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*Faculty of Political Science,
Public Administration & Diplomacy*

*Governance Efficiency in Lebanon:
Central vs. Local government*

M.A Thesis

By

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Central vs. Local government*

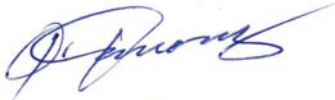
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Abstract:

The objectives of this thesis is to offer contributions and solutions to the rehabilitation and reform of local government , the legislative branch (the Parliament) and the bureaucracy as the three essential vehicles entrusted to advance Lebanon's developmental goals. It displays the various experiences and efforts in fostering “good governance” in Lebanon especially as it relates to the empowerment of local authorities and fostering appropriate decentralization measures.

This research is divided into five chapters. The first one provides an overview of the historical development of the lebanese bureaucracy along with related challenges. Chapter two reviews the practices and constraints facing local governments’ development and the move towards decentralization. Chapter three examines the fiscal and administrative decentralization of municipalities and their implementation in light of the laws and decrees that govern the municipal sector in Lebanon. Chapter four deals with the existing relationship between central and local governments, the bottle necks and excessive oversights. Chapter five stresses the important role of the civil society in fostering good governance and calls for partnership between central authorities, local ones, non-governmental Organizations (NGOs) and civil society groups. In the conclusion, several steps and suggestion are offered to reach a higher and greater efficiency in governing.

The methodology used is mainly qualitative relying on books, legal documents, newspapers, articles and sometimes personal interviews.

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Introduction

The past few decades marked many changes in the public sector administration in most countries. The emerging trends, associated with the concept of globalization, information technology and reforms, have deeply affected the way governments conduct their business and in particular the way they deliver services to the public.

In this world of public sector complexity countries and people are confronted with the increasing privatization and decentralization processes of that sector. It is no longer permitted for governments to impose monopolies. They must act as public servants and guarantors of the citizen's wellbeing. This does require a greater emphasis on delegating power to local governments along with the private sector that is better equipped to manage these services.

Since decentralization aims at improving governance by fostering accountability, participation, and transparency, governments of developing nations throughout the world turned to decentralization to build up their administrative and institutional potentials. However, the World Bank, in a study on the governance of the Middle East and North Africa (MENA), stressed that the weak governance is at the root of deficiencies in the growth and public service delivery. Such policies are often inadequate, ineffective or biased due to bureaucratic structures that are in turn uncertain, ineffective and costly, and to inadequate public services needed by businesses.

The MENA region ranks internationally at the bottom of the international scale in terms of overall governance quality when compared with countries having similar characteristics in East Asia, Eastern Europe or Latin America, and even with other developing countries. Therefore good governance is essential to the proper development for it holds the key to growth and social improvement.

Charles Humphreys, a leading economist at the World Bank reported that “*The quality of governance helps shape the quality of policy formulation and implementation, which in turn determines whether there is effective delivery of public services and an attractive business environment for investors.*”¹

Lebanon is not an exception. The prolonged civil war of (1975-1990), resulted in the destruction of much of the country's infrastructure and economy. And in spite of the historic opportunity, gained after the Taif, to rebuild and redefine Lebanon as a nation intended to liberalize its economy, advance democratic institutions, protect human rights, implement decentralization and apply the rule of law, the actual development was very slow. This was the result of the incompetent and corrupt practices of central government officials backed up by Syria, which was and remains the main power broker in Lebanon having a heavy-control over security, foreign policy and other internal areas of decision making.

The paper stresses that the above mentioned objectives of the Taif should remain as core priorities for the Lebanese leadership, along with the new, post-September 11th challenge to combating terrorism. The central government can no longer apply its top-down authoritarian relationship towards its citizens as well as its municipalities. It can no longer be the sole direct provider of goods and services. However, it can indirectly support and monitor the provision of services by other agents, including local governments, the private sector and some NGOs.

The United Nations Development Program emphasizes that good governance requires participation by the state, the civil society, and the private businesses. Without participation from the base up, local governments will not be able to accurately structure or administer public services. Popular participation is necessary to create accountability within local

¹ World Bank: 'Enhancing Governance in MENA Region' published in 2003 p:8

institutions and responsiveness to the community's needs. Thus to achieve efficiency in governance, participation and transparency are required factors.

Chapter I

The Lebanese Bureaucracy in General

Historical background of the Public Sector in Lebanon²

Lebanon claims to have a democratic framework of government within which multi-religious, multi-party groups, and some tribal, feudal groups live together in a free market economy characterized by strong private sector initiatives. It is a unitary governmental system with four tiers of administration: the central government, *muhafazat or governorates*, *qadas*, and municipalities. The governorates and *qadas* represent levels of deconcentration revolving around the central government, whereas the municipalities are supposed to be autonomous bodies, as defined by law.

Lebanon's bureaucracy has been shaped by both indigenous cultural and political traditions, by the region's long history under Ottoman oppression and, later, by French domination. In this context it is necessary to briefly review the historical and cultural forces that shaped Lebanon's bureaucracy, as well as the impact of the civil war on bureaucratic performance and behavior.³

1. the Ottoman Rule (1516- 1918)

According to the Protocol of 1861, Mount Lebanon was placed under the rule of a *mutasarrif* who was appointed by the Ottoman High Porte. Administratively, Lebanon was divided into seven districts (*Qadas*), each administered by a chief controller (known as *qaimmaqam*) appointed by the *mutasarrif* and accountable to him. Each *Qada* was subdivided into *mudiriyyas*, each administered by a director (*mudir*) appointed by the *qaimmaqam* and accountable to him. The smallest administrative unit was the village headed by a *shaykh* or *mukhtar* elected by the community and responsible to the *mudir*. This administrative structure

² Paul Salem: "Lebanon Report" published by the LCPS, 1996 p:1-7

³ Maroun Kisirwani: 'The Lebanese Bureaucracy under Stress: How did it survive?' published by the LCPS 1999. p:1

remained the basis of government and administration in Mount Lebanon until the start of World War I.

In 1877, the Ottoman *Vilayet* Municipal Law was promulgated, organizing a modern form of municipal government. That Law stated that a municipal council was to be established in every town and city. It gave the municipalities greater jurisdiction, increasing their power in the fields of social services, public works, health and sanitation. The councils were elected for a period of four years while the government appointed the mayor who was paid from the municipal revenues. Although the 1877 Law granted the elected municipal council many powers, the municipal structure was under the stringent control of the Ottoman authorities.

2. *The French Mandate (1918-1943)*

The French administration has been described as “classical bureaucracy” because of its close adherence to the Weberian ideal type⁴. French bureaucracy was notable, in particular, for its extreme centralization of authority and for its elitism in the recruitment of bureaucrats. The influence of the French administrative model is mostly evident in the formal design of the Lebanese bureaucracy. A great deal of attention is paid, in both, statutes and administrative regulations, to the promotion of the formal elements of the bureaucratic “ideal type.” Formal authority is highly centralized, both organizationally and geographically, hence, civil servants live and work in the capital, Beirut, and it is there that all important policies and resource-allocation decisions are made.⁵

⁴ Refers to Max Weber, a Public Administrator, who sets out an 'ideal type' for bureaucracy, characterized by a hierarchical division of authority directed by explicit rules, laws and administrative regulations

⁵ Kisirwan: op.cit. p: 2

In 1920, the structure of the administration took various forms. Initially, Lebanon was divided into four governorates (*mutasarifiyyat*) with two autonomous administrative regions. Few months later, the administrative structure was reorganized into eleven governorates, each headed by a governor. Each governorate was divided into several *mudirriyat*, each headed by a *mudir*. However, this arrangement was short-lived since it did not provide the governor with any real responsibilities, hence the citizens were forced to travel to Beirut to complete or fill in all government documentations and formalities. Consequently, Lebanon was later divided into five governorates, each administered by a governor appointed by the central government. Each governorate was, in turn, divided into districts (*qada*), and each *qada* was administered by a *qaimmaqam* appointed and reporting directly to the governor. Despite the changes in the structure of the administration, the inherited centralized administrative organization of the Ottoman rule was left intact.

In 1922, a new law on municipalities was enacted, retaining the framework of the Ottoman Municipal Law of 1877 and the central control over the municipalities. Under the 1922 law, municipalities were governed by an elected Municipal Council. The president of the council, who was appointed for a one year term by the central government chosen from among the councilors, had a dual responsibility as leader of the municipal council and as agent of the central government. The governor and the *qaimmaqam* were both official members of the municipal council.

While the 1922 municipal law granted, in theory, wide jurisdiction over local affairs to municipal councils, most of their prerogatives were subjected to the consent and prior approval of the central government which remained in full control.

3. The post independence period (post 1943)

The post independence period witnessed several modifications aiming at administrative decentralization and the improvement of the municipalities roles to assume functions needed for development. The central government retained both the Ottoman and French models of centralization.

The first body of rules regulating the municipal administration in Lebanon was enacted in 1947. It was followed by another law on municipalities in 1952, and one replacing it in 1954. In 1963 another law was issued and lasted till 1977 when it was replaced by the Law 118 of 1977, whose provisions still govern the municipal system in Lebanon. The Law governing the administrative deconcentration of authority at the level of the governorate and the *Qada* was promulgated by decree 116 in June of 1959. It is still in effect today.

The *Shehabist strong-state model* (1958-1964), was and still is the most successful model. During that period, 60% of current municipalities were established and distributed as follows⁶:

- 74% in the Governorate of the South including Nabatieh, which was the most deprived governorate before president Shehab's rule.
- 62% in the Bekaa.
- 40% in Mount Lebanon.
- 43% in the north.

The number of municipalities before the *Shehabist* era was 63 municipalities.

President Shihab maintained a balance between the warring parties in the cabinet on the basis of "no victors, no vanquished." Following the 1958 civil war, he instituted electoral reforms

⁶ Paul Salem and others: "The Reality of Municipalities in Lebanon: Obstacles to Local Participation and Balanced Development" published by LCPS 1998 p: 529

and was determined to observe the terms of the National Pact having the government serve Christian and Muslim groups equally.

This policy, combined with Shihab's concept of an enlightened president who strengthened the role of the executive branch and the bureaucracy at the expense of the traditional leaders (*zuama*), was later referred to as "*Shihabism*." President Shihab also concentrated on improving Lebanon's infrastructure, developing an extensive road system, and providing running water and electricity to remote villages. Hospitals and dispensaries were built in many rural areas, although there was a difficulty in staffing them.⁷

As of 1960, he applied a systematic policy of instituting municipalities and created an office for reinforcing the role of the municipalities, under the rule of the Ministry of Planning. These decisions however did not prevent the country from holding onto a long tradition of centralization, and throughout that phase, central state regulations tightly controlled local institutions.

4. The Civil War period 1975-1989⁸

The civil war severely impaired the ability of the Lebanese bureaucracy to function, but by no means destroyed it. The most visible impact of the Lebanese conflict was the inability of the bureaucracy to maintain order and provide security. The conflict rendered the army, the police, and the courts ineffective.

During this period almost all government agencies and municipalities lost their control and could not perform their duties and responsibilities. Political parties and militias interfered in

⁷ Publication from the Library of Congress: "A country study: Lebanon federal search division. The rise of Shehabism" 1987 p: 1

⁸ Kisirwani: op.cit. p: 4

the municipal affairs and assumed the municipalities and other government agencies roles by imposing and collecting taxes and fees.

A major reason for the inability of these institutions to function was the sectarian structure, whereby their activities were affected by biases and prejudices. It was hard for them to act objectively.

In areas where security was not an issue, the government and its bureaucracy were able to partially function. Some investments were infused in the infrastructure, and the government continued to provide some basic services, although intermittently and at reduced levels, depending on the security situation at any given time. These activities were less than adequate considering the level of public needs. The bureaucracy was often criticized for not doing its job, and for tolerating increasing levels of corruption on the part of public officials.

Based on information provided by a sample of Lebanese public officials, a study by Dr. Maroun Kissirwani⁹ helped to document the impact of the civil war period on the performance of the Lebanese bureaucracy as seen through the eyes of the bureaucrats themselves. The study addressed several areas of bureaucratic performance and behavior, including the impact of the war on: (1) the bureaucratic structure; (2) the availability of the work force; (3) the employees' professionalism and career attachment; (4) the sectarian conflict in the bureaucracy; and (5) the prevalence of bribes and political influence.

The results reported by the respondents confirmed the followings:

- Erosion of hierarchical authority.
- Increase in the problems of coordination among and between administrative units.
- Considerable loss of professional personnel.
- Inability of the inspection agencies to perform their functions.

⁹ Ibid

- Decline in employee professionalism and career attachment.
- Increase in the prevalence of economic corruption and the use of political and personal influence.

This data was also analyzed to determine if the religious sects played any role in the respondents' perceptions of the war's impact on the bureaucracy. While small perceptual differences were found between Muslim and Christian bureaucrats, there was a strong agreement between the two groups on the overall negative impact of the conflict on bureaucratic performance. Despite these difficulties, however, the bureaucracy continued to survive as a recognizable legitimate entity in the Lebanese society.

5. The National Accord or Taif Agreement 1989

The Taif Agreement was negotiated in Saudi Arabia, and signed in September 1989. Members of the Lebanese Parliament met in *Taif*, presided by the Speaker of the House President Hussein el Husseini. This agreement entailed reforming the political and administrative systems, ending the civil war, establishing special relations with Syria, and setting up a framework for the withdrawal of Syrian troops from Lebanon. With the *Taif* Agreement, the government reconfirmed its commitment to the principles of strengthening local government. In February 18th 1993, the Council of Ministers established the Ministry of Municipal and Rural Affairs (MOMRA) to represent the interests of the municipal sector in the country. It was the first high level body with political and administrative prominence whose function was to promote municipal development as stated in the *Taif* Agreement. Although MOMRA reactivated the municipal role, it overlooked the municipalities' autonomy and independence granted by law, instead it took full control and interfered in the local elections.

The above practices did not reflect a democratic and participatory approach to local governance, in spite of providing some finance for basic and essential services to the local population.

Administrative divisions in Lebanon

Lebanon is a unitary country with four tiers of administration: the Central government, the *muhafazat* or *governorates*, the *qadas*, and the municipalities.

The municipalities make up the only level of local government. The *Qadas* and *mohafazat* are state bureaucrats whose roles are limited to extending the central authority to the peripheries of the country.

1. The Central government

The central government in Lebanon is represented by ministries and central administrative institutions as specified by the legislative law 111 issued in 1959.

According to the Taif, the president of the republic is the head of the state and a symbol of the country's unity. He shall contribute to enhancing the constitution and preserving Lebanon's independence, unity, and territorial integrity in accordance with the provisions of the constitution. He is the supreme commander of the armed forces which are subject to the authority of the cabinet and exercises a set of other minor folkloric functions (see Annex I).

The legislative functions are performed by the Chamber of Deputies or the Parliament, elected directly by the people for four-year term. It exercises full control over government policies and activities. Members of the parliament, numbering 128 members, elect the president for six-year term and approve the prime minister and his cabinet appointments.¹⁰

¹⁰ The Taif Agreement. See Annex I

The executive functions are performed by the Council of Ministers. Ministers are selected officials by the prime minister, commissioned by the president of the republic, following compulsory consultation with the parliament's members. In agreement with the prime minister, the president of republic, issues a decree forming the cabinet or the council of ministers subject to the parliament's confirmation¹¹. In theory, the council of ministers is the vehicle through which the country is administered. It is supposed to set up policies, prepare legislative bills, and appoint or dismiss top members of the bureaucracy. It has so far failed to delegate powers to local authorities via the Ministry of Interior.

According to the constitution, the president is a Maronite, the Prime Minister a Sunni Muslim, and the Speaker of the parliament a Shiite Muslim. Together, they form the most important members of the executive branch, in full violation of the principle of the separation of powers.

According to Maroun Kisirwani¹² *"in the formal structure of its administrative system, Lebanon has been strongly influenced by the general form of bureaucracy found in modern Western nations. Despite the strong French influence on formal structures, the Lebanese bureaucracy, in practice, is quite different from the French one. This is hardly surprising considering the great differences between the French and the Lebanese society: French society is modern, undifferentiated in its institutions, and possessed of common cultural tradition elements. The Lebanese society is relatively differentiated; it encompasses a number of different and often conflicting cultural traditions, and possesses a much weaker sense of national identity. Given the diverse character of Lebanese society, the highly centralized French administrative model seems a singularly inappropriate choice. In fact, the French example has been greatly modified in its Lebanese application.*

Informally, the Lebanese bureaucracy is built on the principle of sectarianism. This stems from the National Pact, the unwritten agreement negotiated at the time of independence in 1943, which allocated political and governmental positions between Lebanon's different

¹¹ Ibid

¹² Kisirwani: op.cit p:3

religious groups. The principle of sectarian representation is also found in the composition of the Parliament, the army, and the bureaucracy, and encompasses seventeen officially recognized sects".

Corrupt practices and lack of sectarian representation have not been the only criticisms directed at the bureaucracy, it has also been criticized for favoring the appointment of some officials and maintaining Lebanon's traditional political families power at high-level positions. Critics of this practice frequently argue that the traditional political elites, regardless of sect, have generally been insensitive to the troubles and needs of Lebanon's lower socio-economic groups. Nevertheless, despite the post-civil war reform efforts by four successive Lebanese governments, the above practices persisted.

2. The Governorates (Muhafazat)

The *muhafazat* are administrative divisions that represent the central government in different areas but don't practice a moral personality, administrative and financial autonomy. They are formed by the central government and headed by a high ranking civil servant appointed by the Council of Ministers upon the recommendation of the Minister of Interior (MOI). The *Muhafazat* constitutes the basic administrative division at the regional level.

As I mentioned before, the legislative decree no 11 issued in December 29, 1954 divided Lebanon into five governorates as follows:

- Governorate of Beirut having Beirut as a capital.
- Governorate of North Lebanon with Tripoli as the capital.
- Governorate of Mount Lebanon with Baabda as a capital.
- Governorate of the South having Saida as a capital.
- Governorate of Bekaa with Zahle as a capital.

Later on, the decree no 36/75 added one more governorate which is Nabatieh, having Nabatieh as a center.

Moreover, in July 1, 2003, the Parliament established two new governorates, Baalbeck-El Hermel in East Lebanon and Akkar in North Lebanon bringing the total to eight.

Each governorate includes *mudirriyat*, each headed by a *mudir*, who represents respective ministries in the local regions.

Each governorate is headed by a governor appointed by the central government and accountable to it. The governor must be a holder of a bachelor degree in law or its equivalence. He is considered a high ranking employee and he should be living in the capital of his governorate (Article 25). The sensitivity of his position lies in the fact that he possesses the trusteeship authority over the municipalities.

The roles of the governor are primarily managerial. He administers all employees in his governorate including the *qaimmaqam*, implements policies issued by the central government, coordinates between the central government offices and officials within the governorat and represents all the ministries except the Ministry of Justice and that of Defense.

Along with the above roles, the *muhafiz* is responsible for several functions as specified by articles 4 to 26 of the decree 116 of 1959. He implements laws and regulations, executes political directives from the central government, informs the government of the general political situation in the governorate, inspects and controls all central government bureaus and civil servants in the governorate, guarantees public security, personal freedom and private property and last coordinates events, when required, in collaboration with the internal security forces placed under his command.

The governor is supposed to be assisted by a Council of the governorate except in Beirut, (article 47 of decree 116 of 1959). This council is an advisory body presided over by the governor and composed of all the *qaimmaqams* (the leading officials in the *qadas*) in the governorate, the general financial controller in the governorate, and two representatives from each *qada* appointed by a decree by the Council of Ministers. These two individuals represent the civil society composition in the governorate and can come from professions, unions, or other representative institutions. Although the Councils are supposed to exist by law, they have not been yet established or functional in any of the governorates.

By law, the duties of the Council of the governorate has to do with studying and presenting opinions on all matters pertaining to development, economy, health, and social welfare in the governorate, determining and preparing measures needed for the improvement of villages which lack municipalities, executing projects earmarked for the governorate in the government's general budget and advising on matters sent to the council by the governor concerning the interests of the governorate in general.

The council however doesn't enjoy a moral personality and its role is restricted to consultancy issues.

3. *The Districts (Qadas)*

Each governorate is in turn divided into *qadas*, each administered by a *qaimmaqam*. The *Qadas*, like the governorates, are no more than administrative divisions that lack moral personality, administrative and financial autonomy.

There are 26 districts, called *qadas* and are distributed over the governorates as follows:

- Governorate of South Lebanon includes: qadas of Sidon, Sour and Jezin.

- Governorate of Nabatiyeh includes: qadas of Nabatiyeh, Marjiyoun, Bint Joubeil and Hasbayah.
- Governorate of Mount Lebanon: qadas of Baabda, Metn, Kisirwan, Jubeil, Shouf, and Alay.
- Governorate of North Lebanon: qadas of Tripoli, Akkar, Minyeh, Zgharta, Bcherri, Batroun, and Koura.
- Governorate of Bekaa: qadas of Zahle, Baalbak, Rashaya, West Bekaa and Hermil.
- Governorate of Beirut: *qada* of Beirut.

Of the 26 *qadas*, five are administered directly by the governor because they are capitals of their respective governorates. The remaining *qadas* are administered by *qaimmaqams*, usually level-two civil servants, appointed by the Council of Ministers upon the recommendation of the Minister of Interior. The *qaimmaqam* performs in his/her *qada* similar functions to those performed by the governor, except that he/she does not represent the various ministries of the central government. Legally, both the *muhafiz* and *qaimmaqam* must consult with the central administration in Beirut for decisions on most routine matters and for all exceptional cases.

The duties of the *qaimmaqam*, according to articles 27 to 46 of the law 116 of 1959, are summed up as:

- a. Supervising the general state in the *qada* and informing the government of the developments through the governor.
- b. Administering the regional offices of various ministries in the *qada*, as well as controlling and supervising employees.
- c. Implementing rules and regulations.
- d. Preserving public security.

- e. Ordering and supervising the agricultural sector, granting hunting and building permits, imposing health measures, and appointing certain low-level employees.

