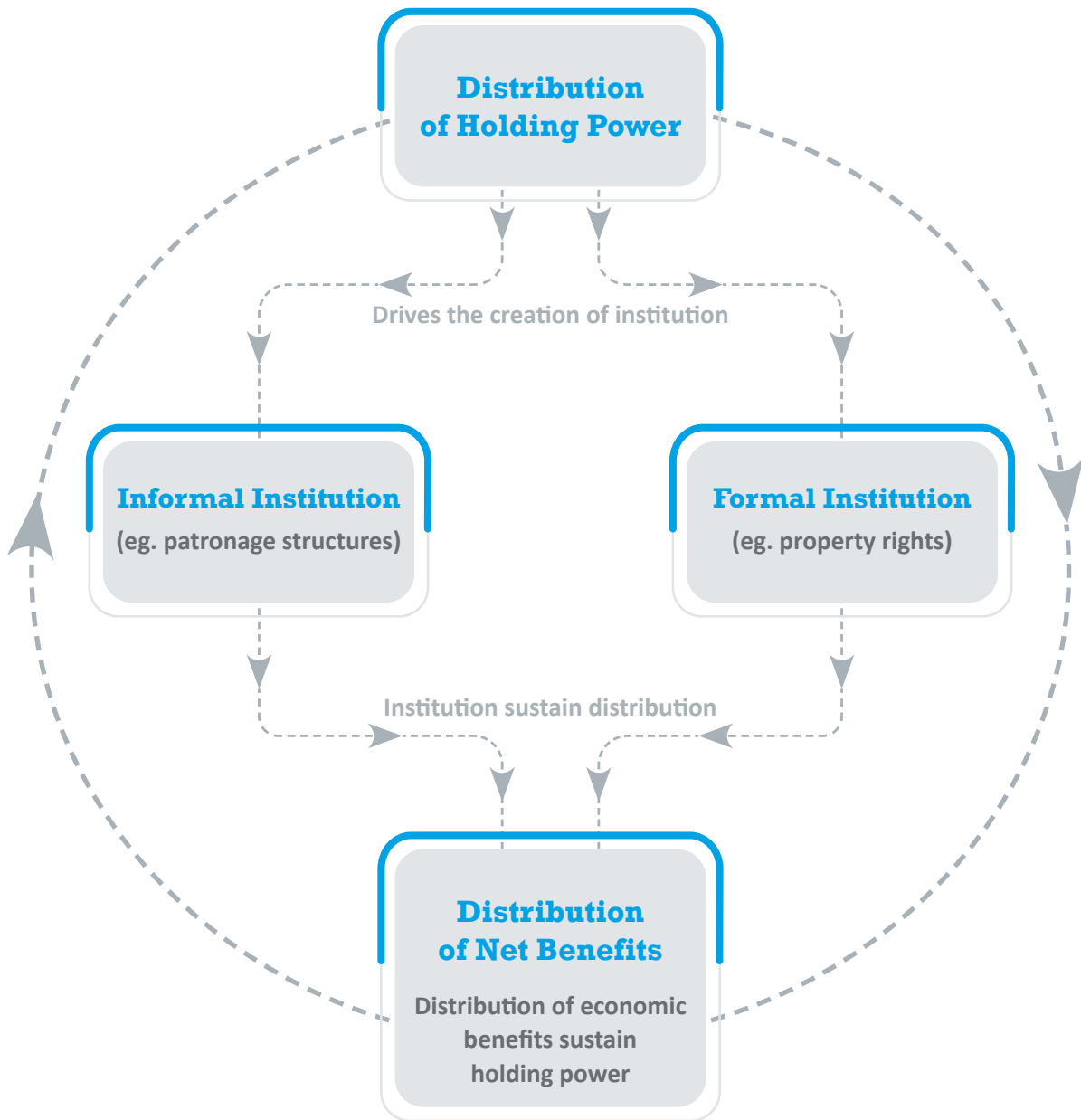
Mushtaq Khan's framework offers a conceptual and empirical tool to understand how political and institutional outcomes are shaped by the distribution of power among social groups and elites.¹⁵ A political settlement, in this context, refers to the balance of power that produces a set of institutions which are politically viable and sustainable, given the interests and capabilities of dominant actors. Institutions in Khan's analysis are not neutral, they emerge and function in ways that reflect the relative strength of competing groups, and the extent to which these groups benefit from or resist institutional change. This understanding moves us away from normative assumptions that view weak institutions as the result of technical gaps and instead locates these weaknesses within the broader logic of elite behaviour and political incentives. This falls at the heart of ALEF's mission statement in its understanding of the human rights landscape in Lebanon. While the human rights framework and advancement of Lebanon's record in that area requires a normative pillar, one cannot deny the multitude of social, political, and economic drivers behind human rights-oriented reforms.

Khan's approach is particularly relevant to Lebanon, where the judiciary operates within a complex political system dominated by power-sharing, overlapping patronage networks, and blurred boundaries between public authority and private interest. In such a system, the judiciary is not merely under-resourced or poorly managed; it is actively shaped to serve

¹⁴ For more info see: Mushtaq Khan, Political Settlements and the Governance of Growth-Enhancing Institutions, SOAS, July 2010. https://eprints.soas.ac.uk/9968/1/Political_Settlements_internet.pdf

¹⁵ Idem

the strategic interests of powerful stakeholders in the society. Attempts to reform the judiciary by introducing new laws or standards of independence therefore face deep resistance when they threaten to disrupt the informal arrangements that sustain elite control. In this context, Khan’s framework helps explain why well-documented and widely supported reforms consistently fail to gain traction. It highlights the importance of aligning reform initiatives with the incentives of powerful actors, or alternatively, of building new coalitions capable of shifting the existing balance of power.



A Political settlement emerges when institutions generate a distribution of benefits that is compatible with and sustains the distribution of power (subject to economic viability).¹⁶

¹⁶ Mushtaq Khan, Political Settlements: Why they matter for reform in the public sector. Lecture Series, The Nelson Mandela School of Public Governance (UCT). 2023 Available from: <https://www.youtube.com/watch?v=xFYRgjhndrA>.

