



STATEMENT OF THE NDI PRE-ELECTION ASSESSMENT MISSION TO LEBANON'S 2018 PARLIAMENTARY ELECTIONS

March 11 - 15, 2018

The National Democratic Institute (NDI) deployed an international delegation to Lebanon from March 11 - 15, 2018. The purpose of the mission was to assess preparations for Lebanon's May 6 2018 elections to support efforts to conduct peaceful, credible polls. NDI's delegation included regional and election experts from North Africa, Europe, and North America: Daniel Mitov, Former Minister of Foreign Affairs (Bulgaria); Chafik Sarsar, Former President of the Independent High Authority for Elections (Tunisia); Shari Bryan, Vice-President of NDI (United States), and Nicole Rowsell, Senior Advisor at NDI (United States).

The delegation conducted its activities in accordance with Lebanese law and the *Declaration of Principles for International Election Observation*, which was launched in 2005 at the United Nations. The delegation met with: the Ministry of Interior and Municipalities (MOIM), President and Commissioners of the Supervisory Commission for Elections (SCE); independent and partisan candidates and political party leaders; government officials; civil society leaders, including citizen election observers; women political leaders; members of the Constitutional Court; media leaders; and representatives of the international community.

The Institute recognizes that, ultimately, it will be the people of Lebanon who will determine the credibility of their elections and the country's democratic development at this important turning point for the country against the backdrop of regional unrest. The delegation therefore offers this pre-election statement in the spirit of supporting and strengthening democratic institutions and accountability in Lebanon.

The delegation is deeply grateful to all those with whom it met and who shared their views generously. The delegation also expresses its appreciation to the National Endowment for Democracy (NED) for funding this delegation and supporting NDI's democracy assistance programs in Lebanon. NDI stands ready to continue to assist Lebanese efforts to build and sustain democratic practices, institutions, and values.

POLITICAL CONTEXT

After nearly nine years and multiple postponements, Lebanon's May 2018 parliamentary elections will be conducted under a new legal framework, introducing major changes for

election administrators, candidates, voters, and the media. These elections are the result of a consensus-building process by members of Lebanon's governing political parties, driven by renewed public pressure to address the stalled national political process; against the backdrop of unprecedented regional tensions and turbulence which directly affect Lebanon's delicate social balance. Key milestones included: holding local elections in 2016 according to the timeline outlined in the law; negotiations between political opponents to address the presidential vacancy in October 2016 followed by formation of a national unity government; and passage of a new election law in June 2017, opening the door for May 2018 elections.

Electoral Reform

Following many thwarted attempts, the Lebanese parliament passed a new electoral law in June 2017. While the process was rushed and conducted between political leaders, the law does include several new elements that respond to calls for reform by Lebanese civil society and which were broadly supported by the public, including adoption of proportional representation, out-of-country voting, and pre-printed ballots, which introduce new safeguards for voter secrecy and reduce potential for vote-buying.

With the new law, Lebanon has designed a bespoke electoral system that is highly complex. The law replaces the majoritarian system adopted in 1960 with multi-member proportional representation, while continuing the allocation of seats by sect as mandated by the constitution. Voters will now be able to cast votes for both a list competing in their district, and a candidate from the list in their sub-district. The law also introduces a number of technical reforms, including mandating pre-printed ballots and the use of magnetic voter identification cards for the first time.

Despite lobbying by women's groups as well as statements of support by several political parties, a women's quota was not introduced in the law. Lebanon has one of the lowest rates of women's participation in parliament, with only four of 128 members of parliament being women. Calls for the voting age to be reduced from 21 to 18 also were not adopted. While Lebanese abroad will be able to vote for the first time in this election, the provision for seats to be allocated to the diaspora does not take effect until the 2022 national elections.

The MOIM is responsible for organizing elections in coordination with other governmental institutions including security services. For the first time, eligible Lebanese living abroad will be allowed to vote, creating new responsibilities for the Ministry of Foreign Affairs (MFA). The mandate of the Supervisory Commission for Elections (SCE) has been expanded to include observer registration and voter education, in addition to oversight of campaign finance and media.

