

Action Fiche for Lebanon/SPRING/support to Electoral Reform and Democratic Participation

1. IDENTIFICATION

Title/Number	Support to Electoral Reform and Democratic Participation Lebanon - ENPI/2012/24426		
Total cost	EU contribution EUR 6 million (financed from the SPRING programme 2011/2012 ¹)		
Aid method / Method of implementation	Project approach – <i>direct centralised/joint management</i>		
DAC-code	Government and civil society, general	Sector	15151 Elections

2. RATIONALE

2.1. Sector context

Since 2005, Lebanon has witnessed widespread calls for electoral reform that would bring Lebanese elections closer to being in line with international standards. The current Electoral Law approved in September 2008 provided some improvements in comparison with the 2005 Law, including polling on one day and the establishment of a Supervisory Commission on Elections Campaign (SCEC) to oversee the regulation of campaign finance and media coverage. While not a fully independent election management body, the SCEC was acknowledged to be an important precedent towards building confidence in the impartiality of the election process.

While these aspects were positive, many other proposals and key recommendations from the 2005 and 2009 EU Election Observation Missions (EUEOMs) remain outstanding ahead of elections in 2013: an electoral system to be non-confessional based on some form of proportional representation (PR), improvements to voter secrecy, including through the introduction of officially printed ballots (Lebanon is one of the few states in the world not to have them), the establishment of an independent election management body, the setting of the minimum voting age at 18 (currently at 21, when the age of legal majority is 18), implementation of an out of country voting mechanism, improved regulation of campaign funding, strengthened media monitoring and complaints procedures, enhanced women's representation (Lebanon has of the lowest rates in the world, at 3.1% far less than the regional Arab average of 12%) and transfer of voter registration to the actual place of residence.

In its June 2011 Ministerial Policy Statement, the current Council of Ministers committed itself to preparing new electoral legislation within one year. In this context the Ministry of Interior has drafted a revised electoral law, approved by Cabinet of Ministers in September 2012 that is currently under scrutiny by a Joint Commission of four Parliamentary Committees. In addition to the draft law proposed by the Cabinet, three other draft laws have been submitted for consideration by the Joint Commission. The four drafts are distinguished on the basis of the electoral system they propose,

¹ C(2011)6828.

ranging from: proportional representation in 14 districts; PR in a single national district but where voters are restricted to voting for candidates for their confession only; majoritarian voting in 50 small districts; and revisions to the current law, with majority voting in 26 districts. All four drafts foresee pre-printed ballots and the need for a SCEC.

Deputies may propose amendments to the Draft Election Law, and it is possible that alternative reform measures may be considered, or removed. During the parliamentary review process, the Minister of Interior can present arguments to justify the reforms, including their feasibility and budgetary implications. There is no stipulated timeframe by which time the parliamentary process must start or be completed, and there are concerns that political disagreements may delay the process or simply block agreement on new electoral legislation. In the case that no new law is adopted by the deadline for the parliamentary elections to be called (which is no later than 2 March, 2013), the elections will be conducted under the provisions of the currently applicable election legislation, namely Law No 25 of 2008, and which applied to the 2009 elections.

The Draft Electoral Law proposed by the Cabinet includes a number of key reforms that have been recommended by the EU EOMs of 2005 and 2009, and which would require extensive resources and planning if they are to be implemented effectively. This includes the introduction of official uniform ballot papers, which are seen as a crucial benchmark for whether the 2013 elections will be seen to represent positive progress. The current system – where voters use scraps of paper that can be traced back to the voter – is heavily criticized as being both a violation to the principle of a secret ballot and as a practice that encourages vote-buying. The Cabinet's draft also includes provisions that would enhance the role and powers of the SCEC, giving the body a broader degree of independence. The other draft laws that have been submitted also propose the introduction of pre-printed ballots, with one also proposing a fully independent commission.

The Ministry of Interior and Municipalities (MOIM), which has responsibility for electoral operations, has already started preparing for the 2013 elections, advancing as much as possible work on technical reforms that do not need a change in law. The Ministry of Interior has called for the international community to support the electoral reform process, starting by this preparatory work and looking ahead the future implementation of the reforms that the revised electoral framework will entail. The implementation of some of the reforms proposed in the draft law is technically challenging and lengthy; therefore further legislative delays could put at risk its successful implementation.