The objective of this research is to explore what a new political settlement around judicial reform in Lebanon could look like. Rather than producing another list of reform priorities, ALEF aims to identify what reforms are actually feasible given the current and emerging configurations of power. To do so, ALEF carried out a series of qualitative methods and tools designed to capture the perspectives, constraints, and incentives of key stakeholders. These included approximately fifteen key informant interviews with individuals from across the justice sector, including judges, lawyers, civil society actors, and policy practitioners. These interviews focused on how informal and formal rules interact, how power is exercised within institutions, and what space, if any, exists for institutional transformation. The team also launched a broad survey with twenty-six stakeholders, mainly CSO actors active within the 3RF Consultative Group and the Justice Working Group. ALEF, however, recognizes that much of those determinants could require further triangulation and empirical evidence. Despite such limitations, the research will still produce broad understanding of the power brokers' main interests in judicial reforms.

A final validation workshop will serve to consolidate and critically assess the findings of the research process. This workshop will invite participants from earlier stages to revisit emerging conclusions and collectively reflect on the strategic implications of the analysis. The goal is to ensure that the proposed reform scenarios are grounded not only in analytical rigor but in a shared understanding of what is possible in Lebanon's current political context. This final step reinforces the participatory nature of the methodology and helps strengthen the local legitimacy of the findings.

By using the political settlement approach, this research repositions judicial reform in Lebanon not as a matter of institutional design alone, but as a question of negotiated change. It provides a framework to understand why certain reforms are blocked, what informal arrangements sustain institutional dysfunction, and which actors might be mobilized to support a new configuration. In so doing, it offers a more realistic and politically attuned approach to justice sector reform but one that does not disregard existing recommendations but situates them within the deeper structures of power that determine their feasibility.





Main Findings: Understanding Reform Feasibility through Political Settlements

To further delve into the political realities undermining the advance of judicial reforms in Lebanon, the upcoming section draws on insights collected through a series of key informant interviews. The aim, as explained in previous sections, is not to replicate technical assessments already available, but to better understand the underlying political and institutional conditions shaping the trajectory of judicial reform. Using the political settlement framework as an analytical lens, the material gathered is organized across five key dimensions: the distribution of holding power, the role of informal institutions, the role of formal institutions, the distribution of net benefits, and the projection of reform. This breakdown will support a greater representation of the evidence and the relation between the different elements. This will facilitate the understanding of the politics behind the institutional realities and the avenues where partisanship and power lies stronger. By unpacking the relation between formal and informal institutions and the distribution of benefits this generates, it will be possible to determine the superior levels of informality that is embedded within the system and supported by powerful stakeholders. This condition cannot be suppressed and eradicated by issuing new rules. The rule-based system cannot change the situation of the judiciary when the rule-based system does not function in the first place. Is Lebanon heading into an era where structural reforms can generate more net benefits to political elites than maintaining the status-quo?

Distribution of Holding Power

In Mushtaq Khan's political settlement framework, holding power refers to the relative capacity of individuals or groups to maintain their position within a political system.¹⁷ This capacity is not derived solely from formal authority or access to coercive tools, but from the ability to mobilize economic, political, and organizational resources over time. Actors with strong holding power are those capable of resisting reforms, enforcing institutional preferences, or blocking enforcement mechanisms that threaten their position. The distribution of holding power across the system shapes the nature of elite bargains, determines which institutions are preserved or hollowed out, and ultimately influences which reforms are feasible under existing conditions.¹⁸

17 Mushtaq Khan, *Political Settlements and the Governance of Growth-Enhancing Institutions*, SOAS, July 2010. https://eprints.soas.ac.uk/9968/1/Political_Settlements_internet.pdf

18 Mushtaq Khan, *Anti-Corruption in Bangladesh: A political settlements analysis*, SOAD, July 2017. <https://ace.soas.ac.uk/wp-content/uploads/2022/05/ACE-WorkingPaper003-BD-AntiCorruption-170907.pdf>

In the case of Lebanon's judiciary, holding power is heavily concentrated in the hands of elites and ruling political parties who exert significant control over both the executive and legislative branches.¹⁹ These actors extend their influence over the judiciary by dominating appointment and promotion mechanisms, shaping the composition and functioning of the High Judicial Council (HJC), and intervening in decisions related to the mobility or removal of judges.²⁰ The HJC, which in principle is meant to serve as the guardian of judicial independence, is widely seen as reflecting the power dynamics of the political system rather than functioning as an impartial, merit-based institution. Instead of acting as a buffer that protects judges from political interference, its composition and decisions are often shaped by political considerations, effectively aligning the HJC with the interests of ruling elites rather than with the principles of judicial integrity and autonomy.

This perception mirrors broader regional patterns; as highlighted in a survey of Arab Judges published in September 2018,²¹ many judges underreported the influence of executive authorities, either out of fear or because such interference had become so routine it was no longer recognized as pressure. Lebanon's case suggests a similar normalization of interference, where elite control over judicial governance is treated as a structural given rather than an exception. Several interviewees pointed to the fact that judicial appointments are rarely based on objective criteria or transparent procedures but emerge instead from opaque negotiations among political figures.²² One recalled that certain judges were known to have received their positions after securing backing through religious or political offices, while another described how former presidents and ministers directly halted judicial transfers to protect loyalists in sensitive posts.²³ It is important to note that many interviewees have pointed out that the HJC's selection process has been until now between the hands of the executive power, the Government with 8 out of 10 judges sitting on the council being appointed by the Council of Ministers itself. This means that the majority of judges sitting on the council are the result of negotiations between political figures behind closed doors, throwing away any transparency and oversight.

These qualitative findings are reinforced by the results of a survey conducted by ALEF with twenty-six stakeholders. The surveyed respondents expressed how entangled power-dynamics are within the judiciary. When asked who should lead the reform process, respondents named a broad array of actors, suggesting that no single institution has the uncontested legitimacy or capacity to drive change. Parliament and elected officials and the Ministry of Justice were each cited by 17 respondents, followed closely by the judiciary itself (15), civil society and bar associations (14), and the President or Prime Minister (13). Nine stakeholders also mentioned international donors and agencies. This dispersion of perceived leadership reflects the fragmented nature of political authority in Lebanon and the complex web of stakeholders whose consent is required to push forward reform. While on the surface this might suggest pluralism, in practice it can result in deadlock, especially when those holding the most power are the least incentivized to alter

19 Joelle Harfouche, *The independence of the Lebanese judiciary : system loopholes and political willingness to interfere*, May 2021, Notre-Dame University – Louaize, Lebanon. <https://ir.ndu.edu.lb:8443/xmlui/handle/123456789/1357>

20 Interview conducted with senior civil servant, (KII1)

21 Sara Saosan Razai, *The Role and Significance of Judges in the Arab Middle East: An interdisciplinary and empirical study*, PhD Submission, University College London, September 2018. https://www.ucl.ac.uk/judicial-institute/sites/judicial-institute/files/the_role_and_significance_of_judges_in_the_arab_middle_east_0.pdf

22 Interviews with lawyers, and senior civil servants.

23 Interview with senior civil servant.

the status quo. The recognition of so many actors as relevant to reform is, in itself, an indicator of how deeply embedded the system of informal negotiation and elite consensus has become in governing the judiciary.

