POLICY PAPER

CRUSHED BALLOT: ENDING THE SUPPRESSION OF LEBANON'S MUNICIPALITIES

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MUNICIPALITIES' CAN RESHAPE DEVELOPMENT AND SERVICE PROVISION IN LEBANON, IF FREED TO REPRESENT THEIR COMMUNITIES.

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EXECUTIVE SUMMARY

Lebanon's political elite have historically seen local governance in the country as a threat to their dominion. Parliament's decision in April to postpone, yet again, municipal elections until 2024 should be seen in this light. While many politicians claim the move was necessary due to a 'lack of funding', this is simply a convenient cover. Faced with a population battered and enraged by the country's economic devolution since 2019, the postponement allows Lebanon's established political parties to avoid any shake-ups in local power structures that might otherwise result.

As the national government has further fallen into dysfunction during the past four years, local municipalities have had to rapidly develop local solutions to meet the needs of their communities. Development agencies have also expanded their scope of work directly with municipalities, creating more funding opportunities for development projects traditionally managed by the national government.

Most municipal financing comes from the national government and is often delayed. Municipal elections, legally mandated to be held every six years, have received far less scrutiny than recent rounds of national elections. They have thus been left out of partial yet important reforms to improve electoral integrity. Voters at municipal elections are often unable to vote anonymously, while also facing strong social and financial pressures from political party affiliates. Municipal governance also remains strongly influenced by demographic patterns tying voters to their inherited town of registration, rather than where they live today. Not only does this distort demographic and funding data, it creates an accountability disconnect between voters and their local representative.

Municipalities have the potential to be important mechanisms through which to empower the popular will and generate wider political accountability. Steps to allow them to become this a potential locus for change include making municipal elections subject to the 2017 amendments to the electoral law. Among other things, this would mandate pre-printed ballots and oversight by the Supervisory Commission for Elections. Voter registration laws must also be updated to remove the unnecessary bureaucratic hurdles that prevent most Lebanese citizens from voting where they actually live.

To improve municipalities' budget planning, the Independent Municipal Fund must be restructured to regularize payments to municipalities, redesign the allocation formula to accurately reflect municipalities' demographics, financial needs and resource capacities.

The encroachment of other levels of government on municipal decision making must also be curtailed. Among the key areas where reforms are needed are the ability of higher levels of government to block implementation of municipal decisions, and the requirement for parliamentary approval for largebudget development projects.



LOCAL POWER'S LEVERAGE AND LIMITS

Municipal governance is supposed to be where the rubber hits the road in terms of service delivery in Lebanon, and it is the most easily accessible form of government for members of the general public. Municipalities are the final level in Lebanon's governance hierarchy – under the national government the country is divided into eight governorates (muhafazat), which are subdivided into 26 districts (qada), below which there are currently more than 1,000 municipalities (baladiyyat).

Municipalities are led by locally elected councils that, on paper at least, exercise wide ranging power over essential service provision within their boundaries, though under varying degrees of supervision from their respective district and governorate heads, and ultimately the Minister of Interior and Municipalities. Under municipal jurisdiction are policy items such as land zoning, road construction and maintenance, electricity waste management, supply, local development projects, health infrastructure, water and sanitation, local transportation, and public spaces such as gardens. Municipalities have the power to generate revenues locally, through fees and charges, and to set their own budgets, thought their primary source of funding is the national government.¹ Being directly elected by members of their local communities, they also are, theoretically, more closely accountable to their constituents than other levels of governance.

Municipalities' potential to act with a degree of independence from the central government has, however, led many national politicians to regard them as rivals for power.² Lebanon's current Municipal Act was passed in 1977 during a relative lull in what would go on to become a 15-year civil war (running from 1975-1990). The resumption of the war effectively postponed implementation of the act until the 1990s, when various central government politicians strongly resisted holding municipal councils elections under the new law. In 1998, the first post-war municipal ballot was held and was staged every six years since (2004, 2010, 2016) until last year, when the Parliament postponed the 2022 vote. Much like parliamentary elections, municipal voting has been rife with irregularities, disadvantaging independent, nonestablishment representatives attempting to succeed traditional incumbents.³

