

THE  
POLICY  
INITIATIVE

REPORT

# A Roadmap Toward Fair and Competitive Elections in Lebanon

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February 2023



# THE POLICY INITIATIVE

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## Acknowledgements

The authors would like to thank TPI Research Manager Sami Zoughaib for his support in developing and conceptualizing this project, as well as TPI members Hind Khaled, Tala Ladki, and Ibrahim Mantoufi for the design and dissemination of this report, and Najib Zoughaib for his research support. We would also like to thank Saada Allaw and Nizar Saghie from the Legal Agenda for collaborating with TPI on monitoring the campaign strategies of political candidates, and Firas Abdallah, Mohammad Abou Zeid, Faten Allam, Amani Beany, Maha Faour, Nellie Habib, Ghada Haddad, Ahmad Kammouni, Danielle Khayyat, Mahdi Krayyem, Hussein Mehdi, Bashir Moustafa, Zeinab Othman, Sana Serhan, Rayane Tawk, and Hoda Zbib for monitoring these strategies across districts. In addition, we would like to thank Tala Abdul Ghani, Janda Barazi, Leila Maria Faddoul, and Malek Jaddah for monitoring the media in the run-up to the elections, as well as Michelle Eid for editing this report.

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## INTRODUCTION AND EXECUTIVE SUMMARY

The 2022 Lebanese parliamentary elections were held in the midst of the most severe economic crisis in the country's modern history. The political environment has drastically changed since the last parliamentary elections of 2018, during which Lebanese voters renewed the mandate of the same political class. This was despite the adoption of a proportional representation electoral system, and the fact that a record number of independent, anti-establishment candidates ran for seats.

However, the mass protests that erupted in October 2019 showed wide public discontent toward the political elites and leading political parties, whose policies have driven the country into its most severe economic and financial crisis. Following the sharp devaluation of the Lebanese pound, Lebanon is facing record-high inflation, unemployment, and poverty rates, with living standards further deteriorating. All of these could have been attenuated had the state implemented much needed reforms. Furthermore, the Beirut blast on August 4, 2020, which destroyed one-third of the capital, further highlighted the negligence of the political class.

The May 2022 parliamentary elections were the first opportunity to gauge citizens' electoral support for, or their discontent toward, the leading political parties. The votes showed a shift in public opinion and political behavior. Thirty-four anti-establishment electoral lists ran compared to 18 in the previous elections, they obtained 13% of the national vote (compared to 3% in 2018), and 13 of their candidates made it to parliament. Still, most of the parliament remains controlled by the same traditional political parties.

Among the leading political parties, the Lebanese Forces made the largest gains compared to the 2018 elections, securing 18 seats with 11% of the national vote (compared to 15 seats and 8% of the votes in 2018) and thus becoming the largest parliamentary bloc. The Free Patriotic Movement came in second with 17 parliamentary seats, despite obtaining 7% of the votes (compared to 10% in 2018). Amal experienced large losses and obtained 14 seats, a drop from 17 in 2018, with 10% of the votes (12% in 2018), while Hezbollah retained its 13 parliamentary seats with the highest share of the national vote (19%, compared to 17% in 2018). The Progressive Socialist Party retained its eight seats with 4% of the votes, and members of the Future Movement—which did not run as a party—won three seats with 4% of the votes.

Although anti-establishment candidates made a breakthrough, the electoral race was far from competitive. The environment under which elections generally take place in Lebanon favors incumbents: Political parties have periodically changed the electoral law to their advantage and have resorted to vote buying, sectarian discourse, and farmongering to mobilize their constituencies.

Against this background, TPI found it imperative to examine the behavior of ruling parties and political candidates in the run-up to the 2022 elections to assess the extent to which they would foster an electoral environment that is fair and transparent.

To this end, TPI led a project that aimed to document, analyze, and recommend policy changes to enhance participation and representation through the study of five key pillars: The first

is to assess the fairness of the electoral law and proportional representation electoral system; the second, the adherence of political parties to democratic practices in their electoral strategies; the third, the commitment of the state, including the government, parliament, and central bank, to prioritize much needed reforms rather than adopt clientelist and populist policies that may skew voters' decisions; the fourth, the willingness of the media to provide an equal platform to all political candidates; and the fifth, the ability of the supervisory electoral commission to uphold a fair electoral process.

### A FLAWED PROPORTIONAL REPRESENTATION SYSTEM

The electoral law establishes the institutional framework under which elections take place, as it specifies how the votes are counted and districts defined. As Lebanon moved from a majoritarian system to a proportional representation electoral system upon the adoption of the 2017 electoral law, TPI examined whether this new system secures fair representation and competition among candidates.

In order to conduct our analysis, we collected official data from the Ministry of Interior and Municipalities (MoIM), which include the voters' lists and the official elections results by district. Based on the voters' registration data and the election results, TPI highlights several deficiencies in the electoral system. First, not all votes are equal, as the impact of each vote depends on the electoral district citizens vote in. In other words, the number of voters represented by each parliamentary seat largely varies by electoral district, with some voters being overrepresented and others highly underrepresented in relation to the national average. For example, each of the members of parliament (MPs) elected in Beirut 1 represents 17,000 voters, while each of the MPs in South 2 represents 47,000.

In addition, the electoral districts are far too small to ensure proportionality, as nine of the 15 districts have less than 10 seats. Proportionality is further undermined by the preferential vote, which in small districts, leads candidates to individually compete for a confessional seat. Most sub-districts have one single seat reserved for a designated confessional community, meaning that lists end up competing for a certain sect's only seat, and in total, 36 of the 128 parliamentary seats are contested in this manner. This practice resembles a majoritarian system rather than a proportional one. In larger districts with multiple seats assigned to each confessional group, candidates compete for several seats. This is more reflective of proportionality as it enables fairer representation of each confessional community.

Consequently, a smaller number of seats leads to higher electoral thresholds—i.e. the minimum number of votes an electoral list needs to obtain in order to win a seat—which in turn increases the number of “wasted” votes and decreases those that translate into seats in parliament. Withstanding this fact, in some districts, a high share of voters who headed to the polls did not vote for the electoral lists their parliamentarians ran on. This was particularly the case in North 1 and South 1, where over 40% of valid votes were cast for losing lists.

## RESORTING TO CARROTS AND STICKS

Political parties use a wide range of campaigning strategies on the ground in order to secure their electoral success. The TPI team mapped and assessed the different electoral strategies political parties resorted to during the campaigning period, some of which may have prevented voters and competing candidates from making independent and free decisions. Observing this behavior on the ground is essential in order to hold politicians accountable and ensure voters' freedom of choice.

To this end, TPI collaborated with key informants in each electoral district, who were in charge of reporting the events taking place in their region during the campaigning period. TPI identified the nature of the events, the actors involved, and the targets, among other variables.

First, TPI found that political parties provided a range of incentives to their constituents. This includes individualistic and common goods and services including in-kind donations, food aid, healthcare services, and the provision of public services such as electricity. Some candidates may have also increased their clientelist behavior, and the types of goods and services they provide, in light of the crisis. While the provision of goods and services creates an unfair environment, it is not fully prohibited under the electoral law. Indeed, one of the flaws of the electoral law is that it allows parties and any institutions they fund or manage to distribute services and in-kind goods to voters if they have been providing them for at least three years before the elections. Given that Lebanese parties have long-established charity organizations, the law thus legitimizes their clientelist behavior.

Second, another strategy adopted by political parties was the use of public and religious institutions in order to promote their campaigns. Political parties regularly held electoral meetings and displayed billboards in public buildings and religious institutions, and several candidates were publicly endorsed by religious figures and municipal employees. This is a clear violation of the electoral law, which prohibits the use of public facilities, government institutions, and places of worship, among others, for electoral events or for campaigning. The law also forbids public employees and civil servants to promote a specific candidate, yet many decided to publicly endorse some political parties.

Third, TPI found that candidates frequently committed acts of violence against voters and competitors. However, with no established reporting mechanisms for the use of politically motivated violence during elections time, acts of violence, including intimidation, assault, and campaign suppression, are seldom penalized. Establishing such a mechanism would allow victims to hold their perpetrators accountable and would empower voters to vote freely.

## THE STATE FOCUSES ON PARTICULARISTIC LEGISLATIONS

As incumbent parties have obtained control over all state institutions over time, they have gained the ability to direct policy attention toward issues that may yield a positive return on electoral outcomes. With that in mind, this pillar sought to identify how incumbent parties managed state institutions, including the government, parliament, and central bank, in the pre-elections period. TPI therefore analyzed the activities of state institutions by comparing the policies and decisions passed during the 2022 elections period to those passed a year before.

In order to analyze these activities, the TPI team collected

primary and secondary legislations published in the Official Gazette before the elections, and examined their content. The findings highlight that, first, the government increased its attention toward legislations of clientelist nature, such as the issuance of licenses and the registration of associations, in the months leading up to the elections.

Second, the parliament increased its legislative productivity, from passing 15 laws in the second half of 2021, to 52 in the run-up to the elections. However, the issued legislation was particularistic in nature, tackling issues such as the provision of targeted social contributions to public servants. Furthermore, political parties sought to score electoral points by making progress on measures that had been delayed. These include the adoption of the Emergency Social Safety Net (ESSN) and the International Monetary Fund (IMF) Staff-Level Agreement (SLA). While the ESSN, a social protection program funded by the World Bank, was supposed to launch in 2020, cash transfers only reached households in February 2022—three months before the elections. Similarly, the state reached a preliminary agreement with the IMF 40 days prior to the elections, two years after the negotiations began.

Finally, the central bank (Banque du Liban, also known as BdL) was the main actor in addressing the financial crisis. It significantly increased its injections of foreign currencies in the parallel market in the run-up to the elections and allowed commercial banks to sell foreign currency through the Sayrafa electronic platform. Such interventions only marginally increased the purchasing power of those with LBP-denominated salaries, and artificially stabilized the value of the local currency in the market in the months leading up to the elections.

## A BIASED MEDIA ENVIRONMENT

Media exposure is one of the most direct ways for voters to familiarize themselves with candidates, and in turn, it provides candidates with a chance to introduce and promote their campaigns. The aim of this pillar was to assess the fairness of, and equal access to, the media in the run-up to the elections. However, not only are the most popular Lebanese TV channels funded by or affiliated with political figures, but media appearances are costly, making them highly inaccessible to candidates with limited financial resources. This hinders the fairness of the race as it gives some candidates more opportunities to connect with voters.

In order to assess the fairness of the media, the TPI team monitored candidates' appearances on political talk shows aired on the leading Lebanese TV stations: LBCI, MTV, Al-Jadeed, NBN, OTV, and Al-Manar. Candidates were classified by political party, district they are running in, and gender, among other variables.

Our media monitoring shows that only 35% (248) of all 718 candidates running for elections appeared on the political talk shows in the three months leading up to the elections, and that half the airspace was occupied by 27% of these 248 candidates. Candidates on anti-establishment lists were largely disfavored, as the vast majority of appearances were of candidates running on lists backed by establishment political parties (73% of appearances). Women candidates also appeared significantly less than their male counterparts (25% of appearances). While the electoral law stipulates that media outlets must have balanced appearances between candidates and must publish the list of prices of appearances, media outlets were able to bypass the law due to the poor capacity and judicial authority of the Supervisory Commission

for Elections (SCE). The SCE only has a supervisory role, giving media stations little incentive to respect the law.

## **A WEAK SUPERVISORY COMMISSION FOR ELECTIONS**

The SCE plays an essential role in ensuring the fairness of the race as it is in charge of monitoring candidates' compliance with the law, supervising candidates' electoral spending, and regulating media and electoral campaigns.

While the commission has wide prerogatives under the electoral law, it suffers from a lack of authority and weak capacity. In addition, the SCE is not a legal entity and does not have any authority to prosecute and penalize violators. Its role is restricted to only reporting, documenting violations, and sending out recommendations to authorities. These authorities (judicial and MoIM) have so far failed to penalize those who violate the electoral law.

The SCE does not have its own budget and remains financially and administratively dependent on the MoIM. It has limited human resources to adequately monitor violations and has also faced delays in appointing new members due to delays in the disbursement of funds.

## **RECOMMENDATIONS**

Based on TPI's analysis of the electoral system, campaigning strategies, the media environment, and the capacity of the SCE, the following is recommended:

### **ON ELECTORAL REFORM**

#### **1. Increase district magnitude**

Increasing the size of districts would enhance competition between candidates, lower the electoral threshold, and reduce disparities in the weight of each vote.

#### **2. Implement mega-centers**

Mega-centers would encourage participation in the democratic process by allowing voters to vote from their place of residence.

#### **3. Eliminate the preferential vote**

The preferential vote under the confessional allocation of seats leads candidates to compete for each confessional seat, and thus introduces a majoritarian element to the proportional representation system. It also does not guarantee that the candidates with most votes make it to parliament.

#### **4. Implement a gender quota**

Women remain largely unrepresented in parliament, despite constituting a large number of candidates.

#### **5. Reduce the fees required when running for elections**

The high nomination fees and campaign financing ceilings do not make running for elections accessible to all Lebanese and give candidates with financial resources a competitive advantage.

### **ON CAMPAIGN STRATEGIES**

#### **1. Amend Article 62 of the electoral law**

Article 62 allows parties and candidates to provide in-kind goods and services to constituents if they have been doing so for at least three years prior to the elections. This article essentially legalizes clientelist behavior for electoral gains.

#### **2. Enforce Article 77 of the electoral law**

Article 77 prohibits the use of public and religious institutions for electoral campaigning.

#### **3. Monitor and penalize the use of politically motivated violence**

Establishing a reporting mechanism for the use of violence targeting candidates and their supporters would allow victims to hold their perpetrators accountable.

#### **4. Empower state institutions to be the sole provider of public services**

In the long term, state institutions, which have been captured by the political elites, must be supported to become the only providers of public services.

### **ON ACCESS TO THE MEDIA**

#### **1. Strengthen the capacity and authority of the SCE**

The SCE does not have authority to penalize media violations, and its complaints are seldom addressed by judicial authorities.

### **ON THE SCE**

#### **1. Establish a permanent secretariat**

A permanent secretariat would ensure the permanence and continuity of the SCE and would avoid the interruption in the learning curve of the institution.

#### **2. Establish coordination mechanisms with other stakeholders**

Sanctioning violators can be done through setting up a joint task force between all relevant electoral stakeholders. Such a task force will be responsible for executing the orders of the SCE, which will expedite the implementation of the decisions and ensure effective oversight of the electoral campaign.

## THE 2017 ELECTORAL LAW STILL FALLS SHORT OF BEING REPRESENTATIVE

Electoral laws establish the institutional framework that governs elections and have a highly determining role in who makes it to parliament, as they influence the fairness, competitiveness, and transparency of the race. In order to be democratic and representative, electoral laws should ensure equality between voters regardless of electoral districts and maximize the number of votes that translate into seats in parliament. Electoral laws should also ensure equality between candidates to the largest extent possible, in terms of resources they require when running for elections.

The objective of this section is to assess the Lebanese electoral law and system, and the extent to which it ensures the fairness of the race. Such an assessment is essential in order to push for electoral reform that can ensure democratic elections.

The 2022 elections were the second to be conducted under a proportional representation electoral system, following the passing of a long overdue electoral law in 2017. The 2017 electoral law, Law 44/2017, introduced, for the first time in Lebanon's history, a proportional representation system and out-of-country voting. While the 2009 majoritarian electoral system allowed a list to win all seats in a district with a simple majority of votes, the 2018 system assigned seats to a list based on the number of votes it received, thus enabling better representation of voters and higher competition between parties. Full proportionality and the competitiveness of the race, however, were undermined by several characteristics of the electoral system. In the following sub-sections, we highlight the deficiencies of the law, most notably the districting that creates regional inequalities in representation, the high electoral thresholds which present a barrier to entry into parliament, the preferential vote under a confessional system, and the unlimited campaign financing.

This assessment is based on an extensive review of the electoral law. In order to analyze deficiencies in the districting, TPI collected official data on the voters' lists obtained from the Ministry of Interior and Municipalities (MoIM).<sup>1</sup> This data was disaggregated by sect and district. The sub-section also employs the official elections results and votes for each candidate, disaggregated by district,<sup>2</sup> in order to assess the impact of electoral thresholds and the preferential votes. Our analysis is founded on our own calculations.

### THE DISTRICTING LEADS TO REGIONAL INEQUALITIES IN REPRESENTATION

The 2017 law redrew the electoral map and merged the previously 26 electoral districts into 15, most of which were divided into sub-districts. The process of combining minor districts was unclear and seems to have been done along confessional lines. One notable change was the elimination of the former multi-confessional Beirut 2 electoral district, whose Christian seats were transferred to the Christian-majority Beirut 1, and Muslim seats transferred to the Muslim-majority Beirut 3 (now Beirut 2), thus resulting in more homogeneous constituencies.