Following a request of the Lebanese Government, and in close co-ordination with the Ministry of Interior, United Nations Development Programme (UNDP) has prepared a programme entitled "Lebanese Electoral Assistance Project (LEAP)" to support the conduct of credible, transparent and inclusive Parliamentary elections in Lebanon scheduled for 2013. The programme at hand is in line with the priorities agreed by the **European Union (EU) and Lebanon** under the European Neighbourhood Policy, as well with the priorities outlined in the Joint Communication of the European Commission and of the High Representative of the EU for Foreign Affairs and Security Policy "A partnership for democracy and shared prosperity with the Southern

Mediterranean²” and the Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “A new response to a changing Neighbourhood³” that embody the European Union's response to the demands in the region for greater freedom, justice and democracy. This Communication and the subsequent SPRING programme foresee support to progress and compliance with democratic standards in relation to the deep democracy, being “fair and democratic elections” a fundamental criterion.

This programme also builds on national priorities established by the government and reflected in the 2011 **Ministerial Declaration** that renews the government's commitment to respecting international resolutions and commits the government to have a revised electoral framework for the 2013 polls.

2.2. Lessons learnt

The 2013 elections in Lebanon will be an important benchmark in the role of democratic progress of the country, especially in the light of both conflict and rapid political transition in neighbouring countries. The capacity of Lebanese authorities to adopt electoral reforms, and to conduct peaceful, credible and pluralistic elections, will be vital indicators of the strength and stability of democratic institutions in the region to achieve change peacefully.

Up to now, EU's support electoral support in Lebanon has demonstrated that effectively designed and targeted technical assistance based on EU EOM recommendations can build confidence in an electoral process and help an election meet international standards. This has been especially relevant in Lebanon where, despite a tradition of political pluralism, elections have significant technical flaws and take place in tense atmosphere. EU assistance has sought both to promote a strategic long-term approach to electoral reform while also promoting effective electoral management through the electoral cycle.

For the 2009 elections, the EU funded with Instrument for Stability a €4 million project focusing on provision of technical assistance to the Ministry of Interior, support to the SCEC and procurement of election equipment in line with international standards. An external evaluation of this project highlighted the pertinence of the project and praised its efficiency noting that the EU's assistance helped bring to the Lebanese authorities "a new vision of elections, seen as a democratic process whereas the security perspective was dominant".

The project was centrally managed by the EU delegation in Lebanon. UNDP was not considered at the time the best available mean to implement the EU's assistance. Since then, UNDP has worked to significantly improve the capacities of the local electoral department and has provided the Ministry of Interior and other stakeholders with permanent support for the drafting of the revised electoral framework and the technical preparations ahead the 2013 elections.

² COM(2011)200 of 8 March 2011.

³ COM(2011)303 of 25 May 2011.

2.3. Complementary actions

The EU Delegation has been very active following up on the recommendations of the observation missions from 2005 and 2009 through political dialogue with all stakeholders' as well as providing substantive assistance. It is notable that the recommendations of previous EOMs have been the entry-point for all of the EU's work on electoral reform including political dialogue and co-operation.

Regarding political dialogue, the EU has repeatedly called on the Lebanese authorities to adopt a revised electoral framework in line with European Union Electoral Observation Mission (EUEOM) recommendations. Electoral Reform is also one of the key issues discussed with Member states and one of the priorities of the Human rights Strategy agreed with EU Member States in Beirut in 2011.

Concerning assistance in this field the EU has since long supported Lebanon's efforts to bring its electoral framework closer to international standards. The EU's approach supporting electoral reform in Lebanon is twofold: providing support to civil society initiatives to advocate for the adoption of a rights based system and of electoral reforms (in line with international electoral standards and recommendations of the EUEOMs) as well as Supporting the Lebanese government for the implementation of technical electoral reforms that can increase the transparency and compliance with international standards of the electoral process.

Regarding provision of assistance in view of the 2013 elections USAID is providing 1.7 million dollars to UNDP targeting technical assistance to the Ministry of Interior. UK is contributing to the UNDP electoral assistance programme with 290,000 € Other countries such as Switzerland and Canada are considering working with UNDP in the near future.

2.4. Donor co-ordination

There has been effective co-ordination and co-operation between the different international agencies in the provision of electoral assistance. At the broader political level, the Office of the UN Special Coordinator for Lebanon (UNSCOL) has conducted regular electoral forums to provide all international actors with updated information on the electoral process and the various electoral assistance projects. UNDP, in close collaboration with the Ministry of Interior is chairing a regular technical working group for the coordination of assistance activities.