In fact, the responsibilities of the *qaimmaqam* duplicate those of the governor. In brief, their responsibilities are confined to security and bureaucratic activities.

4. *The Municipalities*

The municipal body in Lebanon is the only form of local administration that enjoys in theory a moral personality, administrative and financial autonomy within the limits defined by law. There are currently 755¹³ municipalities in Lebanon spread over the 26 *Qadas*. According to articles 2 to 5 of law 118 of 1977¹⁴, a municipality is established by a ministerial decision that proclaims the name of the municipality, its location, and its geographical boundaries. Before the establishment of the Ministry of Municipalities and Rural Affairs (MOMRA) in 1993, this decision was taken by the Minister of Interior. Since 1993, it was transferred to the hands of the Minister of Municipal and Rural Affairs. Every city, town, and village in Lebanon is entitled to have a municipality provided its population exceeds 300 registered inhabitants and its annual revenues exceed 10,000 LBP (article 3 of the law 118/1977). Neighboring villages and towns not fulfilling these conditions can consolidate their resources to establish a collective municipality (article 4).

Consequently, the average number of registered population in the municipalities ranges from a low of 156 persons/km² in the *Muhafaza* of Bekaa to a high of 198.3 persons/km² in the *Muhafaza* of Beirut. On average, each municipality in Lebanon has a population of 3,990.¹⁵

¹³ Salim Nasr: "administrative decentralization and local development". Published by the Lebanese parliament and the UN in 2003 P: 159

¹⁴ See Annex II

¹⁵ Ali Hussein El Shami: "administrative decentralization and local development" published by the Lebanese parliament and the UN in 2003, p: 86-87

Moreover, with roughly more than 1,750 Lebanese villages and towns¹⁶, it is estimated that there is one municipality for every two villages.

Municipal authorities consist of two major bodies: a decision making body (legislative body) represented by the Municipal Council (MC), and an executive authority embodied in the Municipal Council President (MCP). Decisions are shared by both authorities.

Responsibilities of the Municipal Council

The law 118 sets out the electoral basis in electing the municipal council whereby the members are elected directly by the citizens for six years (article 10).

The municipal council consists of a group of members ranging between 8 and 24 distributed under article 9 of the law 118/77 as follows: nine members for municipalities with a population not exceeding 2000; 12 members for municipalities having a population ranging between 2001 and 4000; 15 members for municipalities of population ranging between 4001 and 12,000; 18 members for municipalities with a population ranging between 12,001 and 24,000; 21 members for municipalities having a population exceeding 24,000 and 24 members for the municipality of Beirut and that of Tripoli.

The 1977 law provides a broad description of the role of municipalities. It stipulates that any work having a public nature or utility that falls within the geographical property of the municipality falls under the jurisdiction of the municipal council. Articles 49 to 54 of the law 118 of 1977 list, among others, the following responsibilities of the municipal council:

- Formulation and adoption of the municipality's annual budget.
- Management of municipal funds and the determination of taxes and fees to be collected as allowed by law.

¹⁶ Nasr: op.cit P: 159

- Public health and safety: i.e. establishing slaughterhouses, fire-fighting and rescue services...
- Town planning: including roads, public parks, others...
- Infrastructure development: including sewage systems, streets and roads, power and street lighting...
- Services: i.e. public transportation, infirmaries, hospitals and other social services...
- Education: establishing or helping public schools, extra-curricular learning...
- Environment: developing and using the municipality's natural resources...

These are some of the most important municipal responsibilities. The municipality could take on additional responsibilities such as establishing museums, theaters, public libraries, markets, and providing low-cost housing. Few municipalities in Lebanon, however, have the means to fulfill even a fraction of these responsibilities.

The Role of the Municipal Council President

The Municipal Council President performs, according to articles 74 to 78 of the law 118 of 1977, the following functions:

- a. Managing and supervising the municipality.
- b. Carrying the municipal council decisions.
- c. Preparing the municipality's budget.
- d. Controlling the municipality's treasury including its income.
- e. Controlling the municipality's assets, especially real estate (rents, sales, purchases).
- f. Auditing the municipality's accounts.
- g. Representing the municipality before the courts.

- h. Providing social assistance and taking decisions regarding health issues like fighting human and animal diseases.
- i. Protecting the neatness and cleanliness of the village or town and generating building permits.

5. *The Mokhtariah*

In addition to municipalities, a *mokhtariah* exists in every village and town. The law issued in November 27, 1947 and amended by law number 665 in December 29, 1997, allowed the formation of local units, of more than 50 inhabitants, to be administered by the *Mokhtar* who is elected directly by people for four years (article 1& 15). *The mokhtar* doesn't receive any salary from the central government, but he is under the trusteeship of the *qaimmaqam* and the *muhafiz*. In case of any violation the *qaimmaqam* and the *muhafiz* have the right to report him/her to the minister of interior (article 21). The *Mokhtar's* legal and administrative authority is limited to a few functions of strictly local and legal concern. The *Mokhtar's* chief function (article 17) is to assist citizens in obtaining identification papers, keep personal records of people and authenticate documents regarding birth, death etc...

Beside the *mokhtar* there is a council of *mokhtariah* that consists of members varying from 2 to 6 depending upon the number of citizens in the village. The law number 665 article 3, considered any place with a population exceeding 3000 people as a town. Each town is divided, upon the approval of the minister of interior, into small quarters (each ranging between 50 to 500 people), each having a *mukhtar*.

Even though the *mokhtar* is an elected member and has several duties, the *mokhtariah* must not be a separate entity because having several administrative divisions within the same village or town is complicated and contribute to conflicts of jurisdictions and thus lead to

overlapping functions. By contrast, in France, municipalities and *moktariah* are not considered separate entities. They are rather one entity administered by the president of the municipal council who represents both the central and local authorities at the same time.

Problems facing the public sector in Lebanon

As the socio-political and economic trends in the twenty first century become more complex with so many international problems and concepts spreading from the extreme left of terrorism to international corporation and globalization process leading to international legal treaties such as the WTO, ICC, NAFTA, EU, ASIAN and so forth, the tasks of government and administration can no longer be diffused exclusively from a narrow distant center. The challenges of this century require many changes in the local administration and systems, especially in developing countries through the application of local government principles based on the transfer of part of the administrative powers from the central government to the regional or local authorities.

In reality the Lebanese bureaucracy has been frequently criticized for the following reasons:¹⁷

1. It is built on the principle of sectarianism which leads to discrimination against minorities.
2. It is unrepresentative of the demographic balance between the different confessional groups forming the Lebanese society.
3. It has a tradition of corruption and subservience to political influence.
4. It is elitist in character.
5. It has been generally unresponsive to the needs of lower socio-economic groups and to pressures for social changes applied by these groups.

¹⁷ Kisirwani: op.cit. p: 4

The main problems currently facing the public sector in Lebanon can be summarized as:¹⁸

1. ***Corruption:*** It is unfortunate that, in the 21st century, Lebanon is still so drowned in corruption, inefficiency and a primitive administrative system. Corruption is one of the most keenly felt problems by the citizenry and the private sector. For years the public administration was considered the place where politically dominant classes took care of their interests; thus, seriously undermining institutional credibility and efficiency.

We have some of the richest politicians in the world. Our public sector is a cash cow that allows government officials to become richer, leaving behind a deteriorating economy and a huge debt burden on the average citizen.

2. ***Public administration structure does not reflect the real needs of the citizens.*** Too many centralized structures do not help meet actual needs. There is a need for greater administrative decentralization, revision and redefinition of the existing structure, which currently are all too often overlapping and poorly defined.

Citizens expect the government to provide an array of services such as clean water, safe streets, consumer protection, economic development and affordable health care. Our citizens have the right to expect the government to provide these vital services in a way that is as efficient as possible. The problem in our country is that the citizens are marginalized when compared to private political interests.

3. ***Lack of adequate planning in policy making*** due to the limited availability of adequate analysis, evaluation, and monitoring instruments (such as consistent data and up-to-date analyses). Many of the existing laws and regulations need to be reviewed and updated in order to reflect future developments in the Lebanese society. Lebanon needs to develop

¹⁸ The Center for administrative innovation in the Euro Mediterranean region: "Administrative reform in the Mediterranean region: Summary of Lebanon" 2000 p:3

techniques and instruments to support public policies in order to contribute to the definition of goals and priorities, as well as to make sure that these policies will be efficient and effective.

4. ***Lack of qualified bureaucrats:*** there is a need to educate our politicians on good governance. What is actually needed is a common vision for the future of our country. In order for the Lebanese citizens to be able to make Lebanon a safe country, they need political consensus and the willingness to make sacrifices. Above all, the citizens need credible leadership that does what it preaches. They need to recognize the severity of their situation and act immediately to remedy it. In the end, the average citizen, will end up paying the price and facing the inevitable economic and financial chaos. *“The belief that Lebanon is the gateway to the Middle East is fictitious and harmful. Several emerging economies stronger than ours have experienced default and devaluation and Lebanon is no exception to the rules of economics”*.¹⁹

Training of public sector personnel is an integral part of administrative recovery. Employees must be selected on the basis of merit and not appointment or “*wasta*”. There is a general awareness that the problem of minimally qualified bureaucrats is a priority to be tackled by using different recruitment and career advancement systems, and must be accompanied by successful training efforts.

5. ***Lack of ethical responsibilities:*** ethics doesn't seem to be a priority with respect to the Lebanese bureaucrats. This problem is enhanced by a vicious circle of complicated administrative procedures that are far from being transparent.

¹⁹ Assem Safieddine and Maya Daouk: “Bad governance and Lebanon’s grim future” October 18, 2003 Daily star

6. Lack of efficient control and accountability systems, both in the administrative and political sectors. The existence of numerous norms and regulations, and of various administrative units in charge of control, is not sufficient to eliminate poor management within the public administration.

Last of all, in a country like Lebanon, deeply divided along geographic, sectarian and ethnic lines, participation can provide an institutional mechanism for bringing opposition groups together and reactivate the role of citizens and civil society organizations. Reaching out to civil society will broaden participation in political, economic and social activities that could strengthen the democratic and accountability processes even further.

Above all, a transformation from an administration of poverty and backwardness to one in which all its residents have the opportunity to live in dignity, security and prosperity is crucial since no one knows better than those involved what their needs are.

An important step towards administrative reform must include the rehabilitation of the relationship between the central and local governments, the elimination of bottlenecks and the widening of municipal jurisdictions since they represent the basic instrument to local democracy and representation.

Chapter II

Local Governments: the Need for Efficiency

During the civil war, the municipalities in Lebanon lost much of their power and independence as the decision-making process became more centralized and many public services were eliminated. Local governments were left out with nothing to do for urban growth management as well as the infrastructure, housing, employment and community services.

The law 118/1977 introduced major innovations and reinforced the concepts of local autonomy and decentralization, at least in theory. Unfortunately what was written on papers remained on papers and wasn't translated into action. Later on, The Taif agreement stressed the importance of administrative decentralization at the *qada* level and below, and made it a high priority on the Lebanese government's agenda not only because of its administrative value, but also for its civic dimension, since it would promote democracy and increase the opportunities for the citizens to take interest in public affairs. Despite these zealous intentions, municipal elections were postponed 23 times before being held in 1998.

Although it is an encouraging sign, however, to establish over 750 municipalities in the last decade, the system of local government remains highly centralized. This, in turn, contributed to substantial difficulties faced by municipalities in reasserting their role due to the lack of resources and institutional power. Before dealing with the current situation of municipalities, it is important to understand the objectives lying behind the establishment of local governments in order to be able to view the gap between what is being done and what ought to be done.

The objectives of having local governments

Local governments are not objectives by themselves, they are rather means designed to achieve the following goals:

- 1. Increase the efficiency of public services:*** Providing services at the lowest level of government ensures easy assignment and collection of taxes, efficient delivery of services and fulfillment of local priorities that satisfy the public. By avoiding bureaucratic time-consuming decision-making procedures within a hierarchical bureaucratic system, local governments can increase efficiency in providing public services, whereby they would in turn help reduce the burden on the central government which would otherwise have to provide these services by itself. This gives the central government the time to formulate long-term projects and plans for public policies in various areas.
- 2. Promote local democracy through representation:*** Local governments encourage effective public participation in political, economic and social activities that could strengthen the democratic process. Democracy is not only expressed through the elections of local representatives but also through developing the sense of responsibility, participation and civic education as well as getting familiar with managing local issues and monitoring the work of public employees. Moreover, since the municipal council and its president know the needs of their constituencies, they can better represent them, voice their concerns and respond to their needs.
- 3. Facilitate sustainable local economic and social development:*** Due to a widespread of rural poverty in Lebanon, local governments allow private organizations to establish programs for local economic development, under which members of the local community receive

benefits in the form of more employment opportunities and improved income leading to a better quality of life in general. Moreover, local governments facilitate the inclusion of marginalized groups such as women, disabled persons and ethnic minorities in local affairs, thus giving them a greater input in matters relating to their welfare. Local improvements must be carried out with the clear and stated purpose of reducing poverty and social marginalization, to ensure that every citizen has access to basic services and equal opportunities and can live in dignity and security.

4. *Facilitate rural development:* Local governments are highly needed for villages and towns in remote areas, which have been somehow neglected in the postwar reconstruction at times where efforts have focused on coastal zones especially Beirut and the South.

5. *Increase accountability and transparency of government activities:* Through local democratic elections and civil participation, the public sector will be forced to become accountable, increase transparency in its work processes and policies and become more responsive to citizens' needs and desires. In return, local citizens due to their closeness and familiarity with local representatives would be more able to closely monitor their representative's conducts and performance. Moreover, the distribution of power among different levels of government and the competition between these levels allow for a system of checks and balances and that is likely to set limitations on the central government if it attempts to abuse its powers²⁰.

6. *Reduce urban migration:* Lebanon continues to have an uneven distribution of its population in urban and rural areas. The populace migration to Beirut made the capital the

²⁰ The Lebanese Center for Policy Studies: "Decentralization, Democratization and Local Governance in the Arab Region" Beirut, November 2003.

center of urbanization and by far the largest populated center in the country. The Lebanese Civil War and post war fighting also led to the migration of millions of Lebanese outside the country creating a vacuum in the population force of many villages and rural areas. The current urbanization level of Lebanon is estimated at 92%, one of the highest in the MENA region.

Although the coastal zone extends over 16% of Lebanon's surface area, it is reported to be inhabited by almost 2.51 million people (over 70% of the entire population) and contributes about 74% of Lebanon's GDP. Approximately 70% of the Lebanese industry is also located in this area²¹, while rural areas are suffering from the lack of integrated rural development projects keeping them marginalized and deprived. Improving local municipal finances can reverse the urban migration out of villages and smaller towns and contribute to poverty alleviation through the provision by local governments of essential social and economic services.

According to the Lebanese Center for Policy Studies (LCPS), the issue of reforming and reviving Lebanon's local government network is of central importance to reforming and reviving the Lebanese political and administrative system as a whole. Since the number of municipalities is relatively high (around 755), and the political, administrative, fiscal, social, and economic issues, interwoven in the municipal process, are so complex, a serious and

²¹ George Abu-Jawdeh (Blue Plan consultant), in co-operation with Silvia Laría (Project Leader of the *Mediterranean Country Profiles*): "Report on Lebanon: Mediterranean Country Profiles: Lebanon, Environment and sustainable development issued Policies". Published by UNEPs 1999 p:1

thorough study of the problems and challenges facing local government in Lebanon is a critical first step in developing a rational policy toward this complex issue.²²

The current situation of municipalities

There are currently 755 municipalities in Lebanon for 1,762 villages and towns. Forty one percent of these are small municipalities, 53% are medium sized and 6% large ones.²³ The main objective for having municipalities, as we mentioned above, is to achieve efficiency in providing services. To reach such efficiency, the government must separate politics from administration, set up priorities, employ skilled and experienced people, borrow key administrative principles from the private sector, use technology and provide access to safe, reliable and affordable public services.²⁴

Efficiency is a very important push for growth and the maximization of national welfare. The rationale is that local governments are closer to the people, and thus able to identify local priorities and needs, and design budgets that closely correspond to the amount of potential revenues, which in turn ensure efficient and rapid delivery of services to the people on the basis of their actual preferences and requirements. In this sense, people will be more willing to pay for such services and to participate in the decision-making process.

Unfortunately, municipalities in Lebanon didn't yet achieve the required efficiency because none of the above conditions was fulfilled. There are simply insufficient resources at the local

²² LCPS: "Conference on Local Government and Municipal Reform in Lebanon" held in Oct. 1994. p:1

²³ These numbers were presented in a series of arguments in the Lebanese parliament about administrative decentralization and local development, issued by the UN and the Lebanese parliament. 2003

²⁴ most of the data provided in this section are taken from a study carried out by the LCPS on 350 municipalities in year 2002, published in the book: العمل البلدي في لبنان: دراسة ميدانية وتقييم للتجربة.

level, to be able to sustain such efforts on their own. A lack of data and information on the different taxes allowed by law, and the inability to enforce tax laws due to inadequate human resources and technology have historically lessened municipal effectiveness in delivering services and in sustaining local development initiatives.

This research shall focus in depth on the municipal body in Lebanon being the only form of local administration that enjoys in theory a moral personality and some forms of administrative and financial autonomy. Municipalities in Lebanon are drowned in a pool of problems that prohibit their progress. The following are major ones:

1. The central government control over municipalities

Although this section is analyzed in details in chapter four of this research, all fingers point out to the fact that the biggest barrier to the municipalities development is the central government negative attitude towards them, by refusing to give much attention and importance to municipal independency and role in managing local issues as an important step towards democratic rule and efficiency.

The central government places multi levels administrative control over the municipalities. It duplicates the responsibilities of the *muhafiz* and the *qaimmaqam* and assigns too many agencies and authorities to control and supervise the municipalities. All these barriers contribute to unnecessary delays, reduction in efficiency, lack of autonomy, and unsustainable and ineffective local administration.

2. Lack of adequate human resource base

Fifty nine percent of the municipalities in Lebanon suffer from an incredible lack of qualified and motivated human resource base that can efficiently implement local development projects and use modern municipal planning and management tools.

Many municipalities are seriously understaffed and even cities of substantial size have limited number of qualified employees. This is mainly due to the lack of financial resources on one hand and to the very low financial compensation offered to municipal staff on the other. According to the LCPS only 30% of municipalities have sufficient number of employees, 34% are suffering a slight lack of employees while 36% are suffering a wide deficiency in employees. Moreover, large municipalities are more affected with this problem than smaller ones. Larger municipalities usually represent larger areas and inhabitants and are thus faced with larger demands that require qualified people to manage and satisfy these sophisticated demands.

Since the municipal councils are the legislative authority, they are responsible for making economic, social, developmental policies, and planning projects to be executed. These jurisdictions make the municipal councils responsible and accountable to their constituencies. They are the leaders and the ones expected to promote democracy and increase the level of education, economic, social and health standards of their citizens²⁵. To perform such duties, they should be up to the level. How could they succeed if they don't know what democracy really is or what their role is all about?

One encouraging outcome from the recent municipal elections of 1998 and 2004 is the emergence of a large number of qualified municipal council members with strong private sector background experience and also higher education. They are expected to bring-in their management expertise and make extensive use of their business networks for resource mobilization.

²⁵ Paul Salem and others: "The Reality of Municipalities in Lebanon: Obstacles to Local Participation and Balanced Development". Published by LCPS 1998 p: 507

3. Lack of technology

If mayors and deputy mayors are only required to have passed the primary educational level, how can they be asked to use the internet as well as highly sophisticated knowledge in all fields?

The weak administrative and technical skills at local levels are resulting in less efficient and effective delivered services. Managing all the information related to a particular employee, internal data as well as data from other sources such as the Court of Audit, the Civil Service Board and others is one of the most difficult problem they face, specifically when relating to information necessary to complete the employee's performance evaluation, including matters related to complaints and penalties that are often unavailable in the employees' files or missing in many cases. At the same time, failure on the part of different government agencies to coordinate and share information with the municipalities in a systematic way resulted in numerous inefficiencies and an overall inability to make informed decisions.²⁶

Moreover, how could one maintain coordination in the absence of reliable database knowing that many municipalities maintain their tax schedules on hand written ledger books? The lack of computers prevent them from gathering, processing, and updating information which would allow them to identify existing and potential sources of revenues. Based on the LCPS survey, 55% of presidents of municipal councils believe that modernizing tax collection and computerizing information can increase and improve revenues.

According to the World Bank, less than 30 percent of municipalities have computers, fewer than 20 percent have typewriters, and fewer than 30 percent have a functioning telephone line.

²⁶ These finding were reported in: "Lebanon Relief and Redevelopment Project: Government Institutions Strengthening Component". Local Government and Parliament Project carried out by the USAID program year 2003-2004. p:5

This is the result of many years of conflict where municipalities became more marginal and were overtaken by military groups and militias. But even in the best circumstances, the system remains over-centralized and does not allow municipalities to raise the needed revenues which would allow them to play a major role. It is difficult to understand that an elected public servant is fully controlled by the central authority and is not accountable to those who elected him/her.

4. Financial problems

Although municipalities have grown in number, 86.9% of them are still dependent on funds transfers from the central government for service provision. Most municipalities do not have the adequate resources and tax base to sustain the local development needs of their resident population. Administrative responsibilities and equitable distribution of services can not be handled without adequate financial resources. Moreover, unnecessary restriction on the financial autonomy of local government is a major cause of the weakening of the municipal councils' accountability to their local electorate.

Adequate, sustainable and flexible funding is essential to effectively deliver jointly agreed upon regional priorities and to also recognize the importance of individual councils being given the power to address local priorities.

In the section below the financial problem will be addressed in more details and the light will be spotted on the gap between what is allowed in theory and what is being practiced in reality.

5. Tax collection

One of the most serious obstacles to municipal effectiveness has been the failure on the part of most municipalities to collect their own taxes as prescribed by law. According to the LCPS,

62.86% of municipalities are facing difficulties in collecting taxes, specifically large ones as taxes constitute only 43.4% of overall municipal revenues.