Although recent developments have been presented as steps toward restoring functionality, they remain embedded in this same political economy. The recent replacement of the State Council president, following public controversy and harassment allegations, was described by one actor as a turning point that allowed the Council to resume its operations after years of paralysis.²⁴ New appointments to the HJC are said to have occurred without overt interference, with a commitment to gender balance and institutional renewal (at the moment of the writing of this paper, there are at least three confirmed female judges now sitting on the HCJ with an aim to have even more). However, while this may signal a shift in tone, the underlying logic remains the same: that institutional progress only occurs when elite consensus permits it, and not through any systemic, or institutional, guarantee of judicial independence.

This dynamic entrenches a system in which the career trajectories of judges are determined less by performance or ethical standing than by the degree of protection they receive from political sponsors.²⁵ Transfers, access to high-value portfolios such as financial crime or real estate disputes, and immunity from disciplinary proceedings all become instruments through which holding power is rewarded and reinforced. Judges operating without such backing often find themselves restricted to marginal positions, with limited access to resources or meaningful casework.²⁶ A few respondents described how judges who challenged elite interests were either removed from high-profile files or subjected to legal harassment through counter-claims or fabricated disciplinary files. In this environment, the judiciary mirrors the broader political settlement: a fragmented arena where access and influence are negotiated, not institutionalized.

In this context, the judiciary struggles to act as an equal branch of power. The separation of power becomes heavily restricted and even inexistent. Instead, the legal system becomes a managed space where political contestation is enacted through legal instruments. Laws may be invoked to pursue rivalries, insulate allies, or manufacture procedural legitimacy. One interviewee described this as a system in which the judiciary is allowed to function only to the extent that it does not interfere with the political economy of impunity. In other words, the legal system is neither autonomous nor arbitrary; it is constrained to act within the informal limits established by those who hold real power.

Any reform effort that seeks to enhance judicial independence must therefore contend with the underlying distribution of holding power. Attempts to strengthen institutions or introduce merit-based appointments will remain vulnerable if they attempt to shift the incentive structures of political actors who benefit from the current arrangement. Reform is not simply a question of legal design or administrative capacity, but of political realignment. Without this recognition, reform proposals risk being either co-opted or rendered irrelevant within a system designed to resist structural change.

24 Interview with senior civil servant. (KII2)

25 Interview with lawyer

26 Nizar Saghie, Subverting Judicial Independence in Lebanon: The 2017 Judicial Appointments, Legal Agenda, 23 November 2017, <https://english.legal-agenda.com/subverting-judicial-independence-in-lebanon-the-2017-judicial-appointments/>

This distribution of power is for the moment, at a crossroad. The election of a new President and the appointment of a new Prime Minister, at a time when the region is undergoing significant transformations that are also impacting Lebanon, represent major disruptions to the previous political settlement or status quo. Both leaders have expressed a strong commitment to a reformist agenda, as reflected in the President's oath of office speech and the Council of Ministers' Ministerial Statement, both of which explicitly reference many of the reforms outlined in this paper. As a result, numerous interviewees and respondents have reflected a potential for a turning point, one that could reshape the political-judicial landscape and unsettle long-standing arrangements among traditional parties. For instance, two judges, two donor representatives, a government official, and several lawyers interviewed for this research all emphasized that delaying action is no longer viable. While this will inevitably create tension behind closed doors, it must be addressed, as some form of reform is increasingly seen as unavoidable.

Role of Institutions

An important element in Khan's model is that it also puts forward the different characteristics of institutions. In relation to formal or informal institutions, several characteristics emerge shaping the performance of these bodies and the influence of power.²⁷ Institutions therefore, as common as they are in most modern states, will perform differently from one context to another. Hence, the crux of Khan's model. While informal institutions are often designed to reinforce patronage networks, turning formal institutions into instruments of power²⁸, this dynamic is not viewed in purely black-and-white terms. For instance, Khan's work on property rights highlights how formal institutions can themselves play a central role in maintaining unequal distributions of power and benefit.²⁹ Still, informal institutions are typically established more deliberately to serve the interests of patronage systems.

Informal Institutions

Informal institutions, play a central role in Lebanon's judicial system, often overshadowing formal mandates. **Political parties, sectarian affiliations, and patronage networks** act as gatekeepers of judicial appointments, career advancement, and disciplinary processes. Instead of insulating the judiciary from external pressure, these networks often operate as extensions of the political settlement itself, reinforcing elite dominance through the judicial apparatus.³⁰


Political leaders frequently block or shape judicial appointments to shield their allies or undermine adversaries. One interviewee explained how President Michel Aoun blocked judicial transfers by invoking the protection of Christians, a justification that masked deeper attempts to consolidate influence. This pattern is not isolated. Across the board, judicial nominations, transfers, and disciplinary procedures are often subject to opaque bargains rather than institutional norms.

27 Mushtaq Khan, *State Failure in Weak States: A Critique of New Institutional Explanations: A critique of new institutional explanations*. Routledge. 1995.

28 Charles Issawi, "Economic development and political liberalism in Lebanon", *Politics in Lebanon*, pp. 69-83. 1996

29 Mushtaq Khan, *Political Settlements and the Governance of Growth-Enhancing Institutions*, SOAS, July 2010. https://eprints.soas.ac.uk/9968/1/Political_Settlements_internet.pdf

30 Karim Merhej, *Towards an Independent Judicial Branch in Lebanon? Part 1: The Civil Judiciary*, The Tahrir Institute for Middle East Policy, October 26, 2021. <https://timep.org/2021/10/26/towards-an-independent-judicial-branch-in-lebanon-part-1-the-civil-judiciary/>



Moreover, the judiciary has historically relied on **informal conflict resolution structures such as religious leaders, local notables, or even political intermediaries** to settle disputes outside the formal legal framework. A model strongly described by Khan in his study on property rights.³¹

These qualitative insights are strongly echoed in the stakeholder survey findings. When asked about the biggest obstacles to judicial reform in Lebanon, nearly 70% of respondents (18 out of 26) cited *“political interference and lack of will”* as the primary barrier. This highlights the overwhelming role of informal networks that override legal procedures and is quite descriptive of the politicization of the judiciary. An additional subset of respondents pointed to *“sectarian and patronage networks”* and *“judicial resistance to change,”* further illustrating how informal dynamics permeate both external and internal layers of the judiciary.