Perhaps the most unusual case of the districting process was the combination of the city of Saida and Jezzine, which do

not share a border and are separated by Zahrani, to form the electoral district of South 1. Zahrani, despite being within the boundaries of the Saida district, was combined with Sour to form the highly homogeneous electoral district of South 2.

This new districting did not ensure that the number of seats assigned to an electoral district mirrors the number of voters registered in that district, leading to inequalities in the weight of each vote—even within the confessional framework—in that each member of parliament represents a different number of constituents. While under any multiple-constituencies electoral system, each MP is bound to represent a different number of voters, the districting process should aim to reduce this difference.

At the national level, each of the 128 parliamentary seats represents an average of 30,996 voters. This number goes from 16,853 voters per seat in Beirut 1 (where 134,825 registered voters elect eight MPs) to 46,866 voters per seat in South 2 (where 328,064 voters elect seven MPs). In other words, an MP elected in Beirut 1 represents less than 17,000 Lebanese voters on average, while one elected in South 2 represents almost 47,000—making Beirut 1 voters overrepresented and South 2 voters underrepresented in parliament. Such a scenario could have been avoided with the adoption of larger districts, and particularly the unification of Beirut under one electoral district.

<sup>1</sup> The voters' list data is available from the MoIM upon request.

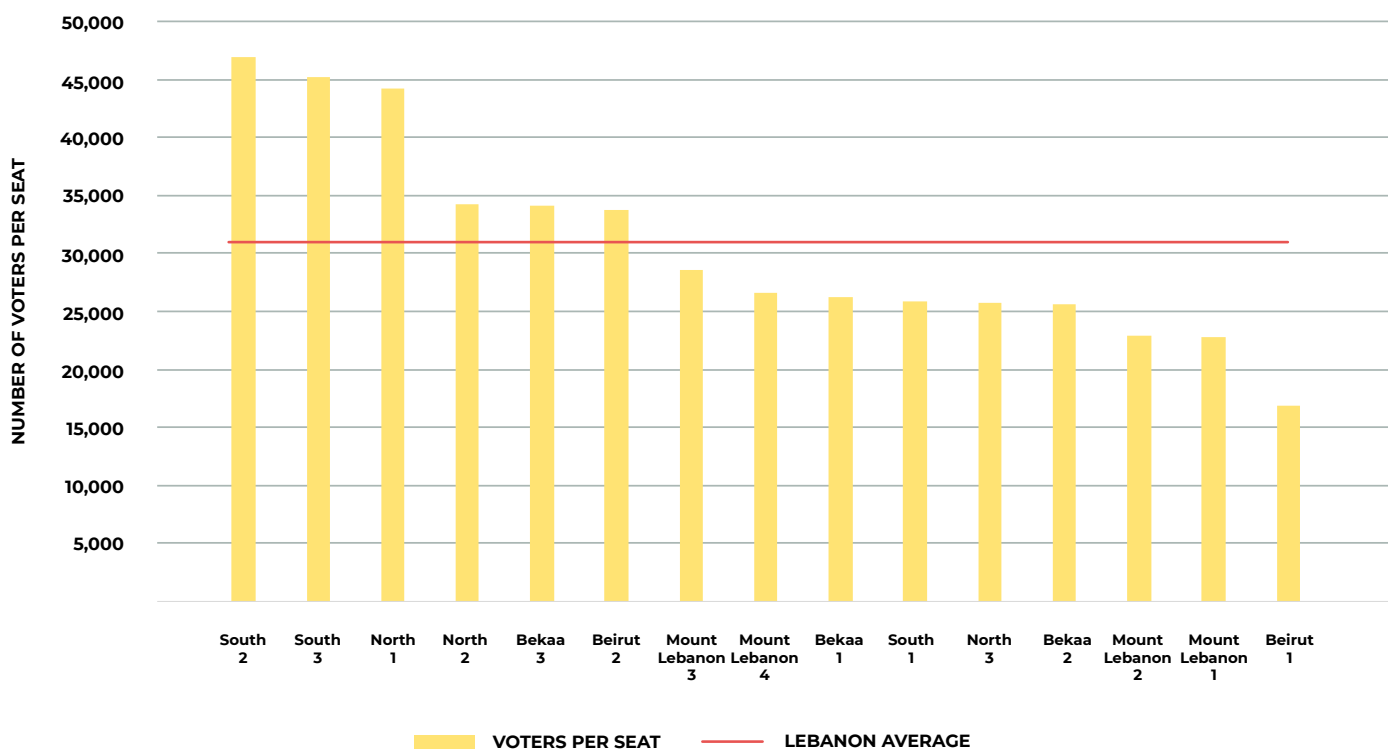
<sup>2</sup> The official 2022 parliamentary elections results by district are available at <https://tinyurl.com/5drd3uc8>.

Table 1: Voters per seat by electoral district in the 2022 elections

Electoral district	Registered voters	Number of seats	Voters per seat
South 2	328,064	7	46,866
South 3	497,531	11	45,230
North 1	309,517	7	44,217
North 2	377,111	11	34,283
Bekaa 3	341,263	10	34,126
Beirut 2	370,862	11	33,715
Mount Lebanon 3	171,746	6	28,624
Mount Lebanon 4	346,451	13	26,650
Bekaa 1	183,425	7	26,204
South 1	129,229	5	25,846
North 3	257,964	10	25,796
Bekaa 2	153,975	6	25,663
Mount Lebanon 2	183,441	8	22,930
Mount Lebanon 1	182,103	8	22,763
Beirut 1	134,825	8	16,853
Lebanon	3,967,507	128	30,996

Source: TPI calculations based on the voters' list obtained from the MoIM (2022).

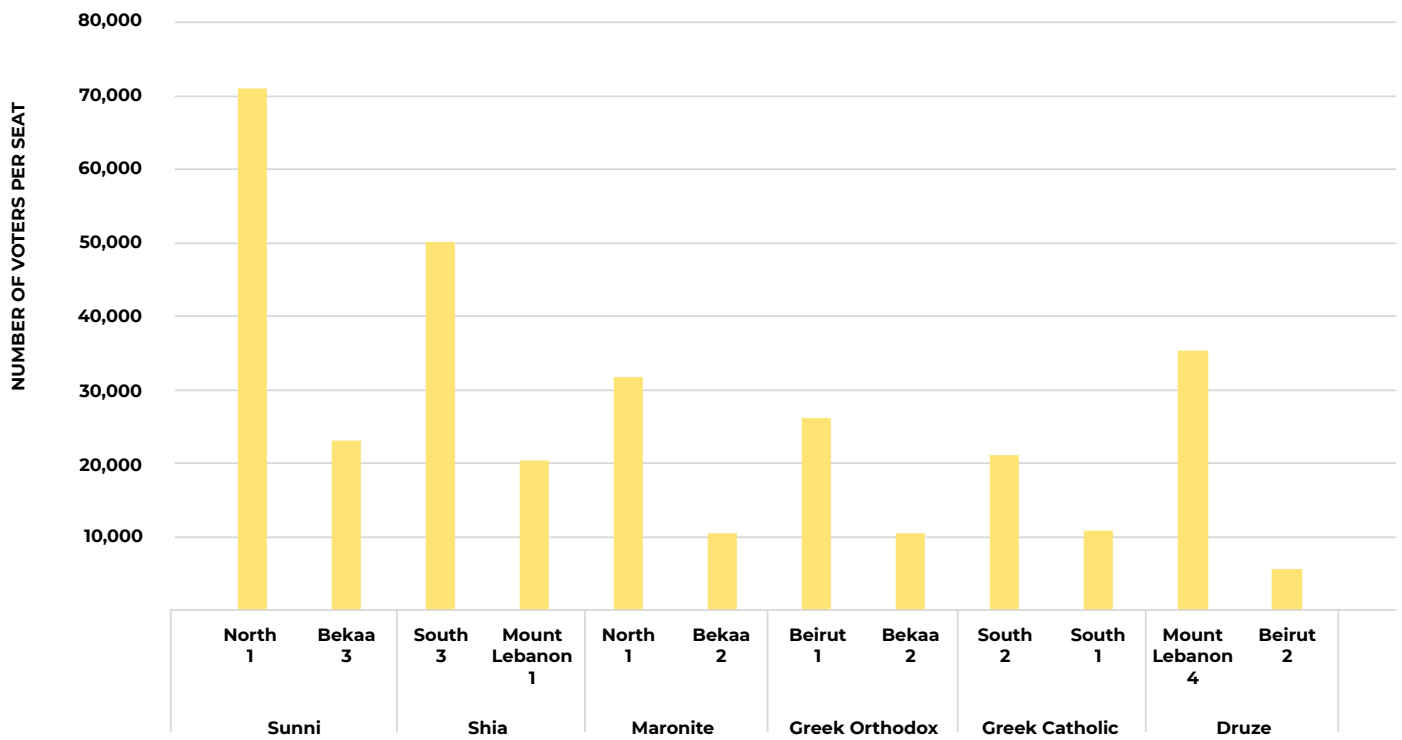
Figure 1: Voters per seat by electoral district in the 2022 elections



Source: TPI calculations based on the voters' list obtained from the MoIM (2022).



Figure 2: Most and least representative seats by confessional group



Source: TPI calculations based on the voters' lists obtained from the MoIM (2022).

Inequalities in representation are present even within electoral districts. The law divided most of the 15 electoral districts into sub-districts, and voters could only vote for candidates running in their sub-district of origin.<sup>3</sup> Essentially, this creates disparities in the weight of each vote even within electoral districts.

These inequalities in representation seem to be partly explained by confessional politics. Generally, variations are more present within electoral districts whose sub-districts have different confessional configurations. For example, in South 3 (Nabatiyeh, Bint Jbeil, Marjaayoun-Hasbaya), Nabatiyeh and Bint Jbeil, which each have three Shia seats, have a similar level of representation (around 50,000 voters per seat), while Marjaayoun-Hasbaya (two Shia, one Sunni, one Greek Orthodox, and one Druze seats) is relatively overrepresented (about 33,000 voters per seat). In other words, while one MP elected in South 3 represents an overall of 45,000 voters, those from Marjaayoun-Hasbaya can be elected more easily than those in the other districts, creating an unfair system not only for voters from Nabatiyeh and Bint Jbeil, but also for candidates running in these two districts against the political elites.

Beyond regional variations in representation, inequalities exist even among voters from the same confessional group (figure 2). The Maronite seat in North 1 represents 32,000 Maronite voters while that in Bekaa 2 represents 10,500. As for Sunni voters, 71,000 of them are represented by each of the Sunni MPs in North 1, while 23,000 are represented by each of the Sunni MPs in Bekaa 3. Regarding Shia voters, each of their seats in South 3 represents 50,000 constituents, while the Shia seat in Mount Lebanon 1 represents 20,400. This highlights that the confessional distribution of seats fails to perform its intended task, which is to ensure the equitable representation of each confessional community in Lebanon.

### HIGH ELECTORAL THRESHOLDS ARE BARRIERS TO ENTRY INTO PARLIAMENT

Like many countries with a proportional representation electoral system, Lebanon uses an electoral threshold which is the minimum number of votes a list needs to win a seat. This threshold is intended to “filter out” the parties that get a negligible number of votes and to prevent too much fragmentation in parliament. While most countries use a threshold that is below 5% in order to respect proportionality, Lebanon’s is significantly higher, varying between 7.7% in Mount Lebanon 4 (13 seats) to 20% in South 1 (five seats). Due to the small size of districts, most of them have thresholds exceeding 10% of valid votes.

Higher thresholds increase the number of votes that risk not translating into seats in parliament. Denying parties that get over 10% of votes a place in parliament creates a barrier to entry for smaller or emerging political parties and is a clear violation of proportionality. Taking cases from these past elections, the threshold led over 40% of valid votes in the electoral districts of North 1 and South 1 to go to waste.<sup>4</sup> In other words, 40% of voters who headed to the polls in these two districts did not choose the lists their current parliamentarians ran on.

A lower electoral threshold, such as 5% of valid votes, would have significantly increased representation and competition in these two districts: In North 1, five electoral lists would have won seats instead of two, and in South 1, four would have won seats instead of two.<sup>5</sup> Other districts that would have highly benefited from a lower threshold are Bekaa 1 and Mount Lebanon 3, in which around 25% of valid votes did not translate into seats for the chosen electoral lists.

<sup>3</sup> The 15 electoral districts and their corresponding sub-districts are: Beirut 1, Beirut 2, Bekaa 1 (Zahle), Bekaa 2 (West Bekaa-Rachaya), Bekaa 3 (Baalbek-Hermel), Mount Lebanon 1 (Keserwan and Jbeil), Mount Lebanon 2 (Metn), Mount Lebanon 3 (Baabda), Mount Lebanon 4 (Aley and Chouf), North 1 (Akkar), North 2 (Tripoli, Dannieh, and Minnieh), North 3 (Batroun, Bcharre, Koura, and Zgharta), South 1 (Saida and Jezzine), South 2 (Sour and Zahran), and South 3 (Nabatiyeh, Bint Jbeil, and Marjaayoun-Hasbaya).

<sup>4</sup> Own calculations based on the official 2022 elections results published by the MoIM.

<sup>5</sup> Own calculations based on the official 2022 elections results published by the MoIM.

Table 2: Votes for the winning lists under the current threshold and a 5% one

Electoral district	Valid votes	Results under the current threshold			Results under a 5% threshold		
		Number of winning lists	Votes for winning lists	Votes for losing lists	Number of winning lists	Votes for winning lists	Votes for losing lists
Beirut 1	46,696	4	43,702	2,599	4	43,702	2,599
Beirut 2	148,926	6	142,636	4,792	6	142,636	4,792
Bekaa 1	92,691	3	68,995	22,865	5	88,772	3,088
Bekaa 2	66,148	3	59,371	6,161	3	59,371	6,161
Bekaa 3	191,139	2	177,666	11,880	2	177,666	11,880
Mount Lebanon 1	118,379	4	102,823	14,899	5	114,115	3,607
Mount Lebanon 2	93,149	4	80,354	12,222	5	91,909	667
Mount Lebanon 3	84,728	2	63,763	20,346	3	76,964	7,145
Mount Lebanon 4	179,976	3	167,011	11,607	3	167,011	11,607
North 1	148,626	2	83,609	63,508	5	130,707	16,410
North 2	144,641	6	134,545	7,214	6	134,545	7,214
North 3	122,311	5	120,130	1,204	5	120,130	1,204
South 1	61,290	2	32,731	27,936	4	54,296	6,371
South 2	163,083	1	138,242	22,706	2	148,303	12,645
South 3	232,200	2	228,206	952	2	228,206	952

Source: TPI calculations based on the official 2022 parliamentary elections results obtained from the MoIM (2022).

A 5% threshold would also have elected five additional anti-establishment MPs for a total of 18 representing 12 districts, instead of 13 MPs representing seven districts, at the expense of establishment MPs. Besides the ones who were elected, the new anti-establishment MPs would have been Jad Ghosn in Mount Lebanon 2 (whose list fell only 89 votes short of passing the threshold), Michel Helou in Mount Lebanon 3 (whose list fell 920 votes short), Armen Isfahani in Bekaa 1 (5,529 votes short), Jinane Hamdan in North 1 (7,088 votes short), and Hicham Hayek in South 2 (13,237 votes short).

### THE PREFERENTIAL VOTE INTRODUCES A MAJORITARIAN ELEMENT TO THE SYSTEM

Not only is proportionality undermined by the regional distribution of seats, but it is also impeded by the preferential vote and the small size of districts. When casting ballots, voters have the option to choose an electoral list and their preferred candidate running in their sub-district. The preferential vote incentivizes politicians to maintain, form, or strengthen their clientelist ties in order to maintain voter support.

The electoral districts are far too small for the system to be proportional. The average number of seats across the 15 districts is nine, and it goes from five in South 1 (Saida and Jezzine) to 13 in Mount Lebanon 4 (Aley and Chouf). Only six electoral districts have 10 seats or more.

The confessional nature of the electoral system leads candidates to individually compete for a confessional seat, which resembles a majoritarian race. Coupled with the small size of constituencies, most sub-districts have one single seat reserved for a designated confessional community, and in total, 36 of the parliamentary seats are such seats. For example,

the multi-confessional district of Bekaa 1 (Zahle) has one seat reserved for each of the Sunni, Maronite, Greek Orthodox, Shia, and Armenian Orthodox communities, meaning that lists compete for each sect's only seats.

In larger districts with multiple seats assigned to each confessional group, more candidates would be contesting several seats—rather than one from each sect—thus giving independent candidates better chances in the elections. This would be closer to proportionality as it would enable fairer representation of each confessional community.