The laws governing municipal elections exempted them from the reforms that were introduced to the parliamentary elections in 2017. This meant municipal elections have escaped provisions requiring a pre-printed ballot and a central electoral inspection bureau to oversee voting. Both those provisions put some limit on the predatory behaviour of establishment political party monitors commonly seen in Lebanon. As discussed below, distribution of custom ballot papers to different areas allows these monitors to know who voted for who, and without an inspection bureau there are no controls on electoral campaign spending or behaviour at polling booths.⁴



At a structural level, the municipal elections follow a bloc vote majoritarian system rather than the proportional system in effect for the parliamentary elections. Bloc voting for a single list of candidates creates a winner-take-all outcome, where the list of candidates that receives the most votes wins all the council seats in any given municipality. A popular list, party or candidate can thus win significant votes but still not get any representation on the council.⁵

Box I: Multiplying Municipalities

In the early days of the Lebanese state, communities across the country used the creation of new municipalities to assert the political will of their areas and push back against perceived central government encroachment. This led the number of municipalities to balloon from 120 in the decade prior to independence in 1943, to 400 by 1958.⁶ The relatively trivial legal requirements for creating a new municipality helped to facilitate this expansion in local government bodies: Until 1997, new municipalities could be formed by meeting a threshold of 300 registered voters with selfgenerated revenues above 10,000 Lebanese lira.⁷

This criterion was replaced in 1997 when an amendment to the Municipal Act left the right to merge or divide municipalities up the Minister of Interior and Municipalities. This shift gave the central government a means to dilute the power of any given local government body through subdividing it, and Lebanon has seen a mushrooming of municipalities since. Between 1998 and 2019, various interior in that period created at least 350 new municipalities.⁸ As of 2020, Lebanon with its 4 million voters had 1,108 municipalities.⁹

Sectarian interests often drive the splitting of municipalities. In 2022 several members of parliament discussed splitting Beirut into two municipalities, East

and West. The division corresponded with longstanding demographic and sectarian divisions in central Beirut and the lines along which the city had been split during the civil war. The reminder of this level of division brought strong public opposition to the proposal and it was dropped. Had it been successful however, it would have further consolidated the demographic make-up of each municipality to be more exclusively Christian and Muslim.^{10,11,12}

Similar to the way the political elite have fragmented and co-opted labour unions in Lebanon¹³, the potential for municipal fragmentation has allowed Lebanon's political elite to channel their influence through local supporters willing to split off from existing municipalities. Smaller municipalities are weaker, have less financial capacity and less power to rally and represent large community groups. The Lebanese Association for Democratic Elections estimates that 90 percent of municipalities are financially unviable.¹⁴ This makes it easier for the central government to use its funding via the Independent Municipal Fund (discussed below) to leash municipal decision making. Beirut, for example, is not a fully financially independent municipality, despite its size and population, given the Independent Municipal Fund's discretion over the city's financing. This severely limits the Beirut municipality's autonomy in relation to the national government.

Over the same period that the number of individual municipalities has grown, so has the number of municipal unions, which require a cabinet decree to be formed or dissolved. These bodies, also referred to as municipal federations, allow municipalities to pool resources and coordinate in public service delivery. The number of municipal unions has expanded from 13 in 1998 to 57 in 2017. Roughly 75 percent of municipalities are members of a union, with unions displaying widely variable approaches to service provision and public transparency.¹⁵



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RESIDENCE VS REGISTRATION: DON'T VOTE WHERE YOU EAT

While the municipal electoral system does not allocate sectarian quotas for positions on municipal councils, it does limit both candidacy and voting solely to a citizen's registered town of origin. For men and unmarried women voting domiciliation is determined through their father's town of origin. This means a family could have lived in Beirut for several generations, for example, but still be forced to vote in rural area where their great-great grandfather was born. Women who marry Lebanese men have their town of origin officially transferred to be that of their husband's. While it is possible for an individual to officially change one's town of origin, this involves a lengthy bureaucratic process which dissuades most from undertaking it.