Interview respondents have indicated that these mechanisms are reportedly fading among younger generations. However, it is not clear the extent to which younger generations will avoid using such networks if actually facing a judicial matter. One interviewee gave the example of the family of a famous anti-government activist who, when the latter was arrested for allegations of drug use, approached political connections to support his release. The key is that the cohabitation of formal and informal justice mechanisms has diluted the public’s expectation that legal redress should be impartial or institutional.

Judges themselves are embedded within these informal networks. Respondents described how judges often advance by leveraging ties with political patrons or religious figures. A pervasive culture of influence peddling enables judges to receive gifts, real estate favours, or financial benefits in exchange for favourable rulings. The presence of luxury items or high-end properties beyond a judge’s official income often signals such arrangements.

Legal procedures are thereby politicised. Laws are interpreted to serve the interests of those controlling informal channels of power. Judges frequently delay rulings or recuse themselves from politically sensitive cases to avoid reputational harm or retaliation. In high-profile cases, even the media is manipulated to deflect scrutiny from politically protected individuals. For instance, the rental law enacted in 2014 and amended in 2017 created confusion regarding the duration of residential rental contracts. With thousands affected, judges often avoided rulings that might damage their reputations.

Several reasons explain this behaviour. A ruling can set a precedent that becomes politically and socially difficult to manage. Some judges may themselves benefit from old rent schemes or be pressured by political patrons to avoid contentious cases. Safety concerns also play a role: judges and their families have faced threats, including bullying at school, after issuing unpopular decisions. In such cases, delay or recusal becomes a form of self-protection.³²

As long as informal institutions dominate, reforms that do not explicitly address these power dynamics are unlikely to succeed. Informal governance not only shapes judicial behaviour but also defines the practical limits of reform. Successful reforms must prioritize strengthening institutional oversight, clarifying appointment criteria, and insulating judges from political retaliation to reduce opacity and discretionary abuse.

31 Mushtaq Khan, *Political Settlements and the Governance of Growth-Enhancing Institutions*, SOAS, July 2010. https://eprints.soas.ac.uk/9968/1/Political_Settlements_internet.pdf

32 Interviews with former judges and corroboration by interviewed lawyers

Formal Institutions

In Khan's framework, formal institutions are codified rules: laws, procedures, and bureaucratic structures. They are intended to regulate behaviour and ensure predictable governance. In developed states, this is where power primarily is held. However, the effectiveness of these formal institutions is not determined by their design alone, but by their alignment with existing power structures and the capacity to enforce them. Formal institutions often operate alongside informal practices and may become symbolic or selectively applied if enforcement is weak or elite interests are threatened. In contexts of limited institutional capacity and dominant informal networks, their functionality is constrained unless embedded within a broader political settlement that supports their operation.³³

While this analysis focuses on systemic interference, it is important to acknowledge that judges are not inherently complicit in this dysfunction. Political interference is a product of Lebanon's power-sharing settlement, not the direct result of judicial actors themselves. Judges are frequently constrained by a lack of institutional autonomy, absence of procedural safeguards, and unpredictable career trajectories. Rather than framing the judiciary as a monolithic barrier to reform, it is crucial to distinguish between those embedded in elite networks and those seeking reform from within.

Lebanon's formal judicial institutions, while structurally intact, function within a context of deep political encroachment, institutional paralysis, and administrative fragility. Despite the presence of **key bodies such as the High Judicial Council (HJC), the Judicial Inspection Authority, and the Ministry of Justice**, their mandates are frequently undermined or rendered inactive due to elite interference, logistical dysfunction, monopolization of financial resources by executive powers, and legal ambiguity.

The HJC, nominally responsible for safeguarding judicial independence, is structurally vulnerable due to its partial composition by government-appointed figures and its historical subservience to executive influence. This arrangement has allowed successive governments to use the HJC as an instrument for control rather than accountability. For example, not so long ago during the political deadlock of 2022-2024, a number of political parties' leaders such as Gebran Bassil from the FPM and Ali Hassan Khalil from the Amal Movement, pushed for the extension of the HJC mandate while the country had a caretaker government and no president - an anti-constitutional move which was blocked by the Constitutional Council. Many interviewees highlighted how appointments to the HJC were politically driven, with loyalty to specific parties or figures often outweighing merit or professional integrity. Another striking example is how a renown political figure intervened to have a judge nominated to fill a position held by a "Druze" and who succeeded to have his own nominee take the seat while dozens of candidates had passed the tests at the Judiciary Training Institute (it is important to note that there are no specific quotas regarding sectarian representation within the HJC or judges' nominations in general).

33 Mushtaq Khan, *State Failure in Weak States: A Critique of New Institutional Explanations: A critique of new institutional explanations*. Routledge. 1995.

Oversight bodies like the Judicial Inspection Authority exist but are largely inactive due to insufficient political backing and operational capacity.³⁴ Disciplinary measures occur sporadically and are insufficient to challenge entrenched patronage networks. Past reform efforts, like increasing judges' salaries to ensure financial independence, have failed to curb corruption.

Judges' voices are also often missing from reform dialogues, despite their essential role. A number of respondents, particularly judges and formal judges, have expressed interest in strengthening judicial institutions, improving career conditions, and enhancing transparency. Excluding judges from reform design can deepen mistrust and perpetuate misperceptions. Incorporating judicial actors into consultative processes, particularly those who are not tied to patronage networks, can improve the relevance and durability of reforms.

In that sense, Lebanon's judicial system is not just weakened but structurally compromised, with accountability selectively applied and meaningful reform obstructed by the very actors who benefit from the status quo. Cases of judicial misconduct are often handled discreetly to avoid public backlash. According to a former judge, ministers have summoned judges accused of corruption and asked them to resign quietly, rather than pursue formal disciplinary or legal action. This approach to judicial oversight is excessively adopted, according to a former judge, and has left many judges off the hook instead of answering potential crimes.


Such systems lack leadership, staffing, and only political will could reactivate them. Even when judicial misconduct occurs, these bodies often lack the resources to intervene meaningfully. One interviewee pointed to a case in which a judge faced credible allegations of corruption, but institutional inertia and protective networks shielded him from scrutiny until public outrage forced action.