UNDP has been continuously engaged in providing electoral assistance in Lebanon since 2005. From spring 2008 to spring 2012, UNDP managed the Strengthening Electoral Processes in Lebanon project to support the Ministry of Interior and Municipalities (MOIM) in its preparations and delivery of electoral management responsibilities for the 2009 and 2010 elections. The project was financed through a Multi-Donor Basket Fund supported by Spain, Canada, Norway, Denmark, and Belgium. The project included assistance on training of polling officials, voter education and public awareness and initiatives to promote transparency, as well as the provision of technical advisors and support staff to assist ministry staff and activities to promote the participation of women in the electoral process. In 2010 and 2011, the UNDP project also focused on providing support to the electoral law reform initiatives undertaken by the MOIM. Through USAID funding, IFES previously implemented an electoral assistance program to the MOIM for the period from 2008 to 2011 that focused on

building professional capacity in terms of training of electoral officials, the establishment of a website, public awareness campaigns, inclusion of persons with disabilities and the procurement of materials.

3. DESCRIPTION

3.1. Objectives

The **overall objective** is to support deep and sustainable democracy in Lebanon.

The specific objectives are:

- To support the conduct of credible, transparent and legitimate Parliamentary elections in 2013 by strengthening the management and administration capacities of the Lebanese administration in line with international standards and EUEOM recommendations;
- To support the consolidation of democratic participation in Lebanon and reinforce the concept of free and fair elections beyond 2013.

3.2. Expected results and main activities

The programme will be articulated in 2 main components:

- I. Support to the "Lebanese Electoral Assistance Project (LEAP) for the 2013 Parliamentary Elections".
- II. Support to consolidate the concept of democracy and free and fair elections beyond 2013 through a "Democratic Participation facility".

The expected results and main activities per component are as follows:

Component I: Support to the "Lebanese Electoral Assistance Project (LEAP) for the 2013 Parliamentary Elections"

LEAP has been developed by UNDP following a request of the Lebanese Government to strengthen national capacities for the conduct of transparent and inclusive elections in 2013 and can increase compliance with international standards and EUEOM missions.

The EU's support to LEAP will be articulated in a two phased approach following the progress of the legislative process for adoption of a revised electoral framework described above.

Phase 1: Support to the implementation of electoral reforms that do not require a change in the law

This support will result in:

- Increased capacity of the Ministry of Interior and other stakeholders to manage elections in an effective, transparent and credible manner.
- Increased capacity of the SCEC to perform their responsibilities.

- Increased capacity for judicial bodies with the jurisdiction for resolving electoral disputes.
- Increased capacity for the coordination of multi-agency voter education initiatives.
- Increased women representation and better accessibility of polling stations.

Activities can include:

- o Reinforce the capacity for the management and administration of elections through the provision of continuous technical assistance to the Ministry of Interior, including development of an improved results management system and support to modernise the electoral procedures, training of polling officials, public information and operational planning.
- o Support for the development of the SCEC including support on preparations for its reestablishment, support to the development of an improved regulatory framework for the supervision and monitoring of election campaigns and training of SCEC monitoring staff;
- o Strengthening the capacity for the resolution of electoral disputes including support the provision of technical advice and assistance on the framework for electoral dispute resolution, support to increase transparency in the resolution of electoral disputes and capacity building for the State Council and Court of Publications in electoral dispute resolution.
- o Strengthening capacity for the coordination and data-gathering on voter educational initiatives implemented by different agencies, including official and civil society efforts in order to ensure effective targeting of appropriate groups.
- o Any other electoral related reforms that can bring the electoral framework closer to international standards and recommendations of the EUEOMs such as measures to enhance the women's representation or increase the accessibility of polling stations to voters with special needs.

This support will be implemented through the signature of a contribution agreement with UNDP contributing to the LEAP programme.

Phase 2: Support to the implementation of electoral reforms that do require a change in law.

This support will result in:

- Increased capacity within the MOIM to prepare for the adoption and production of ballots according to any requirements established by legislation;
- Increased capacity of the Lebanese administration for the implementation of other reforms that can bring the electoral framework in line with international standards and the recommendations of the EUEOMs.

Activities can include:

- o Training for electoral officials who will have responsibilities for ballot production.
- o Support for the delivery and installation of software and relevant equipment for the in-house requirements for ballot production including data collection and design formatting.

- Support for the installation of the relevant technical equipment and the training of MOIM electoral officials on the use of technical equipment.
- Support for the procurement, printing and distribution of official ballots.
- Information campaigns on the use of pre-printed ballots.
- Information campaigns for new voters aged 18-20.
- Additional reforms that broaden voter participation, especially women, youth and possibly expatriates.

This support will be implemented through a contribution agreement with UNDP contributing to the "LEAP" programme.