Before the implementation of the municipal reform program carried out by the USAID²⁷, only 10% of municipalities in Lebanon published announcements that taxpayer lists were available and up to date. However, in 2003 422 official announcements about taxpayer lists were published compared to 82 in 2000. This constitutes a major improvement in the process of legally collecting taxes.²⁸

The old taxpayer lists were usually based on data from inspectors' ledgers and it was difficult for municipalities to properly manage the process. Information could be easily manipulated or altered, creating an environment of corruption. The introduction of the automated systems and procedures developed as part of the assistance program USAID, are enabling municipalities to collect taxes in a more efficient, consistent, and legal manner.

6. *Administrative problems*

In spite of the wide administrative jurisdictions granted to municipal councils, municipalities are fully occupied by routine responsibilities such as granting licenses and permits (76.3%), lighting street and maintaining roads (84.9%), developing water and sewage network (42.3%), while only 13% carry economic investments and promote tourism.

While these tasks are necessary and represent a good source for municipal income, they divert the attention from other important functions such as the management of urban growth, strategic planning and establishment of museums and markets. Seventy-three percent of

²⁷ Since 1993 the Center for Legislative Development of the State University of New York at Albany (SUNY/CLD) has worked under cooperative agreements with the United States Agency for International Development (USAID) to provide technical and administrative assistance to the Government of Lebanon through the Lebanon Relief and Redevelopment Project. "Lebanon Relief and Redevelopment Project" published by the State University of New York (SUNY) in 2004 p:1

²⁸ SUNY *op.cit* p:6

municipalities are embroiled in administrative routines and increased centralization. In addition 78.8% of municipal councils believe that it is crucial to increase their effective jurisdictions.

Furthermore, municipalities are facing a clear lack of coordination at three levels. First, between various units within the municipality, since the municipality consists of the legislative authority represented by the municipal council and the executive authority represented by the president of the council, the relationship between the two authorities sometimes faces some deficiencies. Some municipal presidents feel that they are controlled by the municipal council on one hand and the central government on the other. Even routine works have to be approved by the members of the council that lacks homogeneity between its members. Fifty-nine percent of municipalities suffer from this problem; consequently their work might be delayed or even stopped. Other problems are related to minimal commitments when it comes to council meetings, whereby 41.14% of municipalities evidence absence of members in all meetings, while 48.3% of municipalities reported that meetings are not always prepared enough and 37% have difficulties in carrying out the meetings in the dialogue and arguments²⁹.

Second, there is a lack of coordination between municipalities within the same area. Only 18% of municipalities deal with each other on regular basis, while 42% coordinate with other municipalities in some cases, especially large municipalities; and 40% have no deals with any others.³⁰

The most popular works carried out collectively are respectively related to sewage networks, environment issues, roads and solid wastes. When small municipalities were financially

²⁹ LCPS: *دراسة ميدانية وتقييم للتجربة*: العمل البلدي في لبنان، 2002 p:24

³⁰ LCPS: *op.cit* p:33

unable to carry out such public works solely, they shared it with other municipalities. From here came the idea of establishing municipal federations for the benefits it provides especially to small municipalities with minimal resources. Presently 37% of municipalities are members of twenty one municipal federations and this percentage is larger for small municipalities than larger ones. Sixty-seven percent of these members believe that it is very beneficial to establish federations.

Third, lack of coordination between the municipalities and the government, this problem is discussed in details in chapter four of this research taking into consideration the importance of reconsidering the distribution of management and planning functions and the responsibilities among different levels of government.

Municipal Elections

In theory, elections are not used as political battles for the sake of acquiring seats in the municipal council. They form rather a major battle for democratic representation of individuals and groups. Local elections can be considered as the first step towards the country's democratization process. It allows for the inclusion of minorities in the country's public life, on condition that municipal councils should not be dominated by any political authority, as is the case with most elected councils who enjoy strong backing from politicians and political parties.

Unlike the legislative elections, municipal elections in Lebanon are somewhat free from sectarian constraints in certain cases. However, this issue has recently raised fears in the country that the new municipal councils would not reflect accurately the confessional composition of the registered electoral base³¹.

³¹ Sati Arnaout: "the Role of Local Governments: the Lebanese Context". Published by the World Bank in September 1998 p:3

From 1963 till 1989 no municipal elections occurred in Lebanon. It was expected that elections would take place in 1968 but it did not due to unknown and vague reasons, and since then they were delayed. Lebanon thereafter was plunged into a long civil war that started in 1975, and caused people to forget everything about elections. In 1977, both the executive and legislative authorities took advantage of the stable political situation to enact a new electoral law but the elections were not carried out. The Taif agreement in 1989 called for democratic municipal elections.³²

The municipal elections held in May and June 1998 represent, to some extent, the first expression of non-sectarian democratic participation in Lebanon for the past 35 years. It has paved the way for newly elected local bodies to assume a more prominent role in local development and constitute an important step in the decentralization of Lebanon's administrative activities and in the recovery of its civil society. It gave hope for the revival of municipal life and more importantly for political local government ignored in the last three decades³³.

In the year 2001 another round of municipal elections took place in the newly liberated areas of South Lebanon following the Israeli withdrawal in May 2000.

Although elections, in theory, promote democracy and freedom of choice, municipal as well as parliamentary elections in Lebanon face continuously legal violations which are distorting the transparency and democracy of elections and forcing some people to boycott them.

³² Conference number 17 held by the NDU in 1998 *العام البلدية سلطة محلية ومشاركة مدنية في القانون والممارسة: سلسلة الشان* في مضايها الناس p:7

³³ Arnaout: op.cit p:2

Several factors in local elections have been affecting their real contribution to democracy and improved governance. These include:³⁴

1. The electoral law

Voting is based upon registered inhabitants in the village and not the residents. Many Lebanese because of the war were forced to live in a different area for most of their life while still being registered in the areas in which they were born. This doesn't allow them to vote in their actual areas of residence. These discrepancies between registration and residence mean that many citizens cannot participate in the governance of localities where they live and work³⁵. For instance, the Choueifat Municipality counts today some 200,000 residents of which 10,000 are only voters. Of the 200,000 residents, half live in the informal settlement of Hay el Sellom and are not even recognized by the municipality. Moreover, around 40% of the residents of the Beirut southern suburbs are not eligible for voting in their area of residency because they were not registered in that area.³⁶

This gave rise to another problem related to the establishment of municipalities. The law 118 article 2, relates the establishment of municipalities to the number of registered people; 'every village or town with more than 300 registered people can have a municipality' even if some of them are not actual residents. In this context, some villages were deprived from having municipalities because the number of registered people is not enough while having large number of residents and vice versa.

³⁴ These violations were reported by Fares Abi Saab in his book: *The Lebanese Municipal Elections of 1998: The Travails of Democracy within the Structures of Local Communities* p: 512-515.

³⁵ LCPS: "Decentralization, Democratization and Local Governance In the Arab Region" November 2003/Beirut p:14

³⁶ Salem: op.cit p:528-529

Moreover, funding from the Independent Municipal Fund, paid by the Finance Ministry through the Central Bank to compensate municipalities for lost revenues, is unevenly distributed, as it is paid on the basis of the number of residents registered in each area rather than the number of people who actually live there. This created a problem regarding the expenditures and revenues of these municipalities and deprived some of them from participating in the affairs of their place of residency.

Another point of conflict regarding the electoral law is the educational level of the president and council members. There is a call for nominating people of higher educational backgrounds and if two candidates receive equal number of votes, the choice must take into consideration educational and the level of experience basis and not age as it is now specified by law.

2. Political interference

In Lebanon, municipal elections are inherently political in nature. There is always a call for freeing the elections from deals that are hatched secretly, thus making out of them a real, democratic operation in which citizens can regain self-confidence and participate effectively in achieving development and social justice. Instead of being a democratic operation in selecting the most qualified candidates to look after the town or city needs, elections are becoming an arena for political conflicts between the various political parties and family affiliations. In fact, the success level of municipalities in Lebanon is evaluated primarily in terms of their ability to bring in benefits from their personal connections to politicians rather than in terms of the use and allocation of available local resources³⁷.

The strong political activity surrounding the preparations for the municipal elections is creating a dilemma over whether the voting constitutes a popularity test for the success or

³⁷ Abi Saab: op.cit p:516

failure of parliamentary elections or whether it is to provide local development. Furthermore the domination of political rivalries over elections is overshadowing any debate over local developmental agendas. It is claimed that political officials are employing public sector employees to manage electoral campaigns for the interest of certain candidates, and spend public money on those campaigns. This contradicts the concept of political neutrality in municipal elections, since it is considered an exploitation of public jobs financed by public money.

3. Spending on elections

Government institutions, personnel, and resources are often used in local elections to support the ruling party or government sponsored candidates through the elections³⁸. Spending money on electoral campaigns, however is not a problem *per se*, the problem occurs when there is no specified ceiling for the amounts to be spent. This issue is distorting the credibility and reliability of the elections.

Spending on elections is not promoting equal opportunities between candidates, since not all candidates have money to bribe people and purchase their votes. This process is eliminating fair and equal competition opportunities. The 1998 and 2004 elections were not an exception. In this context, it is necessary to add some amendments to the electoral law to control the issue of overspending and bribing.

4. Abusing the Media

The Law 154 made in 1992, prohibited the media from promoting any candidate. However, in spite of this law, there is always an abuse of the media by political rivalries. Moreover some own their private TV channel that works to promote their interests.

³⁸ LCPS: "Decentralization, Democratization and Local Governance In the Arab Region", November 2003/Beirut p:14

5. Directing the elections

There is a weak administrative and political management of elections. Security efforts are not sufficient alone to carry out transparent elections. The Lebanese Association for Democratic Elections LADE³⁹ has requested the establishment of independent elections commission at the national level to oversee them. However, elections fall currently under the responsibility of the Ministry of Interior and still no national election committee exists to supervise them. The Ministry of Interior has done its best to carry out the elections, however undisclosed violations persist; i.e. counting votes, especially in large towns like Beirut and Tripoli, remain always at doubt especially since violations are occurring in almost every elections.

Elections play a pivotal role in fostering participation, accountability, transparency, and essential qualifications for good governance that the United Nations Development Program wishes to encourage. According to the LCPS, voter turnout in local elections in Lebanon is generally slightly higher than national elections (70% over 45%). Thus, holding elections regularly can be the principal means by which the Lebanese can participate and interact with the government, hoping that they act in compliance with their conscience and national duties.

Municipal Federations

Municipal federations enjoy moral personalities and financial autonomy (article 114). They have been established among interested municipalities within contiguous areas to consolidate municipal capacities. A federation of municipalities is created or abolished by a decree from the Cabinet or Council of Ministers, upon the suggestion of the Minister of Interior, either

³⁹ The Lebanese Association for Democratic Elections is a non-governmental organization. It was formed in 1996 to monitor elections, educate voters, and to research and suggest improvements for Lebanese electoral laws. Members came from multiple walks of life, including journalism, academia, activism, and law. However this association is no more active and its roles are being held by the ministry of interior.

through an initiative from him or upon the request of the municipalities (article 115). Federations are not constrained with a specific number of municipalities, or restricted to municipalities in the same *qada* as is the case of most federations.

Each federation consists of two major bodies: a decision making body (legislative body) represented by the council of the federation, made of presidents of municipalities, and an executive body represented by the president of the federation. Article 126 of law 118, specifies the roles of the federation council as those related to setting up the federation's annual budget, implementing projects of common interest for municipalities that are members in the federation i.e. establish roads, adjust transportation and remove waste, discuss all matters related to loans borrowed for implementing projects, coordinate between municipalities and resolve conflicts.

The 118/1977 Law allowed the creation of Federations to be funded voluntarily by the cooperating municipalities. They can undertake joint projects, which are large in scale or too substantial for one municipality to handle, and there have been some successes. There are currently 21 such federations that include 312 municipalities (see Annex III). According to articles 133 and 134 of the law 118/1977, the federation funds are derived from the following sources.

- Ten percent of the actual revenues of the constituent municipalities for the previous year.
- An additional percentage from the budget of the municipalities which benefit from a specific project of common benefits, to be determined by the federation and approved by the Minister of Municipal and Rural Affairs.
- Aids and loans.
- A specific share from the Independent Municipal Fund for the federation.

- Government contribution to the federation budget (Funds are distributed between federations by a decision from the Minister of Interior and the Municipal Affairs).
- Grants and bequests.

The Taif also stressed the financial issue in one of its articles stating: “*A comprehensive and unified development plan capable of developing the provinces economically and socially shall be adopted and the resources of the municipalities, unified municipalities, and municipal unions shall be reinforced with the necessary financial resources*” (see annex I).

The federations however, are facing the same constraints as those facing municipalities regarding the performance of their administrative and financial autonomy. They are not always receiving the 10% of municipal revenues being not always available. Moreover, the federations are not always receiving their share from the Independent Municipal Fund or from government contributions as stated by the law.

According to the LCPS survey, only 37% of municipalities are part of federations. Moreover, the members of the federations are experiencing several constraints which include fiscal resources (66%), legal obstacles (23.4%), lack of human resources (20.3%) and political conflicts and differences (18%).

According to Ziad Baroud, the role of federations has not been considered a priority by the central government for two reasons:⁴⁰

First, the central government officials do not consider the federations as a priority, since their main concern was about how to carry out elections after 35 years of delays, and how to reactivate the municipal process.

⁴⁰ Ziad Baroud (2003-1977) قراءة نقدية في ربع قرن من التجربة: تجربة إتحادات البلديات في لبنان: هل « في الإتحاد قوة »؟ published by the UNDP in 2003 p:3

Second, the absence of local-governing education, whereby officials are not aware of the importance of establishing federations as a means for development and efficiency, especially when 41% of all municipalities are small and unable to stand up on their own.

The emergence of small sized municipalities is largely due to article 2 of the law 118/1977 that permits "Every city, town, and village in Lebanon with a population that exceeds 300 persons and its annual revenues exceed LL 10,000 (US \$6.67) to form a municipality. Neighboring villages and towns not fulfilling these conditions can consolidate their resources and establish one collective municipality."

One way to overcome this is to have municipalities pool their resources together by forming federations. The other way is to change the law and allow every village that has more than 2,000 votes and not 300 to form a municipality. Smaller neighboring villages can establish one collective municipality.

However, an important remark can be drawn here about the future and the continuity of municipal federations. According to Ziad Baroud, it depends on the homogeneity between federations and municipalities. This makes us wonder whether it is healthy to have two local governing bodies with crisscrossed jurisdictions. Federations sometimes seem to be nonsense especially when it refers to large and medium sized municipalities, even for small municipalities it would be preferable if the government increase its transfers to them instead of them joining federations to consolidate low revenues.

Moreover, another remark can be drawn about the continuity of bottlenecks and oversights over municipalities and about the ability of these municipalities to perform under such conditions and in the presence of the law 118 that empowers municipalities with wide jurisdictions.

Chapter III

The Municipalities between Theory & Practice

Despite the wide jurisdictions provided for the municipalities by the law, Lebanese municipalities are only responsible for few marginal activities. In this context it is of crucial importance to study their complicated and conflicting realities.

The change in the Lebanese municipal government has been both limited and slow. In reality, there has been a major gap between what the law says and the way it is implemented. This has been more obvious since Lebanon's municipal administration has drifted into the civil war crisis from 1975 till 1989.

The municipalities, by Law, are entrusted with a wide range of responsibilities. However, in practice, most municipalities are fulfilling only a fraction of these functions due to the lack of clear authority division between the central and local governments, excessive control and oversight by ministries and public agencies, expenditure bottlenecks, and lack of fiscal and managerial capabilities.

The Legal framework of municipalities

The Municipal Laws in Lebanon are very much the product of both the Ottoman and the French influence. There are four major laws governing the municipal sector. However, the fiscal/financial and administrative autonomy granted to the municipal bodies are not protected by any constitutional safeguards. Even the *Taif* agreement, which contains a section on administrative decentralization, calls in essence for the deconcentration of the central government.

The laws governing the municipal sector may be summarized as follows⁴¹:

1. The law 118 of June 30th, 1977, outlines the general rules governing municipal government including the role, structure, and prerogatives of municipalities. The Law is made up of four sections. Section one defines the municipality and the criteria required to

⁴¹ IDREL: Baladiyat and Mkhateer: Laws, Rules & Consultations. 2000

establish a municipal government. Section two and three specify respectively the roles and responsibilities of the municipal council and the municipal council president. Section four deals with other general laws including the structure of the administration, the role of the *qaimmaqam*, complaints and municipal federations.⁴²

2. The law 1917 of April 6th, 1979 establishes the rules for the distribution of funds to all municipalities and municipal federations from the Independent Municipal Fund (IMF), which consists of all the surtaxes collected by the state on behalf of the municipalities. The law consists of three sections: Section one specifies where the IMF is deposited, how the surtaxes are transferred into the IMF account, what expenses are deducted from the IMF, and what shares of the IMF are allocated to Municipal Federations. Section two explains the distribution of the IMF allocated to the Municipal Federations. Section three explains the distribution of the IMF when allocated to the municipalities.
3. The law 5595 of September 22nd, 1982 establishes the accounting principles for municipalities and municipal federations. More precisely, the law defines the accounting and financial matters pertaining to municipalities that are not subjected to the General Accounting Laws. It is made also of four sections. Section one defines the general rules of the budget, describes the process for preparing the budget and explains the disbursement of revenues and expenditures. Section two states the functions and the responsibilities of accountants, treasurers, and tax collectors, and specifies the accounting and treasury documents required to be maintained. Section three deals strictly with the financial control of the municipalities, and section four pass the above articles to Municipal Federations.
4. The law 60 of August 12th, 1988 identifies how municipal tariffs and fees are to be collected directly by the municipality and by the state. Section one and two identify all the

⁴² See Annex II

municipal tariffs and fees to be collected directly by the municipality and by the state on behalf of the municipalities respectively. Section three presents the basis for determining municipal tariffs and fees. Section four pertains to the basis for tax collection. Section five discusses the procedures for filing complaints against municipal tariffs and fees.

Beside the above mentioned laws, there is a whole list of secondary laws and ministerial orders that were issued in the last 65 years. These laws relate to the following: the prerogatives of the *muhafiz*, public health, coordination of road works, contracting, licensing, furnishings, contracting for services, cleanliness, general contacting, record keeping, establishing particular municipal federations and matters relating to accounting oversight over federations, extension of municipal mandates, other general provisions such as public memorials, licensing, holidays, and other matters.

The above laws gave the municipalities wide jurisdictions regarding fiscal and administrative autonomy. However, the lack of clear assignments between the central and local government, the various institutional bottlenecks, and the limited municipal revenues have led to a central government take over in capital spending, and hence confining municipal responsibilities to marginal activities.

The Financial framework of municipalities

In 1997, the law 118 was passed to increase municipal financial autonomy. In principle, municipalities are authorized to generate and manage local resources. While they can determine the level of up to 10 per cent of municipal taxes, these are levied by the central Government and deposited into the Independent Municipal Fund in an account managed by the Ministry of Finance. Furthermore, while municipalities are, in principle, responsible for the planning and implementation of infrastructure work carried out in areas under their

jurisdiction, many development projects are in fact executed or contracted-out directly by central agencies including the health, education, public works and water resource sectors.⁴³ All these factors have contributed to widening the gaps in revenues and expenditures assignments of municipalities.⁴⁴

1. Gap in expenditure assignment

According to the 1977 law, article 47, every work having a public character or utility within the area of the municipality falls under the jurisdiction of the Municipal Council. The expenditure assignments include, among others (article 49), the provision, establishment, and the management of the following: street cleaning, garbage collection, public health and safety, public transportation etc. However, the role of municipalities was restricted to providing marginal activities which generally include street cleaning, granting building permits and others see table 1:

⁴³ A study carried out by the Economic and Social Commission for Western Asia (ESCWA) in Feb. 2001 on: Decentralization and the Emerging Role of Municipalities in the ESCWA Region. P:5-6

⁴⁴ This section relies on the data provided by the study carried out by the LCPS on 350 municipalities, 2002: العمل البلدي في لبنان: دراسة ميدانية وتعليمية للتجربة especially the section provided by Sami Atallah on "Fiscal Decentralization in Lebanon and International Experiences" p:83-116

Table 1: Expenditure assignments of Lebanese municipalities

In Theory	In Practice
<ul style="list-style-type: none"> - Street cleaning, garbage collection. - Public health and safety: establishing slaughterhouses, fire-fighting and rescue services. - Town planning: roads, public parks, etc. - Infrastructure development: sewage systems, streets and roads, power and street lighting, etc. - Services: public transportation, building infirmaries and hospitals, other social services... - Education: establishing or helping public schools, extra-curricular learning, etc. - Environmental: developing and using the municipality's natural resources. - Establishing museums, theaters, markets, and providing low-cost housing. 	<ul style="list-style-type: none"> - Street cleaning. - Road asphaltting. - Street lighting. - Setting up road signs. - Rehabilitating and extending the sewage and water drainage systems. - Aid to local cultural, handicapped, and civic associations. - Solid waste land fills. - Opening secondary roads, public parks, forestation, and municipal sport arenas.

Source: LCPS, 2002

The expenditures, however, differ between large, small and medium sized municipalities due to their different needs and capabilities. The table below demonstrates the main tasks carried out by large, small and medium size municipalities According to the survey completed by the Lebanese Center for Policy Studies (LCPS).