Court infrastructure further compounds these issues. Multiple accounts described basic logistical failures: missing court staff, broken equipment, no electricity or internet access, non-working elevators, and frequent procedural delays. In some cases, judges postponed cases for years, citing workload or administrative obstacles. Others rarely showed up to court, while cases stagnated due to the retirement or reassignment of key personnel without replacement. The physical spaces to exercise justice also show clear signs of struggle and decay, preventing the simple operation of normal activity. As one judicial source pointed out *"There is no electricity, no paper, and no pens (at the courts). We sometimes [...] use a phone's flashlight to search files due to the diesel shortage and the generators' intermittent power."*³⁵ Another case of obsolete infrastructure concerns damaged documentation due to the lack of courts and offices' maintenance. For example, cases of water leaking from ceilings and slowly dropping on paperwork over long periods of time have also been witnessed by judges and lawyers - rendering impossible the reading of certain documents (adding another layer of complexity regarding certain files). This erosion of formal institutional functionality fosters public distrust and makes rule-of-law delivery inconsistent at best.

34 Interviews with former judges, and civil servants

35 Houssary, "Lebanon's courthouses suffer from judicial paralysis". Arab News, 28 November 2022. Available from: <https://www.arabnews.com/node/2207781/middle-east>.

Technical reforms like tribunal digitalization are frequently abandoned due to donor fatigue, political sabotage, or internal resistance. Judicial modernization in Lebanon also faces deep structural limitations rooted in the broader dysfunction of the state. When analysed through the lens of the Design Actuality model developed by Richard Heeks, which is used to assess the gap between the intended design of a system and the realities of its institutional environment, it becomes evident that the Lebanese judiciary falls short across all seven dimensions. These include information, technology, processes, objectives and values, staffing and skills, management systems and structures, and other resources. This widespread misalignment reflects not only institutional inertia but also the entrenched political interference and weak accountability mechanisms that shape the Lebanese state. As a result, the likelihood of successful judicial modernization remains critically low without a parallel transformation in the governance environment.³⁶



Formal institutions still hold potential, recent steps like re-invigorating the HJC and resuming the port explosion hearings show that some capacity exists. However, these institutions remain heavily influenced by political elites and can be blocked by them at any time. Unless their independence is protected and they are allowed to function properly, they will remain largely symbolic rather than driving real reform. This is why targeted accountability measures are necessary as a first step since they can serve two purposes at once such as restoring public trust in the judicial institutions, while showing that judges' impunity is not absolute and impartiality is attainable. Taking the bulls by the horn and putting everyone in the same basket will be counterproductive. Indeed, these are somehow selective actions but may push certain political groups, and their affiliated elite circles, to adhere to some process to seek legitimacy and credibility at a time where none exist. For example, a judge, who operates a central role in the reform process, mentions that it will be impossible to judge, arrest, and detain everyone at the same time. In their view, the Lebanese carceral system would simply crumble in addition to the expected raising of shields from the part of the political sphere. What is then needed is a number of trials concerning major sensitive files that have had an impact on the Lebanese society as a whole where some sort of accountability and reparations are ensured, a form of Nuremberg trial which will set the pace for accountability for the future.

Distribution of Net Benefits

The distribution of net benefits, in Khan's model, refers to how the gains from economic and political arrangements are allocated among powerful groups and actors.³⁷ This distribution shapes the incentives for supporting or resisting institutional change. Where institutions threaten the established flow of benefits to dominant elites, they are likely to face resistance or be undermined in practice. On the other hand, reforms that align with the interests of powerful actors or offer them alternative sources of benefit are more likely to be sustained. Thus, institutional viability depends not only on technical design but on whether the underlying distribution of benefits creates incentives for compliance and enforcement.

36 Georges Ghali, Implementing Digital Reforms: An overview of the challenges digital reforms in the Lebanese judicial sector, University of Bath, 2024 [unpublished].

37 Mushtaq Khan, State Failure in Weak States: A Critique of New Institutional Explanations: A critique of new institutional explanations. Routledge. 1995.

The current judicial order in Lebanon sustains a rent-seeking arrangement in which political elites, affiliated judges, and select segments of the private sector derive disproportionate benefits. These benefits are not always monetary; they include protection from prosecution, privileged access to legal outcomes, insulation from oversight, and the ability to manipulate judicial timing or content to serve factional agendas.

Political parties remain the primary beneficiaries. Control over judicial appointments, case prioritization, and institutional inertia allows them to maintain a legal shield against investigations, selectively activate cases for political gain, and ensure that sensitive files remain dormant. This system is not limited to punitive aims; it also functions as a transactional service. One interviewee explained how political actors use the judiciary to “offer services” to their constituents by ensuring favourable outcomes in civil disputes, shielding local power brokers, or facilitating access to otherwise inaccessible state services.

Judges who are part of this ecosystem benefit through preferential appointments, lucrative case portfolios, real estate opportunities, and informal immunity from disciplinary action. Conversely, those operating outside political protection or worse, those challenging elite interests often face career stagnation, administrative exile, or retaliatory legal proceedings. Several examples were shared of judges being reassigned to remote posts or removed from high-profile files after defying political expectations. For example, a judge could risk his career by daring question the status quo through abiding by the law. Hamza al Charafeddine, a judge who had been working on the prevention of torture in Beirut was sent away to Baalbek after sharing photographs clearly revealing signs that detainees were tortured in a Lebanese prison. Reprimanding a judge by moving him away from main judicial hubs such as being moved from the capital to peripheric areas (away from their families and habits) has been used many times in the past and echoes what happens within the security apparatus when soldiers or policemen are sent to serve in prisons or far from their homes.

The banking sector also emerged repeatedly as a key stakeholder benefiting from judicial paralysis, particularly through stalled investigations related to financial misconduct, money laundering, or embezzlement. Interviewees alluded to cases where judges were pressured or bribed to delay or dismiss rulings that would implicate powerful financiers or political financiers. Meanwhile, ordinary citizens seeking redress against banks often encounter insurmountable procedural hurdles.

Marginalized groups, including low-income citizens, refugees, and those without political connections, are structurally excluded from this distribution. Lacking the means or networks to negotiate outcomes of judicial proceedings, they face long delays, higher costs, or outright legal neglect. Civil society advocates described multiple cases where basic procedural rights were denied, including the detention of minors or pretrial detainees for extended periods without hearing. For example, it is known that Syrian refugees have been suffering from a lack of judicial protection. The organization Restart, which operates in North Lebanon mainly in Tripoli and Qobbe, mentions the case of a Syrian child who was involved in a fight with a Lebanese child. No legal protection was provided to him, and a lobbying campaign was launched to prevent anyone from providing it. Access to justice in Lebanon is shaped not only obstructions on the basis of nationality or gender but also, predominantly, by access to funds and connections within the justice sector. A low-income family may secure pro bono legal representation, transportation, and other forms of support if they are affiliated with the right political group or influential individual.