The two-phased structural approach is envisaged to provide leverage for the adoption of key reforms ahead of the 2013 elections by the Lebanese authorities and the strategic engagement and management capacities of UNDP. As highlighted above, there is a possibility that there is no sufficient political consensus to adopt a revised electoral law and therefore reforms like the introduction of pre-printed ballots could not be feasible for the 2013 electoral round. In the eventuality of the absence of a revised electoral framework or in case the revision is not done in a timely manner, the programme has to stay flexible to allow for a reallocation of funds to be distributed to the "**Democratic Participation Facility**" explained below or to the "**LEAP**" programme for the introduction or adoption of measures that can increase compliance of electoral processes with international standards.

Component II: Support to consolidate the concept of democracy and free and fair elections beyond 2013 through a "Democratic Participation facility"

This support will result in:

- Stronger foundation towards achieving reforms ahead of the 2013 elections.
- Increased democratic participation and electoral transparency after the 2013 electoral round.

Activities can include:

- Support for actions that will contribute to stronger democratic institutions and processes, and more sustainable, effective and legitimate democracy involving all actors.
- Develop research, analysis and policy making to promote public participation and associated rights, including support to the definition of policies for further electoral reform including proposals for the creation of a full fledged Independent Electoral Commission.
- Support for the elaboration of a new law and effective framework for municipal elections.
- Support to allow Lebanon to lead and to participate in regional exchanges and best practices on promoting democratic participation and reforming the electoral frameworks of the Arab countries.

The Democratic Participation facility will be implemented through services or grant contracts.

3.3. Risks and assumptions

The assumptions for the success of the project and its implementation include:

- Stable security and political situation during the programme implementation.
- Proven Governmental and parliamentary commitment in prioritising the agenda for electoral reform.
- Adequate involvement of civil society representatives as vectors for the promotion of democracy.
- Sufficient management capacities and operational performance of the UNDP.

The main risk is represented by the unstable security and political situation of the country, in which the delicate balances between the different political forces could create a prolonged governance crisis or renewed internal conflicts.

3.4. Cross-cutting Issues

Human rights, gender equality and good governance are at the core of this action as the programme consists in addressing a core democracy concern: free and fair elections and democratic processes. The project will support the strengthening of the institutional framework for the development of democratic governance in Lebanon. The mainstreaming of the gender component will be assured through enhancing the participation of women in project's activities. The project will also ensure that parliament's output will be properly analysed from a gender and youth perspective. Participation, ownership, equity, organisational adequacy, transparency and accountability and fight against corruption are guiding principles throughout the programme.

3.5. Stakeholders

The **final beneficiaries** of this project are the Lebanese citizens who would benefit from strengthened democracy.

The Public Institutions involved are:

Ministry of Interior and Municipalities: Through its conduct of the 2009 and 2010 polls, the MOIM has established a reputation as an effective election administrator; however, in terms of its electoral capacity, the MOIM is both under-staffed and under-resourced. The MOIM Directorate-General of Political Affairs and Refugees (DGPARG), which has the main responsibility for electoral operations and which led the preparation of the Draft Electoral Law, has a limited staff who cover electoral preparations, with many current unfilled positions in the management structure for elections. Other MOIM officials, including local governors and ranking police officers, may be called upon to supplement this team when needed.

The DGPARG has commenced initial operational preparations for the 2013 elections but there are questions on whether their limited operational, technical, financial and human resources are sufficient to prepare for the challenges that will arise, e.g. if ballot papers are adopted there is no current capacity to prepare for ballot production.

The SCEC is an ad hoc institution established by the current election law and which is currently dormant.

Judicial Bodies: There is limited public knowledge and experience of the capacity of the judicial bodies that have jurisdiction on electoral disputes, including the Constitutional Council and the State Council; there is also limited knowledge within the members of those courts in the specific role of electoral dispute resolution.

Civil society: Lebanon's vibrant civil society structures have been actively engaged on issues related to electoral reform and promoting citizens' participation in the electoral process. They play a fundamental role promoting reform and raising awareness on electoral related issues as well as an effective watchdog of the fairness of electoral processes in Lebanon and the region.

Civil society organisations working to promote electoral reform gather since 2006 under the umbrella of the Civil Campaign of Electoral Reform (CCER) grouping over 65 organisations. Disappointingly, there have been limited attempts between the MOIM and civil society to build partnerships on electoral issues, despite the common position they have had on a number of the reform measures.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

Component 1:

Joint management with UNDP is envisaged, in accordance with Article 53d of the Financial Regulation. UNDP complies with the criteria provided for in the applicable Financial Regulation. 1 or 2 standard contribution agreements (depending on the date of approval of the revised electoral framework) will be concluded between the European Commission and UNDP, in accordance with the Financial and Administrative Framework Agreement (FAFA) concluded between the European Community (now Union) and the United Nations on 29 April 2003.