### THE PREFERENTIAL VOTE DOES NOT ENSURE THAT THE MOST POPULAR CANDIDATES ARE ELECTED

Apart from introducing a majoritarian element to the system, the preferential vote does not ensure that the most popular candidates make it to parliament. The preferential vote should, in theory, ensure that the preferred candidates get elected. However, under the proportional representation system, seats are first contested by lists and then assigned to candidates from the winning lists. As seats are distributed on a confessional basis, the preferential vote does not necessarily lead to the election of the most popular candidates from each sect.

The incompatibility of the proportional representation system and the preferential vote when seats are assigned on a confessional basis is highlighted by the fact that as many as 22 MPs were elected with fewer votes than some of their competitors running for the same confessional seat. In total, the 22 MPs obtained slightly less than 47,000 votes, while their competitors won over 100,000. The case that stands out the most is the Greek Orthodox winner in Tripoli, Jamil Abboud, who was elected with 79 preferential votes only—which is less

than five of the seven Greek Orthodox candidates' votes in the district—while his leading competitor Rafli Diab lost despite garnering 2,294 votes.

### **UNLIMITED CAMPAIGN FINANCING**

Apart from the aforementioned issues, the electoral law set high nomination fees and campaign financing ceilings, giving an uncompetitive advantage to candidates from established political parties.

Nomination fees were increased from LBP 2 million to LBP 8 million in the 2017 electoral law but reached LBP 30 million in these last elections, as a result of the economic crisis and the subsequent devaluation of the Lebanese pound. While this amount, in US dollar terms, is lower than the previous amount, it is inaccessible to the largest segment of the Lebanese population, which still earns in local currency.

Furthermore, under the previous law, each candidate could spend up to LBP 150 million in addition to LBP 4,000 per each registered voter on campaigning expenses. The new law not only allows candidates to spend this amount, but also allows electoral lists to spend an additional LBP 150 million on each of its candidates, with an extra LBP 5,000 per registered voter. For the 2022 elections, amendments to the law increased the spending limit to LBP 750 million, with an additional LBP 50,000 for each registered voter to adjust for the new lira rates.<sup>6</sup> This puts candidates from traditional political parties and established politicians at a clear advantage. It also particularly harms women candidates, who often have fewer financial resources than their male competitors.

Legal loopholes enable candidates to spend an unlimited amount of funds and even engage in clientelist behavior. While the Supervisory Commission for Elections (SCE) is in charge of monitoring spending, its authority is limited to the bank account candidates are required to open for their campaign proceedings. On the other hand, their personal bank accounts as well as the accounts of political parties are covered by the banking secrecy law.<sup>7</sup> Furthermore, the SCE cannot monitor the funds spent outside of the banking sector, which are estimated to have dominated campaign financing in light of the sector's collapse.

Although candidates are prohibited from providing services and payments during the electoral campaign period, such as

in-kind donations to individuals or charity organizations, they are allowed to do so if they had been providing such services and donations in a consistent manner at least three years prior to the elections.<sup>8</sup> This legalizes clientelist behavior and vote buying in a country where political parties already operate their own networks of charity organizations.

### **THE ABSENCE OF A GENDER QUOTA**

Despite having ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in 1996, Lebanon never took any steps to systemically increase women's political representation. Under Article 7 of the convention, Lebanon has an obligation to advance gender equality through the adoption of special measures aimed at accelerating equality between men and women, which could include the implementation of a gender quota.

Women continue to be severely underrepresented in the Lebanese parliament. While 118 women participated in the elections (16% of candidates), they received 7% of votes and only eight made it to parliament, up from six in 2018.

### **MEGA-CENTERS HAVE YET TO BE IMPLEMENTED**

Lebanese citizens are required to vote in their ancestral village rather than their place of residence. Establishing mega-centers would allow voters to cast their ballot in the city they reside in. While talks of setting up such centers have long been ongoing, Lebanese authorities have failed to implement this reform.

### **CONCLUSION**

In sum, the electoral law contributed to the lack of a level playing field in these elections, due to its inability to tackle the issues stemming from districting, the preferential vote, high electoral thresholds, and campaign financing challenges.

In light of this, civil society actors, the international community, and local stakeholders hoping to build a democratic environment should advocate for electoral reform. Such reforms should be directed at eliminating the inequitable distribution of seats, reducing the number of wasted votes, and improving the representation of women.

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<sup>6</sup> Amendments to Law 44/2017 on the articles and regulations pertaining to candidate registration.

The campaign financing ceiling regulations are in Article 61. Available at: <https://tinyurl.com/y2tetr6v>.

<sup>7</sup> Chapter 5 of Law 44/2017. Available at: <https://aceproject.org/ero-en/regions/mideast/LB/lebanon-law-no.44-parliamentary-elections-2017/view>.

<sup>8</sup> Article 62 of Law 44/2017.

## CANDIDATES' ELECTORAL STRATEGIES HAMPERED THE COMPETITIVENESS OF THE RACE

Clientelism is a foundational feature of the Lebanese political system. While it is common for political parties to offer long-term services to their loyal constituents, the provision of shorter-term services or benefits tends to increase during election time. These usually target swing or unsure voters to incentivize them to vote, or not to vote, for a specific party. Another prominent strategy that emerges during elections season is the use of violence or intimidation in order to influence both voters' and competing candidates' behavior. These tactics of violence are usually employed to prevent a candidate from campaigning or to intimidate a voter in order to control their voting choices.

These strategies are clearly undemocratic as they inhibit voters' ability to vote freely, and they create an uncompetitive environment by disadvantaging candidates with limited financial resources and networks—particularly independent ones running against traditional political parties and prominent politicians.

In light of this, TPI monitored political parties and candidates' strategies on the ground and their campaigning efforts in the run-up to the elections. These strategies can include the provision of goods and services, campaigning events, campaign suppression, and harassment toward opponents. The findings highlight varying strategies across regions and political parties, as well as some violations of the electoral law.

In this section, we analyze the campaign strategies of political parties in the run-up to the elections. First, we present the methodology and distribution of the collected data by electoral district. Second, we highlight the different goods and services that were provided as a way to gain electoral support. In the third sub-section, we provide the different ways parties promoted their campaigns, most of which were in violation of the electoral law. In the fourth sub-section, we show the different acts of violence, including assault and suppression, which targeted both candidates and voters. The final sub-section concludes.

### METHODOLOGY

In order to monitor these strategies, TPI collaborated with 20 observers distributed across electoral districts. TPI organized a workshop and training with the observers in order to present them with the aim of the research, the methods used, and the required tasks.

The observers tracked several strategies for a period of six weeks, starting from April 1 to May 14, the day before the elections. TPI developed a framework and guide detailing the information and tasks of the observers. This included monitoring candidates' campaigning on the ground, which includes any events organized by political parties, or candidates' visits to a particular neighborhood. In addition, the observers were in charge of monitoring incidents of vote buying, clientelism, and politically motivated violence in their districts, targeting both voters and candidates.

In addition to producing a weekly summary of events in their regions, the observers were assigned with filling a template developed by TPI in order to report candidates' strategies in a systematic way.

The template included the following:

- Date and specific location of the event
- The actors involved
- The political party and candidate involved
- A description of the event

Based on this template and the descriptions provided, TPI divided the behaviors into three categories: (1) the provision of good and services, (2) the use of violence, and (3) campaigning on the ground. A total of 380 behaviors were reported across the 15 electoral districts, with some being long-term behaviors (i.e., provided continuously for weeks before the elections) and others being one-time events.

Across electoral districts, South 1 and Mount Lebanon 4 are overrepresented in our dataset, with over 50 entries for each, while there were barely any entries for Beirut 1 (three), North 1 (seven), and South 2 (10). This indicates skewness in the data, which could lead to selection and sampling biases. Nevertheless, the data recorded allows us to make several observations on parties' behavior in the run-up to the 2022 parliamentary elections.

The vast majority of strategies were related to providing goods and services (243 out of 380), making it the most common across most electoral districts. Acts of violence and campaigning events were recorded at a more or less similar rate (75 and 62 times). It is important to note that these were mostly one-time events rather than long-term behaviors, while a high share of good and services were provided continuously for a longer period of time.

Table 3: Distribution of recorded strategies by electoral district

District	Provision of goods and services	Acts of violence	Campaigning events	Total
South 1	45	0	14	59
Mount Lebanon 4	28	28	0	56
South 3	27	5	6	38
North 2	18	8	9	35
Mount Lebanon 1	27	3	2	32
Mount Lebanon 3	14	3	8	25
Bekaa 2	6	8	9	23
Mount Lebanon 2	22	0	1	23
Bekaa 3	11	5	5	21
Beirut 2	10	2	6	18
North 3	16	0	0	16
Bekaa 1	7	5	2	14
South 2	7	3	0	10
North 1	3	4	0	7
Beirut 1	2	1	0	3
Total	243	75	62	380

Source: TPI (2022).

### A RANGE OF GOODS AND SERVICES WERE PROVIDED TO DIFFERENT TARGETS

In light of the crisis, political parties and candidates provided a high amount of goods and services on a continual basis. These included both individualistic and public goods and services. Beneficiaries included individual voters, neighborhoods (when providing public services such as electricity or rehabilitating roads), public institutions (such as municipalities or religious institutions), and private institutions (such as schools).

In addition to providing cash, covering bills for healthcare, medication, electricity, and education, and distributing food baskets were prominent behaviors. The provision of cash for social assistance, or as direct vote buying, was reported in all districts but Beirut 1, Bekaa 1, North 1, and South 2. This finding does not imply that cash was not distributed; rather, it could be due to the sampling bias, as the number of reported behaviors in these districts was low.

Several parties encouraged voters to head to the polls by securing transportation on elections day, either by sending private cars, donating fuel, or providing cash to buy fuel specifically. Some candidates even provided transportation for voters residing outside their district or outside the country. For example, in South 1, the Lebanese Forces (LF) secured transportation for voters residing in Beirut, while the Free Patriotic Movement (FPM) brought in voters from Syria. In Mount Lebanon 2, Tashnag, Kataeb, and Michel Murr all purchased flight tickets for Lebanese voters in the diaspora. Overall, this strategy was used relatively more in Mount Lebanon 4 and Mount Lebanon 2.

Food baskets and food assistance were the most commonly distributed goods, particularly in South 1. In South 1, they were mostly distributed by independent candidate Nabil Zaatari, who ran on the same list as Amal, across multiple neighborhoods in Saida. Food aid also constituted a relatively high share of distributed goods in Mount Lebanon 3, Beirut 2, and North 3. In Mount Lebanon 3, food aid was distributed by Hezbollah and Amal, who focused on the Shia-majority Southern Beirut suburbs. In North 3, the three largest Christian parties of the region, LF, FPM, and Marada, all distributed food aid across the district.

Parties also distributed goods and services related to the provision of electricity. This included goods such as the distribution of fuel and solar panels, and services such as the provision of electricity through the public network and the covering of electricity bills. This was particularly the case in South 3, North 2, Bekaa 2, and South 2, all in which multiple actors used the fuel and energy crisis as a way to buy loyalty.

A large share of distributed goods and services were related to the healthcare sector. This included covering bills for hospitalizations and consultations, as well as distributing medication, a highly valued good in light of the medication shortages. A high share of goods and services in Mount Lebanon 1, Mount Lebanon 2, and North 3 addressed the crisis in this sector. In Mount Lebanon 1, independent candidates Farid El-Khazen (“Qaleb Lubnan Mustakel”)<sup>9</sup> and Neamat Frem (“Sarkhet Watan”)<sup>10</sup> were the most active

<sup>9</sup> “قلب لبنان المستقل”

<sup>10</sup> “صرخة وطن”

in covering healthcare bills and distributing medication. In Mount Lebanon 2, only LF and the Progressive Socialist Party (PSP) provided health assistance. In North 3, Marada and the independent candidate Melhem Tawk on the same list (“Wehdat el-Chamal”)<sup>11</sup> provided most of the assistance, with LF also distributing medication. Given the medication shortages in the country, Tawk and LF even secured medication from Lebanese abroad travelling to the country.

Finally, political parties also provided public infrastructure services, particularly the rehabilitation of roads. Parties therefore filled the gap in infrastructure development left by municipalities and utilized municipalities in order to obtain contracts. Many parties also received the public endorsement of municipalities, which thanked them publicly for the development works they initiated. Infrastructure development was the most common service in South 3, where Hezbollah rehabilitated roads across the district.

Among other goods and services, ensuring water access was mainly reported in South 1, where FPM ensured public water provision to a specific neighborhood, and, in the last week before the elections, Jama’a al Islamiyyah covered families’ unpaid public water bills from 2019—the year the crisis started—till 2022. In South 3, only days before the elections, Hezbollah and Amal increased public water provision in multiple municipalities that had suffered from water shortages, which enabled families to fill their wells and water tanks.

Other notable services were related to legal procedures. In

particular, PSP (in Mount Lebanon 3 and Mount Lebanon 4), LF (in North 1), and the Lebanese Democratic Party (in South 3) were able to issue or renew identity cards, in a time where access to these procedures has been limited. In addition, some incarcerated individuals were released from prison with the help of Amal (in South 3) and LF (in North 1).

### CANDIDATES ABUSED PUBLIC INSTITUTIONS IN ORDER TO CAMPAIGN

Parties frequently utilized public property or institutions in order to campaign. While private events were organized, political parties commonly organized meetings with municipal council members and religious figures, and used municipal buildings and properties, as well as religious institutions, as campaign spaces. This is in clear violation of Article 77 of the electoral law, which prohibits the use of public facilities, government institutions, public schools, and places of worship for electoral events or for campaigning. The law also forbids public employees, civil servants, and municipal council members to promote a specific candidate or electoral list, yet many decided to publicly endorse some political parties.

Such behavior was most frequently observed in South 1, and particularly on the part of FPM. Their candidates in South 1 held nine different electoral meetings with municipalities and received the endorsement of multiple mayors and religious figures in this district. Mayors also played an important role in Mount Lebanon 3, where three electoral lists, “Baabda al-Sayada wal-Adala” (LF-PSP), “Ma’an Nastati” (non-affiliated), and “Baabda Tantafered” (independent),<sup>12</sup> met with and

Table 4: Types of goods and services provided in the run-up to the 2022 parliamentary elections

	Cash	Food baskets and assistance	Electricity	Healthcare	Infrastructure	Securing transportation	Social assistance	Other
South 1	13	12	2	4	2	1	1	10
Mount Lebanon 4	5	1	2	1	1	7	5	6
South 3	4	5	5	0	6	0	1	6
North 2	1	1	5	0	3	4	0	4
Mount Lebanon 1	3	0	5	7	2	0	2	8
Mount Lebanon 3	2	4	0	4	2	0	1	1
Bekaa 2	2	0	3	0	0	0	1	0
Mount Lebanon 2	4	2	3	5	0	6	1	1
Bekaa 3	6	2	0	1	0	0	1	1
Beirut 2	1	4	0	1	0	0	3	1
North 3	1	5	4	5	1	0	0	0
Bekaa 1	0	0	1	2	3	0	0	1
South 2	0	2	3	0	0	0	0	2
North 1	0	0	0	0	0	0	0	3
Beirut 1	0	1	0	0	0	0	1	0
Total	42	39	33	30	20	18	17	44

Source: TPI (2022).

<sup>11</sup> “وحدة الشمال”

<sup>12</sup> “بعيدا تننفض”، “معاً نستطيع”، “بعيدا السيادة والقرار”، “معاً نستطيع”

were endorsed by multiple mayors. PSP even received the endorsement from the head of the Union of Municipalities of Northern Metn.

Parties used religious institutions as a campaigning tool. In Beirut 2, both Al-Ahbash and Jama'a al Islamiyyah advertised their campaigns in mosques for weeks leading up to the elections. In Bekaa 3, FPM and LF campaigned in a church, therefore targeting the Christian community exclusively. Some parties made private donations to religious institutions, as was the case in Mount Lebanon 1, where both LF and Emile Nawfal (an independent candidate on the "Qalb Lubnan Mustaqel" list) made donations to a parish. In addition, it was reported that a Beirut 2 candidate, Zeina Majdalani ("Beirut Badda Aleb" list)<sup>13</sup> distributed supermarket vouchers in a Greek Orthodox church, seeing that she was running for that confession's seat in parliament.

Some other types of campaigning which violate the electoral law include the use of municipal or public property in order to hang billboards. This was particularly reported in Bekaa 2, where all electoral lists but one hung their billboards on public property.