Shifting political alliances and new competitors

Traditional alliances which defined Lebanese politics since 2005 have faced strain, and evolved considerably. Local elections in 2016 presented the first opportunity for some parties to test new campaign alliances and evaluate their future potential. This experience, coupled with pressing public demand to address the more than two-year presidential

vacuum, encouraged negotiations resulting in an agreement which brought the Free Patriotic Movement's General Michel Aoun into the presidency, and saw Future Movement's Saad Hariri return to the prime ministry after several years in exile. Despite these shifting alliances, positions are unchanged on the presence of a major political party with potential to mobilize for armed action as an obstacle to meaningful political reform in Lebanon.

While Lebanon's traditional political leaders demonstrated a willingness to negotiate with one another, new activism sparked by the 2015 waste management crisis set in motion the creation of citizen movements who aimed to challenge established parties. One outcome of this organizing was the creation of several independent lists including Beirut Madinati, which fielded candidates in the 2016 local elections. Running on a platform emphasizing issues, these candidates critiqued track records of past office-holders for promoting a system based on clientelism and corruption, and presented the strongest challenge to-date against incumbents in some municipalities. However, due to the electoral framework (majoritarian system -- first past the post), they did not secure any seats. In advance of the 2018 parliamentary elections, one new political party and several independent candidates intend to run -- some on dedicated independent lists, and some in alliance with parties on mixed lists.

Expanding Voter Expectations

Amidst security challenges stemming from the conflict in neighboring Syria and political deadlock domestically, parliamentary elections originally slated for 2013 were postponed, provoking protest from citizens at the time. Despite the ongoing Syrian crisis, including the spillover effect of hosting more than one million Syrian refugees, and spiked tensions between other regional actors which directly affect the country's governing institutions, Lebanon's political leaders have prioritized compromise in order to maintain stability.

This political resilience and the resulting security gains have contributed to expanding voter expectations on several fronts. Polling shows that voters are prioritizing the improvement of essential services and economic development, while remaining deeply concerned about endemic corruption in national and local government. This growing appetite for solutions to pressing economic and social challenges presents an opportunity for political parties and independent candidates alike who seek to respond to these new elements informing voter attitudes. In addition to the growing attention on issues, a sizeable new portion of the electorate will be eligible to vote in these national elections for the first time. More than 600,000 eligible voters have turned 21 since 2009 parliamentary elections, representing approximately 16 percent¹ of the total eligible voters.

OBSERVATIONS AND RECOMMENDATIONS

Following are the pre-election assessment delegation's observations about areas for improvement, as well as recommendations on how to address them. Some of the suggestions could reasonably be undertaken in advance of the May elections, while others

¹ Lebanon has approximately 3.7 million eligible voters, however final eligible voter figures should be made available by the MOIM by March 31, 2018.

are intended for consideration following elections when stakeholders can evaluate aspects of the current law and the campaign environment.

Election Administration

Electoral preparations

NDI's January 2018 poll found that voters generally trust the MOIM, MFA and SCE. Thus far, the MOIM has met the main benchmarks laid out in the election law. However, challenges remain, including voter education, results management, and procedures to collect and secure the votes of citizens abroad. If not addressed in a transparent, effective manner, this could diminish confidence in these institutions' ability to conduct credible elections. In particular, resources to ensure the SCE is able to achieve its broadened mandate have yet to be fully deployed, including transfer of its budget and request for public servant secondments to conduct monitoring. The delegation notes the positive development that the Council of Ministers approved the budget for the SCE during its visit.

Voters List

The preparation of the voters list is nearing completion. The introduction of out-of-country voting required an additional registration process, which was conducted in the fall of 2017 by the Ministry of Foreign Affairs. Concerns related to this process were raised and -- considering the intention to add diaspora seats going forward -- special attention should be paid to ensuring transparency in this process. Following a review of the voter roll, the MOIM certified 82,900 voters abroad in 40 countries. The annual in-country period for voters to review their registration information closed on March 1, and the MOIM is finalizing the voter list before the March 31 deadline.

