PRELIMINARY STATEMENT OF NDI'S INTERNATIONAL OBSERVATION MISSION TO LEBANON'S 2018 PARLIAMENTARY ELECTION

Beirut, Lebanon
May 7, 2018

INTRODUCTION

This preliminary statement is offered by the National Democratic Institute's (NDI) international observer delegation for Lebanon's May 6, 2018 parliamentary election. The mission's purpose is to support Lebanon's efforts to conduct peaceful, credible polls; impartially and accurately assess the electoral process to date; and offer recommendations to improve future elections. NDI has been observing Lebanon's electoral process since March 2018 when the Institute fielded a pre-election assessment mission. This statement builds on that pre-election analysis issued earlier this year, as well as the findings and contributions of the mission's in-country analyst who has been present since March 2018. NDI's election observation efforts were made possible through funding from the National Endowment for Democracy.

NDI's delegation included 31 political leaders, civic leaders, and election experts from 13 countries across the Middle East, Africa, Europe, and North America. On May 5, observers deployed in 15 teams to 15 districts across Lebanon, and on election day, the delegation observed the opening of the polls and voting and counting processes in more than 150 polling stations across the country.

The leadership of the delegation was comprised of: Peter MacKay, former Minister of Foreign Affairs, Defense and Attorney General, Canada; Birgitta Ohlsson, former Minister of European Affairs, Democracy and Consumer Rights, Sweden; Mohamed Ouzzine, Deputy Speaker of Parliament, Morocco; Tamara Cofman Wittes, Senior Fellow, Brookings Institution, Center for Middle East Policy, USA; and Leslie Campbell, Senior Associate and Regional Director, NDI.

This statement is preliminary in nature. The delegation recognizes that the official tabulation process and announcement of results are not complete at this time. The delegation therefore does not presently seek to render final conclusions on the May 6 election. NDI will continue to monitor the electoral process through its completion and will issue additional reports as appropriate.

EXECUTIVE SUMMARY

The Lebanese people went to the polls on May 6 to elect a new Parliament for the first time since 2009. The election took place in the context of a fraught regional situation and a substantial refugee presence that strains the society and economy. The campaign was also punctuated by oft-articulated demands of Lebanese citizens and civil society for fresh leadership and an end to corruption. NDI's delegation offers this statement in the spirit of friendship and cooperation and recognizes that, ultimately, the success of Lebanon's 2018 Parliamentary election will be judged by the Lebanese people.

The election was administered under a new law that featured, among other improvements, proportional representation and a pre-printed ballot. Although voters and poll workers alike had to adapt to a new electoral system, voting went smoothly for the most part and the atmosphere, despite sporadic and isolated incidents of violence, was generally calm. The Lebanese Internal Security Forces (ISF) and the Lebanese Armed Forces (LAF) were responsible, in coordination with the Ministry of Interior and Municipalities (MOIM), for security inside and outside of polling centers; those we observed did their jobs with admirable professionalism, compassion and pride. Poll workers were dedicated and voting materials were, with minor exceptions, delivered on time and in a secure manner. Parties were well-organized on election day, with list and candidate representatives present in virtually all polling places. In a welcome development, Lebanese voters took a decisive step to increase the number of women in parliament.

There were, of course, areas for improvement. Most polling places were inaccessible to those with disabilities and measures to help disabled voters were inadequate. There was campaigning near voting centers and campaign materials were seen inside voting centers. Candidate agents often wore clothing with party insignia and carried other items with party branding into polling stations. Poll workers demonstrated varying degrees of understanding of the procedures, especially during the opening, closing and the count. The process for adding new ballot boxes when the originals were filled was unclear -- in some cases, unsealed second ballot boxes were used. Observers heard some allegations of vote buying, and in at least one instance observers were informed by voters that they had been paid to vote for a particular list.

It should be noted that the MOIM is the primary body responsible for administering elections, and that the Ministry of Foreign Affairs (MFA) played an important role in administering out-of-country voting for the first time. While the efforts of the staff and officials of the MOIM and MFA to conduct an election within a challenging context are to be applauded, that said, public faith in the process relies on maximum trust in impartiality and expertise of the administering bodies. These ministries are headed by politicians who were also candidates for elections, creating a potential conflict of interest.