Table 2: Expenditures of the Lebanese Municipalities:

expenditures	Average municipalities	Small	Medium	Large
Provide licenses for citizens	76.3%	81.4%	70%	100%
Provide lighting & public works	84.9%	85.5%	85.5%	72.2%
Develop water & sewerage network	42.3%	38.6%	44.4%	50%
Provide health services	25.4%	20%	27.3%	50%
Organize & promote tourism	13.1%	5.5%	16%	44.4%
Promote investment & economy	13.1%	11.7%	11.23%	44.44%

Source: LCPS 2002

Marginal activities like the provision of licenses for lighting, public works and developing water and sewage networks constitute a high percentage for all municipalities works. However, when it comes to developing the economic situation through investments and promotion of tourism, the differences become more apparent between small and medium municipalities on one hand and large municipalities on the other. For example 50% of large municipalities provide health services and develop water and sewerage network versus 27.3% and 44.4%, respectively for medium sized municipalities and 20% and 38.6%, respectively for small sized ones. The fact that only 72% of large municipalities provide lighting and public works compared to 85.5% for small and medium municipalities could be due to the fact that such services in large municipalities have been already undertaken by development agencies like the Council for Development and Reconstruction (CDR).

Regarding expenditures, there are a number of bottlenecks, represented by the several layers of financial control and oversight affecting municipalities.

2. Gap in revenues assignment

With respect to revenues, the Lebanese municipalities are by Law (118, article 86) assigned an impressive list of taxes and fees they can collect. These include: municipal tariffs and fees collected directly by the municipality, municipal tariffs and fees collected by the public agencies on behalf of particular municipalities, loans and aids, surtaxes collected directly by the central government for all municipalities, yield from municipal properties, including the yield from land owned by the municipalities, fines, grants and bequests.

However, in practice, most municipalities rely on only 2 of these taxes and fees; that's why the first four sources of revenues will be examined since the last three are considered to be less significant. This is mainly due to the weak municipal tax administration and excessive

bottlenecks. Generally, 86.9% of municipalities rely on tariffs and fees collected and distributed by the central government and less than half of these municipalities, about 43%, rely on fees collected directly by them as an important source of revenues.

Table 3: main sources of revenues for municipalities:

Sources of revenues	Average municipalities	Small	Medium	Large
Fees transferred from the central gov.	86.9%	80.7%	91.4%	88.9%
fees collected directly by the municipality	43.4%	42%	41.7%	72.2%
NGO's (WB, UN etc.)	12.6%	10.35%	12.8%	27.8%
Yields from local projects	4%	2.8%	4.8%	5.6%
Yields from municipal properties	4.6%	3.35%	4.3%	5.6%
Grants and bequests	2%	2.8%	1%	5.6%

Source: LCPS 2002

i. Municipal tariffs and fees collected directly by the municipality

According to the Law 60, 1988 municipalities are permitted to directly collect 16 different types of tariffs and fees⁴⁵. Although these sources of revenues are supposed to grant municipalities' wide fiscal autonomy, the law does not permit local governments to establish any additional local tariffs or fees nor define the tax base. Moreover, the margins of the fees and the taxation rates set by law are quite narrow; hence they reduce autonomy and accountability of the municipality. Furthermore, the municipalities' only prerogatives are to administer the collection of these fees.

The 16 types of taxation power include: Fees on the rental value of built real estate, public places and gambling clubs, advertising, public property, fuel distribution, industrial firms, auctions, mobile vendors, slaughterhouses, admission to sites of tourism, the registration of

⁴⁵ see Annex IV

contracts, construction permits, the building and maintenance of sewage networks and pavements, certificates and technical studies, structural improvement and last fees on the purchase and use of explosive materials.

Despite the impressive list of fees assigned to the municipalities, only two municipal tariffs and fees are considered important: the ones on the rental value of built real estate (residential and commercial) and the others on construction permits. However, the absence of a modern and adequate management system for billing and collection, the lack of adequate information about residential real estate, the increased migration of citizens especially in small villages and the inability of a large section of the population to pay their municipal taxes because of the poor economic conditions are all making the task of enhancing local revenues very difficult. Furthermore, fines imposed on overdue payments are seldom collected and municipalities do not have the authority to efficiently sanction defaulters.

Moreover, the method of assessing municipal tariffs and fees, defined by law, is generally primitive. For example, the fees on industrial firms are based on the number of horsepower in a machine used in the factory. Furthermore, because of the devaluation of the Lebanese pounds in the late 1980s and early 1990s, municipal fees have greatly diminished in real terms since they were instituted in 1988 and hence some are today worthless. For example, the investment fee on industrial firms ranges between LL 10 (\$0.0067) and LL 100 (\$0.067).⁴⁶

ii. Revenues collected on behalf of particular municipalities

Second major sources of revenues are revenues collected by public or semi-public or private institutions on behalf of particular municipalities. Local governments have no authority to

⁴⁶ Sami Atallah: *Fiscal Decentralization in Lebanon and International Experiences*. Published by LCPS in 2002, P:102

select the taxes levied, define the tax base, or set surcharge rates. Hence, they are denied fiscal power and authority.

According to Law 60, 1988, the surtaxes collected by public and semi-public institutions include the following:

- 3% surtax on built-in real estate tax, of net revenue.
- 10% surtax on telephone subscription and calls. This is collected by the Telephone Company.
- 10% surtax on electricity consumption fees being collected by Electricite du Liban
- 10% surtax on water consumption fees, collected by the water authority.

Concerning the revenues collected by the private institutions and transferred to municipal accounts, these include:

- 3% on insurance premiums, except for policies on life insurance. They are collected by the insurance companies
- 10% municipal tax on the use of mobile telephones. They are added to the consumer bill. (The cellular phone companies' revenues in 2003 exceeded 190 million US\$; 19 million US\$ of which should have been distributed to municipalities.)⁴⁷

The transfer of the amount collected by the different public or semi-public bodies takes place directly between the municipality and the relevant bodies. The public agencies are entrusted with the collection of these surtaxes, which in principle removes the problems of compliance and administration from the responsibilities of the municipalities. In reality, many municipalities face a major problem which is ensuring that these public agencies comply in transferring the money collected.

⁴⁷ Reported by the World Bank in 2003.

In reality, many municipalities have in the past collected a portion of their own revenues from the Ministry of Post and Telecommunication and Electricite du Liban, however, no surtaxes have been collected from the Ministry of Water Resources for water consumption. Moreover, the municipalities have no means of knowing the amount of money they ought to receive from the public agencies mentioned above. Generally, any amount transferred is welcomed as an extra source of revenues. Finally, the municipalities have no means whatsoever to force these public agencies to pay their dues. The unpredictability and discretionary transfer of surcharges prevent local governments from proper planning for their income in the municipal budgets.⁴⁸

iii. Loans and aids

Although local governments are permitted, according to article 86 of the law 118, to receive loans, the reality is quite different. In fact, municipalities are entitled to advances from their expected allocated share of the IMF (independent municipal funds). These advances are issued by the Central Bank at high interest rates following approval by the Ministry of Interior and Municipal Affairs. Moreover, municipalities are allowed to receive grants from private institutions and from municipalities of other countries but they are not allowed to borrow from commercial banks. In addition, any foreign aid sent to the municipality of Beirut is entrusted to the Council for Development and Reconstruction by the Council of Ministers.⁴⁹ In fact, the municipality has no say whatsoever in the allocation and use of the funds.

iv. Surtaxes and fees collected by the central government on behalf of all municipalities

Municipalities in Lebanon are highly dependent on statutory transfers from the central government since local taxes are not sufficient to meet local needs. However, central government transfers have become limited as the government claims to be heavily involved in

⁴⁸ Atallah: op.cit P:103-104

⁴⁹ Ibid

financing major infrastructure projects that are strategically important for the national economy.

The grant system in Lebanon guarantees, by law, local government a specified share of national revenues free of any conditions. In practice, however, the allocation of the grant system is plagued by political interferences. The intergovernmental grant is composed of 13 surtaxes and fees collected by the central government on behalf of all municipalities. The money is deposited in a fund known as the Independent Municipal Fund (IMF), under the authority of the Ministry of Finance. According to Law 60 of 1988 articles 86-99, the pool of the fund is composed of the following surtaxes:

- 10% surtax (progressive) on built real estate.
- 15% surtax on profits of commercial, industrial, and non-commercial professions.
- 10% surtax on the transfer of property of deceased individuals and on grants.
- 5% surtax on real estate registration fees.
- Other fees on liquid fuel.
- 3.5% from port fees, except on goods destined to embassies, consulates, etc. and those imported by land from Arab countries.
- 6% fees on insurance premiums, except for life insurance, collected by the insurance companies.
- 25% surtax on registration of cars and motorcycles.
- An average of 1.5% surtax on some imports including beer, wine, other alcoholic beverages, meat, fish, carbonated water, etc.
- 10% surtax, collected by the Ministry of Post and Telecommunications, on telephone subscription and calls outside the jurisdictions of the municipalities.

- 10% surtax collected by Electricite du Liban, on electricity consumption fees outside the jurisdictions of the municipalities.
- 10% surtax, collected by the Ministry of Water Resources on water usage value outside the jurisdictions of the municipalities.
- 5% surtax on cigarettes and tobacco products.

According to article 2 of the law 1917 of 1979, the Independent Municipal Fund should be deposited in the Central Bank in an account that belongs to the Ministry of Finance. Thus any withdrawal of money from this account requires the approval of both the minister of finance and the minister of interior.

The following expenditures determined jointly by the minister of finance and the minister of interior, are deducted from the Independent Municipal Fund account. These include:

- All salaries, compensation, and expenses for public works conducted by individuals from outside the interior ministry.
- Expenditures on equipment and work conducted in municipalities.

For a period of time, expenditures in both cases followed these procedures. Once the total amount has been allocated, it would be cleared by a grade three employee at the finance ministry and the Head of Accounting at the ministry of interior. The interior ministry would be then free to spend the amount transferred. Later on, this procedure has been amended whereby both the interior ministry and the finance ministry decide on total yearly expenditures, which are then transferred to the account of the interior ministry. The latter can then make individual withdrawals without the finance ministry's approval. Once all salaries

and expenditures on public works are deducted, the money in the IMF is distributed to the municipalities and municipal federations.⁵⁰

Distribution of funds: the theory

The money in the Independent Municipal Fund is distributed in the way outlined below:

Stage one: according to article 7 of the law 1917/1979, seventy-five percent of the IMF funds are to be distributed to municipalities and 25% to municipal federations.

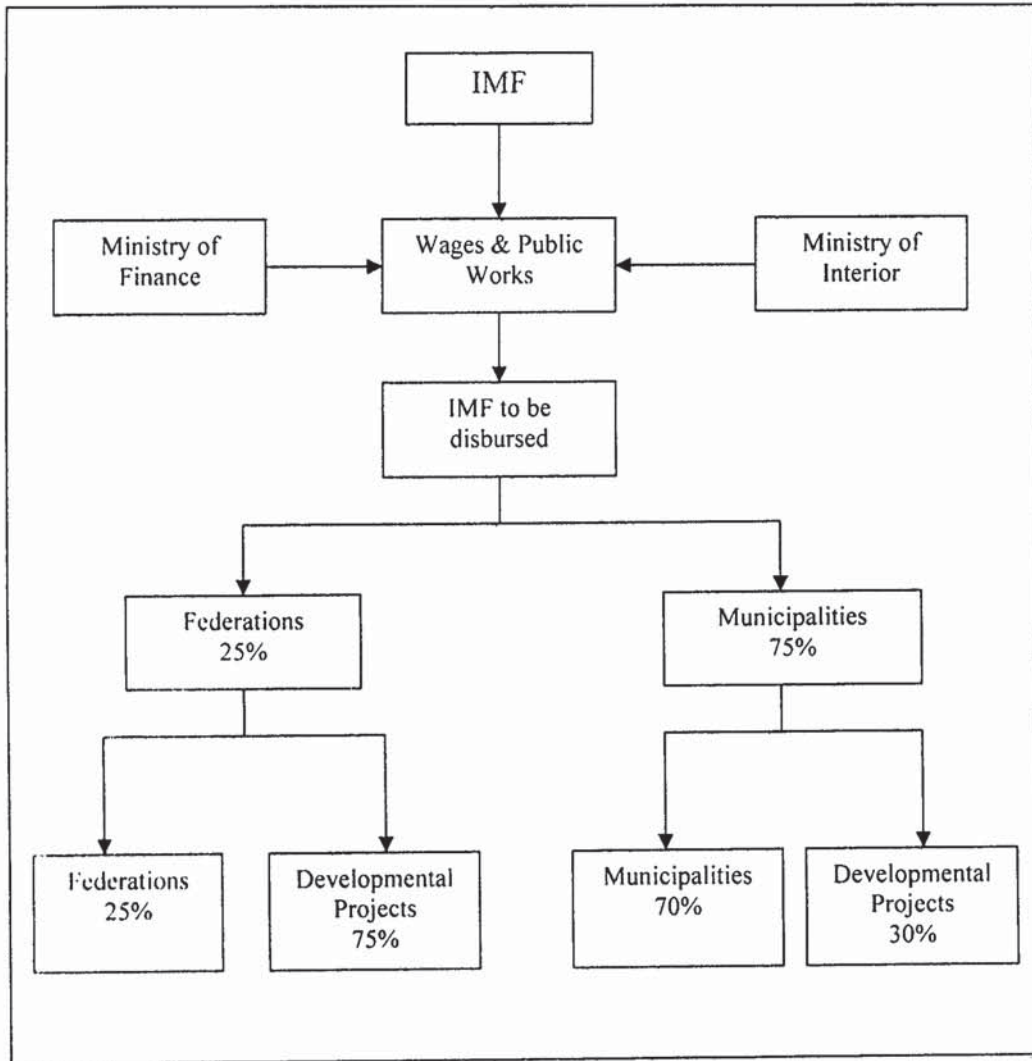
Stage two: according to articles 11 and 12, from the money distributed to municipalities, 70% are allocated directly to municipal governments to bolster their budget and 30% to development projects approved by the ministry of interior.

The money allocated to the municipalities is dispersed upon requests by the concerned parties in the municipalities, abiding by the accounting principles specified by the law. The government is authorized, according to article 13, to withhold any transfer of the allocated amount to any municipality that has failed to pay its dues to the federations it is a member of. This represents a clear violation of the municipality's role. Furthermore, the minister of municipal and rural affairs has the authority to transfer the amount allocated to the municipality in question directly to the municipal federation.

Stage three: according to article 8 of the law 1917, from the 25% paid to municipal federations, 75% are applied to developmental projects with complete feasibility studies once approved by the minister of municipal affairs, and 25% to specific municipal federations based on their registered population aiming at bolstering their budgets. The money must, of course, be approved by the minister of municipal affairs.

⁵⁰ Atallah: op.cit P:110

Figure 1: Distribution of the Independent Municipal Funds (IMF) according to the law



Source: Decree 1917 of 1979.

The reality of funds' distribution

While the law is specific when it comes to municipal funding, the distribution of funds assigned by law to municipalities suffers from three major distortions: reduction in the amounts of grants transferred to municipalities, inaccurate formula used for allocation of funds and violations in the disbursement of the money to the municipalities. (See figure 2)

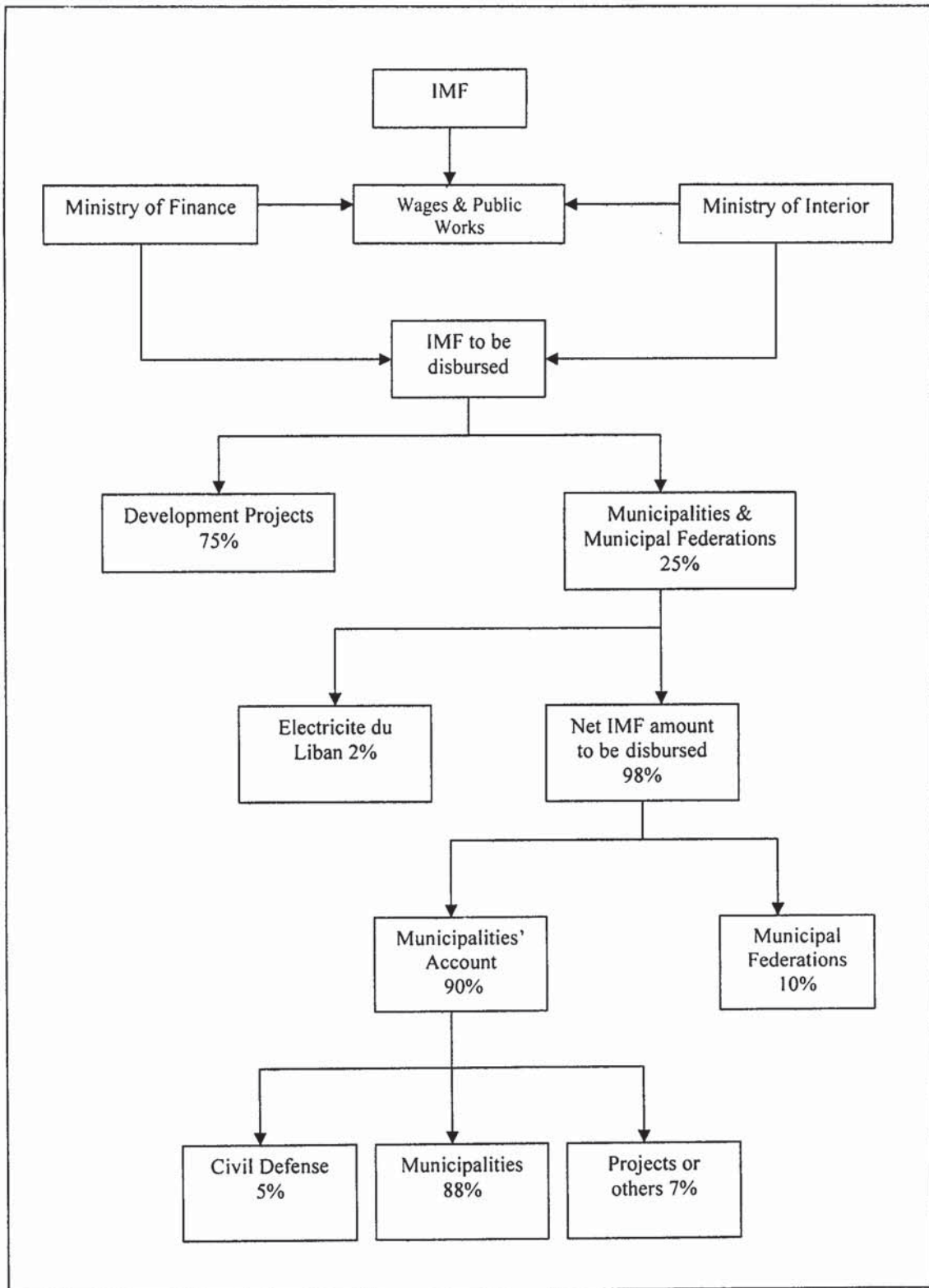
The finance ministry officials underline that the money in the Independent Municipal Funds is actually distributed according to the following formula:

After deducting salaries and expenses for public works, 75% of the funds from the IMF are distributed for developmental projects. The law 7425 of 1995 allows the Council of Ministers to entrust the Council for Development and Reconstruction (CDR), the Beirut Council for Large Projects, and other agencies with development projects, to be financed from the IMF benefiting all municipalities. The ministry for municipal affairs has often financed developmental projects in municipalities via the CDR or independent contractors. The remaining funds (about 25%) are distributed to municipalities and municipal federations according to a pre-determined formula, which takes into consideration populations and revenues.⁵¹

However, the ministerial decisions 8330 of 1196, 11461 of 1997, and 11462 of 1997 which have allocated the IMF funds for the years 1993, 1994, 1995, and 1996, respectively, show an interesting expansion. In fact, of the 25% allocated to municipalities and municipal federations, 10% were designated for municipal federations. The remaining 90% have been devoted to municipalities' 5% of which are paid for civil defense, and 7% for projects and contingencies.

⁵¹ Atallah: op.cit P: 112-113

Figure 2: Distribution of the Independent Municipal Fund (IMF): the reality



Source: LCPS 2002

In effect, the government has been using 75% of the IMF allocations to invest in projects undertaken by the CDR and other ministries with or without the permission of the municipalities. The remaining 25% are usually allocated to municipalities and municipal federations, knowing that the IMF is an account specified only for municipalities and municipal federations and not the CDR. There is a clear breakdown of the distribution of the amounts specified by law, whereby municipalities are receiving 25% instead of the 75% specified by law and municipal federations are receiving 10% instead of the 25%.⁵²

The formula used to allocate the IMF to the individual municipalities is based on registered population and revenues with the objective to equalize and balance fiscal capacity and encourage local government to mobilize their resources. However, the population factor is extremely doubtful to meet its intended objectives since many Lebanese have been either displaced or have emigrated during the civil war.

According to the LCPS most municipalities are not receiving the 10% from electricity, water and phone taxes, i.e. the municipality of Saida didn't receive the fees on phone bills since 1992 neither the fees on electricity since 1995 although the people of Saida pay about 95% of the levied taxes.⁵³

The total amount in the IMF is officially unknown. Even municipalities don't know the exact amount deposited in the IMF. This, as a result, hinders the actual determination of municipal budgets and future development plans. What is available is based on estimated amounts of revenues from the IMF and not on accurate amounts.

⁵² Ibid

⁵³ Dima Sader, researcher in the LCPS: "Achievements, barriers and challenges of municipalities in Lebanon" published by LCPS, 2002 p:64

All the above violations and inappropriate actions are hindering the roles of municipalities and shifting their importance. Local governments must have the autonomy to raise their own revenues efficiently and effectively for the sake of accountability and transparency. They must be able to determine their tax rates with flexibility being essential if a tax is to be adequately responsive to local needs and decisions, while remaining politically accountable to their citizens.

However, regardless of the mentioned difficulties and barriers, municipalities are establishing new mechanisms for development with some international assistance from UNDP, EU and USAID. In its drive to capitalize on the World Bank's experience and best practices in municipal development, the government is seriously considering the initiation of a municipal development project with the World Bank assistance. The EU, USAID and UNDP have also expressed interest in supporting the government in this endeavor⁵⁴.

The success of these municipalities then depends on their ability to overcome challenges and their ability to express themselves free from the inherent centralization of the bureaucracy. Unless local governments acquire a significant degree of freedom to alter the level and composition of their revenues, neither local autonomy nor local accountability will be meaningful.

