DEMOCRATIC ELECTIONS AND SUSTAINABLE DEVELOPMENT: THE CASE OF ELECTORAL DISTRICT AND REPRESENTATION IN LEBANON

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Abstract

The 2030 Agenda for Sustainable Development addresses democracy in Sustainable Development Goal 16 recognizing the indivisible links between peaceful societies and effective, accountable and inclusive institutions. Sustainable Development Goal 16 calls on UN Member States to promote responsive, inclusive, participatory and representative decision-making, and to build effective, accountable and transparent institutions at all levels. Thus, Elections are an integral part of the Sustainable Development Goal 16: "Peace, Justice and Strong Institutions" offer specific guidelines to tackle imperative challenges such as building effective, accountable and inclusive institutions; guaranteeing election integrity and trust; and ensuring responsive, inclusive, participatory and representative decision-making at all levels. In Lebanon, the new electoral law adopted a proportional system with a preferential vote and divided Lebanon into 15 constituencies. Referring to the Goal 16 "Peace, Justice and Effective Institutions", the paper aims to address the political representation issue in Lebanon, and its connection with the division of constituencies. Furthermore, the paper will demonstrate that the proportional electoral system adopted for the 2018 elections did not allow a mitigation of the repercussions of the divisions on the electoral results, but rather widely amplified them.

Keywords

SDG 16, democracy, participation, elections, district, representation, gerrymandering.
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ABSTRACT: The 2030 Agenda for Sustainable Development addresses democracy in Sustainable Development Goal 16 recognizing the indivisible links between peaceful societies and effective, accountable and inclusive institutions. Sustainable Development Goal 16 calls on UN Member States to promote responsive, inclusive, participatory and representative decision-making, and to build effective, accountable and transparent institutions at all levels. Thus, Elections are an integral part of the Sustainable Development Goal 16: “Peace, Justice and Strong Institutions” offer specific guidelines to tackle imperative challenges such as building effective, accountable and inclusive institutions; guaranteeing election integrity and trust; and ensuring responsive, inclusive, participatory and representative decision-making at all levels. In Lebanon, the new electoral law adopted a proportional system with a preferential vote and divided Lebanon into 15 constituencies. Referring to the Goal 16 “Peace, Justice and Effective Institutions”, the paper aims to address the political representation issue in Lebanon, and its connection with the division of constituencies. Furthermore, the paper will demonstrate that the proportional electoral system adopted for the 2018 elections did not allow a mitigation of the repercussions of the divisions on the electoral results, but rather widely amplified them.

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1. INTRODUCTION
Democracy covers the entire citizen participation mechanism in the decision-making process, including the decision-making itself. To advance democracy, it is appropriate to recommend that measures be taken to ensure the emergence of citizenship in all its aspects – political, economic and social – through a set of specific rules and an effective education system. In addition, the right of citizens to take part in the conduct of public affairs can be guaranteed by a wide range of consensual democratic political mechanisms including political pluralism, freedom of expression, freedom and pluralism of press, and the organization of democratic, free, transparent and fair elections. In fact, there is a close link between democracy and development. Indeed, democracy and development come together in the ideal of a sustainable future and their challenges are intertwined. Democracy, to consolidate, must find its extension in economic and social measures. Conversely, development strategies, in order to be implemented, need to be validated by the democratic participation of citizens. The 2030 Agenda for Sustainable Development represents a universal call to action to end poverty, protect the planet and ensure worldwide peace and prosperity. Since the adoption of the 2030 Agenda for Sustainable Development in September 2015, development experts, statisticians and various organizations have discussed the implementation, follow-up and review mechanisms for monitoring progress on the implementation of the 17 Sustainable Development Goals (SDGs). (Progress of Goal 16 in 2019, 2019).
In fact, the democratic dimension of sustainable development cannot be reduced to vague techniques of "concertation", simple components of support for a public action conceived before any citizen involvement and generally intended for political display purposes. (Depaquit, 2006).