### **VARIOUS TYPES OF VIOLENCE TARGETED BOTH CANDIDATES AND VOTERS**

Acts of violence were categorized into three groups: Assault (41) and campaign suppression (28), with a few falling within neither category (six). Assault includes the use of physical violence toward candidates and voters, the destruction of private property, intimidation, and harassment. As for campaign suppression, it was mostly related to the destruction of billboards or the prevention of hanging them, with a few attempts to get some candidates to withdraw from the race. Across districts, Mount Lebanon 4 had the highest numbers of reported uses of violence, constituting half of all the events reported in that district (28 out of the 56 events in the district). Most of these were committed on the behalf of PSP.

Acts of violence generally targeted candidates rather than voters (51 of the recorded events). Campaign suppression was the most common type of violence toward candidates, and was recorded in all districts but Beirut 1, Mount Lebanon 2, North 3, South 1, and South 2. Campaign suppression mostly included destroying billboards or preventing some candidates to display and hang billboards, and often had unknown perpetrators. In addition, some parties prevented their opponents from renting campaign offices or holding electoral meetings in public spaces. For example, in South 3, the anti-establishment list "Ma'an Nahwa al Taghyeer"<sup>14</sup> was prevented from renting an office after Amal and Hezbollah contacted and pressured the landlord. In Bekaa 1, Tashnag supporters interrupted a meeting held by the "Qadreen" list<sup>15</sup> under the pretext that they had to obtain approval from the municipality.

Some cases of pressure to withdraw from the race were recorded in Bekaa 3 and Mount Lebanon 4. In Bekaa 3, Hezbollah pressured one candidate, Mohammad Jebawi on the "Qadreen" list, to withdraw from the race by offering him financial compensation. Sarah Zaeitar, a candidate on the same list as Jebawi, faced harassment from her own family, which asserted that she does not represent the family, and that they would remain loyal to Amal candidate Ghazi Zaeitar. In Mount Lebanon 4, independent candidates Daad Qazzi and

Hisham Zebian ("Sayada al-Watan" list, backed by Jama'a al Islamiyyah)<sup>16</sup> were pressured by PSP and Tawhid to withdraw from the race in the last few weeks before the elections. One candidate in Mount Lebanon 4, Halima Kaakour ("Twahadna lil Taghyeer" anti-establishment list),<sup>17</sup> was harassed by a religious figure due to her views on personal status laws.

Acts that targeted voters were usually in the form of threats or harassment. Voters were threatened with assault if they do not vote for a certain candidate or were verbally pressured into voting for one. One act of indirect voter suppression was reported in Mount Lebanon 3, where Hezbollah supporters misinformed voters by telling them they could vote for two electoral lists. This instead increases the number of invalid votes.

Of note is that the use of violence, compared to that of goods and services, was limited in most districts. In fact, no acts of violence were recorded by TPI's reporters in South 1, Mount Lebanon 2, and North 3, in which parties' strategies were largely restricted to the provision of goods and services. This does not imply that violence was not used in those districts, rather, it could be due to our small sample.

### **CONCLUSION**

The findings from the monitoring of parties' campaign strategies highlight the widespread use of incentives and violence in the run-up to the elections, as parties seek to influence voters and candidates' behavior by distributing goods and services or using suppression or assault. The findings also show that candidates abuse public institutions and figures in order to promote their campaigns. All these strategies create an unfair environment where perpetrators, even when violating the electoral law, are not effectively penalized for their actions.

13 "بيروت بدها قلب"

14 "معا نحو التغيير"

15 "قادرين"

16 "سيادة وطن"

17 "توحدنا للتغيير"

## RULING ELITES PRIORITIZED CLIENTELIST POLICIES

Lebanon's political institutions are notorious for their clientelist function. Since the end of the civil war, formerly-rival political factions distributed the state's political and economic functions amongst themselves and institutionalized clientelist exchanges with citizens under a logic of patronage.<sup>18</sup> That way, much of the legitimacy of traditional parties in power became tied to their provision of services to constituents.<sup>19</sup>

This form of power-sharing arrangement has—to a large extent—kept the same traditional political parties in power for three decades. Over time, these parties became entrenched in public offices and retained control over the output of the state's legislative and executive branches.<sup>20</sup> The protracted grip of political power manifested in a prominent feature of Lebanon's political agenda: It allocates significant policy attention to particularistic or clientelist services.<sup>21</sup>

This has large implications during election periods. Incumbent parties seeking to rally support for re-election have the incentive and the ability to direct their policy attention on issues that yield a positive return on electoral outcomes. While not illegal, this ability can distort competition and tip the playing-field in favor of incumbent candidates and parties, as emerging ones naturally do not have access to the state's institutional functions. This is particularly important as the ongoing financial crisis, the wave of October 17, 2019, protests, and the Beirut port explosion triggered an increase in political organization.

In light of this, this section seeks to identify the ways in which incumbent parties managed state institutions during the 2022 election period to render their re-election favorable. To do that, the section compares the institutional activity and performance of the government, parliament, and central bank during the election period and during a baseline period. The election period is delimited between October 19, 2021, the date on which policymakers agreed to hold elections,<sup>22</sup> and May 15, 2022, with the baseline period taken as the same duration, only one year before.

The section is divided into three sub-sections analyzing the government, parliament, and central bank's performance, respectively.

### GOVERNMENT FOCUSED ON PARTICULARISTIC LEGISLATION

The government's legislative activity saw a marginal increase during the election period compared to the baseline one. The breakdown of legal texts issued by the government shows

that the number of announcements and decisions, which require low institutional friction,<sup>23</sup> increased by 17% and 38% respectively (table 5). This contrasts significantly with the production of decrees (decreased by almost one-fifth), which requires a higher degree of political collaboration between ministers, the prime minister, and the president. The fact that cabinet sessions were suspended between October 14, 2021, and January 15, 2022, only confirms this.

Table 5: Overview of government activity

Legislative text	Election period	Baseline period	Difference	Relative change
Announcements	221	184	37	17%
Decisions	366	226	140	38%
Decrees	431	509	-78	-18%
Total	1,018	919	99	11%

Source: TPI calculations based on data from Official Gazette (2021-2022).

In both timeframes, the legislative performance of the government was mostly administrative in nature (86% election period, 83% baseline).<sup>24</sup> However, the election period saw the cabinet increase its policy attention toward legislations of particularistic, or clientelist, nature. These specifically include the issuance of licenses to businesses, the registration of non-governmental organizations, and the provision of citizenships or naturalizations. The issuance of this subset of legislation during the election period totalled 428, compared to 326 previously, with the licensing of hunting ammunition representing more than half of these.

Figure 3 disaggregates the share of governments' policy attention assigned to clientelist legislation at both timeframes. Two observations are noticeable. First, attention toward clientelist legislation, relative to other types of legislation, is high and increasing between October and December 2021. This can be attributed to the fact that policymakers initially agreed to hold elections in March 2022, up until this was amended on December 27, 2021.<sup>25</sup> This attention later increases again and hovers around 40% of the government's monthly legislative output between February and May 2022, with the exception of April. Second, the monthly policy attention devoted to clientelist legislation exhibits a lower variance during the election period compared to the baseline.

18 Leenders, R. 2012. *Spoils of Truce: Corruption and State-Building in Postwar Lebanon*. Cornell University Press.

19 Cammett, M. 2014. *Compassionate Communalism: Welfare and Sectarianism in Lebanon*. Cornell University Press.

20 Mahmalat, M. and S. Zoughaib. 2021. "Breaking the mold? Ministerial rotations, legislative production and political strategies in Lebanon." *Governance*. Available at: <https://doi.org/10.1111/gove.12644>.

21 Another feature of Lebanon's political agenda is that it is narrow and addresses few developmental policy areas. See Mahmalat, M. 2020. "Policy-making in Data Poor Countries – Measuring the Lebanese Political Agenda in a New Data Set." *International Development Planning Review*. 42(4). Available at: <https://go.gale.com/ps/i.do?id=GALE%7CA639544185&sid=googleScholar&v=2.1&it=r&linkaccess=abs&issn=14746743&p=AONE&sw=w&user-GroupName=anon%7Eeb694474>.

22 Chehayeb, K. October 2021. "Lebanon sets March date for parliamentary election." *Al-Jazeera*, October 19, 2021. Available at: <https://www.aljazeera.com/news/2021/10/19/lebanon-sets-march-date-parliamentary-election>.

Note that in December 2021 the date of the elections was changed to May 15, 2022.

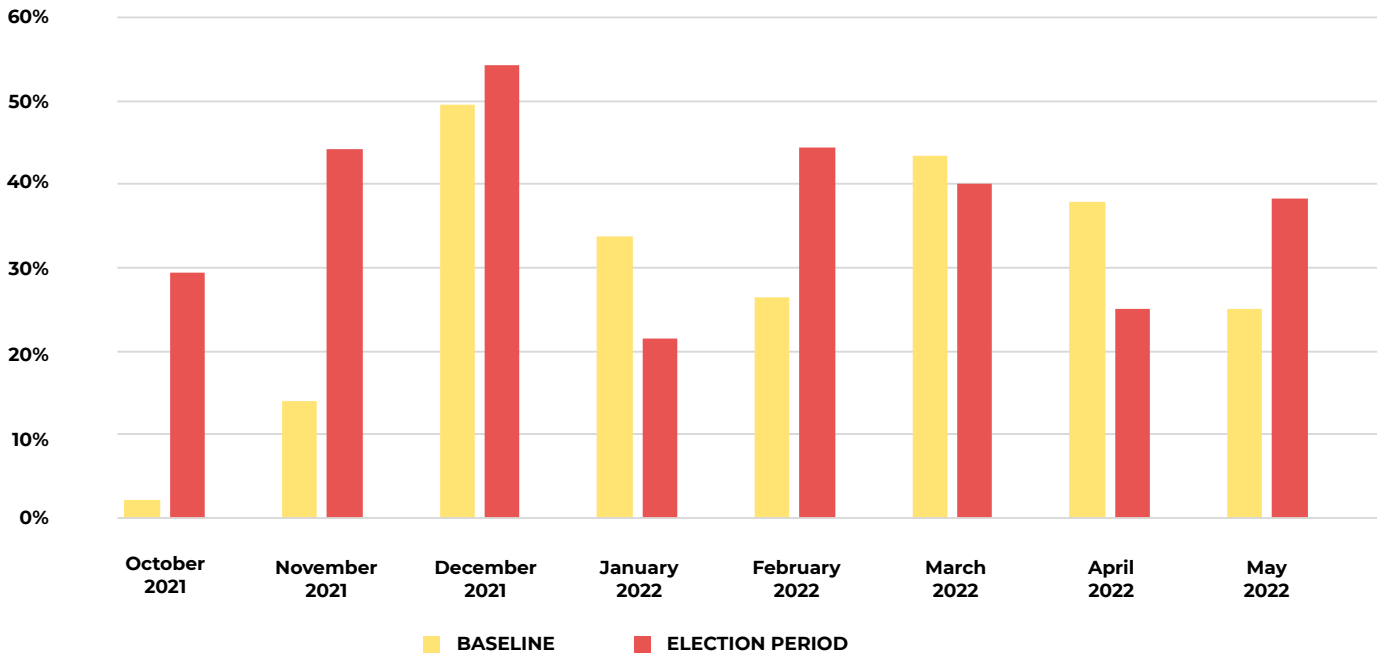
23 Institutional friction increases whenever legislations require more institutional resources and political collaboration.

24 Administrative legislations are those that apply already existing rules to specific people or organizations, while regulatory legislations are those that amend or introduce a new generally-applicable rule.

25 Christou, W. 2021. "Lebanon's Interior Ministry sets 2022 parliamentary elections for May." *The New Arab*, December 27, 2021. Available at: <https://english.alaraby.co.uk/news/lebanons-interior-ministry-sets-2022-election-date-may>.



Figure 3: Government’s policy attention toward clientelist legislation relative to other legislation



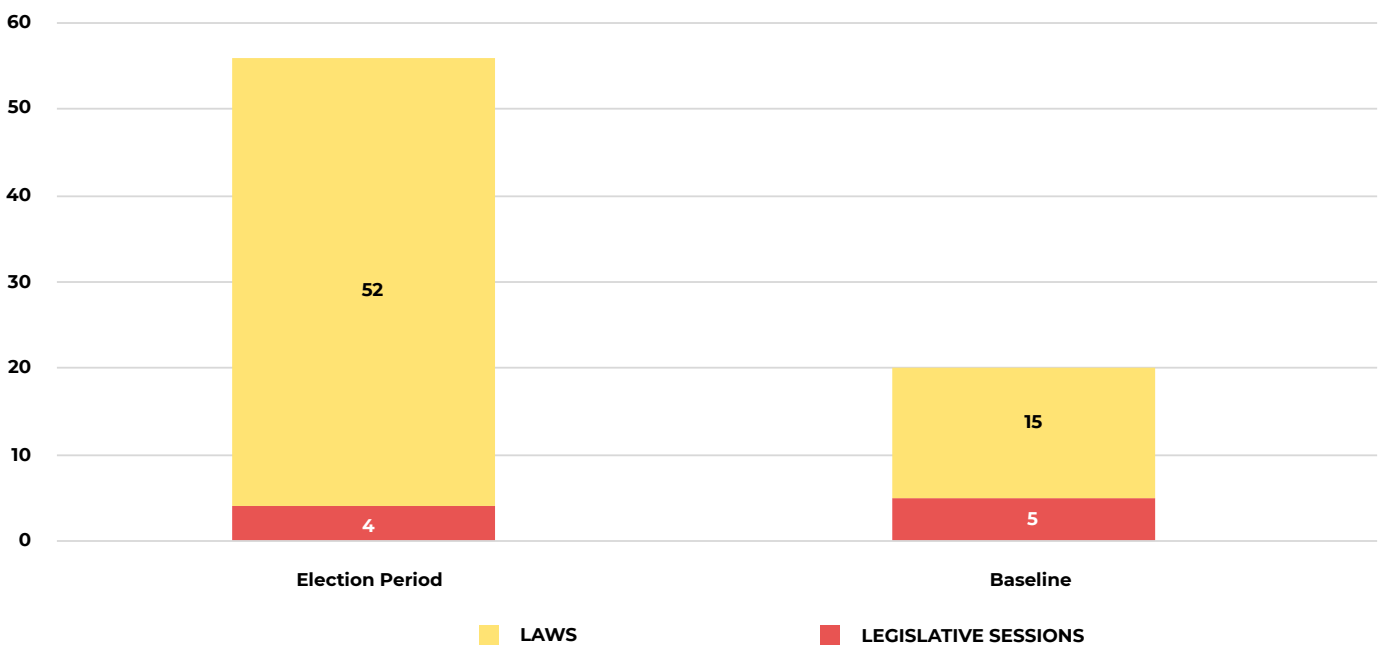
Source: TPI calculation based on data from Official Gazette (2021-2022).

**PARLIAMENT RESUMED ITS LEGISLATIVE ROLE**

The contrast between the activity of the former parliament during the election period and the baseline is striking. While MPs convened for fewer legislative sessions during the election period (4), they passed 52 laws compared to 15 during the baseline period (figure 4). The increased rate of legislative productivity, however, did not translate into economic, financial, or judicial reforms which Lebanon is in dire need of. Driven by the incentive for re-election, MPs instead focused more on particularistic legislations that appease constituents and carry a higher electoral yield.

Parliament’s issuance of particularistic legislation increased from only 1 during the baseline period to 6 during the election period. This trend in policy attention is in line with the behavior of legislators driven by electoral incentives in other countries.<sup>26</sup> This subset of legislations includes the provision of targeted social contributions to public servants, victims of the Akkar explosion in August 2021, and students at private schools, as well as the improvement of working conditions for a specific category of public servants in the departments of Internal Security Forces and State Security.

Figure 4: Parliament legislative activity



Source: TPI calculation based on data from Official Gazette and Lebanese parliament website (2021-2022).

26 Motolinia, L. 2021. “Electoral Accountability and Particularistic Legislation: Evidence from an Electoral Reform in Mexico.” *American Political Science Review*. 115(1). Available at: <https://doi.org/10.1017/s0003055420000672>.

Traditional political parties also sought to score electoral points by delaying the adoption of the Emergency Social Safety Net (ESSN) and the International Monetary Fund (IMF) Staff-Level Agreement (SLA) until the election period.

First, the ESSN program—a social protection program funded via a \$246 million World Bank loan—was supposed to launch in 2020 but was delayed due to interference from the ruling political class.<sup>27</sup> MPs backed by traditional parties had allegedly amended the program without formal agreement by the World Bank, consequently stalling the transfer of cash assistance to beneficiaries until February 2022.