⁵⁴ Arnaout: op.cit p:4

Chapter IV

Central vs. Local Governments

Given that the importance of local government lies in its ability to regulate the work of public institutions and serve the citizens, the main pivotal theme of this section revolves around the question why Lebanon continues to suffer from a deficiency in the relationship between the central and local authorities at times when decentralization, if practiced wisely, could be the solution to several political, economic and social problems challenging this country?

For a long time, Lebanon has flirted with the idea of decentralization and deconcentration with the latter, in many instances, dominating the former. Nevertheless, the municipal body in Lebanon became, in theory, the only form of local administration that “enjoys legal personality and administrative and financial autonomy within the limits defined by law.” (Law 118, article 1)

However, the presence of too many agencies and authorities controlling and supervising municipalities, the multi layers of administration, the duplicate responsibilities of the *muhafiz* and the *qaimmaqam*, along with too many fiscally not viable municipalities have all contributed to unnecessary delays, reduction in efficiency, lack of autonomy, unsustainable and ineffective local governments.

Agencies and authorities controlling and supervising local governments

Despite the legal personality and administrative and financial autonomy granted to municipalities by law, the government exercises both administrative and financial control over municipalities through various ministries and agencies.⁵⁵

1. Ministry of Interior and Municipal Affairs (MIMA). It is responsible for planning, budgeting, and approving municipal revenues as well as for providing technical and financial support to municipalities when needed. It is also responsible for organizing and

⁵⁵ These controlling agencies were reported by the LCPS: "دراسة ميدانية وتقييم للتجربة" العمل البلدي في لبنان: 2002 p: 114-116

supervising municipal elections, and for providing internal security. Besides, MIMA, through its *qaimmaqam*, exercises its control over the budget and its adjustments, the expenditures on contracts, the collection of revenues, the financial operations and transactions, and handles infringements or violations. The *muhafiz* and *qaimmaqam*, who exercise administrative control over the municipalities are supposed to report to MIMA on matters relating to these municipalities.

2. ***The Civil Service Board (CSB)***. The board oversees all municipal decisions that involve employees, administrative organization, and salaries in large municipalities. It is charged with the mission of guaranteeing the integrity of the merit system.
3. ***The Auditing Bureau***. According to article 1 of public law 82 issued in 1983 on the organization of the Auditing Bureau: 'the bureau is an administrative court, responsible for supervising the spending of public funds and those deposited at the ministry of finance'. The bureau has financial control over large municipalities, through both pre- and post-audits. The central government may also appoint a chief controller to control municipal finances.
4. ***The General Directorate of Urbanization***. The Directorate General of Urbanization is a unit of the Ministry of Public Works responsible for urban planning. Its authorization is required for any real estate or infrastructure development. In any infrastructure development, municipalities have to work under the permission of the General Directorate of Urbanization.
5. ***The Central Inspection Agency***. According to article 137 of public law 118, the Central Inspection Agency does not have the authority to oversee the activities of municipalities. However, the Ministry of Interior often delegates this authority to the agency. The Central

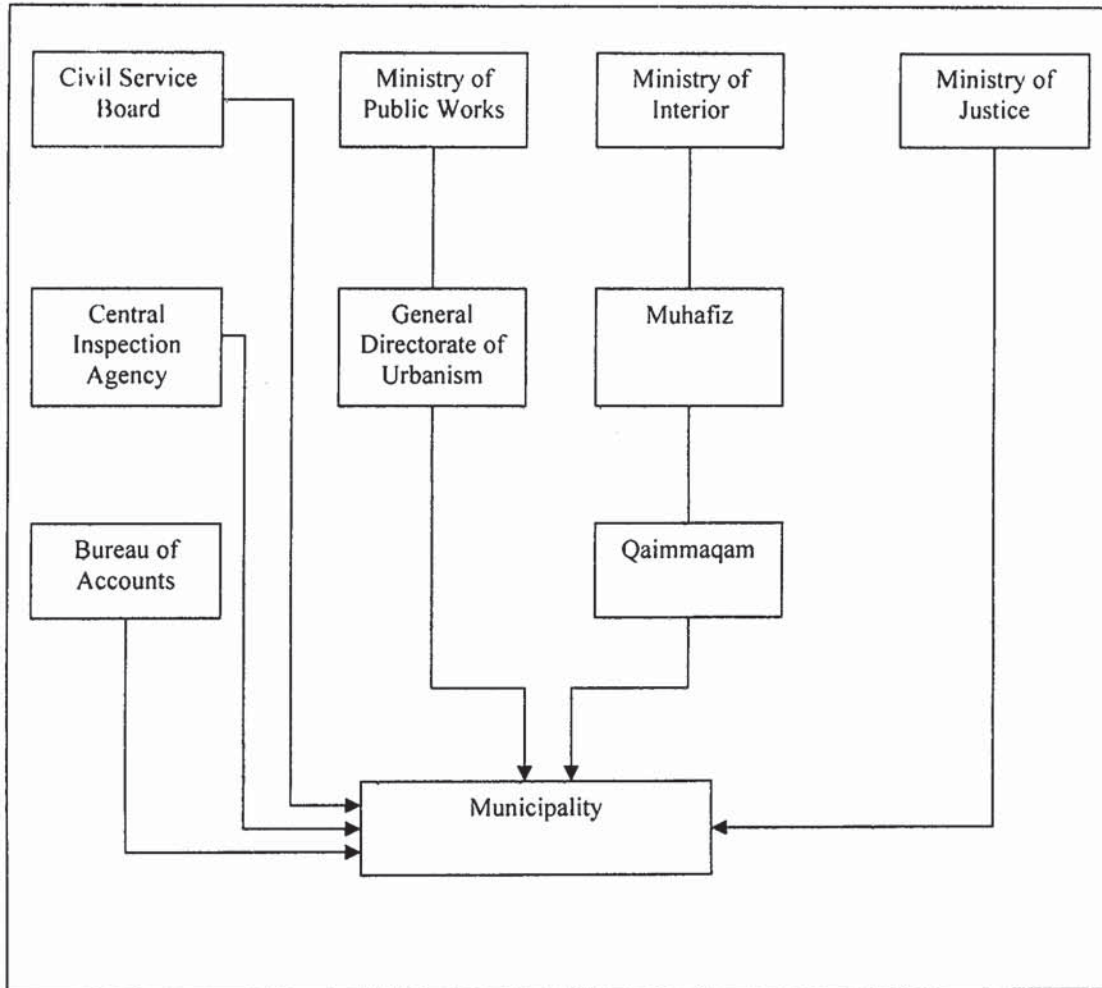
Inspection Agency, acting as a watch-dog agency, is charged with the mission of monitoring the compliance with procedures and the rule of law on the part of public administration employees.

6. **The Ministry of Justice.** In practice, the Ministry of Justice has a negligible role in municipal affairs. The control of the Ministry of Justice is restricted to a single issue in financial control that is conciliation between the different sides, whether they be municipalities between each others, municipalities and federations or municipalities and central authorities, unlike the financial control exercised by the Chief Controller or Auditing Bureau:

a. **The General Financial Delegation.** This new control system over the fiscality of municipalities was created by the decree 137 of 1991, stipulating the creation of a *General Financial Delegation* at the *Court of Cassation*, subject to the authority of the *Public Prosecutor*, and responsible for dealing with infringements related to tax laws whether governmental or municipal, in relations to custom duties, fees on telecommunication, fees related to public institutions and municipalities.

b. **The Committees of Objections.** These committees enjoy a judicial character. The president of each committee is a judge, appointed by a decree, responsible for studying the complaints presented by the taxpayers, thus representing an indirect control over the legal validity of the municipal taxes.

Figure 3: Agencies and Authorities controlling and supervising local governments:



Source: LCPS 2002

The great difficulty lies here as these regulations and laws are too rigid and uniform and thus do not allow for flexibility based on the principles of capacity and capability. This should not be considered as a call to suppress any control over municipal work, especially when control differs from the currently practiced trusteeship. Control must be executed in a way not to block the work of municipalities but to monitor it. The central government must respect and protect the autonomy of municipalities as long as it doesn't harm the national unity or infringe upon the basic duties and powers of the central government.

It is necessary to note that decentralization doesn't mean absolute separation between local and central governments powers. Decentralization doesn't mean subordination to central government authority; it neither means absolute local autonomy. It is not subordination in the sense that the relationship between local governments and the central government is one of subjugation, whereby the central government does assert a hierarchy of strict authority over the administrative work of local governments. Neither is it absolute local autonomy, because local governments are not totally independent and separate states that enjoy free governmental, legislative, executive and judicial authorities.⁵⁶

The question to ask, therefore, is whether municipalities are unqualified to undertake any meaningful projects by themselves! The application of trusteeship means that local authorities are incapable of doing their work properly or not doing it at all; thus the central government is doing the job on their behalf. This must not be permitted because locally elected leaders are entrusted by their constituents and tend to know their needs better than the authorities in the central government, and hence should be well positioned to provide the public services meeting local residents wants and needs.

Moreover, the freedom or autonomy of municipalities shall be given double guaranties: legal and judicial. The legal guarantee means that there is a clear law stating clear jurisdictions and indemnities, thus neither the *qaimmaqam* nor the *muhafiz* would have the authority to interfere or block the work of any municipality as long as it is within the law. The judicial protection on the other hand, gives municipal councils the ability to go back to the court to sue any side that tries to interfere in their work, especially when it is being done according to

⁵⁶ Khaled Kabbani: 'Decentralization and its applications in Lebanon' published by Mediterranean and Owaydat publishing in 1981 p:93

the law. In case of any violation by the council, the guilty would be punished by law and the courts not the trustees.

The relationship between central and local authorities

There is a clear lack or maybe negligence among bureaucrats about truly understanding the local role of municipalities; for how could a civil servant appointed by the ministry of interior interfere in the work of elected councils and lead them? In this context, a conflict of jurisdictions does occur between central government agencies and employees (the *muhafiz* and *qaimmaqam*) on one side, and the municipal councils on the other, whereby the wide jurisdictions given by law to municipalities are annulled in the presence of such barriers and imposed supervision over the work of municipalities by the central government. More commonly, local authorities seem to be agents of the central government that execute centrally taken decisions without being able to share or participate in making their own decisions. Their responsibilities mainly consist of managing personnel and distributing resources that are already allocated by the central Government.

According to articles 105 to 107 of the law 5595 of 1982, the *qaimmaqam* approves all expenditures requested by the president of a municipal council, monitors any adjustments to municipal funding and taxation, and endorses the municipal budget. The *qaimmaqam* also transfers the information on municipal transactions to accounting records for prior approval, these include:

- Transactions or projects exceeding 75million LBP.
- Services transactions which exceed 5 million LBP.

- Consent to agreements including rental contracts, which exceed 50 million LBP.
- Grant and aid transactions which exceed 15 million LBP.
- Settlements which exceed 15 million LBP.

In the case of larger municipalities, spending exceeding 75 million LBP must be approved, additionally, by the Auditing Bureau and all decisions related to salaries and employees compensations must be approved by the Civil Service Board. In these larger municipalities, the bureau also has the right to conduct post-audits. The decision to place a municipality under the supervision of the Auditing Bureau is taken in the Council of Ministers and formalized in a decree. There exists a specific criterion (measurement principles) for municipalities to be subjected to the bureau's supervision.

Moreover, the *qaimmaqam* approves the opening and transferring of credits and loans, while both the *qaimmaqam* and the *muhafiz* have to approve the annual budget of a municipality. The ministry of interior can ask the Central Inspection Agency to audit any municipality. Also the Ministry of Justice can be involved in financial control of municipalities through the General Financial Delegation at the Court of Cassation, which is subject to the authority of the Public Prosecutor, or through the Committees of Complaints that examine complaints filed by the taxpayers⁵⁷.

The above practices, effectively, eliminate any autonomy the municipality might have in terms of spending and even collecting or disbursing revenues because when it comes to revenues, the *qaimmaqam* settles municipal transactions and transfers all required information to the Auditing Bureau for administrative pre-auditing. This generally includes all details of

⁵⁷ LCPS: op.cit p:95

revenue transactions when the value exceeds 5 million LBP, or real estate transactions when the value, again, exceeds 5 million LBP.

In a country that lacks all kinds of economic, political, sectarian and even social equilibrium, the central government must not undermine the role and importance of local governments in maintaining at least social and economic equilibrium. How could democracy and popular participation be achieved at times when the central government through its several ministries or developmental agencies such as the CDR, gives itself the right to invest in development projects within areas under the jurisdictions of the local government? Furthermore, the central government finances these projects from the Independent Municipal Fund (IMF), a fund that collects taxes and fees to be distributed for all municipalities, with or without municipal coordination or approval⁵⁸. This means that the projects are actually indirectly financed by the local government but chosen and implemented by the central government that, as a result, would be confiscating revenues assigned to the local government by law and imposing on it projects designed and executed by the central government.

Additionally, even in the case of local initiatives, many projects within the jurisdiction of the municipality are managed by other central government ministries most notably the health, education, public works, social affairs, energy and water resources, agriculture and environment⁵⁹.

Such self initiated assignments by the central government, do cause several problems: First, undergoing projects without municipal coordination or approval are inefficient because they do not necessary meet the preferences of the local population. Second, as long as the local

⁵⁸ LCPS op.cit p:94

⁵⁹ Ibid

government is not involved in the approval and implementation of the project, a moral hazard problem within the municipal council will very likely arise. As a result, what is the need for local representatives if they are not the actual decision makers and have the power and ability to build and maintain the facilities serving their citizens? Third, undertaking projects on the behalf of municipalities and financing them from the Independent Municipal Fund, is unlikely to result in meeting taxpayer's needs and preferences, by contrast it destroys the concepts of transparency and accountability considered as essential conditions to fight waste and corruption.

Lebanon can never be administered from a distant center, taking into consideration the democratic and enthusiastic nature of its citizens. Since dialogue and participation between the citizens and the government can be best practiced through local representation it is unfortunate to see that clear lack of duties and power assignment and coordination between the central government and municipalities.

In his investigation of the current relationship between the two authorities, Sami Atallah⁶⁰, being a consultant at the ministry of finance, mentioned four major principles that should govern the assignment of functions between central and local governments: One, the responsibility for the provision of services should be at the lowest level of governmental bureaucracy compatible with the size of the "benefit area" associated with those services. In other words, the functions should be assigned to that government, whether central or local, whose jurisdiction falls closely to the geographical area of benefits. Two, services should be provided by that government that can deliver those services in the most efficient and effective way possible. Three, the functions should be assigned to jurisdictions that have adequate

⁶⁰ العمل: A consultant at the Ministry of Finance and an Instructor at the American University of Beirut, LCPS: العمل البلدي في لبنان: دراسة ميدانية وتقنيّة للتجربة P:108

fiscal capacity to finance the public services as well as can effectively manage them. Fourth, the functions should be assigned to governments that are accessible to their residents in performing the function and that provide an opportunity to maximize citizen participation in the delivery of the services as well as in being accountable to the local citizenry.

Before specifying the responsibilities of both authorities, the central and local governments, a distinction between decentralization and deconcentration is mandated to eliminate the confusion made often between these two concepts. First, deconcentration is the transfer of decision-making powers from the central government to its own appointed local agents (in Lebanon's case the *qaimmaqam* and the *muhafiz*), which means that in principle the decision-making remains at the center, transmitted and implemented by officials of the central government. Decentralization by contrast is the transfer of power to officials elected by local populations. In other words, decentralization involves the management by the citizens themselves and their elected officials, of matters that concern them in their daily life. Furthermore, deconcentration happens in dictatorial societies ruled by the central government, while decentralization is a prerequisite in democratic societies. For decentralization to be fully applied, several conditions such as the moral personality, decision independency and financial autonomy, have to be considered.⁶¹

From this clarification, it is possible to conclude that deconcentration and decentralization are two distinct processes. To get to decentralization in the strict sense of the term, it is necessary to put in place a new configuration of responsibilities between national institutions and their regional or local units. In other words, functions and resources must be distributed evenly between the different levels of the national and local governments. These practices can lead to

⁶¹ Conference number 17 held by the NDU *البلدية سلطة محلية ومشاركة مدنية في القانون والممارسة: سلسلة الشأن العام في قضايا* الناس, the presentation of the representative Kamil Ziadi p:70-71

effective administration and local democracy by granting new autonomous jurisdictions at the local level, removing the supervisory role of state representatives, instituting legal administrative control, freeing the elections from political rivalry and transferring sufficient financial resources to local bodies to carry out assigned functions. The central government must remember that larger concentrations of economic, financial and administrative power increasingly endanger democracy, as well as the social foundations of the society.

Delays in the implementation of decentralization

The delay in the implementation of decentralization is mostly due to political reasons. Support within the central government for decentralization is uncertain. In principle, political leaders in the developed and democratic world, support decentralization to modernize the central government and improve both efficiency and accountability, but the implementation remains often uncertain. In the developing world, there is, at best, an effort for deconcentration, which consists of a regional representation of the central government, thus increasing the number of central government employees.

In fact, it is not at all surprising to notice that every serious step heading toward the adoption of an administrative decentralization law has been met with heavy political criticism. Speaking to the Daily Star⁶², the legal expert Ziad Baroud relates the reasons why the principle of administrative decentralization is not so popular among Lebanese politicians, to these reasons: *If adopted, such a law would deny both the central government and the members of Parliament a substantial part of their resources and power to the benefit of local and regional councils. Another reason is related to the implications it could have at the level*

⁶² Alia Ibrahim, Daily Star staff.; 'Decentralization: forgotten Taif principle' Daily Star sep 9,2003

of elections, since according to Taif, parliamentary elections are supposed to be held at the level of the governorate (muhafaza).

In this regard, some mayors in large villages and towns could get 20,000 votes. This in turn might encourage them to run for the parliamentary elections, and maybe jeopardize the chances of the traditional politicians' influence in those regions and their seats in the parliament.

Dr. Farid el Khazen, in his presentation in the Lebanese parliament regarding administrative decentralization, related the denial or delay in the implementation of decentralization to several reasons connected to the confusion made between decentralization and deconcentration among politicians and the public. The perception that centralization protects government's interests while decentralization doesn't, the implications decentralization could have at the level of elections and the lack of connection between political decisions on one hand and economic, administrative, security and military decisions on the other, do creates a negative understanding of decentralization that doesn't lead to united decisions⁶³. Others believe that decentralization would negatively contribute to partition in the country since Lebanon is too small to be divided. They also fear that decentralization would weaken the central government and focus on the empowerment of local governments⁶⁴.

Ignored Taif Principles

The implementation of administrative decentralization stressed by the Taif, as one of the stipulated reforms, has not been the priority of successive governments. While most

⁶³ Dr. Farid El Khazen: "Administrative decentralization and Local Development" 2003 p:34

⁶⁴ Paul Salem: "Administrative Decentralization in Lebanon: challenges and applications" 1996 p:140-141

politicians from different backgrounds agree on the importance of decentralization as a way of reducing corruption, poverty and promotion of social justice and accountability, very few have in fact encouraged a practical implementation of this principle for the reasons mentioned above.

Other than decentralization, some reforms have been implemented after the Taif was signed, such as ending the war, establishing internal peace, restoring to government institutions their roles and authority, writing the army as it gains strength, and stopping economic deterioration. Still, much has to be done to face a serious national financial deficit and economic stagnation⁶⁵. However, the Taif Agreement was and continues to be implemented on selective basis in the absence of a true balance between the political and religious internal forces.

The general Principles of the Taif agreement regarding administrative decentralization are:⁶⁶

- a. The State of Lebanon shall be a single and united state with a strong central authority.
- b. The powers of the governors and district administrative officers shall be expanded and all the central state administrations shall be represented in the administrative provinces at the highest level possible so as to facilitate serving the citizens and meeting their needs locally.
- c. The administrative division shall be apportioned in a manner that emphasizes national fusion within the framework of preserving common coexistence and unity of the soil, people, and institutions.

⁶⁵ Hasan Krayim: "The post-Taif state and implementation of the Agreement" published by the American University of Beirut 2003 p:3

⁶⁶ The Taif Agreement, see annex I.

- d. Expanded administrative decentralization shall be adopted at the level of the smaller administrative units (*qadas* and smaller units) through the election of a council, headed by the district officer, in every district, to ensure local populace participation.
- e. A comprehensive and unified development plan capable of developing the provinces economically and socially shall be adopted and the resources of the municipalities, the unified municipalities, and the municipal federations shall be reinforced with the necessary financial resources.

However, as the legal expert Ziad Baroud stated, the way the article about decentralization was written in Taif opens room for a *scientific legal controversy* concerning the practical meaning of the text. The document has specified regulations that were supposed to constitute “*a starting point to any legislative amendment tackling administrative organization in the country*”. However, only the last point of the Taif is in fact directly related to decentralization. The first point in this section strengthens the central government. The second point broadens the jurisdictions of the governor and the *qaimmaqam*; this point would be relevant to administrative deconcentration, and not to that of administrative decentralization.

The third point make it unclear whether administrative divisions should be preceding other reforms, or whether it would be possible to extend the jurisdictions of the governors and *qaimmaqams* under the current administrative division.

In fact, the decentralization debate is both general and often imprecise. Arguments for and against decentralization are usually related to its effect on the quality and efficiency of both government and social interaction. In Lebanon however, it is an issue of protecting personal or communal interests. There is a common belief that a centralized government is more suited

to countries characterized by unstable economic environments, vulnerable to international fluctuations, inflation, debts, costs and controls and bearable to ensure macroeconomic stability through fiscal and monetary policies. Tightening fiscal policies and increasing taxes in order to service increasing debts would be costlier and difficult to manage in a highly decentralized system where the central Government does not have full access to the revenues or resources of the local government⁶⁷.

According to a study carried out by the ESCWA regarding decentralization in East Asia⁶⁸, the limited success that most countries in this region have had with decentralization thus far raises important questions as to the relevance to the decentralized region and the sustainability of the programs that have been adopted. Throughout the region, administrative, fiscal and political aspects of decentralization have not been undertaken as simultaneous and integrated processes, but seem, rather, to be pursued disjointedly and with a variety of objectives.