Conversely, a wealthy person may have the means to afford legal services, but without the right connections, they are likely to face significant complications. In such cases, financial resources alone do not guarantee access to justice.

The uneven distribution of benefits is sustained not only by overt clientelism but also by the passive acceptance of this status quo within the judiciary itself. Some interviewees suggested that while not all judges are corrupt, many have internalized this hierarchy as a survival strategy, navigating the system by aligning with power centres rather than challenging them. At this stage, it is apparent that the net benefits distribution is highly resistant to reforms. However, respondents have pointed out to a shift in this distribution of benefits in favour of reforms.

Projection of Reform

While there is growing momentum around judicial reform in Lebanon as reflected in the increased donor attention, public mobilization, and some structural changes being slowly witnessed, the projection of reform remains uncertain and contested. Interviewees repeatedly emphasized that many recent developments, such as HJC appointments, reopening of stalled investigations, or the public arrest of high-level figures, should not be confused with structural transformation. Rather, they are seen as tactical adjustments permitted by elite consensus or public pressure.

Some progress has been made in technical areas. For example, efforts are underway to revamp the Judicial Training Institute, including ongoing discussions with a European donor to support updates to its training curriculum. Steps have also been taken to improve transparency and counter disinformation through more regular media engagement. The High Judicial Council recently held its first media conference, with plans to organize briefings after each of its weekly meetings as well as on an ad hoc basis.

This renewed engagement highlights the judiciary's growing interest in institutional self-representation, and builds on existing bodies like the HJC's press committee. Rather than creating new mechanisms from scratch, future reforms should strengthen these internal structures to promote judicial transparency without further politicizing the institution.

In April 2025, a one-day workshop titled "The Judge and the Media" brought together representatives from the judiciary, media, state institutions, and donor agencies. The event focused on the role of the media in covering legal matters and the responsibility of the justice sector to provide accurate and timely information.³⁸

Building on these initiatives, recent legislative workshops—while not always conclusive—have contributed to ongoing parliamentary discussions on judicial laws, practices, and possible reforms. These forums are particularly valuable if they produce tangible outputs ahead of the next round of legislative elections in May 2026. According to a prominent civil society activist involved in high-level reform efforts, the frequency of such workshops should be increased.

38 Claude Assaf, "Justice and Media: how to move from duel to duo?". L'Orient-Today, April 2025, <https://today.lorientlejour.com/article/1458171/justice-and-media-how-to-move-from-duel-to-duo.html>.

They offer a constructive space where donors, state actors, and academic institutions can examine complex issues and explore targeted solutions. Even in the absence of immediate legislative outcomes, these dialogues can help shape a shared understanding of the challenges and lay the groundwork for future reforms.

Several interlocutors warned against overstating recent gains. Some viewed the current push as a “ticking the box” exercise: satisfying donors with minimal compliance, while deeper power relations remain intact. Others noted how reforms stall once they begin touching sensitive files (e.g., transitional justice, financial accountability, torture cases).

Most importantly, these measures operate within, not beyond, the confines of Lebanon’s power-sharing logic. Addressing judges’ training and boosting transparency are also important and reform the sector at its roots, but there’s also a dire need for technical reforms that include the modernization and digitization of administrative procedures. Instead, engaging reform-minded judges as co-designers, not merely implementers, can help ground reforms in institutional realities while avoiding misperceptions of external imposition.

With civil society actors being increasingly vocal and able to play a quasi-monitoring role, the justice sector will not be alone if it decides to go down that road for reform. The backlog of cases is reaching an all-time high, with hundreds of cases being postponed as documents and files keep on getting misplaced or lost. Digitizing will help dealing with bureaucracy while supporting civil servants in their day-to-day work (locating a document, a policy, and sharing and sending documents from a department to another). While several actors, including the EU, have previously attempted to support the modernization of the judicial system, these efforts yielded limited results. One of the core reasons lies in the political economy of reform. When groups in power do not perceive clear benefits to institutional development, particularly in terms of consolidating their influence or advancing their interests, reform initiatives tend to stall. In this case, the reform process was undermined by two interrelated dynamics: first, the absence of political incentive among key Lebanese stakeholders to genuinely invest in change; and second, the mismatch between the ambitious scope of the project and the institutional realities on the ground. Rather than proposing a sweeping overhaul, a more viable approach would involve gradual digitization aligned with the practical needs and constraints of civil servants.

The groups in power are likely to continue delaying meaningful reform in order to avoid accountability. By influencing or controlling legal processes, they have managed to protect their interests and benefit from the current system. While incremental improvements may offer hope to some, they are unlikely to trigger sustained donor engagement in the absence of concrete action. This is precisely where the role of donors becomes even more critical. Several donor representatives have clearly stated that continued support to Lebanon depends on tangible structural reforms. These include the adoption of a law guaranteeing judicial independence, the restructuring of the banking sector, and the re-establishment of state authority over weapons. Without progress on these fronts, Lebanon risks prolonged exclusion from meaningful international support. At the same time, donors recognize the limitations of conditional funding. Withholding aid can only go so far, and there is growing awareness of the risks associated with pushing for reforms in ways that might be perceived as interference in domestic affairs. This tension underscores the need for a careful balance between sustained pressure for change and respect for national sovereignty.

This is precisely why a new “political settlement” is emerging. As the political parties prepare for legislative elections scheduled for May 2026, reform discourse is increasingly being used as a tool for electoral repositioning. This evolving context creates a narrow window of opportunity for procedural reforms, especially those that can be framed as technical or depoliticized. Initiatives such as addressing prison overcrowding, improving court access, enhancing transparency, expanding arbitration and mediation options, or mapping institutional needs in terms of staffing, funding, and infrastructure may become politically feasible. These types of interventions can be advanced through targeted dialogue, technical support, or direct funding, particularly when they draw on existing reform plans that remain relevant and implementable. However, this space does not extend to transformative structural reforms that would threaten entrenched power structures or weaken clientelist networks. As earlier examples have shown, initiatives perceived as redistributive or threatening to elite control are likely to encounter strong resistance or be quietly obstructed. In this context, donors and reform advocates must navigate a careful balance: leveraging this opening for incremental progress while recognizing the structural limits imposed by Lebanon’s political settlement.