Second, the state reached a preliminary agreement with the IMF only 40 days prior to the elections. The proximity of the SLA to the elections suggests that the agreement was politically motivated, similar to when Lebanese policymakers pledged to adopt a foreign-funded reform program (CEDRE) one month prior to the 2018 elections. Moreover, the legislative performance of parliament and the government since adopting the SLA further confirms that the agreement was circumstantial to the election period.<sup>28</sup>

### THE CENTRAL BANK INVESTED IN ARTIFICIAL CURRENCY STABILITY

The activity of the central bank has been high since 2019, as it has largely dictated the response to the financial crisis.<sup>29</sup> Still, the election period saw Banque du Liban (BdL) increase the issuance of circulars compared to the baseline period by almost twofold (35 vs. 17). The function of these circulars can be summarized under one major currency-market intervention.

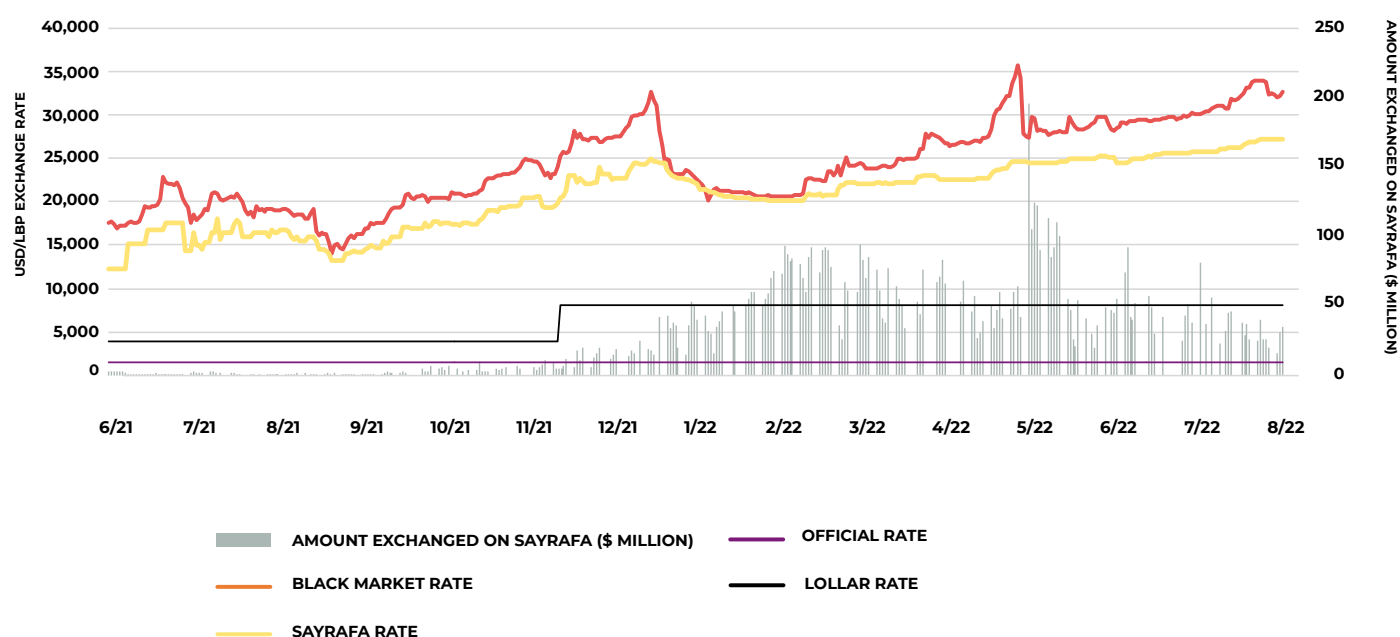
Indeed, after the date of the election was amended to May 15, 2022, the central bank significantly increased its injections of foreign currencies in the market to provide a veneer of macroeconomic stability.

In December 2021, BdL officially allowed commercial banks to sell foreign currency bank notes in exchange for Lebanese pounds within monthly limits at a rate set on Sayrafa—BdL's electronic platform for foreign currency exchanges. More so, in January 2022, BdL expanded the scope of Sayrafa further by cancelling the monthly limits. Since then, the salaries of full-time public servants have been exchanged to USD at the Sayrafa rate, and people with access to the financial sector have been allowed to purchase USD notes at a price lower than the parallel market rate.

This intervention, aside from increasing the purchasing power of those with LBP-denominated salaries, was also responsible for artificially appreciating the local currency in the market. In fact, less than two months following the expansion of Sayrafa, the parallel market rate had decreased from USD/LBP 31,500 on January 10, 2022, to around USD/LBP 20,000 in the first week of February (figure 5). Moreover, the average spread between the parallel market and Sayrafa rates decreased by eight percentage points between July and December 2021 and between January and May 2022.

The cost of this intervention was incurred highly by BdL's foreign reserves, decreasing by around \$2 billion between December 2021 and May 2022. Of this decrease, it is estimated that more than \$800 million were lost by the central bank in the form of arbitrage.<sup>30</sup>

Figure 5: Variation in USD/LBP exchange rates and Sayrafa transaction volumes



Source: TPI calculation based on data from BdL and lirate (2021-2022).

27 Maktabi, W., S. Zoughaib, and S. Atallah. 2022. "Near Miss: Lebanon's ESSN evades elite capture." The Policy Initiative. Available at: <https://www.thepolicyinitiative.org/article/details/236/near-miss-lebanon%E2%80%99s-essn-evades-elite-capture>.

28 The Policy Initiative and Mercy Corps (unpublished).

29 Maktabi, W., S. Zoughaib, and S. Atallah. 2022. "Impoverish and Conquer: How has the Lebanese state responded to the financial crisis?" The Policy Initiative. Available at: <https://www.thepolicyinitiative.org/article/details/176/impoverish-and-conquer-how-has-the-lebanese-state-responded-to-the-financial-crisis>.

30 Calculation based on volume of Sayrafa transactions, Sayrafa rate, and daily market rate. The Policy Initiative (forthcoming).

## **CONCLUSION**

The analysis shows that, with post-elections configuration of political power highly uncertain, each political and economic institution—mostly controlled by traditional parties—played a crucial role in rendering re-election achievable. The government increased its issuance of individualistic legislation such as licenses and registrations, parliament provided social assistance to the private and public sectors, and the central bank invested heavily from its foreign reserves on a veneer of domestic currency stability. This posits that Lebanon's traditional parties exploit their positions in office and deliberately divert their policy attention as an electoral strategy.

## THE MEDIA WAS INACCESSIBLE TO MOST CANDIDATES

The media is a key component of democratic elections, as it enables voters to engage with public debate and get informed about candidates and electoral campaigns. Which candidates the media decides to cover or not to cover affects the fairness of the race. Indeed, in order to compete on a level playing field, all candidates should be offered equal media exposure and be given the opportunity to promote their campaigns and present themselves to voters.

In Lebanon, however, private TV stations tend to be politically affiliated, which can create an uncompetitive environment in the electoral race by favoring some candidates at the expense of others. The lack of independence of the media limits the number of candidates that are given a public platform, and in turn, restricts voters' knowledge about different candidates' campaigns, thus influencing their votes.

This section assesses the fairness of media coverage, more specifically TV, in the run-up to the parliamentary elections. TPI monitored the media appearances of parliamentary candidates on popular political talk shows in the period leading up to the elections. The first sub-section presents the methodology and data. The second sub-section provides a background of the media environment during elections. The findings are analyzed in the third and fourth sub-sections. The fifth and final sub-section of this section concludes.

### METHODOLOGY

TPI sought to measure the extent to which the media environment was fair or unfair in the run-up to the elections by monitoring parliamentary candidates' TV appearances on political talk shows on the main Lebanese private TV stations: MTV, LBCI, Al-Jadeed, OTV, Al-Manar, and NBN. All of these have ties to political parties or prominent businessmen.

- MTV was founded and is owned by the Murr family and has traditionally supported the "March 14" camp;<sup>31</sup>
- LBCI is owned by businessman Pierre Daher, and shareholders include political figures such as Najib Mikati (who has served as Prime Minister multiple times), Issam Fares (former Deputy Prime Minister), the family of Nabil Boustany (former MP affiliated with the Progressive Socialist Party), and Bassam Yammine (former Minister affiliated with the Marada Movement);<sup>32</sup>
- Al-Jadeed is generally critical of the "March 14" camp and owned by the businessman Tahsin Khayat;<sup>33</sup>
- NBN was founded by speaker of parliament Nabih Berri, who is the main shareholder, in addition to other officials from the Amal Movement;<sup>34</sup>
- OTV was founded by the son-in-law of former President Michel Aoun and is affiliated with the Free Patriotic

Movement. Its main shareholder is Michel Aoun;<sup>35</sup>  
• Al-Manar is owned by Hezbollah.<sup>36</sup>

The political talk shows monitored by TPI were the following:<sup>37</sup>

- MTV: Beirut Today, Sar el Wa2et, Your Program;
- LBCI: Nharkom Said, 20/30, Election Question, Sawt el Nas, 50/50;
- Al-Jadeed: 3al Barnamej, Al-Hadath, Houna Beirut;
- NBN: Nahwa el Barliaman, Bi Al-Nizam, Ra2yak;
- OTV: Hiwar el Hawm, Nabad Beirut, Daroure Nahke, Bi Diplomacia, 3al Makshouf;
- Al-Manar: Ma3 el Hadath, Hadeeth Al-Sa3a, Nushra el Intikhabat el Niyabiya.<sup>38</sup>

Given the political affiliations of the TV channels and the high costs of appearing, a bias toward certain candidates and parties may exist.

In order to monitor the appearances, TPI collaborated with four observers. The observers, with the support of TPI, recorded each appearance and compiled a dataset which includes the following variables:

- Candidate information: Name, political affiliation, electoral list, district, confession, gender;
- Talk show information: TV station, talk show name, time of appearance.

The monitoring period ran from March 1 to May 14. During this period, only 248 candidates, or 35% of the 718 running for elections, were hosted on the monitored political talk shows. This suggests an unfair advantage of certain candidates. Out of these 248 candidates, 121 were running on lists backed by the establishment parties and politicians dominating parliament, 62 were running on the traditional opposition lists, 55 were on anti-establishment lists, and 10 were on other lists (those with no clear affiliation).

### BACKGROUND: LEBANESE MEDIA REGULATIONS AND ENVIRONMENT DURING ELECTIONS

The electoral law established extensive rules and regulations pertaining to media outlets and empowered the SCE to monitor these outlets and report potential violations to the judicial courts. However, the SCE has been suffering from low financial and administrative capacities, not to mention its lack of judicial power. While it can report violations to judicial courts, it cannot prosecute offenders.

According to the electoral law, media outlets wishing to participate in broadcasting activities must submit a declaration of intent to participate and a price list to the SCE.<sup>39</sup> They must also state that the electoral advertisements being broadcasted are paid for, as well as mention the funders behind it. This clause therefore seeks to promote transparency and accountability between candidates and voters. However, aside from electoral advertisement, media TV outlets regularly receive payments from parliamentary candidates in

31 MTV, Media Ownership Monitor Lebanon, 2018. <http://lebanon.mom-gmr.org/en/media/detail/outlet/mtv/>

32 LBCI, Media Ownership Monitor Lebanon, 2018. <http://lebanon.mom-gmr.org/en/media/detail/outlet/lbci/>

33 Al-Jadeed, Media Ownership Monitor Lebanon, 2018. <http://lebanon.mom-gmr.org/en/media/detail/outlet/al-jadeed/>

34 NBN, Media Ownership Monitor Lebanon, 2018. <http://lebanon.mom-gmr.org/en/media/detail/outlet/nbn/>

35 OTV, Media Ownership Monitor Lebanon, 2018 <http://lebanon.mom-gmr.org/en/media/detail/outlet/otv/>

36 Al-Manar, Media Ownership Monitor Lebanon, 2018 <http://lebanon.mom-gmr.org/en/media/detail/outlet/al-manar/>

37 Note that we monitored the appearances on other shows, but these did not host any candidates.

38 MTV: بيروت اليوم، صار الوقت، برنامجك

LBCI: 50/50، صوت الناس، سؤال إنتخابي، صوت الناس، 30، عشرين

Al-Jadeed: عل برنامج، الحدث، هنا بيروت

NBN: نحو البرلمان، بالنظام، رأيك

OTV: حوار اليوم، نبض بيروت، ضروري نحكي، بدبلوماسية، عل مكشوف

Al-Manar: مع الحدث، حديث الساعة، نشرة الانتخابات النيابية

39 Article 71 of Law 44/2017.

Table 6: Number of candidates and appearances by type of list

	Establishment	Traditional opposition	Anti-establishment	Other	Total
Number of candidates	121	62	55	10	248
Number of appearances	188	160	116	16	480
% of appearances	39%	33%	24%	3%	100%

Source: TPI calculations based on own candidate categorization and data collected from monitored talk shows (2022).

exchange for appearances on talk shows. The costs of such appearances can range from a few thousand USD to over \$100,000, depending on time and duration,<sup>40</sup> which gives an unfair advantage to traditional political parties and candidates with financial resources, and leaves many candidates unknown to voters.

While the law mandates the SCE with overseeing media spending, the financial crisis has inhibited its ability to monitor electoral campaign financing, including the funds spent on media appearances, as a lot of funds have been spent in cash rather than checks through the banking sector. Although the law states that any amounts exceeding one million Lebanese pounds must be paid in checks,<sup>41</sup> these are rarely still accepted, and payment in cash is harder to audit. In the absence of the SCE, this essentially means that candidates can spend an unlimited amount of funds on their media appearances.

### A CLEAR BIAS TOWARD THE POLITICAL ESTABLISHMENT

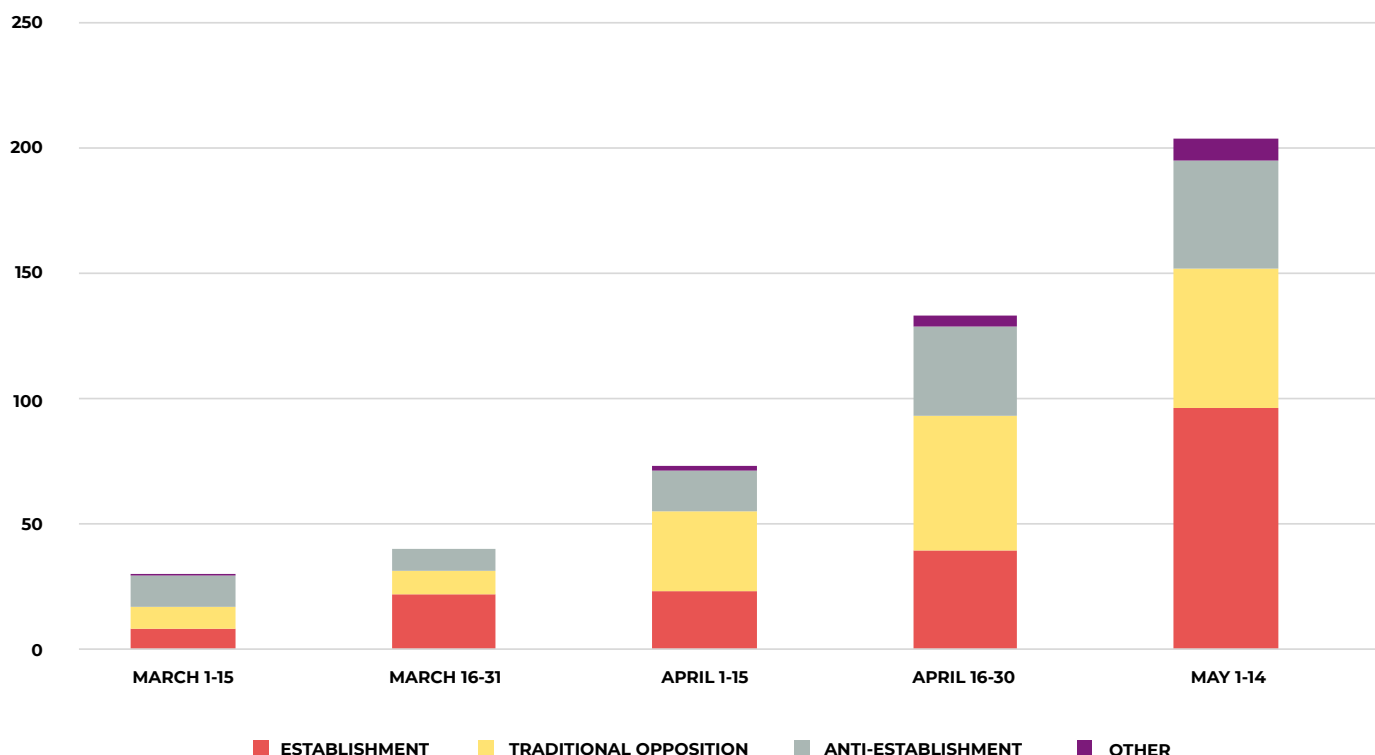
Dividing appearances across the different types of electoral lists highlights a media bias toward the political establishment

and traditional opposition. Candidates running on lists backed by traditional political parties or figures received most of the media attention (73% of appearances in total), almost equally divided between the establishment lists (39%) and the traditional opposition lists (33%). Candidates on anti-establishment lists, by contrast, received only 24% of the airtime (table 6).