Failure to implement political decentralization, in particular, is largely responsible for delaying fiscal and administrative decentralization. Internal motives for decentralization, including the need to improve the manageability of ever-growing cities and modes of urban and national governance, are intertwined with external factors. Prime examples of such factors are the changes in the global economy and information technology that are affecting every country in the world. Such conditions do increase pressure on governments to rationalize public expenditures and streamline complicated bureaucracies, redefining in the process the role of the central government that will no longer be a direct provider of goods

⁶⁷ Economic and Social Commission for Western Asia: 'Decentralization and the Emerging Role of Municipalities in the ESCWA Region', February 2001 p:3

⁶⁸ESCWA op.cit p:6

and services, but will indirectly support and monitor the provision of services by other agents, including government lower levels, municipalities, the private sector and NGOs.⁶⁹

This change of development approach is the essence of the “enabling” strategy. Local governments are called upon to expand the range of their work and functions and become partners in development. However, the manner in which guidelines and policy orientations are interpreted in national and local contexts leaves much room for maneuver by the actors involved and, in particular, the central Government, which usually decides the terms for partnership and exerts significant control through the monitoring of service delivery, intergovernmental transfers and control over fiscal policies.⁷⁰

The case in Lebanon is not exceptional, especially that the study includes Lebanon being a country in East Asia. Above all, there is a clear lack of socio-political forces and leadership in Lebanon that can fully implement decentralization, leading the nation towards a more democratic system. Our socio-political coalition does not have an agreed upon program because it includes contradictory visions and interests and intensified confessional conflicts and divisions leading to the paralysis of the political and administrative developments.

The mechanism to revitalize this relationship

Redistributing power between the various levels of the government, government agencies and actors of civil society, makes the debate on the relations between central and local government highly relevant.

⁶⁹ Ibid

⁷⁰ Ibid

Usually, local governments are designed to enrich the political life through facilitating public participation, transparency and accountability in the government at the levels at which it is most appropriate. However, in Lebanon, only large municipalities are able to provide sophisticated services, while the smaller ones are not. If so, who will step in: The central government, a regional administration or local government federations? The questions remain about what can be achieved, how to set up priorities, and how to finance responsibilities?

From the citizen's perspective, the central government is often too distant to accurately understand and respond to their local needs. Thus, a separation between local needs provided locally and national needs provided nationally is crucial for purposes of co-ordination and reasonable equilibrium in service provision. The law in Lebanon makes service delivery a main local function, but it is still seen as primarily a central government function. What then should be delivered at the local and national levels? How should the two authorities deal with each other? And how to distribute taxes if there are three tiers of government, local, regional and national?

In this context, there is a need for a new clear and precise distribution of responsibilities among the national and local levels of government. In order for local governments to execute their functions effectively and efficiently, they need to have an appropriate combination of administrative and fiscal powers, even some legislative functions. In addition, while the central government has a role to ensure equitable redistribution of resources from poor to rich regions, it is equally important for local governments to coordinate development and eliminate inequalities in their own areas of jurisdiction.

It is imperative to have ongoing negotiations over planning and resource allocation between central and local authorities. At the same time both authorities could collaborate in securing the objectives of the constitution, particularly in relation to guaranteeing basic freedoms, securing social advancement, and promoting religious, cultural and human rights. Cooperation with the central authority, however, does not mean being subjugated to that authority. Local bodies must retain their right to criticize state actions, to demand improved performance, to make proposals and even implement reforms.

Specifying the responsibilities of the central and local authorities

Some further national debate and dialogue are required to establish a clearer grasp of exactly what powers the local governments should have. Taking into consideration the financial troubles of the central government and the burden municipalities could impose on it, what is probably needed is a revolution in terms of looking at municipalities and the decentralization process as a way to make the central government more efficient in performing what really nationally matters⁷¹.

Local governments, as specified by law, are responsible for several functions and service provision (articles 47-55, law 118/1977). Everything that has local concern must be under the jurisdictions of the municipal council in addition to all other matters delegated to it by an act of parliament. A large proportion of taxes are collected at the national level. However, to accommodate a more substantial, profitable and effective decentralization process, the transferring of equitable portion of the taxes to local governments should take place.

Decentralization starts with a fiscal decentralization policy that must first determine the expenditure assignments, or the functions and responsibilities municipalities must undertake. This ought to be complemented by administrative decentralization. Expenditure assignment

⁷¹ Kamal Shehadi and Rana Ziad Houry: "Municipalities in Lebanon" published by the World Bank in 1997 p:1

should thus be followed by the disbursement of taxes and fees that local governments must levy to finance these responsibilities. And finally, the gap between the expenditure and revenue assignments would be covered by the intergovernmental grant system.

The central government, by contrast, would be responsible for functions that have a national concern such as external trade, defense, foreign affairs, criminal and civil cases. Moreover, it has the exclusive power to make laws and to confer the authority and establish the agency by means of which such areas of government are administered. Examples of such areas are Foreign Affairs, finance, Defense, Internal Security, Constitutional Affairs and the Administration of Justice. All these are matters that fall within the realm of the central government and are functions deemed inappropriate for local governments. However, in many instances, some functions should be shared between different levels of government. They can both work on matters that directly or indirectly affect local democracy, environment, social campaigns and especially achieving balanced development.

By development we mean, the creation and maintenance of conditions under which human beings can live their lives in dignity and security, realizing their potential to the fullest extent possible. Development cannot be achieved through imposed policies from the top. The healthy growth of municipal government authority, motivation of municipalities and protection are all necessary processes for achieving the goals of balanced development.

After a clear assignment of functions, considerable national controls are needed to be exercised over the overall fiscal system; but this doesn't mean that they should eliminate the role of local governments. It is important to reconsider in this context the presence of the *qaimmaqam* that is an inherent traditional unneeded position. The M.P Michel el Morr recommended that the government merges the two controllers, *qaimmaqams* and governors in

one post called the president of administrative region, which could help freeing municipalities from multiple levels of control⁷². Moreover the central government must apply self-governance strategy that is able to apply the following concepts: free and fair elections without political interference, freedom of the press, protection of civil liberties, respect of political rights and transparency in laws and policies.

The government is encouraged to reactivate the Lebanese Association for Democratic Elections (LADE) for the benefits it offers. The association works to enhance democracy, justice, freedom, and objectivity of elections in Lebanon irrespective of its nature. The association places particularly much emphasis on the following targets of studying the electoral systems and laws monitoring the electoral processes to ensure its compliance with the principles of democracy and the criteria that guarantees the fundamentals of freedom and justice and their compatibility with the international treaties and laws that Lebanon has signed, thus enlightening the citizens on their rights and duties as far as the elections are concerned. To achieve these targets, the association organizes diverse activities including seminars, lectures, training workshops, issuing declarations and bulletins, periodical publications as well as monitoring the elections process.

In addition to the above, there must be a proper legal framework that holds officials accountable, achieve autonomy from the central government, create formal and explicit municipal links to the central government, and clarify central-municipal understanding of general development directions, managerial and administrative resources.⁷³

⁷² conference number 17 held at NDU 1998: 'local governments and civil participation in theory and practice' p:21

⁷³ Ibid

Regarding the local authorities, members of municipal councils as well as presidents must be informed and trained to understand the need for performing urgent projects like giving due importance to environmental sustainability and natural risk reduction and mitigation in their definition and implementation of local building and development programs. They must have access to the means to measure and evaluate the long-term impact of their decisions.

Decentralization should above all go hand-in-hand with sharing powers. Governments cannot promote and facilitate development unless they act consistently on the basis of an absolute respect for the local peoples who are the masters of their present and future lives. Taking these points into consideration, the government will not only achieve sustainable results, but promote the principles of democracy and human rights that should constitute the prior objectives. In this sense, if the priorities of the development can be set in a participatory manner and if mechanisms for transparency and accountability can be established, authentic participation will be achieved since a participatory society is the principal safeguard for effective and legitimate democracy.

Decentralization, furthermore doesn't only concern central and local governance institutions. It also concerns the relationships these institutions share with the civil society as well as non governmental organizations. What do people expect from their government, how do they evaluate their role and participation in local affairs and what is the expected role of NGOs in achieving balanced development are all questions addressed in the next chapter.

Chapter V

The Civil Society: Participation & Good Governance

As presented in the previous chapters, the fiscal and administrative framework to manage urban growth and support local development in Lebanon is still facing serious challenges that could undermine the benefits of the reconstruction and developmental programs. It is not however, the responsibility of the government alone to achieve development, it is also that of a number of parallel structures such as the civil society, civil institutions, non governmental organizations NGOs, private voluntary organizations PVOs, local advocacy groups, universities and private sector institutions. All of which would be grouped to assist municipalities as well as the central government to create a sound governance framework.

Hence, a developmental strategy that focuses on community participation in decision making, private sector involvement in service provision and the improvement of municipal management systems including revenues and cost recovery should be encouraged by the central government. In reality however, there is a complex relationship between central and local authorities, decentralization, democratization and empowerment of citizens and societies.

This chapter focuses on the citizens' participation as a positive approach to development that is designed to enhance sustainability and self-reliance, and to achieve social justice through improvements in the quality of people's participation.

The Civil Society in Lebanon

The civil society is the network of civic⁷⁴ and social organizations or institutions that form the foundation of any functioning democracy.

⁷⁴ Civic society: is a society that is organized independently from the state and upon its own free will, which has jointly accepted and adheres to democratic values, develops a stable attitude towards the state and politics, is aware of its strength and knows how to protect its interests. The economic basis for a civic society is a regulated market economy and diverse forms of ownership, and the political basis is citizen's participation in state and public affairs.

Another definition for civil society is offered by the London School of Economics, the centre for Civil Society working as: *'Civil society refers to the arena of non coercive collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group'*.

The Lebanese society is confessional in nature. It is divided into nineteen officially recognized religious sects, where each sect projects its own objectives in its civil society. This confessional nature often reflects the tension at the heart of this society.

While Muslims and Christians have lived together in Lebanon for centuries, their deep disagreements over the Lebanese confessional political formula and the difference between them regarding the role of religion in state affairs make it hard to perceive Lebanese as members of one socially homogeneous entity. The civil war played a main role in further separating confessional groups and widening the gaps between them, whether in political parties, places of residence, schools, media outlets, and even workplaces.

Moreover the political system in Lebanon has somewhat reinforced sectarian identification and consciousness. The tendency of the individual Lebanese to identify with his/her sect as a major political unit, has characterized the sectarian composition of political parties. The interplay for position and power among the religious, political, party and groups leaders

produces a political tapestry of extraordinary complexity⁷⁵. Regrettably, this has undermined and counteracted the effectiveness and sustainability of development projects and of development itself.

Even though there is a lack of regular interaction across sectarian lines to facilitate the exchange of views and promote understanding, many professional associations and advocacy groups attempted to cross confessional lines favoring the integration of a national Lebanese civil society.

The relationship between the civil society and the government

The relationship between the civil society and the government in Lebanon is an intermittent relationship characterized by corruption, complaints and mistrust. On one hand, identities, whether religious or territorial, within the civil society remain autonomous from the state as they collectively develop their own rules. On the other hand, the civil society and the state are not totally separated since the units of the civil society seek inclusion into national political structures.

Lebanese citizens of all backgrounds are complaining about the poor performance of the bureaucracy. The two major complaints are: first, the overwhelming presence of favoritism in the political and administrative bureaucracy and second, the lack of ethics and corruption among public employees. Favored clients of *zuama* often hold important positions and could not be fired from their jobs, in spite of their incompetence. Given, in addition the low pay of many public positions, it is not surprising that government employment did not attract skilled candidates, thus many civil servants are prone to accepting bribes and spending only few hours at their office so they could catch up with a second job in the private sector.

⁷⁵ UNDP: POGAR (Program on Governance in the Arab Region): "country index: State- Civil Society Relations: Lebanon" 2004 p:1

Concerning corruption in Lebanon, it has reached alarming levels. Even routine transactions, such as registering a vehicle, obtaining a license, executing a transaction and others require the payment of a bribe. In this context public outcry increased supported by the media, particularly newspapers as well as other print media but to no avail yet. Other public complaints were voiced by opposition members inside and outside the parliament, associations of bankers, industrialists, intellectuals and thinkers.

The corruption in the delivery of public services is above all the result of the over centralization and lack of suitable information systems required for effective review of the behavior of bureaucrats. All these practices have contributed to a clear lack of transparency and accountability. Furthermore, the continued weakness of institutions, marked by civil strife and the absence of political democratic pluralism, brought the whole issue of the sustainability of recovery into question. Increasingly in these circles, good governance has been the missing major ingredient in the reforms undertaken thus far.

Therefore the relationship between citizens and their government in Lebanon seems to be distorted. People are not only complaining about corruption and favoritism, they are also complaining about the lack of democracy and lack of respect to human rights. They lost their trust in their government that uses its security forces, not to protect them, but to prohibit them from protesting, to intimidate and oppress them. This relationship takes us back to the central-local relationship discussed in previous chapters. The central government can't continue in using the current absolutist top-down approach in dealing with its citizens and local governments. If development is to be achieved, the government must motivate and move people to play a role in their society's development.

The paradox here is that despite the clear lack of confidence and the low respect which most Lebanese have towards the bureaucracy, their willingness to deal with it in the prescribed manner contributed greatly to its survival and non-reforming state. This behavior makes the citizens guilty parties in this corruption process. The citizens must not forget that they have the first duties towards their society and are responsible for the change. What is lacking in Lebanon as mentioned by the World Bank is *effective civic education*.

*"People keep on talking about their rights but they don't talk about their duties and this is very dangerous, because it's creating a generation that believes only in asking for rights but never in fulfilling their duties such as paying taxes, respecting road signs, keeping the environment clean, being loyal to their country and participating in elections. It's a very practical way to teach kids what a bribe is, what the Central Bank is and why I have to pay taxes."*⁷⁶

People should consequently be willingly involved in a wide range of developmental activities, as agents and beneficiaries of development. They should respect laws and try to abide by them. They should be concerned with environmental issues and responsible for their environmental attitudes and behaviors, especially when it comes to forests, shores and other natural sites that represent treasures for Lebanon. The problem of solid waste disposal, which reached alarming levels, is the responsibility of every member of the Lebanese society. Municipalities and the central government are slowly trying to deal with this problem i.e. fifty-five municipalities in the Beqaa region participated in 'Solutions for the Waste Management Problem', in a meeting organized by the Beqaa Governorate, State University of New York/Center for Legislative Development (SUNY/CLD), and the Young Men's Christian Association (YMCA) in October of 2003. The meeting stressed the need to improve the

⁷⁶ Shehadi and Houry op.cit p:1

financial, administrative, and technical capabilities of municipalities in establishing the critical foundation needed to implement environmental protection projects such as those for proper waste management.⁷⁷ Yet the actual outcome is almost null.

The citizens' expectations from their government

Lebanese citizens like every human being want to live in peace and dignity. They want to participate in the decision making process and choose the bureaucrats they deem competent not those who are imposed upon them. That's why there is a wide call for free and fair elections and for a full implementation of decentralization.

The main argument for decentralization is that it allows for greater citizen participation enabling decisions to be taken at the level closest to the people through extending representative politics to lower social levels. Decentralization could also be democratically significant as it ensures the contribution of a wider segment of citizens, especially in rural areas, thus preventing the concentration of the decision-making power in the hands of central government officials. Thus a logical consequence of a strong civil society is the decentralization of the state power, the delegation of power to local governments, the encouragement by NGOs in a pluristically democratic society. In Lebanon, unfortunately, this is not the case because decentralization has not been fully implemented and municipalities are not empowered to effectively serve their citizens.

Real or fake democracy

During the two decades preceding the 1975 civil war, many Western scholars referred to Lebanon as the "most stable democracy" in the Arab world. This democratic experience was brutally interrupted by a prolonged civil war (1975-1990) and the dominance of military

⁷⁷ Lebanon Relief and Redevelopment Project: Government Institutions Strengthening Component Local Government and Parliament Project. By Mahmoud Batlouni, Lebanon Country Director, Center for Legislative Development Albany, New York. Published by SUNY in 2004. p: 11

dictatorship. Salim al-Hoss described the system as having “*plenty of freedom but suffering from a lack of democracy.*” In other words, democracy is deficient as a system because equal opportunities for citizens as well as political accountability and political responsibility of officials and institutions are lacking.⁷⁸

Following the end of the civil war in 1990, the presence of Syrian troops and the interference of its intelligence groups in the country’s daily affairs have been viewed by the opposition group as well as most citizens as a bottleneck for the development of the country as well as a block for local democracy; for the Lebanese want to regain their democratic and sovereign country and participate in its development. In this context Dr Miklos Marschall⁷⁹, wrote:

*“It is important to understand that the civil society is complementary, not a rival, to representative democracy, and participatory democracy goes hand in hand with representative democracy. Civil society is about participation, while parliamentary democracy is about representation. The civic politics of citizen participation and the parliamentary party politics of representation have a healthy dynamic of both complementarity and tension. Citizen participation carries its own self-originated legitimacy; it does not need to borrow legitimacy from representation.”*⁸⁰

It is unfortunate that in Lebanon, there is no freedom protection. Security forces use torture to extract forced confessions from citizens and prohibit demonstrations. The prison conditions do not meet international standards. The prisoners in Roumieh prison, Lebanon's largest, complain about mistreatment and demand better conditions. Moreover, the freedom of the

⁷⁸ Hassan Krayem, a professor at AUB University: ‘The Lebanese Civil War and the TAIF agreement’. Beirut / 2003 p:1

⁷⁹ Miklos Marschall is the Executive Director of Transparency International (TI) for East and Central Europe. Before joining TI, from 1994 through 1998, he was the founding executive director of CIVICUS: World Alliance for Citizen Participation, a global network of NGOs and foundations to promote civil society.

⁸⁰ Miklos Marschall: “Legitimacy and Effectiveness: Civil Society Organizations’ Role in Good Governance”. November 2002 p:3

media is not respected. Evidence of violation is the MTV channel closure in 2002 after it covered the elections in the Metn area, giving the opposition airtime to express their opinion. Concerning religion, the Constitution provides for the freedom of religion and the full respect of personal and religious beliefs and practices. The Government generally respects this right in practice. It permits recognized religions to exercise authority over matters pertaining to personal status such as marriage, divorce, child custody, and inheritance which in turn creates to a certain degree a theocratic state within a secular one; causing confusion and inequities in its treatment of religious groups. There are however some restrictions. I.e. discrimination based on religion is built into the system of government. Even though there is no state religion; however, politics are based on the principle of religious representation, which has been applied to every conceivable aspect of public life.

Democracy building in Lebanon is a field that has now attracted many donors like the World Bank and UNDP, especially following the assassination of former Prime Minister Hariri. Moreover, civil organizations, through their efforts to increase the government's responsiveness to citizens' needs, are leading the movement for further democratic reforms in Lebanon. Because the units following the civil society are self-created, they provide the basis for social as well as political democracy; and thus must in turn be able to determine their collective interests independently of the state. Such autonomy allows for the representation of all sectors by lessening the dominance of the elite's interests. In summary, the stability of democratic regimes is enhanced by strong civil societies whose components struggle to establish democracy.

Parallel structures to enhance governance

Beside the citizens as individuals and groups, there are several parallel structures that can be effective in facilitating development and efficiency. The most critical structures include the media, Universities and NGOs.

1. The media

The civil society organizations, in order to express their frustration and call for change concerning corruption and administrative reform in Lebanon, rely on the national media as important civil vehicle in shaping public opinion and impacting governance.

Preliminary analysis by the LCPS indicates that public calls for fighting corruption intensified in the last few years starting in 1997. Most of the calls centered on fighting corruption through administrative reform, political reform, abolishing confessionalism, investigating and prosecuting suspected public thieves. The evolution of the civil society's initiatives, indicate a keen awareness of the acuteness of the problem of corruption in Lebanon.⁸¹

Local newspapers in Lebanon have been leading the calls for reform and curbing corruption as well as exposing scandals by public officials. Examples on the ability of the civil society through the media to bring about change are the two outstanding cases of corruption: The first one is the corrupt practice of the head of the National Bureau of Medicine (NBM), and the other is the forgery and theft of treasury stamps from the Ministry of Finance. Both cases were brought into the public, even though justice has not been served and the real violators were not condemned.⁸²

⁸¹ The Lebanese Center for Policy Studies, research on: The Print Media and Corruption in Lebanon. By Oussama K. Safa, LCPS Researcher. P:3

⁸² Detailed information about the two cases can be obtained from the study published by the LCPS on: The Print Media and Corruption in Lebanon. By Oussama K. Safa, LCPS Researcher: www.ids.ac.uk/ids/civsoc/final/lebanon/leb6.doc

These cases highlight the transformation of the role of the media in accompanying national scandals in postwar Lebanon. The cases also provide an important insight on how and when such scandals are revealed and what were the political complexities and complications surrounding their blow up.⁸³

2. Universities

The traditional functions of universities are teaching and research. In their teaching activities, universities provide the professional training for high-level jobs, as well as the education necessary for the development of national values and official's personality. On the other hand, carrying out studies and research could be of great help to different sectors of governance i.e. Cooperation between the municipal sector and universities in Lebanon could be promoted in areas such as training, field surveys and needs assessment as well as the formulation of solutions and plans of actions. Universities could be encouraged by the Ministry of Interior and Municipal Affairs to design multidisciplinary training programs for urban managers on topics such as economics, finance, geography, urban and environmental planning and management⁸⁴.

Thus universities play a pivotal role in the overall development of societies. Changes in social as well as global demands must be followed with changes in teaching models. The universities consequently must adjust to today's democratic and pluralistic society, teach civic rights and increase the standard of teaching and level of research.

Therefore, for universities to be instruments of socio-economic and political change there are certain preconditions to be fulfilled by the civil society and the government. Both must be

⁸³ LCPS: op.cit p:2-4

⁸⁴ Arnaout: op.cit p:3

ready to let new knowledge influence their values and goals, and must allow universities to participate in the process of forming values and setting goals. New blood must be admitted to the parliament and the ministries. Highly educated young people are usually full of enthusiasm and carry with them new ways of thinking as well as management skills that Lebanon needs for its development.