Accountability to citizens, and accountability through democratic political processes in particular, is a crucial enabler of the SDGs. Further, democratic accountability can help make the SDG monitoring framework truly people-centered: this is particularly evident with, but not limited to, SDG 16. (IDEA Policy Brief, July 2017). The periodic organization of free and transparent elections is the criteria mostly used to assess the democratic nature of a political regime. However, although elections are an indispensable criterion for measuring the liveliness of a country's democracy, they alone are not enough.

In fact, even if the link between the legitimacy of a democratic country and elections appears to be mutually exclusive, legitimacy itself remains heavily tied to the electoral system utilized. Essentially, legitimacy is based on two ideas: to better represent citizens and to ensure greater participation on their part. The logic of reform, by advocating the addition of an element of proportionality to the electoral system, seeks to ensure the participation of citizens through better and inclusive representation mechanisms. It is assumed that better representation leads to greater participation.

However, in Lebanon, political legitimacy is not tied to electoral results. Legitimacy, in fact, is the result of the confessional balance and power-sharing. Thus, the question that arises is how much electoral reform could in this case lead to better representation, greater participation, and a real change in the political system.

In that regard, the Lebanese parliamentary elections that took place on May 6, 2018 were a turning point in the country's electoral history. They put an end to the longest electoral hiatus since the Civil War and was conducted on a new electoral law that went into effect in 2017. Accordingly, and after 4 decades of a majoritarian electoral system (since 1960), the country witnessed the first elections in its history under a proportional electoral system. The implementation of the proportional system was a result of the continuous lobbying of numerous political parties and civil society actors since the 1970s. (Mourad, 2018)

On June 17, 2017, after a year of discussions between the different political parties, the Lebanese Parliament adopted the bill that was submitted by the Lebanese cabinet. Prior to that, the parliament witnessed a deadlock upon the expiration of its mandate and had to extend its mandate twice, up until a political agreement between major political parties was reached, filling in the presidential void in 2016. The agreement set up a conducive environment for the ruling political parties to come to an agreement regarding the electoral law. The new law adopted a proportional system with a preferential vote and divided Lebanon into 15 electoral districts.

2. SDG 16: THE CORRELATION BETWEEN SUSTAINABLE DEVELOPMENT, DEMOCRACY AND ELECTIONS

Without expressly mentioning it, The SDGs address democracy in Sustainable Development Goal 16 and recognize the indivisible links between peaceful societies and effective, accountable and inclusive institutions. SDG 16 tackles an omission of the MDGs, that of governance, inclusion, participation, rights and security. The Goal’s aim is to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” In fact, the issue of governance was long considered to be outside the realm of mainstream economics and public policy, but it has gradually made its way to the core of the discipline over the past twenty years and more broadly found its place on the agenda of the international development community where it is now a central issue. (IDEA Policy Brief, July 2017).

The emphasis placed on the notion of governance has raised doubt over the paradigm it sometimes appears to promote, particularly when used to challenge the role of the State (Abrahamsen, 2000; Chevallier, 2003). Nevertheless, the focus of governance on the quality of
institutions, issues of participation and accountability in development policies has inspired change, despite the critical distance necessary with the usage of this notion. (Cling & Razafindrakoto & Roubaud, 2018).

In reviewing the negotiation process around SDG 16, the experts highlight the difficulties and concerns of different actors in understanding governance. Examining the process that led to the adoption of the Objective helps to better understand why it was ultimately less ambitious than imagined at first (in terms of democracy and elections in particular) and why the objectives chosen are sometimes vague, disparate and somewhat ineffective. (Cling & Razafindrakoto & Roubaud, 2018). Helen Clark, former Administrator of UNDP, said that "development partners should consider investing in the implementation of SDG 16 and its goals as a top priority." She stressed that SDG 16 was "the most hotly disputed" during the UN member states’ negotiations. She continued: "Progress on SDG 16 will not be fast, and in some countries, we are seeing a regression..." Despite these shortcomings, it is clear that SDG 16, however flawed, can potentially be used as a lever to advance fundamental freedoms and democratic reforms. (Smith, 2018).