Throughout the month of April, candidates from the traditional opposition appeared significantly more than others (86 out of the 206 appearances in April). However, in the two weeks leading up to the elections, the balance shifted in favor of candidates on establishment lists. In fact, over half of the total appearances of establishment candidates were during that time period (96 out of the 188 times they appeared).

The bias toward the political establishment lists was particularly present on OTV, Al-Manar, and NBN—although the total number of appearances on these channels was low. Candidates from anti-establishment electoral lists were given more attention on LBCI (39% of appearances on the channel) compared to other TV channels. LBCI also hosted much less candidates from establishment lists (18% of appearances on LBCI).

Figure 6: Distribution of media appearances over time by type of list



Source: TPI calculations based on own candidate categorization and data collected from monitored talk shows (2022).

40 Jammal, R. 2022. "Money Talks: The Media and Lebanon's Election Coverage." The New Arab, May 9, 2022.

Available at: <https://english.alaraby.co.uk/analysis/money-talks-media-and-lebanons-election-coverage>.

41 Article 59 of Law 44/2017.

Table 7: Distribution of media appearances by type of electoral list

TV Station	Establishment	Traditional opposition	Anti-establishment	Other	Total number of appearances
MTV	39%	37%	21%	4%	228
LBCI	18%	42%	39%	1%	100
Al-Jadeed	33%	35%	28%	5%	83
OTV	69%	12%	8%	12%	26
Al-Manar	83%	4%	13%	0%	23
NBN	90%	5%	5%	0%	20
Total	39%	33%	24%	3%	480
Total number of appearances	188	160	116	16	480

Source: TPI calculations based on own candidate categorization and data collected from monitored talk shows (2022).

Among the six main establishment parties dominating parliament—LF, FPM, PSP, Hezbollah, Amal, and the previous FM candidates—LF appeared the most by far (11% of appearances), particularly on MTV. FPM followed (5% of appearances), and appeared mostly on OTV, the station affiliated with it. Barely any of the airtime was given to FM, Hezbollah, and Amal. Of note is that 19 of the 52 times LF candidates appeared were on MTV's Sar el Wa2et the night before the electoral silence (May 13), suggesting an implicit endorsement on the part of the station.

Wide disparities existed across individual electoral lists, with some appearing only once and others appearing more than 20 times. Between March 1 and May 14, a total of 77 lists appeared, out of the 103 running in the elections. The list formed by the National Democratic Party in Beirut 2 led with 40 appearances

and was followed by the one formed by Neamat Frem and Kataeb in Mount Lebanon 1, the Kataeb list in Mount Lebanon 2, the PSP list (supported by the FM's Fouad Siniora) in Beirut 2, and the main anti-establishment list in Mount Lebanon 4, "Tawahadna lil Taghyeer,"<sup>42</sup> each appearing between 20 and 24 times.

In total, half the airtime was occupied by candidates from 13 lists only. In addition, out of the 248 candidates who appeared on the monitored talk shows, only 66 (27%) occupied half the airspace. Considering that 103 electoral lists and 718 candidates ran for the elections, we can deduce that half the airtime was dominated by 13% of lists (13 out of 103) and only 9% of candidates (66 out of 718). This is a clear violation of the electoral law, which states that the SCE request the media outlets that host a candidate or list to also host their

Table 8: Distribution of media appearances of the main establishment political parties

TV Station	LF	FPM	PSP	Ex-FM	Hezbollah	Amal	Others
MTV	20%	2%	3%	2%	0%	0%	73%
LBCI	2%	4%	4%	1%	0%	0%	89%
Al-Jadeed	0%	0%	8%	1%	0%	0%	90%
OTV	8%	46%	0%	0%	0%	0%	46%
Al-Manar	4%	4%	0%	0%	17%	9%	65%
NBN	5%	15%	10%	5%	5%	10%	50%
Total	11%	5%	4%	1%	1%	1%	77%
Total number of appearances	52	24	20	7	5	4	480

Source: TPI calculations based on own candidate categorization and data collected from monitored talk shows (2022).

<sup>42</sup> "توحدنا للتغيير"

Table 9: Number of candidates who appeared by gender and type of list

	Establishment	Traditional opposition	Anti-establishment	Other	Total number of candidates who appeared
Men	105	45	32	8	190
Women	16	17	23	2	58

Source: TPI calculations based on own candidate categorization and data collected from monitored talk shows (2022).

Table 10: Distribution of media appearances by gender and type of list

	Establishment	Traditional opposition	Anti-establishment	Other	Total share of appearances
Men	87%	71%	59%	88%	75%
Women	13%	29%	41%	13%	25%

Source: TPI calculations based on own candidate categorization and data collected from monitored talk shows (2022).

opponents in similar conditions (such as timing, duration, and program type).<sup>43</sup>

### THE MEDIA FAVORS MALE CANDIDATES

There were large inequalities in appearances across gender, with men appearing much more than women: 58 of the 248 candidates who appeared during the monitoring period were women. Of note, however, is that these 58 women represent nearly half of all women candidates running for election (118), while less than a third of all male candidates (600 candidates) appeared on the monitored talk shows.

The highest number of women candidates were those running on anti-establishment lists (23). The male to female ratio of candidates was also the most balanced among the anti-establishment candidates who appeared, while the lowest male to female ratio was from candidates on establishment lists (105 male candidates and 16 female candidates).

The 58 women who appeared represented 25% of the monitored appearances (121 out of 480).<sup>44</sup> The gender imbalance in appearances was particularly stark among candidates on establishment lists, as only 13% of them were women. On the other hand, it was much smaller among candidates on anti-establishment lists. Out of all the appearances of anti-establishment candidates, 41% were of women and 59% were of men.

### CONCLUSION

The media environment in the run-up to the elections was unfair, as the main private media outlets favored candidates from the establishment and men. These benefited from more publicity and were given a larger platform to promote their campaigns, providing them with an unfair advantage vis-à-vis the majority of candidates.

There are two explanations behind this. First, the leading TV stations are often politically affiliated and funded by politicians, and one would therefore expect them to promote certain candidates over others. This can be seen particularly through the distribution of appearances on three TV stations: MTV favored LF, OTV favored FPM, and Al-Manar favored Hezbollah.

Second, candidates from the establishment have bigger financial resources, and given the high costs of talk show appearances during elections time, they can afford buying their spot(s) on TV. Gender inequalities in income, which remain wide in Lebanon, also put women candidates at a disadvantage. This is clearly highlighted by the gender distribution of appearances.

<sup>43</sup> Article 72 of Law 44/2017.

<sup>44</sup> Note that 11 of those 121 appearances were on the LBCI 50/50 show, which was created to host women candidates.

## THE SUPERVISORY COMMISSION FOR ELECTIONS FAILED TO ENSURE COMPLIANCE WITH THE LAW

In December 2008, a supervisory commission to monitor elections was established in Lebanon (Decree 1044/2008) according to Articles 11 and 12 of Law 25/2008 on elections.<sup>45</sup> This commission, made up of ten members as stipulated by the law (Article 12), lasted for twelve months (Article 13) and supervised the 2009 elections. It was assigned to supervise electoral spending for the first time in the history of elections in Lebanon, as well as to supervise and regulate media and electoral campaigns, which was also new to elections standards in Lebanon. The 2017 electoral law extended the prerogatives of the commission, although most of its functions were to regulate media and electoral campaign spending.

This section assesses the role and work of the SCE in the 2022 elections. The first sub-section provides a background on the creation of the commission in 2008 and its revision in 2017. In the second sub-section, we focus on the work of the commission in the 2022 elections. Despite its limited funding and human resources, the commission issued a number of decisions, statements, and announcements during its mandate, albeit in a scattered and inconsistent manner. In the third sub-section, we highlight the challenges faced by the commission, which obstructed its work. These include its poor financial and human capacity, the current legal framework which does not establish the SCE as a legal entity, and the lack of knowledge in the electoral culture. The fourth sub-section concludes.

### THE CREATION OF THE 2008 SUPERVISORY COMMISSION ON THE ELECTORAL CAMPAIGN: A FIRST IN LEBANON

Contrary to international standards, Lebanese electoral laws issued before 2008 did not contain any provisions about media regulations or campaigning standards. Previous laws did not regulate campaign spending either; it was only until the issuance of Law 25 in 2008 that an electoral spending ceiling was introduced. Financial limits and reporting requirements are important for the democracy of elections, because they, among other measures, ensure equal opportunities for candidates, parties, and lists as per international democracy standards.<sup>46</sup> Article 55 of the 2008 law required that candidates open an electoral campaign account, which would be used for all election-related transactions and would not be protected by banking secrecy laws. The commission shall have the right to access all the records related to the campaign account at any time during the campaign period, and candidates are required by law, after the election, to submit a comprehensive audit report stating the details of each transaction, including the amounts and sources of contributions and the nature of expenses.

Despite these regulations, the Supervisory Commission on Electoral Campaign (SCEC) faced challenges in the monitoring process. In the report submitted by the SCEC in December 2009, the SCEC highlighted many difficulties

that have obstructed the course of their work, especially with regard to the insufficiency and clarity of some legal texts. The report raises concerns in relation to gaps within the legal framework, such as the campaign period, and recommends monitoring electoral spending and media six months before the date of the elections to be applicable to candidates, lists, political parties, and media. The report also mentioned the necessity to provide the commission with a permanent and independent headquarters, the appointment of permanent staff, and further independence and dissociation from the MoIM. Other technical recommendations included reducing the electoral spending ceiling (which was actually raised in the 2017 law) and regulating the use of public places for electoral activities (which remained the same in 2017).<sup>47</sup> Right after the submission of its report, the commission's terms ended, pursuant to Article 13 of Law 25/2008.

### THE SCEC REVISED: THE 2017 SCE WITH AN EXPANDED ROLE

The new Law 44/2017 provides a revision of the supervisory commission, slightly expanding its prerogatives and strengthening its powers. Under this law, the commission became permanent and gained the ability to exercise supervision over elections in accordance with the law provisions "independently and in coordination with the Minister of Interior and Municipalities" (Article 9). The law contained amendments that affected the formation of the commission, where an eleventh member, a representative of the civil society, was added to the group of experts. The name of the commission was also changed to "the Supervisory Commission for Elections" which suggests that its functions extend to all phases of the electoral process. However, this is not the case in reality: Article 19 determines the functions of the commission mainly in relation to media and campaign financing regulations, in addition to issuing monitoring permits for civil society organizations and foreign institutions, determining the terms and conditions of conducting opinion polls as well as the dissemination, broadcast or distribution of results thereof during the electoral campaign, and producing electoral knowledge and voter education materials.<sup>48</sup>

As per Article 11 of Law 44/2017, the mandate of the commission members ends six months after the general elections. The new commission members should be appointed one month prior to the end of the mandate of the existing commission, which shall continue the exercise of its functions until a new commission is appointed. The new commission was never formed following the 2018 elections, and the 2022 general elections were supervised by the same commission, established in 2017.

<sup>45</sup> Law 25/2008 Parliamentary Elections Law. Available at: <https://aceproject.org/ero-en/regions/mideast/LB/parliamentary-elections-law-no.-25/view>.

<sup>46</sup> Ibid.

<sup>47</sup> SCEC report 2009, pp. 261 – 264.

<sup>48</sup> Law 44/2017.



## THE STATE FAILED TO APPOINT A NEW COMMISSION FOR THE 2022 ELECTIONS, THUS DELAYING THE SUPERVISION PERIOD FOR MONITORING THE 2022 ELECTIONS

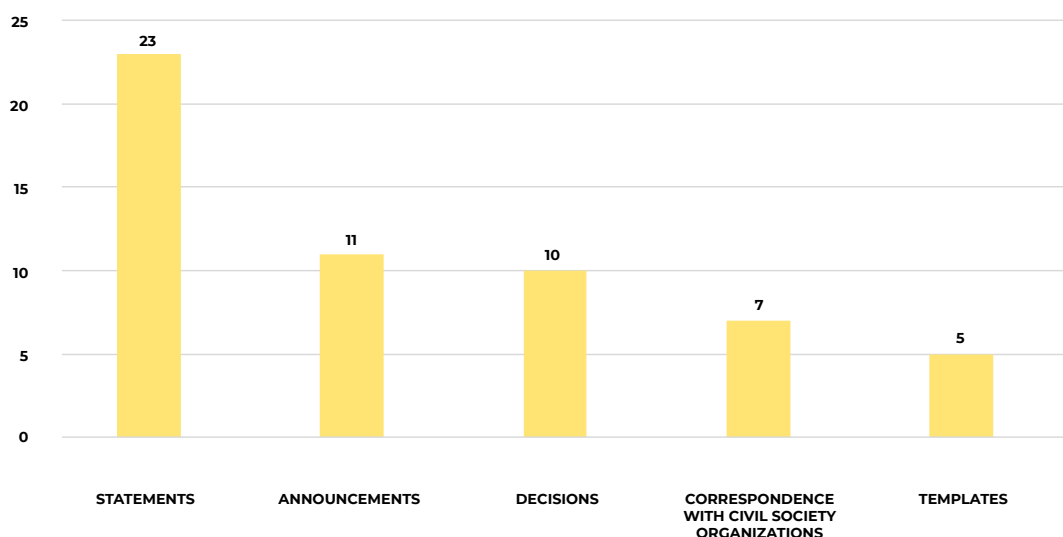
On September 30, 2021, the Minister of Interior and Municipalities stated that his ministry had started the procedures for appointing the members of the SCE “so that it can be present early and exercise its role in doing the necessary oversight with regard to the media and electoral spending.”<sup>49</sup>

The deadline for the formation of a new SCE was on November 21, 2021, but the Council of Ministers failed to convene.<sup>50,51</sup>

As a result, the new SCE was never formed and the existing SCE was requested, in early 2022, to supervise the parliamentary elections scheduled to take place on May 15, 2022. On January 25, 2022, the SCE issued a statement, announcing the launch of the commission’s work, based on the call for elections (Decree No. 8590 of 12/29/2021) and the circular issued by the MoIM on January 5, 2022, regarding the submission of candidacies. The commission announced that it has met the minister earlier that month and concluded that the current commission is legally authorized to supervise the upcoming parliamentary elections in the absence of a new commission. Hence, and in accordance with the provisions of Articles 9 and 11 of Law 44/2017 about the principle of the commission’s permanence and continuity, the SCE has diligently started its work for the preparation of elections.

This statement included organizational decisions, such as by-laws, an organizational structure, and a code of conduct for monitoring activities and media, which were based on documents that were developed back in 2018. The statement also announced that the commission has issued circulars related to media and advertisement regulations as well as civil society monitoring according to law provisions. Pursuant to this statement, the SCE issued more than 10 announcements, statements and decisions, mostly preparatory work for media regulation, including forms that were previously used, while it remained silent for the whole month of February, three months before the expected election date.

Figure 7: Distribution of SCE documents by type



Source: TPI calculations based on the statements and decisions of the SCE (2022).

49 The President of the Republic met the Minister of Interior and Municipalities and the President of the Maronite League, The Lebanese Presidency website, September 30, 2021. Available at: <http://www.presidency.gov.lb/Arabic/News/Pages/Details.aspx?nid=26732>.

50 The Course of the 2022 Elections Is Alarming, Press Statement issued by the Electoral Reform Consortium, January 25, 2022. Available at: [https://transparency-lebanon.org/Uploads/PressRelease/59/en/0d84ff4b-da7c-45f9-86c5-b4612fdb2323\\_59.pdf](https://transparency-lebanon.org/Uploads/PressRelease/59/en/0d84ff4b-da7c-45f9-86c5-b4612fdb2323_59.pdf).

51 According to LADE’s executive director, the President of the Republic did not sign the decree for the appointment of a new SCE, in order to keep the old SCE.

52 Rose, S. 2022. “Lebanon: toothless watchdog ‘unable to properly monitor election!’” *The National*, January 28, 2022. Available at: <https://bitly/3BGYLNv>.