Ultimately, reform projection depends on two interrelated conditions: sustained pressure from below (civil society, media, citizen mobilization) and strategic incentives from above (elite consensus, donor alignment, or crisis-driven necessity). A third and equally important factor is the extent to which judicial actors are brought into the process, not as obstacles to be managed, but as contributors to institutional renewal. Without convergence on both fronts, Lebanon’s judiciary risks remaining a site of episodic adjustment rather than systemic reform.





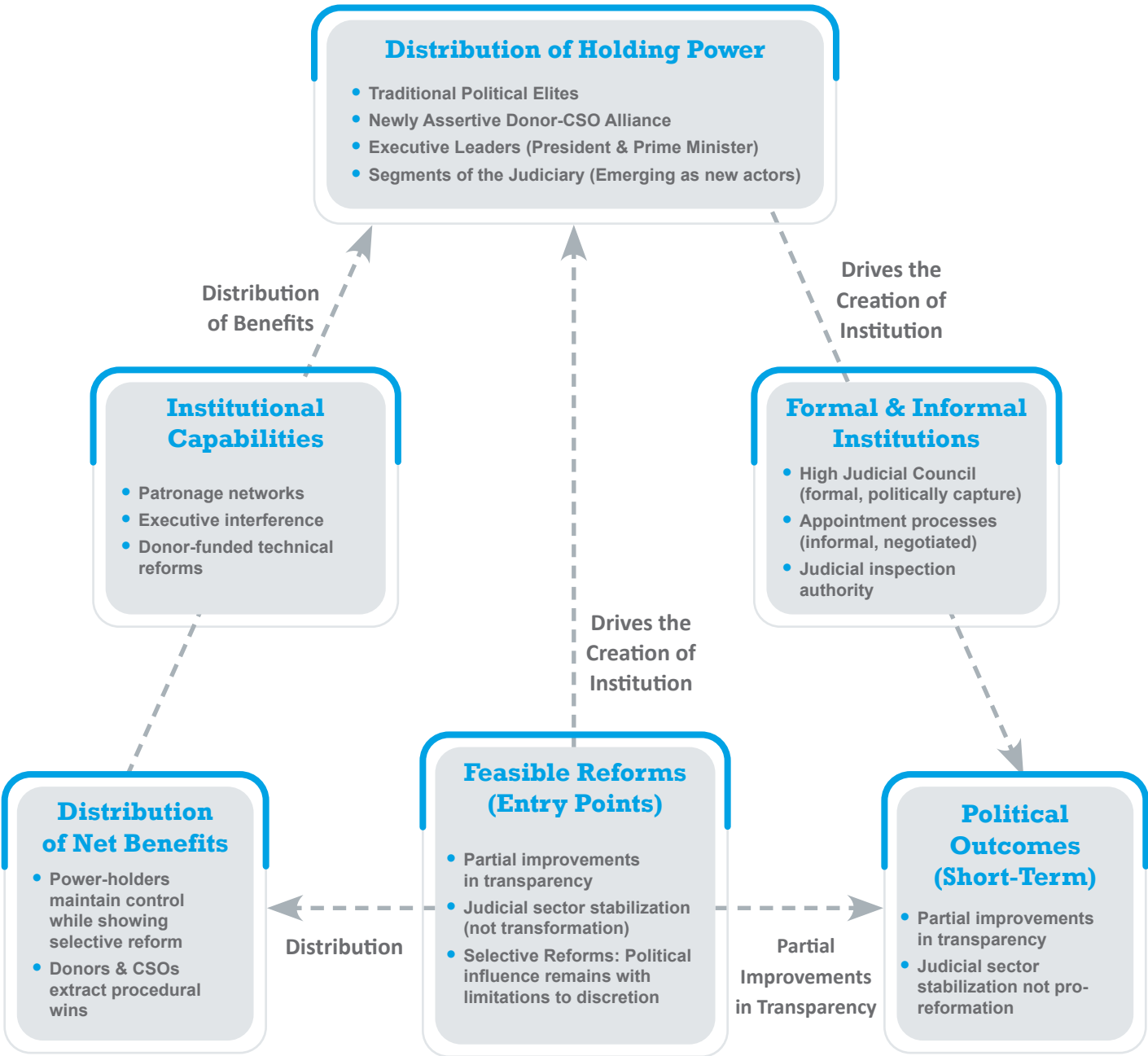
Conclusion


This research has examined the prospects for judicial reform in Lebanon through the lens of the political settlement framework, revealing a dynamic but fragile realignment of actors and incentives. The conclusion of this paper aims to suggest to stakeholders involved in reforming the judiciary, from donors and civil society mainly, to capitalise on the possibilities for reforms in the coming ten months window prior to the legislative elections. The findings from the interviews, and analysis of secondary data, highlight that what is emerging is not a rupture with the past, but a reconfiguration of power that opens narrow but significant entry points for reform. Central to this new settlement is the formation of a novel alliance between international donors and CSOs. Unlike in previous phases where donors exercised caution in overtly conditioning support, there is now a growing assertiveness in linking aid and cooperation to tangible human rights-based reforms. This donor-CSO bloc has become a new power broker in Lebanon's fragmented political landscape, capable of exerting leverage and disrupting the resilience of the old settlement. By conditioning aid on governance benchmarks and embedding reform priorities in platforms like the 3RF, donors and CSOs have created new incentives and pressures that dominant actors can no longer fully ignore.

Moreover, the election of a new President and the appointment of a new Prime Minister within a regional, local, and international environment that is catalysing changes in Lebanon are also big disruptors to the previous political settlement. Both with divergent interests, have strong interests in promoting reformist agendas. The swearing-in speech and the council of ministers' statement both explicitly mention these reforms.

On the other hand, power-holders, in turn, are adapting. Judicial reform is no longer seen solely as an external imposition or a technocratic fix. It is increasingly perceived by political elites as a vehicle for maintaining and even consolidating power. With legislative elections approaching in May 2026, reformist posturing, especially in areas that signal responsiveness to international partners and domestic frustrations, is being strategically adopted. In this context, being seen to "deliver" on judicial reform, even symbolically or selectively, becomes a new mode of political legitimacy. This logic does not imply that elites are abandoning their interest in controlling the judiciary. Rather, it reflects an instrumental acceptance of certain reforms that can be publicly showcased without threatening the deeper distribution of benefits. The late Lokman Slim coined this condition, on multiple occasions, as reformist bribery رشوة اصلاحية.