Nonetheless, the different sub-goals that make up SDG 16 are set out below. Because of our focus on participatory democracy and governance, we are particularly interested in two of these, namely:

16.6 Develop effective, accountable and transparent institutions at all levels

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels

Thus, Elections are an integral part of the Sustainable Development Goal. In Lebanon, SDG 16 can create impact by developing inclusive political processes to improve citizen participation, voice and accountability through electoral processes, civic engagement and political participation, with a special focus on groups experiencing significant marginalization.

3. THE NEW ELECTORAL LAW IN LEBANON 44/2017: A HISTORIC TURNING POINT IN THE ELECTIONS IN LEBANON

After five years of delay and three extensions of Parliament's mandate, parliamentary elections were finally held on 6 May 2018. These elections were conducted under a new electoral law which included, among others, 15 constituencies and a system of elections, proportional representation with a preferential vote. In terms of political participation, the 2018 parliamentary elections were characterized by a relatively low participation rate of 49.7% at the national level, the highest being Beirut 1 (33.19%) and Mount Lebanon 1 (67.09%). With an estimated number of more than one million non-resident voters, voter turnout has remained lower than in previous elections (52% in 2009).

The new electoral law reduces the number of constituencies from 26 to 15. Their size varies: the smallest in the south of the country has five seats, while the largest, the Chouf-Aley south of Beirut, counts 13. Within each constituency, the seats are distributed among all religious communities, according to the demographic weight of each in this constituency. The electoral law also introduces the concept of "preferential voting". Voters will choose from their chosen list their favorite candidate among the other registrants. The new system defines an electoral coefficient which serves as the eligibility threshold and below which the lists are eliminated. To calculate it, the number of valid votes in a given constituency is divided by the number of seats in play.

The distribution of the number of seats between each of the "winning" lists is proportional, according to the percentage of votes they have obtained. Then, the allocation of seats within each list is made according to the denominational quotas and the number of "preferential votes" obtained by the candidates.
3.1 The New Electoral Law in Lebanon 44/2017: A Historic Turning Point in the Elections in Lebanon

To start with, constituency divisions are split into four components: Mouhafaza, Caza, partial Caza and combined Cazas. In fact, this division is what has defined the electoral process in Lebanon. It is essentially variable and highly compliant to the interests of political parties and forces, authorities, as well as opposition figureheads or coalitions. Certainly, the constituency division patterns aim to achieve different election results. However, this does not mean that they are likely to help attain the desired results. (Mourad, 2018).

It is worth mentioning that in light of the provision of the Lebanese Constitution, which warrants power sharing that is equal among Muslims and Christians and proportional between religious communities, it is difficult to tackle subjective and equal constituency division. In fact, with the demographic shifts caused by changing geographic concentrations of major groups, or religious communities, these results are almost impossible to achieve. The divisions’ main aim, namely after 1992, is to consider proportional and equal distribution of electoral seats between Christians and Muslims and among all their respective sects. Some constituencies do not reflect any of the foundations upon which the constituency-dividing mechanisms were built. For instance, protecting the equality between religious quotas leads to inequality among voters. This is reflected by the inconsistency in the numbers of voters and seats in every district.

Certainly, there are difficulties in achieving a completely equitable division due to the absence of constituencies with evenly distributed voters, the inability of administrative and map divisions to provide voter equality and the lack of a demarcation process that satisfies the aspirations of all political parties. However, what can be stated in this respect is that the multiple countries that have aimed to bridge the gap between correct representation and voting power in different constituencies in order to achieve an appropriate proportional balance have each had a different recipe resulting from their own electoral specificities and experiences.

Therefore, the standards that govern the general grounds on which constituency demarcation is built varies from country to another, where the process either depends on a demographic criterion or a geographic one. On the other hand, some countries reevaluate constituency demarcation based on the results of previous elections. This standard may not be common practice for States regarding the constituency demarcation process. It is, however, the greatest concern for competing parties. Thus, political parties often approach constituency demarcation based on the results of previous elections which they use to define their stance for re-demarcation for upcoming elections. (Mourad, 2018)

This standard is a governing factor for the constituency demarcation process in Lebanon, and any attempt for a reappraisal of successive laws is often conducted based on such standard since there is a constant desire to study the results of past elections when undertaking a re-demarcation.