A doubling in urbanisation across Lebanon since 1960 has led to an estimated 64 percent of the population living in the greater urban areas of Beirut and Tripoli, meaning that many people do not live in their registered town of origin.¹⁶ It is estimated more than two thirds of the Lebanese electorate are not able to vote where they live.¹⁷ A voter's logistical and mental distance from their rural voting stations contributes to lowering turn-out, according to the Lebanese Association for Democratic Elections (LADE), which rarely exceeds 50 percent.¹⁸ Traditional familial hierarchical structures are also preserved through the municipal election laws through a provision that says no two people related to the third degree or closer can be elected. If such occurs, the oldest is prioritised, even if the younger candidate gets more votes.

Municipal elections are also more heavily monitored by ruling elites than parliamentary elections, according to the LADE. Political party representatives use the absence of pre-printed ballots to distribute their candidate lists on visually different ballots to the various voting stations. Voters, meanwhile, are allocated to voting stations based on their family's registration number and sex-segregated to different voting booths. The combination of these factors makes it relatively easy for the political party representatives to monitor how family members are casting their ballots. This means that outside of large cities there is practically no secrecy around voting choices.¹⁹

Voters also then face an intimidating environment on polling day as each political candidate is allowed



one representative at the voting station. With the smallest councils having nine seats, a ballot with a choice of only two full lists would mean 18 party agents monitoring and pressuring voters at the voting station. Party agents also regularly arrange transport and food to curry favour with voters. In smaller municipalities, this can lead to a significant proportion of the electorate being under the direct or indirect influence of political candidates.

A crucial difference between municipal elections and those for parliament is the former has no sectarian quotas. This has tended to promote cross-sectarian cooperation and more diverse candidate lists to attract the broadest voter-base possible. It has also provided a potential platform for new, non-establishment groups to try and assert themselves politically. The threat of nonestablishment wins has periodically helped motivate traditional Lebanese parties to try and postpone staging municipal elections. In 1998, for instance, the Council of Ministers issued a decree postponing the first municipal elections since 1963 for another year, until being overruled by the Constitutional Council, which forced the vote to go ahead.²⁰ A similar process was playing out at the time of this writing, with several MPs having issued an appeached to the Constitutional Council.

FUNDING ON A SHORT LEASH

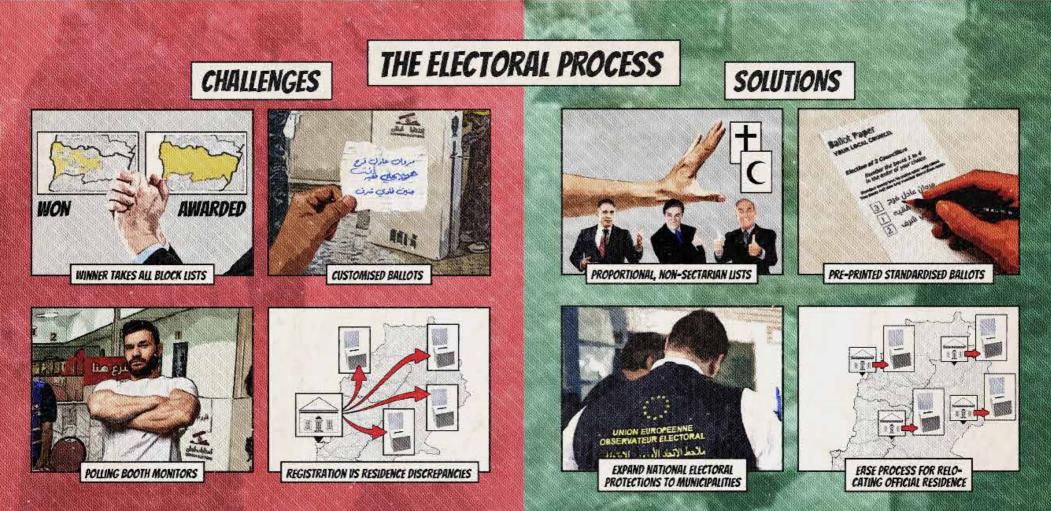
The discrepancies between many voters' place of residence and towns of registration influences voting patterns and creates a disconnect between them and their immediate neighbourhood. Crucially, it also affects the distribution of funds from the national government via the Independent Municipal Fund. The Fund calculates financing rates partly by the size of the registered population in a municipality, meaning many municipalities received funds that are wildly out of proportion actual number of residents. In 2011 there were at least 42 municipalities with twice as many residents as registered citizens and at least 324 municipalities with only a half as many residents as registered citizens.^{21, 22}