While none of the shortcomings would appear to have had a significant effect on the outcome of the election, there was a palpable sense of voter apathy which translated into a voter turnout figure lower than that reported in 2009. Although election campaigning was very visible on television, in social media and on the streets, voters did not turn out in large numbers. On election day, a number of voters expressed a desire for change, but seemed resigned to a continuation of the status quo. Others expressed their frustration with political actors and the

political system, and their intent to stay away. This juxtaposition of a well administered election with seeming voter dissatisfaction merits considered exploration by Lebanese leadership.

Lebanon's complex system of representation, which guarantees seats to many of the country's diverse confessional groups, is not prone to dramatic swings or shifts in power. It is also constrained by the presence of armed groups in Lebanese politics. This includes Hezbollah, which has demonstrated its readiness to use force as as a veto over the political process. While the system's emphasis on compromise has been a part of the country's recent stability and guarantees a degree of consensus in the political system, it comes at the expense of government effectiveness and turnover in political leadership. Lebanon's relative stability over the past decade of regional turmoil has raised citizen expectations, and bottom-up pressure motivated incumbent politicians to move ahead with a reformed law passed with the support of all the major domestic political forces. The law, however, was criticized for being rushed through parliament with insufficient public debate.

The new electoral law, in principle, offered an opportunity for Lebanese politics to move toward a system with well-defined, ideologically distinct political parties rooted less in confessional and familial identity and more in policy platforms that offer different visions of improved governance. Civil society organizations, young Lebanese activists, and many others have been actively pushing this vision for years. However the law as finally passed combined proportional representation, confessional allocation of seats, and a preferential vote in ways that push toward a continuation of the political status quo. While the electoral reform led some citizens to launch new, independent political campaigns, it left others alienated from their political system.

DELEGATION FINDINGS AND OBSERVATIONS ON ELECTION DAY

Conduct of Elections
Voting was conducted in a generally calm and orderly manner in observed areas, although several physical altercations among partisans were reported throughout the day. Observers reported tensions growing somewhat in the afternoon as turnout increased. LAF and ISF security forces were present in and around centers and were able to maintain order when tensions arose. Security services generally adhered to their legally prescribed roles and showed calm and restraint.

Observers noted that procedures were generally followed, although inconsistencies were reported, particularly related to the use of mobile phones inside polling stations, validation of the ballots and checking voters' fingers for ink before allowing them to vote. In some instances, the voters were not asked to sign the voter list, while in others officials failed to reconcile ballots before opening.

Administration of Polling Centers
The dedication and professionalism of the polling officials was instrumental to the calm and orderly process. Polling officials made good-faith efforts to abide by rules, though they demonstrated varying degrees of understanding and knowledge of the procedures.

3

The polling centers visited by the delegation had mostly received all essential materials and opened on-time at 7:00 AM, with minor and isolated delays. However, some issues were reported, including from a polling station that received fewer ballots than registered voters for that station, or others that had not received other election materials (such as official forms or tally sheets). Polling materials were generally kept secured throughout the process, although several stations received and used extra ballot boxes that were unmarked and unsealed, while some polling officials failed to ensure safety of election materials during the count.

Although the voting was mostly conducted in an efficient manner, observers noted that the opening and counting processes in several stations demonstrated that officials lacked understanding of the official forms and procedures for these stages of the process. Some polling stations observed chose not to use the cameras and monitors to display ballots during the count. Disputes over ballot validity were observed in several polling stations. Some polling stations became overcrowded because the space secured was not sufficient for the number of voters and candidate agents in the room. Observers witnessed instances of unauthorized individuals interfering in or directing the process.

Turnout
National turnout in the election was reported to be 49.2 percent, but it varied significantly between districts. The highest reported turnout, at 63 percent, was in West Bekaa / Rachaya. The lowest turnout was reported in Beirut 2 at 31 percent. Most delegates observed relatively few voters in the morning, with turnout increasing in the afternoon, at times resulting in long lines and overcrowding. Throughout the country, observers reported very different assessments of both the level and demographics of turnout reinforcing the intensely local nature of many of the contests.