53 Interview with the head of SCE, Beirut, July 2022.

54 Statements and decisions of the SCE, the Lebanese Elections website. Available at <https://bit.ly/3Uy5eU7>.

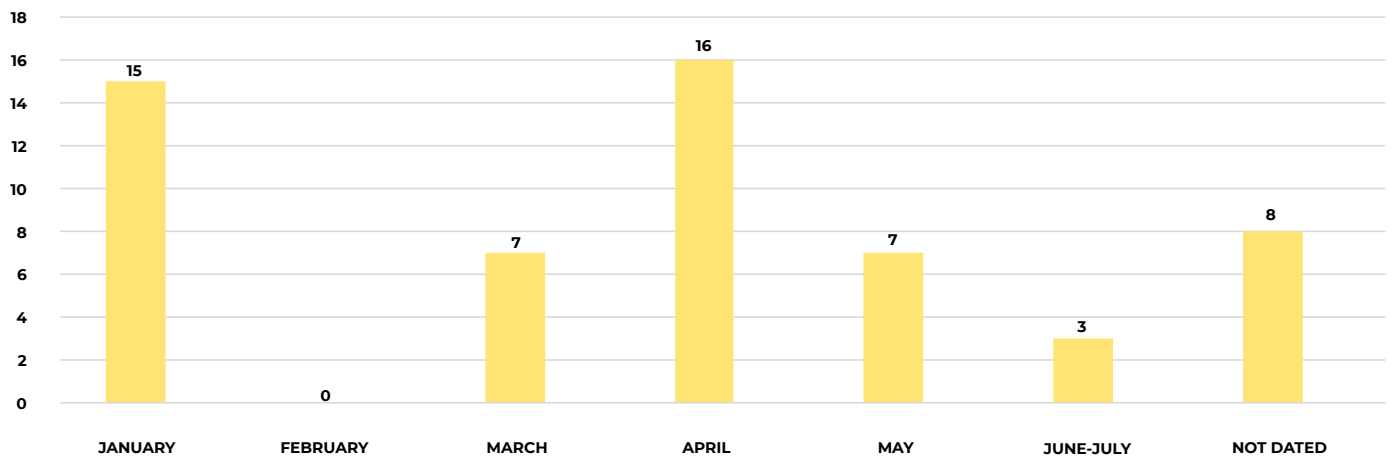
Two days after the first statement was issued, the head of the SCE, Nadim Abdel Malak, warned that the commission “will be unable to adequately monitor election campaigning or the vote itself without a funding injection and legislative tools” in an interview to the National News.<sup>52</sup> On February 14, the Electoral Reform Alliance issued a statement raising concerns about the ability of the existing SCE to perform their duties, because many members had resigned and the commission quorum might not be fulfilled, and the funds necessary for the commission’s operations had not been disbursed. According to Judge Abdel Malak, the government appointed three missing members of SCE only on February 25, and by mid-March, the decree had not yet been signed, which meant that they could not yet start working.<sup>53</sup>

## THE SCE IN ACTION, DESPITE IT ALL

Between January 25 and July 28, 2022, the SCE issued a total of 56 decisions, statements and announcements, along with templates and forms, and approval letters to civil society organizations, as shown in figure 7 below.<sup>54</sup>

Templates (total of five out of 56) mainly pertain to the statement of accounts for candidates and lists, as well as forms for media to fulfil. The correspondence with civil society organizations (seven out of 56) is restricted to approval letters in response to organizations’ requests to observe the elections and monitor their progress, as per Article 20 of the law, with the exception of two correspondence addressed to Maharat Foundation urging it to respect the legal provisions and to stop its monitoring activities that are not permitted by law. Decisions are related to the internal SCE organization, while announcements, a total of 11, are mainly instructions and invitations to election stakeholders such as media and candidates. Statements (23) explain legal provisions and SCE regulations pertaining to the implementation of SCE functions. However, it is to be noted that content of statements and announcements are often non-distinguishable, and the SCE by-laws do not provide any explanation on the different circumstances under which either must be issued.

Figure 8: Distribution of SCE documents by date



Source: TPI calculations based on the statements and decisions of the SCE (2022).

Looking at the dates of issuance of various SCE documents, one can notice two peaks, in January and April. All documents issued in January have the same date of issuance—January 25, 2022. The SCE does not seem to have had any activity in February, less than three months before the elections, and two months after the call for elections. Clearly, January statements, announcements, and decisions were issued in order to show a semblance of normalcy, through expediting the preparatory work in anticipation of the elections, after the call for elections had been issued a month before (December 29, 2022). It is to be noted that the call for elections is usually considered to be the official date of the commencement of the electoral campaign. This shows that the work of the SCE was not properly anticipated, and the electoral process not suitably planned at the level of the MoIM, especially in light of the failed nomination of the SCE as explained above.

These announcements, statements and decisions are mainly about media regulations (22 out of 56), electoral spending (13 out of 56), and general instructions for civil society organizations monitoring the elections as per the provisions of Article 20 of the law (figure 9).

Only one statement (issued on April 21, 2022) is about general campaigning regulations in relation to the use of public

facilities, government departments, public institutions and places of worship during the electoral activities of candidates and lists, in accordance with Clause 1 of Article 77 of the law about prohibited activities, while all other documents are specific to media, electoral spending, and the regulation of civil society organizations’ work. The SCE did not issue a single statement about other clauses included in Article 77, in relation to the duty of reserve of civil servants and employees of public institutions, municipalities, Unions of Municipalities and other similar persons (Clause 2), and the prohibition of campaigning activities on election day (Clause 3).

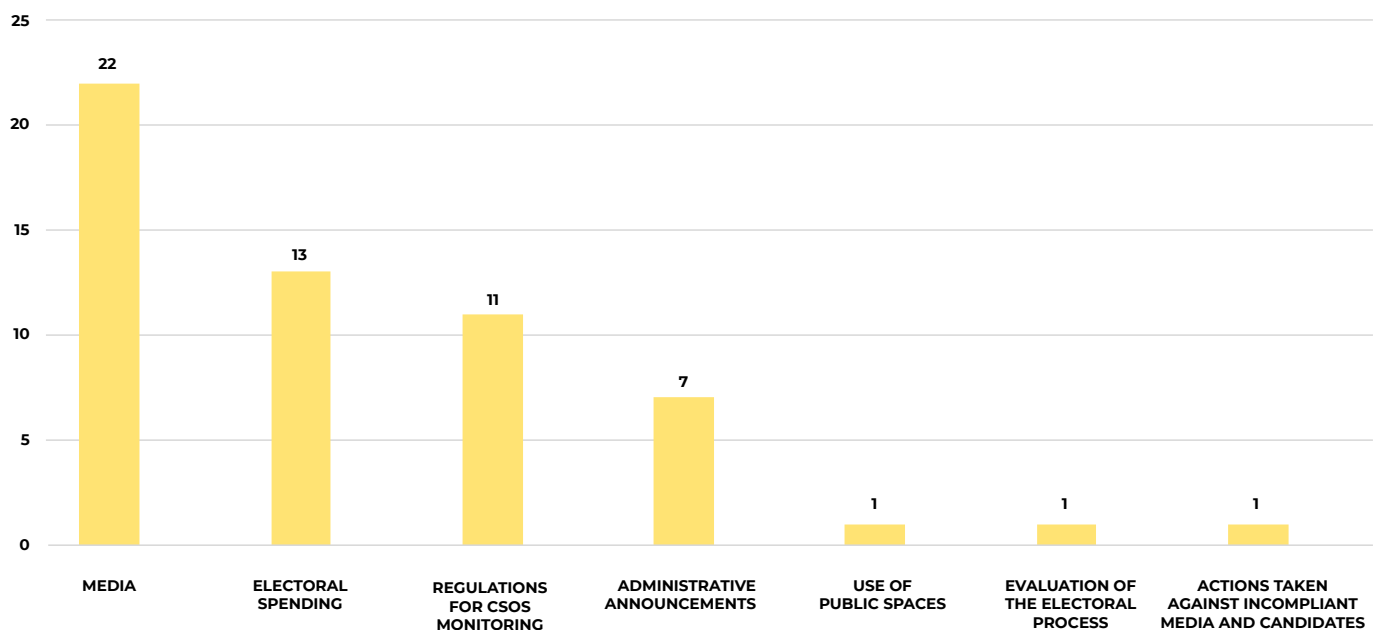
### THE SCE’S ROLE REMAINED WEAK DUE TO ITS POOR AUTHORITY AND CAPACITY

Despite the efforts exerted by the SCE, the commission performance remains fairly poor and does not live up to the required level. The reasons are numerous, but can be clustered into three main categories:

#### 1. A blurry legal framework

The SCE exercises supervision over elections “independently and in coordination with the Minister of Interior and Municipalities” (Article 9). Whatever this means, the legal

Figure 9: Distribution of SCE statements and announcements per topic



Source: TPI calculations based on the statements and decisions of the SCE (2022).

framework did not grant the SCE the status of an independent legal entity; the commission does not have a special budget, nor does it have access to sufficient resources to carry out the tremendous work that it is supposed to accomplish. In addition, this deficient independence dispossesses the SCE from law enforcement capabilities as it does not have a legal personality for the right to prosecute and sue violators of electoral standards. The SCE decisions are therefore not implemented because it does not have any authority, judicial body, or security body to implement them.

As put by its head, the SCE was formed to fulfil international requirements, not to ensure more democratic and fairer elections.<sup>55</sup> It is therefore a “toothless watchdog,”<sup>56</sup> unable to properly perform its outlined tasks. It is not taken seriously by other election stakeholders, including the judges appointed in higher registration committees, who did not report the results of their work as stipulated in Article 39 of the electoral law.<sup>57</sup> The role of the SCE is hence restricted to that of reporting, documenting violations, issuing warnings to violators, and sending out recommendations to relevant authorities, at best, hoping that proper decisions are taken at different levels. However, previous experience confirms that the judicial authorities have never arrested a briber or a bribe-taker, nor have they penalized those who violated the provisions of electoral silence or those who did not adhere to the spending ceiling. The MoIM has also not fined candidates who did not submit their account statements.

In addition to legal limitations pertaining to the role of the SCE per se, other legal limitations also hinder the ability of SCE to properly monitor the elections. For example, the personal accounts of candidates and party funding are still subject to bank secrecy, hence hindering the proper monitoring of campaign spending, as candidates and their parties can spend from unofficial accounts that fall out of the SCE’s jurisdiction.<sup>58</sup> Clause 2 of Article 62<sup>59</sup> is also a major “legal heresy” to proper monitoring of campaign spending and to the principle of equal opportunities between candidates.<sup>60</sup> Another major hindrance is the requirement from the SCE to “decide on the validity of the balance sheet within thirty days from the date of submission thereof,” or else it shall be deemed to have been approved. It is to be noted that that the same time limit of 30 days was granted to candidates and lists to submit their balance sheets, and to the SCE to revise hundreds of balance sheets, especially in the absence of proper resources and ability to employ professional auditors and accountants in due time.

Finally, the economic and financial crisis and the crash of the banking system in Lebanon during the last couple of years have made things even more difficult and absurd for the SCE, as indicated by the head of the commission in an interview with the author.<sup>61</sup> Judge Abdel Malak said that the elections in 2022 were worse than those in 2018, as it was impossible to monitor electoral spending in a cash-based economy. Expenditure was likely operated outside the official accounts, and vote buying may have been more prominent especially in the time of crisis.

## 2. Lack of capacities

In addition to what has been exposed above, it is fair to acknowledge that the SCE has performed with very limited capacities in terms of financial and human resources. For example, the SCE did not have enough observers to monitor media, and only 33 were appointed, supported by the United Nations Development Project (UNDP) Lebanese Elections Assistance Project (LEAP), a few weeks before E-day.<sup>62</sup> In an interview with the Legal Agenda,<sup>63</sup> the head of the SCE indicated that these employees receive their salaries in dollars, while the members of the commission and its president are still receiving their salaries in Lebanese Pounds without any raises despite numerous demands for change. The SCE does not have permanent premises, and a dispute over an overdue payment between the landlord and the MoIM delayed work for months until an agreement was concluded to extend the contract. The UNDP also took time to equip the monitoring center. According to the head of the SCE, the commission did not start working until two months after the MoIM announced the candidate filing period. This crisis was compounded by cutting off electricity to the SCE headquarters in August 2022, and the warning they received to vacate for not paying the rent and joint expenses, due to delays in the funds disbursed by the MoIM. Delays in the disbursement of funds and appointment of new members to vacant seats also affected the ability of the SCE to properly supervise the electoral process in due time.

## 3. Conservative approach and lack of knowledge in the electoral culture in general

In addition to the structural and systemic hindrances explained above, the SCE shortcomings also stem from intrinsic weaknesses and what seems to be an over cautiousness on behalf of the commission head and members. In this regard, two statements made by the SCE are worth considering, for they contain some substantive content in relation to the performance of the SCE: 1) The evaluation of the electoral process (May 19, 2022) and 2) the actions taken against media, candidates and lists (July 28, 2022).

In its evaluation of the electoral process, the commission noted that regulations were respected during the various stages of the electoral process that took place abroad and during the elections for voting officers, especially in terms of adherence to the constraints of the electoral silence period. The commission deplored the huge number of violations committed by all media, candidates, lists and political bodies on May 15, especially with regards to the electoral silence, which necessitated direct interventions from its president and members via telephone calls, to no avail. The commission monitored 324 violations related to the breach of the electoral silence. The commission also monitored some vote buying violations through complaints submitted by candidates, lists, political parties and other stakeholders, and subsequently referred plaintiffs to the competent public prosecutor in accordance with applicable laws. Finally, the commission observed an increase in the intensity of the electoral and political rhetoric between candidates, lists, and political parties in terms of hate speech, intimidation and sectarian-based discourse, as the E-day was getting closer.<sup>64</sup>

55 Interview with the head of SCE, Beirut, July 2022.

56 Rose, S. 2022. “Lebanon: toothless watchdog ‘unable to properly monitor election’.” *The National*, January 28, 2022. Available at: <https://bit.ly/3BGYLVN>.

57 Ferzli, E. 2022. “Dialogue with the Head of the Election Supervision Commission: The Commission may become homeless.” *The Legal Agenda*, September 1, 2022. Available at <https://bit.ly/3xXwRwd>.

58 Interview with LTA executive director, Beirut, June 2022.

59 Gifts and donations shall not be prohibited if they are provided by candidates or institutions owned or managed by candidates or parties who have been providing such gifts and donations in the same amounts and quantities on a regular and consistent basis for at least three years before the campaign period.

60 Interview with the head of SCE, Beirut, July 2022.

61 Interview with the head of the SCE, Beirut, July 2022.

62 Interviews with LTA and LADE executive directors, Beirut, June 2022.

63 Ferzli, E. 2022. “Dialogue with the Head of the Election Supervision Commission: The Commission may become homeless.” *The Legal Agenda*, September 1, 2022. Available at <https://bit.ly/3xXwRwd>.

This preliminary evaluation report of the SCE is much less than what one would expect from an official entity mandated with the supervision of elections. In fact, the Lebanese Association for Democratic Elections (LADE) performed the SCE's duties better than the SCE itself, issuing a preliminary report on May 16,<sup>65</sup> while the SCE evaluation report was published on May 19. LADE's report was much more substantive than the SCE report in terms of listing the E-day violations. It included major violations that significantly hinder the integrity and democracy of the electoral process, such as the breach of the secrecy of the vote and the presence of intense electoral propaganda in most polling stations across districts, which is a prohibited act as per Clause 3 of Article 77, and which the SCE had disregarded all along. One could argue that the organization of polling stations does not fall under the SCE jurisdiction as per the legal provisions detailing the functions of the commission as explained in Chapter 3 of the law. However, as the commission issued a statement aiming to organize the political campaigning and permitted the use of public utilities based on an interpretation of Clause 1 of Article 77 while it does not specifically fall under its functions, the SCE could have also taken the initiative to prohibit electoral propaganda in polling stations throughout the election day. In regard to vote buying, LADE reported 27 documented cases, while the SCE report mentioned "some violations in relation to vote buying." The SCE referred these cases to competent public prosecutors, a measure that LADE cannot undertake. Other than this measure, the SCE did not take any coercive action against any perpetrator of electoral violations throughout the electoral process, even within the restricted scope that the law has granted them with (Article 81, penalties and fines).

As for the actions taken against incompliant media, candidates, and lists, the SCE announced, in a statement dated July 28, 2022, that it had referred 592 cases of media violations (hate speech, breach of the electoral silence, defamation, and publication of incompliant opinion polls) to the court of publications. It is unclear when these referrals took place, whether during the campaign period or after the E-day. The SCE also announced that they referred 25 cases of criminal complaints to public prosecutors in relation to bribery and other acts of process obstruction. Finally, the SCE referred to the MoIM 356 candidates and 16 lists who did not submit their comprehensive statements of accounts.<sup>66</sup>

This statement is undeniable proof that the SCE's role is merely that of documentation. It did not warn any media sources throughout the electoral process of their wrongdoings and instead preferred to refer all the violations to the Court of Publications more than two months after the E-day, at a time where the public momentum on elections is lost, and damage to the electoral integrity and equitability had already happened. In fact, none of the statements, decisions and announcements issued by the SCE during the electoral process pertain to the referral of violators—whether media, political parties or candidates and lists—although it could have done so, even if it does not directly have the authority to enforce the implementation of its decisions. In fact, the majority of the documents published by the SCE are reminders of law provisions in relation to media and electoral spending regulations, in what seems to be a "bare minimum" operating procedure.