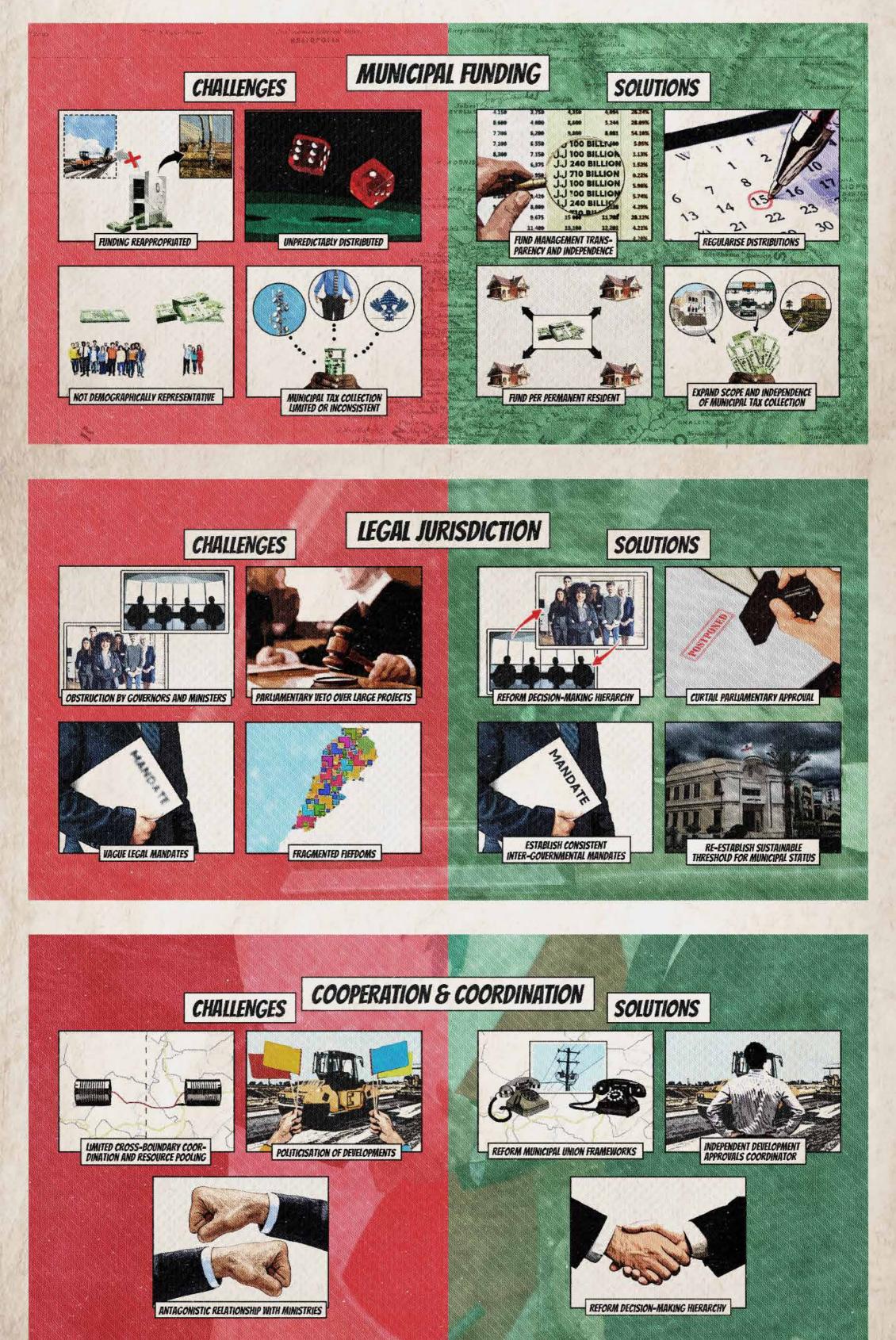
The Independent Municipal Fund was set up to be funded by 11 different sources of state taxes and fees, including those collected from profitable state-owned telecoms. While comparable funds in developing countries are often supported to the tune of 3% of GDP (1.8% in Arab countries), Lebanon's Municipal Fund receives less than 0.5% of GDP on average.²³ At least 75 percent of the Independent Municipal Fund's available financing is earmarked for municipalities,