Pre-printed Ballot
Most voters appeared to understand how to fill out ballots and polling staff were generally able to help them navigate the process. Observers did not report witnessing voter confusion as a result of the new pre-printed ballots and requirement that they choose only one list and one candidate from that list, despite concerns that the new system would be challenging for voters.

Secrecy of Ballot/Voting
Secrecy of the ballot was compromised in a number of polling stations visited. Polling booths were sometimes positioned in a way that did not guarantee voter privacy, while in other instances voters revealed their choices voluntarily or had party agents, election or security officials checking their ballots. In several districts, observers noted multiple people behind the polling booth at the same time in polling stations. There were also concerns that the procedures for assisted voting for people with disabilities was at times abused in order to monitor the voters' choice -- for example by the same individual helping multiple elderly, illiterate, or disabled voters mark their ballots.

Campaigning
Despite the ban on electoral activity "near" the polling centers, delegates observed active campaigning at the gates of nearly all polling centers visited. Campaign materials were

frequently displayed on buildings facing polling centers and, in other cases, cars with loudspeakers and displaying party flags were parked directly outside centers. In some instances, this campaigning included candidate agents instructing voters to vote for certain people before they entered the center, or even inside the centers. Many candidate agents wore shirts, hats and vests displaying the name and photo of their candidates. Observers directly witnessed and recorded instances of vote-buying. An observer team in the South witnessed such an instance, which was confirmed by voters who said they were paid to cast their votes for a certain list.

Accessibility

Few polling stations observed were easily accessible to persons with disabilities, and none were equipped to facilitate their equal and dignified participation. While security officials made serious and commendable efforts to assist persons with limited mobility to reach their polling stations, the general inaccessibility of polling stations discourages their participation in elections. The majority of observers reported that polling stations tended to be located on the second floor or higher, and witnessed security officials or other voters carrying elderly or disabled individuals up flights of stairs in order to cast their vote.

Candidate and List Agents

In the vast majority of polling stations observers noted the presence of candidate or list agents observing voting. Agents were frequently tracking who voted and at times were directly attempting to influence the voters choice or interfere in the process. Instances of altercations between agents inside the polling stations or centers were also noted.

ELECTION CONTEXT AND BACKGROUND

Lebanon has held periodic elections since it won independence in 1943. Upon Lebanon's independence, political leaders agreed on the "National Pact," an unwritten agreement that balanced representation among Lebanon's diverse religious groups, confirming Lebanon's confessional system, which had been in place since 1860. This system guarantees representation in the Parliament for the nation's religious "confessions" and reserves certain political posts for specific groups. Under the confessional system, the country's President must be a Maronite Christian, the Prime Minister a Sunni Muslim, and the Parliament's Speaker a Shi'a Muslim. The country's unique history and system have resulted in a political landscape characterized by shifting alliances in which former foes often become allies in defense of either their sectarian group or personal interests. Lebanon's politics are also heavily influenced by the existence of armed groups whose weapons are outside the control of the state but which are also political parties which compete for power. This volatile political scene is exacerbated by the fact that Lebanon has traditionally been a theater in which regional competitions have been pursued.

Lebanon last held parliamentary elections in 2009, which produced a legislature split between the "March 8" and "March 14" alliances, and brought Saad Al Hariri to the prime ministry. Less than two years later, his government was toppled when Hezbollah and allies withdrew in the midst of the United Nations-backed Special Tribunal for Lebanon. Shortly thereafter, Hariri left the country, citing threats on his life. The Syrian crisis which erupted in 2011 pitted Lebanon's two political alliances against one another yet again. As tensions between political figures

escalated, hundreds of thousands of Syrian refugees flooded across the porous border to escape the violence next door.