Judges themselves, often viewed as passive actors in the political equation, are also asserting new forms of agency. While still embedded within patronage networks and subject to executive interference, segments of the judiciary are seeking to reposition themselves in the emerging settlement. Their demands, ranging from improved working conditions and benefits to greater transparency in appointments, are not revolutionary but carry the potential to shift institutional incentives. If engaged strategically, judges could become allies in pushing forward reforms that enhance accountability and professional standards, even if within existing limits.





Based on this analysis, the research identifies a set of reforms that are politically feasible under current conditions. These are not transformative in nature, but they offer strategic value:

1. **Inclusive but non-conclusive legislative workshops:** Ongoing parliamentary discussions on judicial laws are likely to continue, especially if they produce visible outputs by May 2026. These workshops provide a forum for stakeholder engagement and can serve as platforms for donor visibility and elite signalling, even if no laws are enacted in the short term.
2. **Selective improvements in judicial appointments:** While executive control over the judiciary is likely to remain entrenched, there is potential to advocate for more transparent, benchmarked criteria for appointments. This would not dismantle political influence, but it could limit arbitrariness and increase public scrutiny of executive decisions.
3. **Targeted accountability measures:** The selective prosecution of high-profile cases such as those related to the Beirut port blast or known corruption. These cases can serve dual purposes: restoring a degree of public trust and indicating to judges that impunity is not absolute. These actions, while selective, may be politically practical for elites seeking legitimacy.
4. **Administrative and infrastructural upgrades:** Improvements in working conditions, technological modernization, and staffing of oversight bodies are reforms that judges themselves support and that donors can finance. These changes do not threaten elite interests but can improve functionality and morale within the judiciary.
5. **Institutionalized judicial communication:** The introduction of judicial spokespersons at the level of the High Judicial Council and prosecution offices offers a low-risk, high-visibility reform that can enhance transparency and counter disinformation, especially in politically sensitive cases.

Crucially, none of these reforms fundamentally alter the political logic of the judiciary. They do not fully eliminate elite capture, depoliticize the HJC, or guarantee full independence. However, they reflect the contours of a political settlement in transition, one in which limited reforms are possible when they align with the evolving interests of key actors or offer reputational benefits without a majorly redistributing power. In addition to the fact that many of these points are considered the bare minimum to sustain judicial operations in many states across the world.

Finally, this research argues for an approach to reform that is both principled and pragmatic. Rather than focusing solely on normative ideals or exhaustive blueprints, stakeholders should anchor their strategies in an understanding of what is politically possible and who stands to gain. Reform in Lebanon's judiciary will not come from dismantling the existing order overnight. It will come from incremental shifts, negotiated gains, and the careful alignment of pressures from below and incentives from above. Recognizing this is not a retreat from ambition, it is a pathway to building meaningful, if modest, progress in one of Lebanon's most contested and consequential institutions.



Recommendations

1. Supporting inclusive legislative workshops on judicial independence

To Parliamentarians and Parliamentary Committees

- Institutionalize inclusive, multi-stakeholder workshops on judicial reform, ensuring participation from judges, civil society, and legal experts in advance of May 2026.
- Maintain regular public updates on workshop proceedings to build public trust and foster accountability in the legislative process.

To Civil Society Organizations and Legal Advocacy Networks

- Coordinate technical submissions and advocacy campaigns to support judicial reform proposals debated in Parliament.
- Facilitate open forums, town halls, and social media engagement to amplify public input into judicial reform debates.

To Donors

- Provide financial and technical support for inclusive legislative workshops on justice reform as part of broader governance and rule of law programming.
- Use donor presence in workshops as a platform for visibility and diplomatic leverage, even in the absence of legislative outcomes.

2. Advancing transparent criteria and procedures for judicial appointments

To the Ministry of Justice and High Judicial Council

- Introduce transparent selection criteria for judicial appointments, including public declarations of qualifications, integrity benchmarks, and clear appointment procedures.

- Publish appointment decisions and the rationale behind key nominations to enhance accountability.

To Civil Society Organizations and Legal Watchdogs

- Develop and disseminate a model framework for transparent and merit-based judicial appointments.
- Monitor and publicly report on upcoming judicial nominations, including deviations from best practices.

To Donors

- Make transparency in judicial appointments a funding conditionality under rule of law programs.
- Support independent oversight mechanisms or expert panels to review and advise on appointment processes.

3. Supporting targeted accountability in high-profile cases

To the Judiciary and Public Prosecution

- Prioritize high-profile accountability cases, such as the Beirut Port blast and financial crimes, as confidence-building measures for public trust.
- Ensure timely and public reporting on the status of these cases, while guaranteeing judicial independence.

To Civil Society Organizations and Victim Advocacy Groups

- Monitor proceedings of politically sensitive trials and provide legal and psychosocial support to victims and witnesses.
- Document instances of judicial obstruction or retaliation and engage with international human rights mechanisms to raise concern.

To Donors

- Fund trial observation missions and international expert reviews to reinforce judicial integrity in priority cases.

4. Investing in infrastructure and digitization to improve court functionality

To the Ministry of Justice

- Conduct a comprehensive infrastructure audit of courthouses and judicial facilities and publish the findings for transparency.
- Prioritize upgrades to court premises, providing staffing of key oversight institutions such as the Judicial Inspection Authority.

To Civil Society and Legal Support Organizations

- Advocate for court modernization as a prerequisite for access to justice and improved service delivery.

To Donors

- Dedicate funding to address urgent infrastructure needs, including electricity, internet access, and digitized archives in key courts.
- Support pilot digitization programs in targeted jurisdictions to demonstrate proof of concept for broader justice system modernization.

5. Institutionalizing judicial communication to counter misinformation

To the High Judicial Council and Senior Prosecutors

- Appoint judicial spokespersons at central levels to communicate court processes, clarify legal procedures, and address public misconceptions.
- Develop a public communications protocol for legal institutions that includes media briefings, press releases, and fact sheets.

To Civil Society Organizations and Media Support Platform

- Offer training to journalists on legal reporting standards to reduce disinformation and sensationalism in judicial matters.
- Facilitate regular dialogue between the judiciary and media professionals to promote mutual understanding and responsible coverage.

To Donors

- Fund the development and operationalization of judicial communication units within key judicial bodies.
- Integrate support for judicial-media engagement in broader rule of law and good governance portfolios.



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