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FIXING MUNICIPAL GOVERNMENT IN LEBANON







with municipal unions receiving the remainder. Of the money going to each municipality, seventy percent is designated for budget support and 30 percent for development projects. The budget financing portion is determined based on registered population (60 percent) and direct revenues collected in the two years prior (40 percent). In municipalities these revenues are largely comprised of rental fees, meaning municipalities with high numbers of tourist properties earn more in direct revenues and Independent Municipal Fund disbursements than those in rural and non-touristic areas.²⁴ Despite the funding earmarked for development, the need for parliamentary approval for large projects generally limits municipally-initiated developments to small-scale initiatives.

Municipalities are also unable to consistently plan what spending power they have as disbursements from the Independent Municipal Fund are almost always delayed beyond the legal deadline. For example, by the end of 2020, only half of the allocations from 2018 had been transferred. Since

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2019 the value of these transfers has plummeted, as they are fixed in Lebanese Lira and are thus near worthless relative to many municipal expenses, such as building materials and fuel, which are generally priced in United States Dollars. Municipal Fund transfers paid in lira have remained at the official rate, while inflation in Lebanon has jumped to more than 171 percent year-on-year since 2019.²⁵ Even then, Independent Municipal Fund payments are not delivered all at once, but instead are dribbled out in instalments across many months. National governments have also regularly and arbitrarily altered the distribution criteria for municipal funding, introducing uncertainty into municipal budgets year to year and making long-term planning difficult.^{26,27}

Box II: Women's Increased Participation: So Close Yet So Far

Lebanon's strongly patriarchal culture, aided by technicalities related to voting and registration, have severely curtailed the role of women in municipal governance. Women's voting and candidacy eligibility have traditionally been subject to their marriage status, changing from their father's town of origin to that of their husband upon marriage. This changed in 2017, however, when an amendment to the municipal law allowed for a woman to run as a candidate in either the village she newly registers in through marriage, or the village she was registered in before marriage.³⁹ Many people, however, are unaware of this change and the government is yet to issue the implementation decrees for the Ministry of Interior and Municipalities' bureaucracy to alter registration records to track both locations of registration, effectively stalling the amendment.

Government misuse of the Independent Municipal Fund was also implicated in the 2015 waste crisis. For years prior to 2015 the government had been signing contracts for municipal waste services with the politically exposed waste management companies Sukleen and Sukomi. The Council of Ministers used Independent Municipal Fund money to pay these two companies for the waste management contracts of some 400 municipalities in the Beirut and Mount Lebanon areas - sometimes without the municipalities' agreement. The Sukleen and Sukomi contracts were exorbitantly costly and significantly drained the Municipal Fund of financing to allocate elsewhere. In 2015, Sukleen was receiving US\$45 per ton for dumping fees, when the global average was US\$11 per ton. Various municipalities arranged their own waste management and secured comparable services for half the cost. The contracts with Sukleen and Sukomi were also never publicly tendered, raising widespread accusations of kickbacks and corruption.28,29

LOCAL DISEMPOWERMENT

While municipalities have theoretically broad powers over their geographic areas, in practice their precarious funding and the domineering of the national government and ministries mean, in practice, their effective authority is restricted. Many municipal councillors and mayors also do not clearly understand their legal mandates as elected officials and instead see themselves as subordinates to national ministries.³⁰ This misunderstanding has been encouraged by a political culture that exalts the supremacy of ministers above all others. What results is situations where, for example, a low-level civil servant will erroneously claim the authority to give 'orders' to a mayor on behalf of a ministry. Alternately, local officials are regularly able to dodge accountability for failing to fulfill their legal mandate by claiming they lack jurisdiction.³¹

There is also a significant overlap and misunderstanding between levels of government as to where one level of government's purview ends and another's begins. Many public policy areas supposedly under municipal authority are also managed by various ministries, including health, education, public works, social affairs, energy resources and water. In these areas, the ministry generally takes a decision-making and coordination role, while the municipality implements the projects. Exclusive municipal authority generally relates to relatively minor works such as street cleaning, road tarmacking, public lighting, street signs, and water drainage. ^{32, 33}

"There is also a significant overlap and misunderstanding between levels of government as to where one level of government's purview ends and another's begins. Many public policy areas supposedly under municipal authority are also managed by various ministries..."