Over the following three years, these tensions ground governance to a halt. In March 2013, Prime Minister Najib Mikati resigned, bringing another government collapse. Parliament's next designated Sunni lawmaker Tamam Salam was unable to form a government for almost a year. Just three months after a government was finally formed, the six-year term of President Michel Suleiman ended in May 2014. Deadlock which had plagued the cabinet then shifted to the nomination of a president, leaving Lebanon without a president for more than two years.

It was with this backdrop that in 2013, weeks before legislative elections were to be held, the parliament extended its own mandate by 17 months for the first time since the civil war, citing insufficient security. At the time of the extension, clashes were occurring on the Lebanese border between Syrian President Bashar al-Assad's troops and armed opposition groups. Hezbollah's involvement sparked violent clashes in the northern city of Tripoli between supporters and opponents of the Assad regime.

Still without a president in November 2014, lawmakers once again extended their mandates by three years. The extension was met once again with both domestic and international condemnation. Lebanon's remaining governing institutions limped forward, with little to no policy making or legislation. This latest paralysis was laid bare in the summer of 2015, when the main landfill servicing Beirut and Mount Lebanon was closed and the city's trash collection company suspended services due to inaction by government. Tens of thousands of citizens took to the streets to protest the health crisis and underlying root political causes. Protests represented a diverse cross-section of citizens from across political, sectarian, and socioeconomic divides, coalescing around the need to revitalize Lebanon's strained infrastructure and improve service delivery. A variety of loosely-linked citizen movements emerged, calling for a range of reforms and pressing political leaders to break the grinding deadlock which had gripped the country.

This pressure from citizen groups and municipal officials -- who were drawn into the debate about how to address the waste management crisis -- forced Lebanon's political leaders to go forward with local elections on schedule in May 2016. Building on the protest movement from the previous summer, lists were formed in areas as diverse as Beirut and Baalbeck to run against established political lists, calling for clear policy solutions and transparency around governing processes. While none of the lists secured seats in these elections, they did raise voter expectations for change. Elections were conducted over the course of four weekends in different regions throughout the country under close scrutiny of Lebanese security institutions. The relatively smooth administration of these elections demonstrated that the government was capable of organizing polls, despite instability in neighboring Syria, and gave political parties the opportunity to test alliances and campaign machinery with low risk.

Local elections renewed appetite for addressing the presidential vacuum and opening the door for parliamentary elections. Following months of negotiations on the sidelines of parliament, quorum was finally reached in October 2016 to elect General Michel Aoun as president. In the same month, the parliament passed a budget for the first time since 2005, and in December a

government was formed, with Future Movement head Saad Al Hariri, recently returned from his self-imposed exile, in the prime ministership. Prime Minister Al Hariri committed to reforming the election law and holding parliamentary elections among as the government's top priority.

On June 17, 2017, after more than a decade of thwarted attempts, dozens of drafts, and two extensions of the current parliament's mandate, the Lebanese Parliament endorsed an election law just three days before the parliament's mandate was set to expire. At the time of the law's passage, politicians also called for a "technical postponement" of elections until May 2018 to allow election administrators, candidates and voters to understand the law and prepare for the changes it will introduce to the process. The process of creating this new law had been ongoing for several years, but it was rushed in the days preceding its passage, as political leaders scrambled to avoid a legislative vacuum.

The resulting law presents a step forward, however also adopts a complex formulation for election administration, with several potential loopholes opening various interpretations of its application. Decree-law no. 44 prescribes a new electoral framework based on proportional representation, while maintaining confessional quotas and consolidating to 15 electoral districts, a preferential vote for candidates on open lists, out-of-country voting, as well as pre-printed ballots. These reforms introduce dramatic changes to the campaigning, voting, and tabulation processes. Voting age in Lebanon is 21, and the minimum candidacy age is 25. Voters are automatically registered in their family's historic residence of record. Upon registering their marriage, women's residency is automatically changed to that of their husband's family.