3. Non-governmental organizations & international assistance

Several researchers and specialists say that the NGO sector in its broad definition represents a significant player in generating national wealth and is a major national player in key social sectors such as education, health and welfare. NGOs could have a very effective role in networking members, beneficiaries and local communities. They can also help establish civil and democratic relationships and engage in social ventures since they are less bound by rules, traditions, interests, and procedures like government officials. They can also provide development and aid agencies with vital feedback about what works on the ground and what does not.⁸⁵

Furthermore, NGOs with grassroots experience, could be powerful figures of the society in the sense that they can provide vital linkage between local communities and funding agencies, i.e. a wider collaboration between the municipalities and the NGO community could lead to large benefits to municipalities in areas such as environmental management, health, education, training, cultural and recreational activities.

Since the majority of NGOs are single-issue organizations, they enjoy a great deal of freedom, which enables them to concentrate their resources on that single issue without much

⁸⁵ Marschall: op.cit p:2

compromise and without trade-offs. However, the politician for example must balance among competing interests, his readiness to compromise and make trade-offs all the time, if he/she wants to be reelected.⁸⁶

The number of NGOs in Lebanon grew significantly during and after the period of the civil war (1975-1990). They played a major role in relief and humanitarian aid. Over one thousand NGOs, PVOs, welfare associations and cooperatives and around twenty foreign NGOs were working in Lebanon in 1998⁸⁷. This sector however, is facing numerous challenges. Internally, the state of the Lebanese economy with its current imbalances is an area of great concern for both government and the public. Government policies and efforts have been geared towards readdressing the recent poor economic performance of the country. New government programs are being launched with external financial support in an attempt to address some of the most pressing economic and social shortcomings affecting the poorest and most vulnerable sections of the population. The NGO sector is being called upon to play a key role in the implementation of these new programs.⁸⁸

One of the most important development programs is that of the UNDP⁸⁹. Its efforts in Lebanon have focused on two strategic areas of intervention or entry points: first providing

⁸⁶ Marschall: op.cit p:3

⁸⁷ Arnaout: op.cit p:3

⁸⁸ The Centre for Research & Training on Development (CRTD): "NGO Information and Resources Unit Issue # zero, May 31, 2001 p:2

⁸⁹ This is the main program that funds most other UN economic and social development activities. Operating in over 170 countries and has an annual budget exceeding US\$1 billion.

support for building or revising national framework for decentralization and second, empowering local government and NGOs for sustained local development.⁹⁰

On the local level, the intervention aims at:

- Building the capacity of local partners to identify, analyze and prioritize local issues and concerns through a participatory process involving local stakeholders.
- Providing municipalities with the needed tools for enhancing the local community involvement and participation in planning and managing development projects.
- Building the capacity of municipal council members to formulate and implement local development plans, acquire partnerships, and mobilize resources.
- Supporting municipalities in the implementation of small community development projects.

Project implementation includes training and human resource development targeting and implementing small community projects. Following the training, the municipalities would develop project proposals for implementation. Based on the nature of the project, UNDP chooses to support a number of feasible proposals. The implementation of these projects is not being viewed as an end by itself, but rather a direct application of strengthening and building the financial and administrative capacities of municipalities.

Another international program was carried out by the US called USAID program concerning democracy and good governance in Lebanon. The USAID assistance program to Lebanon initially focused on three main areas: revitalizing and expanding economic opportunities in

⁹⁰ UNDP Sub-Regional Facility for Arab States Elissar Sarrouh, Governance Advisor: "Decentralized Governance for Development in The Arab States: A Background Paper on Decentralization and Local Governance Policies, Legal Frameworks, Program, Lessons Learned and Good Practices". December 2003 p:1

rural areas by promoting democracy and good governance, and by improving environmental practices through community-based approaches. The program empowers and strengthens the Lebanese municipalities, the parliament, the oversight agencies, and the civil society. The assistance centers on improving administrative and financial capabilities, expanding social services, encouraging public participation, increasing accountability, transparency, and effectiveness.⁹¹

Moreover, since 1993 the Center for Legislative Development of the State University of New York at Albany (SUNY/CLD) has worked under cooperative agreements with the United States Agency for International Development (USAID) to provide technical and administrative assistance to the Government of Lebanon through the Lebanon Relief and Redevelopment Project.⁹²

Assistance was at three levels, the legislative level, the executive level and the municipal one. At the legislative level, projects focused on enhancing legislative and administrative capacities as well as expanding citizen participation in the public policy debate. At the executive level, the program aimed at enhancing the oversight capabilities of the Court of Audit, administrative capabilities of the Civil Service Board and the capacities of the Central Inspection Board.

Recognizing the crucial role of municipalities in economic growth and development, USAID funded an administrative and financial reform program that has been credited with successfully rebuilding essential foundations for strong local government, providing modern

⁹¹ Mahmoud Batlouni: "Lebanon Relief and Redevelopment Project" published by SUNY in 2004. p:1

⁹² Ibid

management systems, e-government procedures, and the official and staff training necessary to improve the quality of governance. The results were as follows:⁹³

The program enhanced the revenues of many municipalities by giving them financial assistance and automating the municipal tax system through the implementation of the Municipal Revenue System (MRS) i.e. the total revenue collected in Beirut from rental value tax increased from \$26.0 million in 2001 to \$31.1 million in 2002 to \$38.6 million in 2003. In Tripoli rental value taxes collected increased from \$2.3 million in 2001 to \$3.1 million in 2002 to \$3.9 million in 2003 and in Jounieh the same taxes increased from \$570,000 in 2000 to \$1.2 million in 2001 to \$1.3 million in 2002 to \$2.0 million in 2003. The system enables accurate, timely, and legally binding taxpayer lists to be generated, whereby users are no more able to modify data without the appropriate authorization and access level, resulting in increased municipal effectiveness and reduction of corruption.

First, Increase communication and relations with citizens. This is an important objective of the assistance program as it improves communication with citizens in support of enhanced transparency and accountability. In this context, Citizen Reception Offices (CRO), an important component of the overall strategy designed to improve citizen access to proper information, are now open in 29 locations such as: Beirut, Choueifat, Jounieh, Mraijeh, Al Mina, Amioun, Batroun, Abbasieh, Ghazieh, Jezzine, Halba and most recently, a CRO was opened in Tripoli in February of 2004 and another in Zahle in April of 2004. This step increased efficiency in completing transactions, and facilitated communication between local government and the public.⁹⁴

⁹³ Batlouni op.cit p:5

⁹⁴ Batlouni op.cit p:7

Second, enhance human resource capabilities. The enhancing of professional capacities of municipal officials and staff in order to achieve results and sustain reform efforts has been one of the most important components of the technical assistance provided by the Center to local government in Lebanon. Specialized workshops and training courses were developed and conducted in order to allow information technology tools to be fully utilized and systems and procedures to be properly implemented. More than 750 officials and senior staff from 534 municipalities have participated in workshops to facilitate the implementation of the newly standardized administrative and financial procedures.⁹⁵

Third, create municipal websites. The government relations with citizens as well as intergovernmental communication have been significantly enhanced through the development of websites and organization of internet access for the various institutions. Municipal work has been facilitated in particular through access to the Ministry of Interior and Municipalities as the website (www.moim.gov.lb) was created as part of the assistance program. Since October of 2003 internet access has been organized for 422 municipalities in governorates of Beqaa, Mount Lebanon, North Lebanon, South and Nabatieh. Websites have also been created for the Beirut, Choueifat, Jounieh, and Tripoli municipalities, increasing public awareness of municipal work and enhancing communication between the public and local government.⁹⁶

One of the most critical challenges identified in terms of human resource management in the government is the need to share information amongst different institutions to ensure consistency. In response to this, a Wide Area Network was organized offering for the first time a protocol and network for sharing information amongst agencies and ministries.

⁹⁵ Ibid

⁹⁶ Batlouni op.cit p:8

The important point here is that the European Union (EU) and United Nations Development Program (UNDP) are proposing to become partners with USAID on municipal activities: the former on providing computers and some software, and the latter on training employees.

However, and above all, it is necessary to understand that these organizations are not perfect and can thus commit violations and must be consequently held accountable. Dr Miklos Marschall, questioned that while public officials are accountable to their electorate, and business leaders to their shareholders, to whom are civil society leaders accountable to? The answer is easy as they are accountable to the stakeholders and donors to whom an NGO owes responsibility. However, the best way NGOs can make up the natural "accountability gap" is to generate public trust by full transparency and high standards of performance.⁹⁷

Miklos concluded that: *we need civil society organizations not because they represent the people; we need them because through them we can get things done better.*

⁹⁷ Marschall: op.cit p:3

Conclusion & Recommendations

"The road to that glory which never dies is to use power for the support of the laws and liberties of our country, not for their destruction." Thomas Jefferson

There is an international drive towards defining new roles for governments. A shift is occurring in development strategies, away from the narrow focus on economic growth toward greater emphasis on sustainable development. Many countries are becoming aware of the need to provide opportunities for broader participation as a complement to government-led developmental approaches.

The functioning of any government depends upon whether it has the necessary political and administrative capabilities to be effective and efficient. Good governance, closely relates to administrative competence and transparency, decentralization of its administration, and the creation of an appropriate market environment. These are, as a result, the necessary components of good governance and do form the basis for participatory development needed to support people's participation in politics, economic, social drives and achievements.

Since the end of the Lebanese civil war in 1990, many reconstruction and administrative reforms have been put forth. In June 1995 the Council of Ministers created the OMSAR, Office of the Minister of State for Administrative Reform, aiming at modernizing the Lebanese public administration and leading it towards the 21st century through the introduction of reforms and the promotion of institutional development in order to increase the productivity of public sector employees and make the bureaucratic administration

responsive, transparent and accessible, thus benefiting both, the civil society and the government.⁹⁸

Although the entire administrative reform effort in Lebanon revolves around OMSAR, certain international partners, especially the United Nations, the World Bank, the European Union and the Arab Fund also play a significant role. They often go beyond mere economic support for their projects by also serving and acting as consultants. Their presence and support, especially in terms of financing administrative initiatives, has made it possible for reform to benefit from technical and methodological support.⁹⁹

The major challenge However, facing Lebanon is the transformation from emergency reconstruction to sustainable long-term development. For achieving such a sustainable development and reaching social justice, development must focus on raising the quality of local participation, and creating the environment in which participatory processes could take place.

There must be an effective use not only of central governments, but also of local organizations and civil societies including nongovernmental organizations (NGOs), in addition to the private sector. The state must focus on key sectors, leaving other functions to the private sector and to NGO's. There is also a great need for opening the Lebanese market, by liberalizing and privatizing important sectors such as energy, transportations, and telecommunications, following the models and experiences of western countries.

There must be a significant political and social pressure on the central government to make a public commitment to decentralization, democratic and participatory development.

⁹⁸ Center for administrative innovation in the Euro Mediterranean region: 'Administrative Reform in the Mediterranean Region, Summary of Lebanon'. 2003 P:2

⁹⁹ Ibid

Administrative decentralization is the basis for administrative reform and there is no good administration without decentralization. Therefore decentralization must be fully implemented for the important roles it plays in broadening participation in political, economic and social activities, alleviating the bottlenecks in decision making that are often caused by central government control of important economic and social activities, deleting complex bureaucratic procedures and increasing government officials' sensitivity to local conditions and needs.

Local governments must be strengthened by increasing the autonomy of municipalities' councils, increasing the level of resources devoted to local councils and the degree of accountability of elected representatives to the electorate. Because it is no more appropriate for municipalities not to be models of democracy and representative of the constituency that elects them.

Moreover, the long-term process of participation must focus on raising the awareness of local people through forming community groups, creating a long-term vision and a willingness to selectively improve and bolster traditional community systems as tools of development. Thus in the long run, good governance evolves into stronger aspirations for further democratization. It is vital for developing countries to build a basis upon which they would promote more genuine democratization, respect for human rights, and protection of freedoms.

The government must create an enabling environment for participation, i.e. ensure the access of all citizens to fundamental civil and political rights and open the door for more democratic conducts. Citizens must have access to and be part of the decision making process able to influence important governmental decisions.

Given the above critique, it is not only a matter of whether "good governance" is applicable or not, it is rather a matter of the desirability of its application. On March 15, one month after former Prime Minister Hariri's assassination, the resurrection day of Lebanon became a

reality. People rallied in hundreds of thousands in the capital Beirut to protest against Syria's military presence, and express their loyalty to PM Hariri. It was the biggest political rally in the country's history, hundreds of thousands Lebanese chanted "truth, freedom, national unity".

Many scholars did previously believe that Lebanon will never have a chance unless the Lebanese people decide to mobilize and take action. Today the time has come to move. Enough blaming everyone but ourselves for our miserable conditions. What happened in the past was a consequence of the lack of nationalism, integrity and patriotic consciousness. After fifteen years of killing each other, came the day to say: "that's enough!!!"

The survival, development, and stability of the Lebanese system depend on the people, whether they can break up with their past history to become truly a united nation. Such a change needs new, free and fair elections, new political forces and a different political and civic culture, free from sectarian constraints. The civil war experience showed that the modern state cannot be built on the basis of sectarian identities. There is a need to transcend such identities and to establish a clear conception of the national identity.

Action is required at all levels local, regional, and within the government itself. Local governments should play the central role in developing and coordinating action at the local level to promote better and productive relations and to manage and reduce conflict and communal division. Additional measures are required at the Lebanese regional level to support and monitor action across all of Lebanon and promote better relationships. At the central government, there is an urgent need for developing positive leadership, implementing the Taif in fullness, promoting democracy and encouraging dialogue for key reforms.

Moreover, specific actions shall be taken in areas such as education, community and economic development, as well as proper planning.

The new governmental trends the opposition is promising should promote accountability and public responsiveness to local needs and demands. The objective must not be to stop corruption at a given moment, but rather to install a system whereby politicians will be held fully responsible for their actions. They receive full credit for their successes, and punishments for their legal and ethical violations.

According to the World Bank, such a regime does not come about spontaneously, but depends crucially upon a number of minimum political and social conditions. The first is a democratic and fair political system, open to all parties and individuals based on free and fair elections. The second is transparency in local political and economic affairs. The third is social cohesion and organization, where the fabric of society becomes strong and private methods of supervision and control become substitutes for the legal safeguards which in many developing countries are too weak to ensure that high standards of public conduct. Last the central government must be a neutral administrator and referee.

These, are the conditions under which governance with good will and careful planning can thrive leading to increased governmental effectiveness, distributive equity, and popular trust and satisfaction.

Annex I

THE TAIF AGREEMENT

First, General Principles and Reforms:

I. General Principles:

- A. Lebanon is a sovereign, free, and independent country and a final homeland for all its citizens.
- B. Lebanon is Arab in belonging and identity. It is an active and founding member of the Arab League and is committed to the league's charter. It is an active and founding member of the United Nations Organization and is committed to its charters. Lebanon is a member of the nonaligned movement. The state of Lebanon shall embody these principles in all areas and spheres, without exception.
- C. Lebanon is a democratic parliamentary republic founded on respect for public liberties, especially the freedom of expression and belief, on social justice, and on equality in rights and duties among all citizens, without discrimination or preference.
- D. The people are the source of authority. They are sovereign and they shall exercise their sovereignty through the constitutional institutions.
- E. The economic system is a free system that guarantees individual initiative and private ownership.
- F. Culturally, socially, and economically-balanced development is a mainstay of the state's unity and of the system's stability.
- G. Efforts (will be made) to achieve comprehensive social justice through fiscal, economic, and social reform.
- H. Lebanon's soil is united and it belongs to all the Lebanese. Every Lebanese is entitled to live in and enjoy any part of the country under the supremacy of the law. The people

may not be categorized on the basis of any affiliation whatsoever and there shall be no fragmentation, no partition, and no repatriation [of Palestinians in Lebanon].

- I. No authority violating the common co-existence charter shall be legitimate

II. Political Reforms

A. Chamber of Deputies: The Chamber of Deputies is the legislative authority which exercises full control over government policy and activities.

1. The Chamber spokesman and his deputy shall be elected for the duration of the chamber's term.
2. In the first session, two years after it elects its speaker and deputy speaker, the chamber may vote only once to withdraw confidence from its speaker or deputy speaker with a 2/3 majority of its members and in accordance with a petition submitted by at least 10 deputies. In case confidence is withdrawn, the chamber shall convene immediately to fill the vacant post.
3. No urgent bill presented to the Chamber of Deputies may be issued unless it is included in the agenda of a public session and read in such a session, and unless the grace period stipulated by the constitution passes without a resolution on such a bill with the approval of the cabinet.
4. The electoral district shall be the governorate.
5. Until the Chamber of Deputies passes an election law free of sectarian restriction, the parliamentary seats shall be divided according to the following bases:
 - a. Equally between Christians and Muslims.
 - b. Proportionately between the denominations of each sect.
 - c. Proportionately between the districts.

6. The number of members of the Chamber of Deputies shall be increased to 108, shared equally between Christians and Muslims. As for the districts created on the basis of this document and the districts whose seats became vacant prior to the proclamation of this document, their seats shall be filled only once on an emergency basis through appointment by the national accord government that is planned to be formed.
 7. With the election of the first Chamber of Deputies on a national, not sectarian, basis, a senate shall be formed and all the spiritual families shall be represented in it. The senate powers shall be confined to crucial issues.
- B. President of Republic:** The president of republic is the head of the state and a symbol of the country's unity. He shall contribute to enhancing the constitution and to preserving Lebanon's independence, unity, and territorial integrity in accordance with the provisions of the constitution. He is the supreme commander of the armed forces which are subject to the power of the cabinet. The president shall exercise the following powers:
1. Head the cabinet [meeting] whenever he wishes, but without voting.
 2. Head the Supreme Defense Council.
 3. Issues decrees and demand their publication. He shall also be entitled to ask the cabinet to reconsider any resolution it makes within 15 days of the date of deposition of the resolution with the presidential office. Should the cabinet insist on the adopted resolution, or should the grace period pass without issuing and returning the decree, the decree of the resolution shall be valid and must be published.
 4. Promulgate laws in accordance with the grace period stipulated by the constitution and demand their publication upon ratification by the Chamber of Deputies. After notifying the cabinet, the president may also request reexamination of the laws within the grace periods provided by the

constitution, and in accordance with the articles of the constitution. In case the laws are not issued or returned before the end of the grace periods, they shall be valid by law and they must be published.

5. Refer the bills presented to him by the Chamber of Deputies.
6. Name the prime minister-designate in consultation with the Chamber of Deputies speaker on the basis of binding parliamentary consultation, the outcome of which the president shall officially familiarize the speaker on.
7. Issue the decree appointing the prime minister independently.
8. On agreement with the prime minister, issue the decree forming the cabinet.
9. Issue decrees accepting the resignation of the cabinet or of cabinet ministers and decrees relieving them from their duties.
10. Appoint ambassadors, accept the accreditation of ambassadors, and award state medals by decree.
11. On agreement with the prime minister, negotiate on the conclusion and signing of international treaties which shall become valid only upon approval by the cabinet. The cabinet shall familiarize the Chamber of Deputies with such treaties when the country's interest and state safety make such familiarization possible. As for treaties involving conditions concerning state finances, trade treaties, and other treaties, which may not be abrogated annually, they may not be concluded without Chamber of Deputies' approval.
12. When the need arises, address messages to the Chamber of Deputies.
13. On agreement with the prime minister, summon the Chamber of Deputies to hold special sessions by decree.

14. The president of the republic is entitled to present to the cabinet any urgent issue beyond the agenda. On agreement with the prime minister, call the cabinet to hold a special session whenever he deems it necessary.

15. Grant special pardon by decree.

16. In the performance of his duty, the president shall not be liable unless he violates the constitution or commits high treason.

C. Prime Minister: The prime minister is the head of the government. He represents it and speaks in its name. He is responsible for implementing the general policy drafted by the cabinet. The prime minister shall exercise the following powers:

1. Head the cabinet.

2. Hold parliamentary consultations to form the cabinet and co-sign with the president the decree forming it. The cabinet shall submit its cabinet statement to the Chamber of Deputies for a vote of confidence within 30 days [of its formation]. The cabinet may not exercise its powers before gaining the confidence, after its resignation, or when it is considered retired, except within the narrow sense of disposing of affairs.

3. Present the government's general policy to the Chamber of Deputies.

4. Sign all decrees, except for decrees naming the prime minister and decrees accepting cabinet resignation or considering it retired.

5. Sign the decree calling for a special session and decrees issuing laws and requesting the reexamination of laws.

6. Summon the cabinet to meet, draft its agenda, familiarize the president of the republic in advance with the issues included in the agenda and with the urgent issues to be discussed, and sign the usual session minutes.

7. Observe the activities of the public departments and institutions; coordinate between the ministers, and issue general instructions to ensure the smooth progress of work.
8. Hold working sessions with the state agencies concerned in the presence of the minister concerned.
9. By law, act as the Supreme Defense Council's deputy chairman.

D. Cabinet:

[No item 1. as published]

2. Watch over the implementation of laws and regulations and supervise the activities of all the state agencies without exception, including the civilian, military, and security departments and institutions.
3. The cabinet is the authority which controls the armed forces.
4. Appoint, dismiss, and accept the resignation of state employees in accordance with the law.
5. It has the right to dissolve the Chamber of Deputies at the request of the president of the republic if the chamber refuses to meet throughout an ordinary or a special session lasting no less than one month, even though it is summoned twice consecutively, or if the chamber sends back the budget in its entirety with the purpose of paralyzing the government. This right may not be exercised again for the same reasons which called for dissolving the chamber in the first instance.
6. When the president of the republic is present, he heads cabinet sessions. The cabinet shall meet periodically at special headquarters. The legal quorum for a cabinet meeting is $\frac{2}{3}$ the cabinet members. The cabinet shall adopt its

resolutions by consent. If impossible, then by vote. The resolutions shall be adopted by a majority of the members present. As for major issues, they require the approval of 2/3 the cabinet members. The following shall be considered major issues: The state of emergency and its abolition, war and peace, general mobilization, international agreements and treaties, the state's general budget, comprehensive and long-term development plans, the appointment of top-level civil servants or their equivalent, reexamination of the administrative division, dissolving the Chamber of Deputies, the election law, the citizenship law, the personal status laws, and the dismissal of cabinet ministers.