Until recently, most development projects were conducted by the Ministry of Interior and Municipalities and the Council for Development and Reconstruction, using funds from the Independent Municipal Fund or other grants and loans.³⁴ However, since Lebanon began hosting Syrian refugees more than a decade ago, and even further so since the August 4, 2020 blast, development agencies have been increasingly directing their funding directly to municipalities. International agencies have done so hoping that municipalities direct relationship with their populations will allow for more accountability and less delays than working through more complex layers of ministerial bureaucracy.³⁵ Parliamentary approval is still required however for large municipal development projects, while higher levels of government also have various bureaucratic means to block municipal decisions from implementation.

The division of large-scale infrastructure projects and service provision across municipal boundaries also often presents hindrances to effective municipal governance. Around 75 percent of municipalities are members of unions, which are meant to facilitate cooperation and resource pooling for local economic development. They have for the most part been limited in their effectiveness by broken territorial planning processes, poor human capital, fragmentation, and weak local economic capacity.³⁶ For example, as the municipality of Beirut only covers a small section of the Greater Beirut urban area; to implement an effective water network, it must coordinate with surrounding municipalities such as Dahieh and Burj Hammoud. The

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clashing political alliances across municipalities often prevent multiple municipalities from agreements, as rival parties seek to undermine each other's legitimacy and service provision.³⁷

LOOKING AHEAD

Municipalities have the potential to be important mechanisms through which to empower the popular will and generate wider political accountability. They have, however, been largely overlooked as a potential locus for change. Municipal elections received only a fraction of the increased domestic and international scrutiny that accompanied Lebanon's last two parliamentary elections, in 2017 and 2022. This has allowed the established political parties to maintain tight control over Lebanon's most local level of governance. Steps to begin remedying this situation include:

Make municipal elections subject to the 2017 amendments to the electoral law. This would mandate pre-printed ballots and oversight by the Supervisory Commission for Elections. These measures should themselves be strengthened as well. The SCE needs to be given the budget and mandate for independent monitoring of elections³⁸, and greater privacy measures should be enacted at voting booths, such as tighter limits on the number of party representatives present.

Update voter registration laws to remove the unnecessary bureaucratic hurdles that prevent most Lebanese citizens from voting where they actually live. The reformed system must make the process of changing one's voting location efficient and traceable. This will be a significant step in detaching voters from their sectarian or family identities and establishing a stronger sense of civil engagement. It will also rebalance funding arrangements based on actual needs of the populations being served.

Restructure the Independent Municipal Fund. Changes must include: 1) regularizing the schedule of payments to municipalities; 2) redesigning the allocation formula to accurately reflect municipalities' demographics and fairly assess their financial needs and capacities; 3) making the fund's calculations and distribution mechanisms transparency and accountable; and 4) blocking other levels of government from being able to appropriate municipal funding for other purposes. By-laws about the divisions of funding between municipalities and municipal unions should also be revised and implemented by an independent management committee. Explore options to expand the range of taxes municipalities can collect and manage independent of the national government. These taxes should be specifically linked and designated for the services municipalities are mandated to deliver. The administration of these taxes will require an auditing body monitoring municipalities' governance and administrative practices.

Empower municipal decision making through curtailing district and national government's effective purview over municipal decisions. Among the key areas where reforms are needed are the ability of higher levels of government to block implementation of municipal decisions, and the requirement for parliamentary approval for largebudget development projects.

Create a more effective negotiation and agreement mechanism to enable municipalities to cooperate across municipal boundaries. Unions of Municipalities present an opportunity for leveraging larger resources and implementing cross-boundary projects. Current municipal union planning and decision-making capacities are however undermined by low financial and human resource capacity and governance structures reliant on external approvals. The ability for municipalities to implement development projects across multi-sectarian geographies represented by different political parties is essential for improving essential services and developing a stronger culture of governing for the common good.





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