Out-of-Country Voting (OCV)

Logistical preparations being put in place by the MOIM and MFA will soon be put to the test. The production of election day materials, including the pre-printed ballots that will be used for the first time, can only begin after the candidate list deadline has passed and the final voter list is issued on March 31. Ballots will be produced in Lebanon and then dispatched along with other special materials to embassies in 40 countries prior to April 27 -- the first of two days on which voting abroad will be conducted, prior to in-country voting on May 6. Several stakeholders have raised concerns about how voting abroad will be managed, including staffing and training for election day, and safeguarding of the ballots and their transportation to Lebanon prior to May 6 in order to be sorted and counted along with in-country votes. The delegation heard conflicting accounts of who has ultimate responsibility for setting the procedures and managing aspects of the vote abroad. However neither the MOIM or MFA has established clear procedures for the designation of polling stations abroad, recruitment of staff for election administration, handling and safeguarding of sensitive materials and how these results will be incorporated in the results tabulation.

Recommendations:

- Requested financial and human resources by the SCE should be immediately released to support the Commission's expanded mandate and ensure proper monitoring of media and campaign environment.
- The MOIM and MFA should immediately establish coordination to finalize polling station locations and staffing needs to assign requisite budgets for OCV.
- The MOIM should immediately issue training materials to MFA staff in Lebanon and embassies abroad to ensure the proper procedures and safeguards are in place sufficiently in advance of the April elections.
- Election authorities should ensure timely accreditation and access to citizen monitoring groups and agents for electoral contestants in the 40 countries where voting will take place abroad.

Voter Information and Education

All parties the delegation met with noted that the new law introduces several changes which will affect how votes are cast, creating confusion and frustration on the part of voters. The new electoral law states that the SCE should organize voter education. However, due to delays in resource allocation, the MOIM has retained responsibility for this function and rolled out public service announcements during the delegation's visit through television, their website, and social media, in addition to distributing brochures and training guides. The SCE also announced its intention to complement these efforts, once the resources are available, by focusing its voter education campaign on electoral violations.

At the same time, political parties are providing awareness sessions including mock elections and sample ballots to help voters understand the changes introduced by the law. NGOs are also organizing similar sessions throughout the country, focusing on first-time voters.

Recommendations:

- The MOIM and SCE should immediately launch multi-faceted voter education measures taking into consideration both the changes in the process, and the substantial portion of the electorate who will participate for the first time.
- Candidate campaign teams, NGOs and the media should all continue their efforts to educate the public and encourage participation.

Election-Day Administration and Security

Voter, Candidate or Agent Intimidation

Despite concerns regarding understanding of the law and delayed preparations, all candidates from political parties and independent groups whom the delegation met with expressed their full commitment to go forward with their campaigns for the upcoming elections. This is a welcome sign that they appreciate the stakes surrounding these polls. Nevertheless, a number of Lebanese with whom the delegation met voiced concerns about election day.

Independent and women candidates did note concern for increased sectarian hate speech and potential for intimidation through both social media and direct means. Some political parties commented to the delegation that 'megacenters' organized in cities to allow voters to

cast their ballot where they live rather than having to return to the district where they are registered could have shielded against voter intimidation. While the delegation is encouraged by the MOIM's assurances that it has increased standards including mandatory training for all polling staff, concerns were raised by several interlocutors regarding polling staff allocation. Finally, intimidation of candidate agents including being barred from polling stations by opposing political party agents on election day was also raised.

Results Tabulation and Announcement

Lebanon's new legal framework requires an overhaul of the results tabulation process to conform with the new electoral framework. The MOIM intends to procure software from a Lebanese firm to manage this process and help expedite the announcement of results. Most parties reported that they will be organizing their own parallel tabulation with data collected from candidate agents.