3.2 Gerrymandering Strategies Following the Taif Agreement

The fourteenth parliamentary elections in Lebanon’s history, which were conducted in 1992, post-Civil War era, ended the rein of the 1972 parliament, which remained in place for twenty years through eight mandate extensions. More so, the electoral Law 154 that entered into force in 1992 was the first blow to the Taif Agreement. In fact, Law 154 did not comply with Taif provisions to maintain the Mouhafaza as a constituency because it merged the South and Nabatieh Mouhafazat into one constituency, divided others (Mount Lebanon into six constituencies) and merged Beirut into three. It therefore hindered voter equality, resulting in wide gaps in constituency sizes. (Mourad, 2018)

The strategies of Gerrymandering in Lebanon are explained by a chronic instability in the division of constituencies, clearly showing that the case has always been that of electoral optimization "à la carte". In 1996, the new electoral Law 530 entered into force without amending the number of parliamentary seats which remained at 128. It did, however, reduce the number of constituencies to ten, but remained in violation of what the Taif Agreement supposedly dictated as it still merged the Mouhafazat (Nabatiyeh/South into one constituency), divided others (Mount Lebanon into six constituencies) and merged Beirut into one constituency.
In 2000, another law, Law 171, was implemented. According to this law, the constituencies were divided into fourteen (three constituencies in Beirut as well as Beqaa; two constituencies in the North as well as in the South; four constituencies in Mount Lebanon). The gap between electoral constituencies persisted although more narrowly in comparison with the previous laws.

In 2008, the Lebanese Parliament implemented electoral law 25/2008, an amended version of the 1960 law, which returns to dividing constituencies based on medium-sized ones on the scale of Cazas. The aforementioned law represented a leap in the history of electoral laws as it included a series of reforms, some of which regulated electoral spending and established the Supervision Committee for electoral campaigns.

As a result of this gerrymandering strategy post-Taif agreement, the electoral law had been amended for each election in a manner that caters to both direct and indirect political interests of political leaders in order to guarantee a wider political representation for themselves and exclude competitors.

3.3 A Subjective Division of Constituencies Under Law 44/2017

In light of the new law (44/2017), these new divisions were not undertaken in an objective and normative context, but rather designed to cater greatly to the major political leaders and sects they represent. The constituency-division mechanism of this law posed two major issues on political representation: on one hand, it lacks standardization in constituency division, and on the other, it creates inequality in the number of seats, and consequently in the power of vote of each citizen. (Mourad, 2018)

The Law divided Lebanon into fifteen uneven constituencies, differing in administrative division and size. It is also important to note that some constituencies were divided into smaller districts where the rights of the electorate were limited to casting a preferential vote to one of the same district’s candidates.

The purpose of this gerrymandering is not only technical; it presents proof of consensus among political blocs, reflects bargains between them and conforms to the degree of their influence. More specifically, this configuration seeks to control preferential votes and to prevent the votes of sectarian or political minorities in a given electoral district from exerting influence. This subdivision was justified by the fact that the law has imposed the preferential vote at the level of the small constituency, which explains the maneuvers for a variable electoral division. Small constituencies have been added to the larger ones to raise the electoral coefficient, without affecting the preferential vote, and thus prevent adverse lists from breaking through.

4. THE LIMITED EFFECT OF PROPORTIONAL SYSTEM ON THE POLITICAL REPRESENTATION

Despite the many changes adopted for carving out electoral districts in Lebanon, the majoritarian representation system in the successive Lebanese election laws prevailed from the very first parliamentary elections of the Lebanese Republic (from 1860 till the adoption of Law No. 44 of 2017). The adoption of the majoritarian system had a direct effect on the legitimacy of representation for all segments of the Lebanese society, which is based on ethnic, sectarian or confessional and regional diversity. (Mourad, 2018)

