

Beirut, May 16, 2022

Statement by the Lebanese Transparency Association - No Corruption On the 2022 General Parliamentary Elections

LTA, on the transparency of elections and electoral expenditure: the Ministry of Interior and Municipalities and the Supervisory Commission for Elections (SCE) must properly apply the Electoral Law, especially those provisions pertaining to electoral expenditure, in addition to the full implementation of the Right to Access Information Law

Within the framework of monitoring the General Parliamentary Elections of 2022, the Lebanese Transparency Association stresses the importance of having held this constitutional milestone within its set deadline. Despite the violations and irregularities of the electoral process, LTA emphasizes on the permanent and crucial need of conducting elections in order to preserve the nature of the democratic regime. However, efforts are still required to improve, on a permanent basis, the political, legal, administrative, and logistical conditions of the process to ensure a real and not a pseudo democracy.

As part of its work on monitoring the electoral process, LTA monitored the procedural and administrative aspects of the electoral process, in addition to monitoring the activities of individual candidates and lists, to determine estimated figures for spending on their electoral campaigns to be matched by the SCE with the Monthly Financial Statements (MFS) and the Comprehensive Accounting Statements (CAS) that the candidates must submit to the SCE under Law No. 44/2017; Elections of the Members of Parliament Law.

LTA provides the following observations and recommendations to preserve the remaining credibility of the electoral process:

On the procedural and administrative level:

1. None of the competent authorities, especially the Ministry of Interior and Municipalities, published contracts or financial transactions to procure the logistics needs for the elections, in addition to the human resources, with regards to the residents' and non-residents' elections. Also, the detailed budget of the elections was not published.
2. None of the competent authorities, especially the Ministry of Interior and Municipalities and the Ministry of Foreign Affairs, published their justified decisions to appoint the members of the polling centers within and outside Lebanon, which allows the ministries to appoint someone who might abuse their powers, like closing the polling center, such as what happened in Tannourine Al Fawka on the election day for example.
3. None of the competent authorities have justified their appointment of the first instance and higher committees' members, nor did they publish.

4. The SCE did not publish the complaints it received relating to its jurisdiction such as monitoring and auditing electoral expenditure, and how it resolved those complaints; which in turn undermines the trust of candidates and the public in the ability of the SCE to perform its duties and apply the relevant laws and provisions.

The Right to Access Information Law and the Election of the Members of Parliament Law also require the publication of all administrative decisions, which requires from the SCE to publish all referring violations decisions it issues against candidates, whether to the competent judicial authorities, or to the Ministry of Interior and Municipalities. In addition to putting everyone one up to their responsibilities, transparency here can act as a deterrent for those candidates seeking to violate the laws in place.

Examples of Information on Violations and Referrals that should be published:

1. Referrals related to vote-buying whether through a complaint submitted to the SCE or through initiating a voluntarily investigations.
2. Names of the candidates who did not submit their MFS during the electoral campaign.
3. Names of the candidates who exceeded the Electoral Spending Threshold, the amount of exceeding, the amount of the fine which should be equal to three times the value of the amount exceeded, in accordance with the MFS that the candidates submitted during the electoral campaign, and to compare the MFS with the actual spending by each candidate.
4. Names of the media and advertisement entities, and statistics companies that did not commit to Chapter VI – Electoral Media and Advertisement – of the Elections of the Members of Parliament Law.

Also, and in accordance with the Elections of the Members of Parliament Law, all candidates must, within a maximum period of one month after the elections, submit a CAS on how the electoral campaign funds were spent, otherwise a fine of one million Lebanese Pounds must be imposed for each day of delay. As we, at LTA, had pushed to publish the names of all violators of this provision in the 2018 elections, we call on the SCE to publish the names of all violators from the first day of delay, and call on the Ministry of Interior and Municipalities to impose the fines on all violators in the 2022 and 2018 elections.

The publication of this information is not a procedural matter that the relevant authorities can implement or not. Rather, it is a legal obligation based on the Lebanese Constitution and the international obligations of the Lebanese government that guarantee the Right to Access Information regulated by Law No. 28/2017, which requires the publication of all financial transactions over fifty million Lebanese Pounds, in addition to contracts, budgets, and cut accounts.

LTA also applied the Access to Information Index in Lebanon, which is based on Chapter II – Proactive Disclosure – of the Right to Access Information Law, on the transparency of the Ministry of Interior and Municipalities, which scored 4/12 (33.33%) and the SCE, which scored 2/12 (16.6%).

LTA will publish a report in which it has applied due diligence measures on the expenditure of candidates in the first and second districts of Beirut, and on the main and international highways in the Lebanese governorates on:

- Expenditure on posting electoral advertisements on the roads in designated places and in places violating the laws and regulations in force.

The report will also provide candidates' spending on social media. It will act as a model methodology for future elections that can be used by official entities, especially the SCE, to audit the expenditure of candidates and verify the conformity of the MFSs and the CASs with the actual spending.

The publication of the MFSs by the SCE in the first phase, and the CASs in the second phase, including banking information on the accounts dedicated for electoral campaigns by candidates and lists helps in uncovering the identities of those contributing to the finance of the electoral campaign. In addition, publishing this information will allow us, other civil society organizations and stakeholders to support the SCE in its application of due diligence measures required to audit the expenditure of candidates before deciding on the truthfulness of the reports submitted to the SCE, and to identify any discrepancies between the disclosed information and the actual spending, and then include any additions under the Electoral Spending Threshold before the SCE publishes its report and submit it to competent authorities such as the Constitutional Council and the Presidency of the Parliament.

LTA reiterates on the importance of the proper implementation of the Elections of the Members of Parliament Law especially the implementation of the provisions related to Electoral Spending Threshold, in addition to the full implementation of the Right to Access Information Law that regulates a fundamental human right that is guaranteed by the Lebanese constitution.

LTA also calls on the National Anti-Corruption Commission, that is responsible by law to ensure the proper implementation of the Right to Access Information Law, to work with the Ministry of Interior and Municipalities, the Ministry of Foreign Affairs, the Ministry of Justice and the SCE to make sure they apply the Right to Access Information Law properly.