Component 2:

Direct centralised management through service and grant contracts, to be concluded via framework contracts, calls for tenders or calls for proposals or any other appropriate procedure.

The implementation of the programme will be overseen by steering committees for each component to ensure smooth implementation and to provide guidance in relation to programme objectives.

Audit and evaluation activities will be implemented through procurement under direct centralised management (service contracts).

The change of management mode constitutes a substantial change except where the Commission "re-centralises" or reduces the level of tasks previously delegated to the beneficiary country, international organisation or delegate body under, respectively, decentralised, joint or indirect centralised management.

4.2. Procurement and grant award procedures

Component 1 – Joint Management:

All contracts implementing the action are awarded and implemented in accordance with the procedures and standard documents laid down and published by the relevant International Organisation (UNDP).

Component 2 – Direct Centralised Management:

1) Contracts

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Participation in the award of contracts for the present action shall be open to all natural and legal persons covered by the ENPI regulation. Further extensions of this participation to other natural and legal persons by the concerned authorising officer shall be subject to the conditions provided for in Article 21(7) ENPI.

2) Specific rules for grants

The essential selection and award criteria for the award of grants are laid down in the Practical Guide to contract procedures for EU external actions. They are established in accordance with the principles set out in Title VI 'Grants' of the Financial Regulation applicable to the General Budget. When derogations to these principles are applied, they shall be justified, in particular in the following cases:

- Financing in full (derogation to the principle of co-financing): the maximum possible rate of co-financing for grants is 80% of total eligible costs. Full financing may only be applied in the cases provided for in Article 253 of the Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the General Budget.
- Derogation to the principle of non-retroactivity: a grant may be awarded for an action which has already begun only if the applicant can demonstrate the need to start the action before the grant is awarded, in accordance with for general budget: Article 112 of the Financial Regulation applicable to the General Budget.

4.3. Indicative Budget and calendar

The overall indicative budget for this project amounts to EUR 6 million distributed on the following budget lines.

Categories	EU Contribution in EUR (indicative)
EU contribution to UNDP "LEAP" (contribution agreements)	5 million
-Support to the implementation of electoral reforms that do not need require a change in the law	3 million
-Support to the implementation of electoral reforms that do require a change in law	2 million

Democratic Participation Facility (grants, services)	0.6 million
Monitoring, External Evaluation and Audit (services)	0.1 million
Contingencies*	0.3 million
TOTAL	6 million

*Use of contingencies is the subject to prior approval of the European Commission.

Foreseen operational duration is 48 months as from the adoption of the Financing Decision.

4.4. Performance monitoring

Performance monitoring will be based on project description and logical framework. Standard monitoring mechanisms will be used throughout the life of the project to assess activities and results. Activities will be monitored through field monitoring reports and regular field visits by the EU Delegation.

The Commission may carry out Results Oriented Monitoring (ROM) via independent consultants, starting from the sixth month of project activities, which will be finalised at the latest 6 months before the end of the operational implementation phase.

4.5. Evaluation and audit

The Commission may carry out external evaluations [via independent consultants], as follows:

- A mid-term evaluation mission.
- A final evaluation, at the beginning of the closing phase.
- Possibly an ex post evaluation.

Audit and expenditure verification missions might be carried out as necessary and in addition to the foreseen verification measures (fee-based service contracts and grants as well as contribution agreements).

All auditing matters related to the contribution agreements with UNDP are governed by the Verification Clause annexed to and forming an integral part of the Financial and Administrative Agreement (FAFA) concluded between the European Commission and the United Nations, signed on 29 April 2003.

An amount of EUR 100 000 is earmarked for audit and evaluation purposes which will be implemented through procurement under direct centralised management (service contracts).

4.6. Communication and visibility

The Commission, in coordination with all partners, will steer and carry out all activities pertaining to the promotion of the programme's activities, ensuring that information reaches out the largest and most possible population. This includes but is not restricted

to the establishment of a communication visibility action plan, contracting visibility/communication expertise, organisation of workshops, seminars...

The Communication and the Visibility Manual for EC External Actions should be followed at all times.

For EU contribution to UNDP "LEAP" programme it is foreseen a communication and visibility plan will be drafted in compliance with the Joint Visibility Guidelines for EU-UN Actions in the Field. For the Democratic Participation Facility visibility will be included in the specific component.