With the adoption of the proportional system for the May 2018 elections, this great shift in political representation was anticipated. According to the first article of the law, Lebanon will shift to a proportional system in order to distribute seats over various political forces. During the first phase, seats are distributed proportionally over electoral lists that were able to secure a number of votes greater than the electoral quotient (qualified lists). Then begins the second phase, where the names of successful candidates are determined for every list by counting preferential votes earned. However, results have proved that the configuration of electoral districts and the electoral system have crucially impacted the political representation and electoral behavior of citizens.
4.1. The effect of a high and variable electoral quotient on representation

In addition to the configuration of districts, which has helped assign a big number of seats under the direct impact of collective voting, the electoral quotient is considered one of the most important factors undermining the concept of proportionality in this law. The electoral quotient is the threshold that a list must secure in order to win one or more seats, implying that lists that do not reach it are eliminated and obtain no seats.

In this law, the electoral quotient is calculated by dividing the number of valid votes (including blank votes) over the number of seats in a given district. The number resulting from this division equation determines the electoral quotient based on the seats being distributed. Whoever obtains one quotient wins one seat, and whoever obtains several quotients wins several seats. In principle, the quotient is usually fixed in all systems based on proportionality (at a rate of 2%, 5%, 10%).

The quotient is problematic on two levels: on one hand, the quotient is not fixed as it varies depending on the number of seats in a given district. This presents an issue regarding the value given to every citizen’s vote compared to the number of seats, meaning that the number of seats in every district is neither similar nor equal with votes. A list in Shouf-Aley can win a seat by simply obtaining 7.69% of votes cast, whereas a list in Sidon-Jezzine would require 20%. This is at the first level.

On the other hand, another problem is revealed with the high electoral quotient. Generally, the quotient in this law remains, to varying degrees, very high. The quotient reaches its highest, for example, in the Sidon-Jezzine district that is allocated 5 seats only but requires a quotient of 20% of votes cast. It is too high for smaller or emergent political forces to secure a seat. Meanwhile, it reaches its lowest in the Shouf-Aley district with 13 seats. When examining the average adopted in most electoral systems based on proportionality, one finds that the quotient does not surpass 5% in general. The elevation and variability of the quotient, on one hand, and the effectiveness of proportionality with regards to the power of the vote, on the other hand, undermine the anticipated effectiveness of proportionality.

4.2 The effect of the preferential vote counting method on representation

The process of distributing seats over winning candidates begins with all candidates from qualified lists that have secured the electoral quotient being merged into a single list. The first seat is given to the candidate that obtains the highest percentage of preferential votes, and the second to the candidate in second place regardless of the list they belong to. The same applies to the third seat and until all seats of a district are distributed over candidates belonging to other qualified lists.

Of course, candidates from a given sect are eliminated from the list once all seats pertaining to this sect in their district are filled. Candidates from a given list are also eliminated as soon as its determined seats portion is filled. This can be described as a vertical merger of all candidates from qualified lists, where those that meet the quotient are merged into one list starting with the winner of the highest percentage of preferential votes, followed by those who won a decreasing amount of votes; then, the distribution of seats over candidates takes place.

On that basis, candidates who obtain the highest percentage of preferential votes in their list, which secured one or more seats, do not necessarily win a seat themselves because candidates are merged vertically as opposed to seats being distributed horizontally. If the horizontal distribution of seats were to be adopted, winners from every list would have each earned a seat. This is directly reflected in political representation, as it has become nearly impossible for some candidates who belong to major sects to succeed in a specific electoral district. This means that even if a candidate wins the highest percentage of preferential votes, their seat might be taken by another candidate from their list who most probably belongs to a minority sect.

This phenomenon forced the political forces to make alliances against nature and transposed the competition, because of the preferential votes, within the same list, or even the same party, which disrupted the voters and complicated their choice. Because of what they witnessed during the establishment of lists of candidates and what they heard during election campaigns, citizens refrained from participating in the elections, while proportional representation was, on the
contrary, supposed to encourage them to do it. The electoral coefficient or statutory eligibility threshold, that is the minimum number of votes that allows a list to obtain a given number of seats, was also variable.