On another note, the SCE has been reluctant to disclose full information on the identities of candidates that did not submit their comprehensive account statements in 2018, or on the media outlets in breach of electoral silence or other media regulations. The SCE only disclosed this information after a campaign was initiated by the Lebanese Transparency Association to that end.<sup>67</sup> It is to be noted that the Access to Information Law "legally obliges state administrations to publicize crucial information, such as annual budgets and administrative decisions,"<sup>68</sup> but the SCE's approach on this matter has been rather conservative all along, reflected in its interpretation of Article 20 in relation to Maharat's work and Article 78 about the pre-election silence period.

## THE CASE OF MAHARAT FOUNDATION

According to Article 20 of the electoral law, competent civil society organizations may observe the elections and monitor their progress under the supervision of the commission, provided that they meet impartiality and independence requirements and have a clean track record regarding funding sources. Local and international organizations wishing to monitor elections shall submit accreditation applications to the commission, which shall in return, decide whether to approve or reject each application and shall determine the principles and procedures of election observation and monitoring. In this context, election monitoring and observation refers to civil society's endeavors to actually accompany the election proceedings throughout the electoral process, especially on E-day. The accreditation is required for observers to be able to access polling stations and registration committees, as these are usually restricted to specific positions. By contrast, accompanying elections through the monitoring of media—without the need to access any official premises in relation to the elections—does not require any accreditation according to the law, and the freedom to issue analytical reports on specific aspects of the elections should not be restricted whatsoever, except in the case of opinion polls, which are subject to legal provisions in line with international standards. Still, the SCE considered that Maharat's activities—mainly pertaining to monitoring media performance and allocation of media space and airtime to candidates, including women and independent candidates—fall under the jurisdiction of Article 20, and hence would require accreditation from the commission even if Maharat is operating remotely and does not need to access any official premises whatsoever.

The correspondence between Maharat and the SCE was mediated, and many letters were sent back and forth, as both parties held their positions. The Election Reform Consortium supported Maharat. Eventually, the SCE did not engage in any legal dispute with Maharat.

## THE PRE-ELECTION SILENCE PERIOD MISINTERPRETED

The SCE issued statement no. 14 on April 29, 2022, in which it determined the electoral silence period and divided it into four stages: The out-of-country voting on May 6 and 8, polling station staff elections on May 12, and the general elections on May 15.

64 The SCE evaluation of the electoral process, statement issued by the SCE on May 19, 2022. Available at <https://bit.ly/3UGI4ej>.

65 LADE's preliminary report on general elections in Lebanon, May 16, 2022. Available at <https://bit.ly/3SisMuy>.

66 Statement on actions taken against the media, candidates and lists, statement issued by the SCE on July 28, 2022, available at <https://bit.ly/3xUvqic>.

67 Interview with LTA executive director, Beirut, June 2022.

68 Merhej, K. 2021. "Lebanon's Access to Information Law Has Been Amended... What's New?" *The Tahrir Institute for Middle East Policy*, August 9, 2021. Available at: <https://bit.ly/3M3JTyh>.

In a statement issued on May 4, 2022, LADE considered that Article 78 pertaining to the pre-election silence period did not distinguish between out-of-country and in-country votes, and that “this a legal loophole” that the parliament did not address, although similar issues had been raised before. The organization considered that the SCE’s interpretation of the electoral silence deprives media, lists and the candidates from carrying out their campaigning activities and limits them to only three days, which is absolutely insufficient at a time when election campaigns are raging about ten days before the general elections.<sup>69</sup>

It is worth noting that the SCE did not adopt this position in 2018, and when asked about this dual position, Abdel Malak said that they decided to adopt a strict interpretation of the law,<sup>70</sup> which uses the term “election day” without specifying which election day it actually denotes.

In addition, the law does not provide any regulations over social media campaigning while an international debate is ongoing about the applicability of electoral silence in the era of new media (especially the Internet). Electoral experts argue that the practice of election silence is becoming obsolete, while in western democracies, this practice is understood as a restriction of freedom of speech.<sup>71</sup> Instead of contributing to this debate and finding reasonable solutions to applying the essence of electoral silence, i.e. to “give voters peaceful and free from political agitation conditions to consider and make final decision on elections”<sup>72</sup> in a young democracy such as Lebanon, the SCE chose to follow a restrictive interpretation of an unclear law, and impose a total of six to seven days of electoral silence in the ten days-period preceding the general elections. In addition, the review of the application of electoral silence worldwide did not show any cases where electoral silence is applied to out-of-country voting or elections of polling officers. It goes without saying that the SCE did not have any measures or tools to monitor social and foreign media, hence leaving the whole process completely void and useless, especially that no enforcement or punitive measures were applied whatsoever, even on local media who garishly breached the legal provision pertaining to electoral silence.

## CONCLUSION

It is a fact that the SCE and its predecessor, the SCEC, are not what independent commissions or electoral management bodies typically look like. However, one could argue that it could serve as an important precedent for a full-fledged independent electoral management body. Despite the undeniable limitations, the establishment of the SCEC in 2008 and the SCE in 2017 could be seen as a contribution to initiating a new culture surrounding elections in Lebanon; one of democracy, transparency, and accountability.

Many sets of recommendations pertaining to SCE reforms have been provided by different instances, including the Election Reform Consortium in Lebanon, foreign observation missions such as the European Union, National Democratic Institute and others, but little effort has been put at the policy-making level to improve the legal framework of the SCE or to strengthen their capacities and enforce their decisions.

Hence, any attempt to reform the electoral management in general is void, unless there is a clear and solid political willingness to address the numerous shortcomings of the electoral process in Lebanon at the macro level. Despite what many would think, the establishment of an independent electoral management body would not change much in Lebanon, if the political elite is not committed to deliver fair, transparent, and democratic elections.

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69 LADE statement about pre-election silence period, May 4, 2022. Available at <https://bit.ly/3reARF2>.

70 Interview with the author, Beirut, July 2022.

71 Musiał-Karg, M. 2013. “The Election Silence in contemporary democracies. Questions about the sense of election silence in the Age of Internet.” Available at: <https://bit.ly/3dMHhYP>.

72 Ibid.

## POLICY RECOMMENDATIONS

Based on TPI's analysis of the electoral environment in the run-up to the elections, the following is recommended:

### ELECTORAL REFORM

The first section of this study highlights the deficiencies in the electoral law. In light of this, civil society actors, the international community, and local stakeholders hoping to build a democratic environment should advocate for electoral reform. These reforms should include:

#### 1. Increase district size

Per the results highlighted in the first section, the current districting leads to high discrepancies in representation across electoral districts, and the small size of districts combined with high electoral thresholds undermine the concept of proportionality. Increasing district magnitude should be a priority when building a new electoral system.

In fact, the 1989 Ta'ef Accord stated that the governorates should become the electoral districts.<sup>73</sup> Larger districts would result in more fragmented constituencies in terms of confessional composition and would lead to lower natural thresholds, which is the number of valid votes over the number of seats in an electoral district, thus effectively weakening the barriers to entry into parliament and decreasing the number of wasted votes.

Calculating the number of voters per parliamentary seat at the governorate level under the current regional distribution of seats leads to better representation. At the governorate level, the highest level of representation would be in Mount Lebanon (25,250 voters per seat) and the lowest in Nabatiyeh (45,230 voters per seat)—a 20,000 votes difference compared to 30,000 under the current districting. This change in electoral district boundaries would improve representation, but a more equitable one can be reached by changing the distribution of seats across governorates as well. We can estimate how many MPs should be assigned to each governorate in order to make regional representation closest to the national average. Under equitable representation, each MP would represent between 30,000 and 32,000 voters at the governorate level. This is

only one example of a fairer districting system and shows that building a truly proportional representation system in Lebanon can be made possible by a variety of solutions.

#### 2. Implement mega-centers

Allowing citizens to vote from their place of residence would encourage and facilitate participation. It would also reduce potential voter rigging, such as intimidation and vote buying, as it would make it harder for political parties to monitor voter behavior in the polling stations.

#### 3. Eliminate the preferential vote, in the medium to long term

The preferential vote leads individual candidates to compete for each sectarian seat, rather than electoral lists to compete for seats as political parties, and thus introduces a majoritarian element under a proportional representation system. It also gives an unfair advantage to sectarian leaders who are able to build clientelist ties with their constituents.

In order to ensure the representation of each sect in parliament while eliminating the preferential vote, a mixed system could be adopted. One of the key commitments made in the Ta'ef Accord was to create a Lebanese senate elected through a confessional system, while conducting parliamentary elections outside of the confessional framework. Applying this today would encourage parties to run programmatic campaigns rather than campaigns founded on confessional politics.

#### 4. Implement a gender quota to increase women's participation and representation

While women constitute half of society, they made up 16% of candidates and only represent 6% of the Lebanese parliament (eight MPs). While the Lebanese parliament has confessional quotas in order to ensure the equitable representation of each community, the lack of a gender quota overlooks the representation of half the population.

In the short term, increasing the participation of women can be done by establishing a list-based quota and requiring electoral lists to include a minimum number of

Table 11: Equitable distribution of seats under a governorate level districting

Governorate	Registered voters	Current seat distribution		More equitable distribution	
		Number of seats	Voters per seat	Number of seats	Voters per seat
Beirut	505,687	19	26,615	16	31,605
Baalbek-Hermel	341,263	10	34,126	11	31,024
Bekaa	337,400	13	25,954	11	30,673
Mount Lebanon	883,741	35	25,250	29	30,474
Akkar	309,517	7	44,217	10	30,952
North Lebanon	635,075	21	30,242	20	31,754
South Lebanon	457,293	12	38,108	15	30,486
Nabatiyeh	497,531	11	45,230	16	31,096
Lebanon	3,967,507	128	30,996	128	30,996

Source: TPI calculations based on the voters' lists obtained from the MoIM (2022).

73 The Taif Agreement, 1989. Available at: [https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the\\_taif\\_agreement\\_english\\_version\\_.pdf](https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_taif_agreement_english_version_.pdf).

women candidates. In the long term, ensuring the election of women under the confessional allocation of seats will require amendments to the electoral system, changing it from a purely proportional representation list-based system to a mixed one, where some members, such as women, are elected on a majoritarian basis.

### **5. Reduce the funds required to run for elections**

In order to make running for elections accessible to all Lebanese and reduce the competitive advantage of candidates with financial resources, reforms to the law should include (1) lowering the nomination fees and campaign financing ceilings and (2) amending Article 62 of the electoral law which allows candidates to distribute services or donations to their constituents, provided that they had been doing so for three years before the elections. Ultimately, reforms should also be directed at empowering the SCE to exercise its role when it comes to monitoring campaign financing.

### **ACCESS TO THE MEDIA**

As the second section shows, the media was largely unfair and did not treat all candidates equally. Accordingly, one recommendation is to expand the powers of the SCE and enforce penalties on media violations.

According to the electoral law, media outlets must have balanced appearances between candidates and their opponents and must publish the list of prices of appearances.<sup>74</sup> This was not the case during the electoral race, as the poor capacity and lack of judicial authority of the SCE enabled media outlets to bypass the law.

The current law assigns the SCE a supervisory role, meaning that it can only report violations to judicial courts rather than take legal actions against them. This has already created an indefinite delay in adjudication, as 45 complaints for media violations reported in the last elections (2018) are still pending at the publications court.<sup>75</sup>

The electoral law also states that media outlets must refrain from broadcasting electoral advertisement or live campaigning 24 hours before elections day.<sup>76</sup> The SCE identified and reported hundreds of violations of the electoral silence, and legal action by the publications court must be taken now rather than pushed until the next elections season. We cannot expect the media to be fair in the next elections if their violations of the law do not lead to legal repercussions.

This calls for reforms to the supervisory mechanisms through amendments to the electoral law. More specifically, the SCE should be given authority beyond reporting violations, which could include empowering it to penalize offenders in the absence of proper adjudication from judicial authorities.

### **CAMPAIGN STRATEGIES**

The findings show that the campaign strategies of candidates were largely undemocratic, and in some instances, violated the electoral law. In light of this, several measures should be implemented in order to create a democratic environment:

#### **1. Amend Article 62 of the electoral law**

Article 62 of the electoral law prohibits parties and candidates from providing services or payments to voters during the electoral campaign period. This includes cash and in-kind donations to individuals, charities, social organizations, religious organizations, and public institutions. However, one loophole exploited by political parties exists: Donations are allowed if they are provided by candidates or institutions owned or managed by parties that have been providing them for at least three years before the elections. Given that Lebanese parties have long-established charity organizations, Article 62 legitimizes clientelist behavior for electoral gains. This article should be amended to penalize clientelist behavior before the next parliamentary elections.

#### **2. Enforce Article 77 of the electoral law**

Article 77 of the electoral law prohibits the use of public facilities and public and religious institutions, among others, for electoral events and campaigning. The article also states that civil servants and public employees are not allowed to promote specific candidates or lists. The findings show that this article was violated by multiple parties across electoral districts. During the campaigning period, parties met with and often received public endorsement from municipal council members and religious figures, and used public and religious institutions for electoral meetings. Without proper enforcement and legal repercussions, candidates and public figures cannot be incentivized to respect Article 77 of the law.

#### **3. Monitor and penalize the use of violence**

The use of violence, including physical assault, harassment, suppression, and destruction of property, among others, is seldom penalized despite being widespread during elections time. The law does not establish a clear reporting mechanism for the use of violence targeting candidates and their supporters. Such a mechanism would allow victims to hold their perpetrators accountable, and would empower voters to vote freely, without facing threats or intimidations.

#### **4. Empower public institutions to be the sole provider of public services**

Our findings show that some parties used public institutions in order to provide public services, such as rehabilitating roads, providing electricity, or facilitating legal procedures. While some regions are overly loyal to certain political parties, these parties should not have a say in local public service provision, which should only be under the responsibilities of local authorities and other relevant public institutions. At the state level, party representatives should be penalized when facilitating legal or administrative procedures, such as liberating incarcerated citizens or renewing identity cards or passports. Such a problem does not have a short-term or direct solution but could start with closer and continuous monitoring of parties' behaviors on the ground and in public institutions at all times. In the long term, this will reform the state, lead to equality between voters, and make clientelism obsolete, which would push parties to run for elections on a programmatic basis.

<sup>74</sup> Article 71 of Law 44/2017.

<sup>75</sup> Rose, S. 2022. "Lebanon: toothless watchdog 'unable to properly monitor election'." *The National*, January 28, 2022. Available at: <https://bit.ly/3BGYLVN>.

<sup>76</sup> Article 78 of Law 44/2017.

## REFORMS TO THE SCE

In addition to the numerous challenges faced by the SCE outlined in the fifth section of this study, the main obstacle hindering the ability of the SCE to properly perform its duties is the commission's structure and operating procedures. The following recommendations can be applied to the current form of the SCE, as well as in the case a full-fledged independent electoral management body is established.

### **1. Structural reforms: Establish a permanent secretariat**

It is highly recommended to establish a permanent secretariat, or an executive office for the commission, in order to build an institutional memory and avoid the interruption in the learning curve of the institution. The functions of the executive office are currently distributed among the SCE board members who might change at any point, and who cannot work outside electoral cycles due to the temporary remuneration they receive.

This measure will ensure the permanence and continuity of the SCE, instead of it being a seasonal ad-hoc committee with limited leverage and restricted ability to perform.

### **2. Functional reforms: Establish coordination mechanisms with other electoral stakeholders**

The SCE does not necessarily need to have the power to prosecute or impose sanctions provided that it can observe, investigate, and make sure that prosecution and sanctioning are possible whenever needed. This can be done through setting up a joint task force, including the General Prosecutor office, the Financial Crimes Prosecutor office, General Director for Personal Status, Directorate of Political Affairs, Security General, Directorate of Local Administrations, the Court of Publications and the Ministry of Information. The task force will be responsible for executing the orders of the SCE in each of its jurisdictions, which will expedite the implementation of the decisions and ensure effective oversight of the electoral campaign.

In an ideal yet not utopic situation, a full-fledged independent management body would be established and would be mandated with the overall organization and supervision of the elections, independently from the country's executive power. It would be granted law enforcement prerogatives and would comply with international standards of democratic elections in relation to professional, impartial, service-minded, efficient and transparent management of electoral cycles all along.



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