Recommendations:

- The MOIM should ensure consistent and transparent selection criteria for polling staff and their assignment to electoral districts to build confidence.
- Law enforcement personnel should be trained in electoral security best practices and deployed to high-risk areas to deter or quickly de-escalate disruptions.
- The roles and responsibilities of these security forces should be clearly defined and communicated so that their presence does not in itself interfere with electoral processes or generate unnecessary anxiety among voters.
- To ensure all stakeholders are fully informed about the procedures and safeguards in place, the MOIM should organize a public demonstration of the results management system.
- Results should be released to the public in a timely manner to ensure independent verification by all stakeholders.
- The MOIM, in cooperation with the MOJ, should produce procedures to manage the results management process, provide training to registrations committees to ensure clear distribution of roles.

Candidates and Campaigns

The SCE registered 976 candidates by the March 7 deadline, including 111 women. The deadline to register lists is March 27. Some candidates who met with the delegation outlined strategies that include proposals for economic development and addressing essential services, conducting door-to-door campaigns, mobilizing volunteers, and reaching out to Lebanon's first-time voters. These approaches seem particularly well-suited to voter expectations that political actors embrace new ways of conducting politics. In the short time remaining before elections, candidates have the opportunity to reach out proactively to voters to understand the issues they care most about and to offer realistic and constructive solutions. Polling shows that addressing corruption is a major concern to all Lebanese in all regions of the country. One NGO has developed a "vote match" questionnaire asking candidates to state their positions in a series of issues, which voters can consult to better understand candidate platforms and how they differ.

The improper use of administrative resources has been a problem in previous Lebanese elections, and was raised with the delegation in several meetings with candidates and NGOs. In particular, concerns about candidates overseeing ministries who play important roles in administration of elections and their potential conflict of interest, were raised repeatedly. However, the delegation also noted a widely-held perception that current efforts by other ministries may also bear the mark of campaigning rather than consistent development policy. Election monitoring NGOs and political parties warned that monitoring campaigns for any potential violations would be critical.

Recommendations:

- Candidates should engage the public through electoral appeals based on issues important to citizens and avoid unnecessarily exacerbating sectarian divisions.
- Candidates should seek out opportunities to participate in debates and dialogue focused on policy issues.
- Political parties should consider developing and agreeing to a shared code of conduct outlining acceptable campaign practices and using the code to enforce compliance by party activists.
- Candidates who also serve in Lebanon's cabinet should consider immediate steps to counter perceived abuse of state resources and conflicts of interest.
- For the future, political parties should consider deliberate, democratic, and inclusive candidate recruitment processes.

Women's Participation

Women represent 52 percent of the Lebanese population, but they are underrepresented in politics as leaders. Lebanon is falling short of fulfilling its commitment as a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to promote women in public and political life. Of 976 registered candidates, 111 are women -- a marked increase from past elections. The current parliament has four women out of 128 members, and the Council of Ministers includes only one woman. Despite the increased interest of women to participate, the delegation did not see strong evidence that political parties are systematically promoting women as candidates, campaigners, nor targeting support from women voters. As in many countries around the world, Lebanese women candidates are disadvantaged by the high cost of campaigns, lack of support by political parties to mobilize voters on their behalf, and registration requirements which may hinder name recognition in the districts where they will run.

NGOs focused on women's participation noted that campaigns have not sought strategic input on promoting or targeting women and expressed concern that the issue of gender equality is not at all present as elections approach. Moreover, public opinion research by NDI in Lebanon showed that women are perceived as more credible than men on tackling corruption, a major campaign issue in this election. This election season presents a unique opportunity to leverage the strengths that women leaders bring to the political process.

Recommendations:

- The MOIM should consider introducing flexible measures to allow women candidates to present their names on the ballot prior to the list registration deadline.
- The MOIM should commit to gender parity as they recruit polling staff for election day.
- Citizen observers should recruit female monitors and publish findings including gender-sensitive analysis.
- Following elections, political parties should demonstrate genuine commitment to women's inclusion and participation, including revisiting candidate preparation and selection procedures; as well as setting internal quotas to bring more women into decision-making.
- Following elections, lawmakers in consultation with civil society should revisit tangible measures such as a gender quota.