The MOIM is the primary body responsible for administering the elections, in coordination with other officials at the Ministry of Justice, Foreign Affairs, Information, Education and Finance. The MOIM prepares the voter list (through an annual passive registration process conducted in February), produces national ID cards, trains poll workers, produces and distributes election materials, organizes polling stations, and coordinates security on election day. The new law also called for the establishment of a Supervisory Commission on Elections (SCE), a semi-independent regulatory body that falls under the authority of the MOIM, in a shift from the oversight committee that was embedded in the Ministry during the 2009 election. The Minister has the right to supervise the work of the SCE and chair all meetings, but cannot vote. The eleven-member Commission is primarily responsible for the development of media and campaign finance regulations, as well as oversight of candidate registration and compliance with campaign rules. The SCE was commissioned in September 2017, within the requisite three-month window from the date of the law's passage, but it has been understaffed and under resourced for its broad mandate: its budget is limited and release of funding from the MOIM was severely delayed. As a result, it was able to provide little guidance to candidates or media about their roles, and its capacity to monitor was severely restricted.

At the close of the candidate registration process on March 7, 976 candidates had registered, including 113 women. By the list deadline on March 27, 77 lists comprising 597 candidates were formed, including 86 women. More than half of the sitting cabinet ministers ran as candidates. The campaign period was generally calm, with sporadic incidents of violence between parties, lists, or candidates. High campaign expenditure ceilings combined with the SCE's limited ability

to monitor and sanction violations created a large and broad role for money in campaigns. Television stations dramatically increased the price of media appearances, giving an advantage to wealthy individuals, established parties, and incumbents. As in previous Lebanese elections, vote-buying was widely reported. Representatives of civil society, smaller parties and independent candidates expressed frustration over the SCE's lack of campaign oversight and impunity for violations, and there were allegations that some elected or appointed officials running for office were using state resources for their campaigns.

RECOMMENDATIONS

In the spirit of international cooperation, the delegation offers the following recommendations on steps that can be taken to enhance confidence in future elections process and further consolidate democratic institutions in Lebanon. As NDI continues to observe the election process to its conclusion, further recommendations may be offered.

Organizing inclusive consultation for review of elections

- Electoral stakeholders -- including election authorities, political competitors, civil society and media -- should come together soon after elections to openly and frankly analyze the process under the new electoral framework, and to document and consider changes to further reinforce transparency for future reform processes.
- Given the escalating voter alienation evident in this year's process, political leaders entering parliament should redouble their efforts to understand and address citizen concerns.

Strengthening the electoral framework

- To enhance confidence that elections are administered without political bias, responsibility for administering and monitoring elections should be managed by a permanently staffed and adequately resourced, independent election authority with full autonomy over its budget.
- To achieve more equitable representation of voters in the parliament, a further re-balancing of the distribution of voters per seat is needed.
- The rules regarding election day campaigning should be reviewed and revised as they are routinely flouted. The new rules should be uniformly enforced.
- While polling station staff and security personnel provide assistance to elderly voters and people with disabilities, polling stations have limited access. Further reforms should be made to provide uninhibited access to elderly voters and people with disabilities to polling centers and stations.

Advancing SCE capacities

- The SCE should review and enhance campaign finance regulations, monitoring mechanisms, and potential prosecution power for candidates and lists who do not respect the law.
- Key decisions should be made well in advance to allow for proper voter education and information sharing, according to the SCE mandate.

- The SCE should consider investing in additional training and deployment of auditors to review campaign period financial reports to enhance and encourage consistent compliance by candidates.

Broadening political inclusion
- Reinforced measures are needed to build upon accomplishments in these elections, and expand the representation of women in elected office, including reconsideration of a gender quota in future electoral legislation.
- Steps should be taken to encourage youth participation, including measures such as lowering the age requirement for voters and membership in parliament.

Enhancing citizens' confidence in Lebanon's political institutions
- In order to overcome citizen mistrust, both established political parties and newcomers must focus on clear policy solutions for citizen concerns, which voters can use to assess their performance.
- Members of parliament elected in the long-awaited 2018 elections should commit to exercise parliament's oversight capabilities and enhance its role in proposing policy and legislation.
- To encourage meaningful political participation, the government should support civic education initiatives targeting youth.
- By embracing the modest achievements through the law and election results, civil society can seize the opportunity to effect further change following these elections.