This difference in eligibility threshold distinguishes between candidates and affects the representation of citizens, especially since the coefficient of 20% (in South Lebanon 3) is considered to be very high - this would be even the highest proportion in the world - and thus stands as an obstacle to any change. Justice at the level of representation, which the law was supposed to provide, is lacking on two axes: the unbalanced distribution of the number of voters within the constituencies, which caused an imbalance in the representative weight of a same seat. In South Lebanon 1, this weight corresponded to 24,000 voters against 42,000 in Mount Lebanon 3, for the same seat.

5. CONCLUSION

Without being expressly mentioned, Elections are an integral part of this global effort for a better future. Sustainable Development Goal 16: "Peace, Justice and Strong Institutions" proposes specific guidelines to address critical challenges such as building effective, accountable and inclusive institutions; guarantee electoral integrity and trust; and ensure responsive, inclusive, participatory and representative decision-making at all levels.

In The Road to Dignity by 2030, the UN Secretary-General noted that ‘effective governance for sustainable development demands that public institutions in all countries and at all levels are inclusive, participatory and accountable to the people.’ (UN General Assembly 2014). Based on this, free and fair electoral processes, democratic political parties, all contribute to the implementation of SDG 16. (IDEA Policy Brief, July 2016). In fact, Sustainable Development Goal (SDG) 16 is not only a catalyst for the 17 SDGs, but also an objective in and of itself. By supporting the peaceful resolution of conflicts, promoting the rule of law and access to justice and supporting inclusive participation, we ensure that no one is left behind constitutional reforms, and that credible elections are held and parliaments are strengthened while ensuring the constructive engagement of civil society.

Generally, all elections that took place after the Taif Agreement did not contribute to any change in the behavior of Lebanese voters; on the contrary, it reinforced the concepts of affiliations by adopting electoral laws that do not represent all constituencies. In fact, these laws did not meet the international electoral standards and conflicted with the Lebanese constitution. Throughout history, Lebanese voters have often repeated, “We don’t know those candidates,” or, “We don’t know their electoral programs.” Yet, their behavior in the elections of 2005, 2009, and 2018 can be described as voting for programs or lists, to say the least.

In Lebanon, the Law No. 44/2017 has been seen as a positive transition with regards to improving the accuracy and validity of representation in Lebanon by adopting the principle of proportionality, which attempts to distribute seats over lists and candidates according to their winning percentage while terminating the norm of a single list sweeping all seats. In return, election results have shown that the adoption of this law has allowed to amend electoral representation in a number of districts.

In fact, the new Law provides proportional representation, which is theoretically the best voting method to achieve a justice of representation by giving everyone the opportunity to take part to the popular consultation, each according to its political weight, without dismissing anyone. Unfortunately the effect of proportionality been neutralized in the law. Under the new electoral law, Lebanon was divided into 15 constituencies considered to be “large”.

The criteria for determining these constituencies, however, were variable: sometimes, it was Mouhafazat that was adopted (the two constituencies of Baalbeck-Hermel and Akkar), sometimes it is the Caza (Zahle, Metn and Baabda), and sometimes Cazas were grouped to constitute the same district (4 Cazas in the district Lebanon-North 4 and two Cazas in the majority of the constituencies). The criteria for dividing large constituencies into smaller ones were also variable.

Because of the new electoral system, being elected remains limited to political parties that already have parliamentary representation and prevents emerging political forces (the so-called civil society)
and traditional opposition parties from overcoming the hurdle of political representation. It has also weakened the influence of political figures (local leaders) and local forces in favor of centralized party decision-making in the selection of candidates in various regions.

If the new law was presented as a change that promotes effective, accountable and transparent institutions, and, as mentioned in the sub-goals that make up SDG 16, the results of the elections show that the new law did not lead to enhanced inclusive participatory and representative decision-making at all levels. In fact, the results of the elections of 2018 showed that the Lebanese political system is able to absorb and adapt to the reforms of the electoral systems, including the newly introduced proportional system. It was able to guarantee the renewal of the political ruling class.

The legitimacy of the dominant political class in Lebanon is extra-electoral provident power-sharing balance. Since 2005, all the main political parties present in parliament are represented in the government, which means that the reform of the electoral system will not, by itself, change the balances that dominate the Lebanese political system.

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