Campaign Finance

The delegation noted that the corrosive role of money in politics is a major area of concern that has not yet been adequately addressed in legislation or practice. The new electoral law has increased campaign spending ceilings, which also vary significantly by district due to population differences. The reforms to the election law do add opportunities for greater control by the SCE which could bring transparency to campaign finances. The SCE has access to candidate bank accounts and will review monthly financial reports submitted by campaigns prior to elections, and then audit final reports within one month of election day. However, the SCE lacks the resources to conduct audits of candidate financial reports and verify expenses through field monitoring, nor the power to enforce penalties of violations directly. The delegation heard from multiple interlocutors about concerns regarding vote-buying and candidate spending not reported by campaigns. The Lebanese Transparency Association (LTA) will be monitoring the work of both the SCE and candidate campaigns in a number of districts in order to document and publish spending patterns and possible infractions.

Recommendations:

- The SCE should receive the approved budget and staffing to properly conduct its monitoring efforts.
- Campaigns should voluntarily and regularly disclose the sources and amounts of their donations and their expenditures.
- To demonstrate commitment to transparency, election authorities should explore all options for open data which respect the spirit of the law, including release of readable format election-related information.
- For future elections, candidate registration fees should be set at levels that do not discourage serious new entrants.
- Over time, more rigorous limits on campaign contributions and expenditures should be developed. Mechanisms for requiring greater transparency about campaign finances should be considered.

Media Environment

NDI public opinion research noted that television and social media are overwhelmingly used by voters to access information about politics. Encouragingly, voters view the media as an important avenue to gaining information about candidates and their campaigns, including potential candidate debates. While diverse, many of Lebanon's media outlets are directly or indirectly linked to political interests. Use of social media by campaigns is essentially unregulated under the election law, and most interlocutors noted their concern for proliferation of hate speech, 'fake news' or intimidation during the upcoming campaign. Spikes in prices of airtime and failure of media outlets to properly mark paid airtime were raised as concerns by electoral contestants, citizen monitors, and the SCE. However, the media outlets the delegation met with also registered frustration that their requests for guidance from the SCE have not received timely and detailed responses.

Recommendations:

- The media should provide fair coverage to all political parties, candidates and campaigns, and disclose all paid airtime.
- Electoral contestants should engage in candidate debates to provide voters with choices about policy approaches.
- The SCE should promptly respond to requests from media and campaigns regarding regulations, and follow-up on any violations noted during their monitoring efforts in a timely and transparent manner.

Election Observation

The pre-election assessment mission noted with appreciation that the law maintained nonpartisan observer organizations' rights to monitor election procedures and submit complaints. The Lebanese Association for Democratic Elections (LADE) and the LTA recently launched their observation efforts, which will continue through the campaign, election day, and post-election periods. The government and election authorities have also encouraged international observation and welcome such delegations. In addition to the NDI delegation, the European Union and Arab League are expected to deploy delegations.

Recommendations:

- All international and domestic observers should operate in accordance with the *Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*, respectively.
- Consideration should be given to expanding the scope of planned domestic and international observation efforts.

Electoral Framework

Lebanon's election law represents a significant political step forward, and incorporates aspects of reforms proposed by Lebanese experts and the international community to enhance integrity of elections. However, all interlocutors acknowledged its loopholes and errors, provisions that will not be applied for these elections -- such as magnetic cards in voting -- and that certain aspects fail to meet best practices and international standards. Most

notably, independence of the election commission, size of districts, and reducing the voting age could be addressed in a future reform process.

Recommendations:

- After May 6, renewed consideration should be given to an inclusive evaluation of the framework and its application, to set the foundation for consideration of future reforms to reduce uncertainty in advance of future elections.

NDI is a nonprofit, nonpartisan organization dedicated to supporting and strengthening democratic institution worldwide through citizen participation, openness and accountability in government. NDI first worked in Lebanon in 1995, providing technical assistance to Lebanese voter education and election monitoring efforts. The Institute has maintained a permanent in-country office in Lebanon since 2000.