E. Minister: The minister's powers shall be reinforced in a manner compatible with the government's general policy and with the principle of collective responsibility. A minister shall not be relieved from his position unless by cabinet decree or unless the Chamber of Deputies withdraws its confidence from him individually.

F. Cabinet Resignation, Considering Cabinet Retired, and Dismissal of Ministers:

1. The cabinet shall be considered retired in the following cases:

- a. If its chairman resigns.
- b. If it loses more than 1/3 of its members as determined by the decree forming it.
- c. If its chairman dies.
- d. At the beginning of a president's term.
- e. At the beginning of the Chamber of Deputies' term.
- f. When the Chamber of Deputies withdraws its confidence from it on an initiative by the chamber itself and on the basis of a vote of confidence.

2. A minister shall be relieved by a decree signed by the president of the republic and the prime minister, with cabinet approval.
3. When the cabinet resigns or is considered retired, the Chamber of Deputies shall, by law, be considered to be convened in a special session until a new cabinet is formed. A vote-of-confidence session shall follow.

G. Abolition of Political Sectarianism: Abolishing political sectarianism is a fundamental national objective. To achieve it, it is required that efforts be made in accordance with a phased plan. The Chamber of Deputies elected on the basis of equal sharing by Christians and Muslims shall adopt the proper measures to achieve this objective and to form a national council which is headed by the president of the republic and which includes, in addition to the prime minister and the Chamber of Deputies speaker, political, intellectual, and social notables. The council's task will be to examine and propose the means capable of abolishing sectarianism, to present them to the Chamber of Deputies and the cabinet, and to observe implementation of the phased plan. The following shall be done in the interim period:

- a. Abolish the sectarian representation base and rely on capability and specialization in public jobs, the judiciary, the military, security, public, and joint institutions, and in the independent agencies in accordance with the dictates of national accord, excluding the top-level jobs and equivalent jobs which shall be shared equally by Christians and Muslims without allocating any particular job to any sect.
- b. Abolish the mention of sect and denomination on the identity card.

III. Other Reforms:

- A. Administrative Decentralism:**

1. The State of Lebanon shall be a single and united state with a strong central authority.
2. The powers of the governors and district administrative officers shall be expanded and all state administrations shall be represented in the administrative provinces at the highest level possible so as to facilitate serving the citizens and meeting their needs locally.
3. The administrative division shall be recognized in a manner that emphasizes national fusion within the framework of preserving common coexistence and unity of the soil, people, and institutions.
4. Expanded administrative decentralization shall be adopted at the level of the smaller administrative units [district and smaller units] through the election of a council, headed by the district officer, in every district, to ensure local participation.
5. A comprehensive and unified development plan capable of developing the provinces economically and socially shall be adopted and the resources of the municipalities, unified municipalities, and municipal unions shall be reinforced with the necessary financial resources.

B. Courts:

1. To guarantee that all officials and citizens are subject to the supremacy of the law and to insure harmony between the action of the legislative and executive authorities on the one hand, and the givens of common coexistence and the basic rights of the Lebanese as stipulated in the constitution on the other hand:
 - a. The higher council which is stipulated by the constitution and whose task it is to try presidents and ministers shall be formed. A special law on the rules of trial before this council shall be promulgated.

- b. A constitutional council shall be created to interpret the constitution, to observe the constitutionality of the laws, and to settle disputes and contests emanating from presidential and parliamentary elections.
- c. The following authorities shall be entitled to revise the constitutional council in matters pertaining to interpreting the constitution and observing the constitutionality of the laws:

- i. The president of the republic.
- ii. The Chamber of Deputies speaker.
- iii. The prime minister.
- iv. A certain percentage of members of the Chamber of Deputies.

- 2. To ensure the principle of harmony between religion and state, the heads of the Lebanese sects may revise the constitutional council in matters pertaining to:

- i. Personal status affairs
- ii. Freedom of religion and the practice of religious rites
- iii. Freedom of religious education.

C. To ensure the judiciary's independence, a certain number of the higher Judiciary Council shall be elected by the judiciary body.

D. Parliamentary Election Law: Parliamentary elections shall be held in accordance with a new law on the basis of provinces and in the light of rules that guarantee common coexistence between the Lebanese and that ensure the sound and efficient political representation of all the people's factions and generations. This shall be done after

reviewing the administrative division within the context of unity of the people, the land, and the institutions.

E. Creation of a socioeconomic council for development: A socioeconomic council shall be created to insure that representatives of the various sectors participate in drafting the state's socioeconomic policy and providing advice and proposals.

F. Education:

1. Education shall be provided to all and shall be made obligatory for the elementary stage at least.
2. The freedom of education shall be emphasized in accordance with general laws and regulations.
3. Private education shall be protected and state control over private schools and textbooks shall be strengthened. Official, vocational, and technological education shall be reformed, strengthened, and developed in a manner that meets the country's development and reconstruction needs. The conditions of the Lebanese University shall be reformed and aid shall be provided to the university, especially to its technical colleges.
4. The curricula shall be reviewed and developed in a manner that strengthens national belonging, fusion, spiritual and cultural openness, and that unifies textbooks on the subjects of history and national education.

G. Information:

All the information media shall be reorganized under the canopy of the law and within the framework of responsible liberties that serve the cautious tendencies and the objective of ending the state of war.

Second, spreading the sovereignty of the State of Lebanon over all Lebanese territories: Considering that all Lebanese factions have agreed to the establishment of a strong state founded on the basis of national accord, the national accord government shall draft a detailed one-year plan whose objective is to spread the sovereignty of the State of Lebanon over all Lebanese territories gradually with the state's own forces. The broad lines of the plan shall be as follows:

- A. Disbanding of all Lebanese and non-Lebanese militias shall be announced. The militias' weapons shall be delivered to the State of Lebanon within a period of 6 months, beginning with the approval of the national accord charter. The president of the republic shall be elected. A national accord cabinet shall be formed, and the political reforms shall be approved constitutionally.
- B. The internal security forces shall be strengthened through:
 - 1. Opening the door of voluntarism to all the Lebanese without exception, beginning the training of volunteers centrally, distributing the volunteers to the units in the governorates, and subjecting them to organized periodic training courses.
 - 2. Strengthening the security agency to insure control over the entry and departure of individuals into and out of the country by land, air, and sea.
- C. Strengthening the armed forces:
 - 1. The fundamental task of the armed forces is to defend the homeland, and if necessary, protect public order when the danger exceeds the capability of the internal security forces to deal with such a danger on their own.
 - 2. The armed forces shall be used to support the internal security forces in preserving security under conditions determined by the cabinet.

3. The armed forces shall be unified, prepared, and trained in order that they may be able to shoulder their national responsibilities in confronting Israeli aggression.
 4. When the internal security forces become ready to assume their security tasks, the armed forces shall return to their barracks.
 5. The armed forces intelligence shall be reorganized to serve military objectives exclusively.
- D. The problem of the Lebanese evacuees shall be solved fundamentally, and the right of every Lebanese evicted since 1975 to return to the place from which he was evicted shall be established. Legislation to guarantee this right and to insure the means of reconstruction shall be issued. Considering that the objective of the State of Lebanon is to spread its authority over all the Lebanese territories through its own forces, represented primarily by the internal security forces, and in view of the fraternal relations binding Syria to Lebanon, the Syrian forces shall thankfully assist the forces of the legitimate Lebanese government to spread the authority of the State of Lebanon within a set period of no more than 2 years, beginning with ratification of the national accord charter, election of the president of the republic, formation of the national accord cabinet, and approval of the political reforms constitutionally. At the end of this period, the two governments --the Syrian Government and the Lebanese National Accord Government -- shall decide to redeploy the Syrian forces in Al-Biq'a area from Dahr al-Baydar to the Hammana-al-Mudayrij-'Ayn Darah line, and if necessary, at other points to be determined by a joint Lebanese-Syrian military committee. An agreement shall also be concluded by the two governments to determine the strength and duration of the presence of Syrian forces in the above-mentioned area and to define these forces' relationship with the Lebanese state authorities where the forces

exist. The Arab Tripartite Committee is prepared to assist the two states, if they so wish, to develop this agreement.

Third, liberating Lebanon from the Israeli occupation: Regaining state authority over the territories extending to the internationally-recognized Lebanese borders requires the following:

1. Efforts to implement resolution 425 and the other UN Security Council resolutions calling for fully eliminating the Israeli occupation.
2. Adherence to the truce agreement concluded on 23 March 1949
3. Taking all the steps necessary to liberate all Lebanese territories from the Israeli occupation, to spread state sovereignty over all the territories, and to deploy the Lebanese army in the border area adjacent to Israel; and making efforts to reinforce the presence of the UN forces in South Lebanon to insure the Israeli withdrawal and to provide the opportunity for the return of security and stability to the border area.

Fourth, Lebanese-Syrian Relations: Lebanon, with its Arab identity, is tied to all the Arab countries by true fraternal relations. Between Lebanon and Syria there is a special relationship that derives its strength from the roots of blood relationships, history, and joint fraternal interests. This is the concept on which the two countries' coordination and cooperation is founded, and which will be embodied by the agreements between the two countries in all areas, in a manner that accomplishes the two fraternal countries' interests within the framework of the sovereignty and independence of each of them. Therefore, and because strengthening the bases of security creates the climate needed to develop these bonds, Lebanon should not be allowed to constitute a source of threat to Syria's security, and Syria should not be

allowed to constitute a source of threat to Lebanon's security under any circumstances. Consequently, Lebanon should not allow itself to become a pathway or a base for any force, state, or organization seeking to undermine its security or Syria's security.

Syria, which is eager for Lebanon's security, independence, and unity and for harmony among its citizens, should not permit any act that poses a threat to Lebanon's security, independence, and sovereignty.

Annex II

ملحق

* قانون البلديات

مرسوم اشتراعي رقم ١١٨

صادر بتاريخ ٣٠ حزيران ١٩٧٧

(ج.ر. ملحق للعدد ٢٠)

* قانون رقم ٦٦٥، يتعلّق بتعديلات على بعض النصوص في قانون انتخاب أعضاء مجلس النواب وقانون البلديات وقانون المختارين

مرسوم اشتراعي رقم ١١٨
صادر بتاريخ ٣٠ حزيران ١٩٧٧
(ج.ر. ملحق للعدد ٢٠)

قانون البلديات

المادة ٣- تنشأ البلدية في الاماكن الجامعة التي يزيد عدد أهاليها المقيدين في سجلات الا-وال الشخصية على ثلاثماية اذا كانت وارداتها الذاتية السنوية تقدر بما يزيد على عشرة آلاف ليرة لبنانية.

المادة ٤- يمكن أن تضم البلديات القائمة والقرى المجاورة التي توحد بينها العوامل الجغرافية والاقتصادية والعمرائية، وتعتبر بلدية واحدة اذا كانت الواردات السنوية الذاتية المقدرة لكل منها لا تتجاوز العشرة الاف ليرة.

يتم الضم بمرسوم بناء لاقتراح وزير الداخلية، يحدد فيه القرى التي تؤلف هذه البلدية، واسمها ومركزها.

يحق للقرية التي تؤلف بلدية واحدة مع مجموعة من القرى، أن تنفصل وتصبح بلدية مستقلة اذا طلب ذلك اكثرية ثلثي الناخبين فيها، وكان عدد أهاليها المقيدين في سجلات الاحوال الشخصية يزيد على الثلاثماية شخص، و وارداتها السنوية الذاتية تزيد على عشرة الاف ليرة.

يتم الفصل بمرسوم بناء لاقتراح وزير الداخلية.

المادة ٥- تنشأ البلدية بقرار من وزير الداخلية.

يحدد بقرار الانشاء اسم البلدية ومركزها ونطاقها.

المادة ٦- ان تحديد النطاق البلدي هو تدبير اداري لا علاقة له بقيود السجل العقاري. تضم خرائط تحديد النطاق البلدي الى ملف انشاء البلدية وتعفى العملية الطبوغرافية من الرسوم.

ان رئيس الجمهورية

بناء على الدستور

بناء على القانون رقم ٧٦/٢ تاريخ ١٩٧٦/١٢/٣٠ (منح الحكومة حق اصدار مراسيم اشتراعية)،

وبعد استشارة مجلس شوري الدولة.

بناء على اقتراح وزير الداخلية،

وبعد موافقة مجلس الوزراء بتاريخ ١٩٧٧/٦/٢٧،

يرسم ما يأتي:

الباب الأول

البلديات - تعريفها - انشاؤها

المادة الأولى - البلدية هي ادارة محلية، تقوم، ضمن نطاقها، بممارسة الصلاحيات التي يخولها اياها القانون.

تمتع البلدية بالشخصية المعنوية والاستقلال المالي والاداري في نطاق هذا القانون.

المادة ٢- تنشأ بلدية في كل مدينة أو في كل قرية أو مجموعة من القرى الوارد ذكرها في الجدول رقم (١) الملحق بالمرسوم الاشتراعي رقم (١١) تاريخ ١٩٥٤/١٢/٢٩ وتعديلاته. وفقاً لاحكام هذا القانون.

الباب الثاني جهاز البلدية

المادة ٧- يتألف جهاز البلدية من سلطة تفريرية وسلطة تنفيذية.

الفصل الأول السلطة التفريرية

القسم الاول - عدد اعضاء المجلس البلدي، مدة ولايته وانتخابه.

المادة ٨- يتولى السلطة التفريرية المجلس البلدي.

المادة ٩- يتألف المجلس البلدي من اعضاء يحدد عددهم كما يلي:

٨ اعضاء للبلدية التي لا يتجاوز عدد اهاليها ٢٠٠٠ شخصاً.

١٠ اعضاء للبلدية التي يتراوح عدد اهاليها بين ٢٠٠١ و ٤٠٠٠ شخصاً.

١٢ عضواً للبلدية التي يتراوح عدد اهاليها بين ٤٠٠١ و ١٠٠٠٠ شخصاً.

١٤ عضواً للبلدية التي يتراوح عدد اهاليها بين ١٠٠٠١ و ٢٥٠٠٠ شخصاً.

١٦ عضواً للبلدية التي يزيد عدد اهاليها عن ٢٥٠٠٠ شخصاً.

١٨ عضواً للبلدية طرابلس.

٢٤ عضواً للبلدية بيروت.

واما البلدية التي تضم اكثر من قرية فان عدد اعضائها يوزع على عدد القرى بنسبة عدد سكان كل منها.

المادة ١٠- مدة ولاية المجالس البلدية ست سنوات.

المادة ١١-١- ينتخب اعضاء المجلس بالتصويت العام المباشر وفقاً للاصول المتبعة في الانتخابات النيابية.

٢- تؤلف البلدية دائرة انتخابية واحدة.

٣- يراعى فيما خص بلدية بيروت احكام المادة ١٢ من هذا القانون.

المادة ١٢- يختار اعضاء المجلس البلدي في بيروت وفقاً لما يلي:

- ستة عشر عضواً ينتخبون عددياً على اساس تقسيم الدوائر الانتخابية النيابية في بيروت.

- ثمانية اعضاء يعينون بمرسوم يتخذ في مجلس الوزراء.

المادة ١٣- لا يشترك في الاقتراع الا الناحب المدون اسمه في القائمة الانتخابية او الحاصل على قرار بتدوين اسمه من لجنة قيد الاسماء.

المادة ١٤- تدعى الهيئات الانتخابية البلدية بقرار من وزير الداخلية خلال الشهرين السابقين لنهاية ولاية المجالس البلدية. يذكر في القرار مراكز الاقتراع وتكون المهلة بين تاريخ نشره واجتماع الهيئة الانتخابية ثلاثين يوماً على الاقل.

المادة ١٥- لوزير الداخلية أن يعين موعد الانتخاب في يوم واحد لجميع البلديات أو يعين موعداً خاصاً لكل محافظة اذا اقتضت ذلك سلامة الامن على أن يكون في يوم أحد.

ينشر القرار في المنطقة البلدية وعلى باب دار الحكومة في القضاء.

المادة ١٦- تسري على الانتخابات البلدية احكام قانون انتخاب اعضاء مجلس النواب في كل ما لا يتعارض واحكام هذا القانون.

المادة ١٧- تعتمد لانتخاب المجالس البلدية القائمة الانتخابية المعتمدة لانتخاب اعضاء المجلس النيابي.

المادة ١٨- ١- على كل من يرغب في ترشيح نفسه لعضوية بلدية ما أن يقدم الى القائمة قبل موعد الانتخاب بعشرة ايام على الاقل، تصريحاً مسجلاً لدى كاتب العدل ينطوي على اسمه وعلى اسم البلدية التي يريد أن يرشح نفسه فيها.

٢- لا يقبل الترشيح الا اذا كان المرشح ناخباً مدوناً اسمه في القائمة الانتخابية الخاصة بالبلدية التي يرغب في أن يكون عضواً في مجلسها، وادع تأميناً قدره مايتا ليرة وتتوفر فيه أهلية العضوية للمجالس البلدية المنصوص عليها في هذا القانون.

٣- يعطي القائممقام المرشح ايضاً بتقديمه طلب الترشيح.

٤- على القائممقام خلال ثلاثة ايام من تقديم طلب الترشيح أن يصدر قراراً معللاً بقبول أو بعدم قبول الترشيح، والا اعتبر سكوته بانقضائها بمثابة قرار قبول ضمنى.

يعلق قرار القائممقام فور صدوره على باب دار القائممقامية، وينظم بهذا التعليق محضراً يوقعه الموظف المختص.

٥- يحق للمرشح خلال مدة يومين، من تاريخ صدور القرار بعدم قبول ترشيحه مراجعة مجلس الشورى باستدعاء غير خاضع للرسم أو أية معاملة أخرى.

وعلى المجلس أن يفصل باعتراضه نهائياً خلال ثلاثة ايام، والا اعتبر ترشيحه مقبولاً.

٦- تنشر أسماء المرشحين الذين قبل ترشيحهم بلا ابطاء في المناطق البلدية للمرشحين فيها وعلى باب أفلام الاقتراع وتسلم نسخة من ذلك الى

لجنة قيد الاسماء المنصوص عليها في قانون انتخاب اعضاء المجلس النيابي.

٧- يعاد التأمين لصاحب لعلاقة ادا رجع عن ترشيحه بتصريح مسجل لدى كاتب العدل يقدم قبل موعد الانتخاب بثلاثة ايام على الاقل الى القائممقامية.

المادة ١٩- ١- يفوز بالانتخاب المرشح الذي ينال العدد الاكبر من المقترعين، واذا تساوت الاصوات فيفوز الاكبر سناً، واذا تساوت السن يلجأ الى القرعة بواسطة لجنة قيد الاسماء المنصوص عليها في قانون انتخاب اعضاء المجلس النيابي.

٢- اذا كان عدد المرشحين موازياً لعدد الاعضاء المطلوب انتخابهم أو أقل وانقضت مدة الترشيح فاز هؤلاء المرشحون بالتركية، ويعلن عن ذلك بقرار من لجنة قيد الاسماء، وتجري انتخابات فرعية عند الاقتضاء لاستكمال العدد.

٣- يعاد التأمين للمرشح اذا فاز بالانتخابات أو نال خمسة وعشرين بالمائة من أصوات المقترعين على الاقل.

المادة ٢٠- ١- يطعن بصحة الانتخاب لدى مجلس شورى الدولة في مهلة خمسة عشر يوماً تلي اعلان النتيجة.

٢- تطبق احكام المواد ٣٢٩ الى ٣٣٤ من قانون العقوبات على الاعمال المقترفة لافساد الانتخاب.

المادة ٢١- اذا شغر في مجلس بلدي ربع المراكز على الاقل يجري انتخاب اعضاء للمراكز الشاغرة للمدة الباقية خلال شهرين من تاريخ شغور اخر مركز على أن يحسب الكسر من العدد واحداً.

القسم الثاني

حل المجلس البلدي واعادة انتخابه

المادة ٢٢- يمكن حل المجلس البلدي بمرسوم معلل يتخذ في مجلس الوزراء بناء على اقتراح وزير الداخلية اذا ارتكب مخالفات هامة متكررة أدت الى الحاق الضرر الاكيد بمصالح البلدية.

المادة ٢٣- يعتبر المجلس البلدي منحلاً حكماً اذا فقد نصف أعضائه على الاقل أو حكم بابطال انتخابه. على وزير الداخلية أن يعلن الحل بقرار يصدر عنه بخلاف مدة أسبوع على الاكثر من تاريخ تبليغ وزارة الداخلية ذلك، والا اعتبر سكوتة بمثابة قرار اعلان ضمنى بالحل.

المادة ٢٤- في حالة حل المجلس أو اعتباره منحلاً يصار الى انتخاب مجلس جديد في مهلة شهرين من تاريخ مرسوم الحل أو قرار اعلانه.

يتولى القائم مقام أو رئيس القسم الاصيل في القضاء والمحافظ أو أمين السر العام في مركز المحافظة اعمال المجلس البلدي حتى انتخاب المجلس الجديد وذلك بقرار من وزير الداخلية.

المادة ٢٥- لا يجدد المجلس البلدي بكامله أو بجزء منه في الأشهر الستة التي تسبق تاريخ انتهاء ولاية المجلس البلدي.

الفصل الثاني

نظام اعضاء المجلس البلدي

القسم الاول

التمانع وفقدان الاهلية

المادة ٢٦- لا يجوز الجمع بين عضوية المجلس البلدي وبين:

١- المختارية أو عضوية المجلس الاختياري.

٢- وظائف الدولة والمصالح المستقلة والمؤسسات العامة والبلديات.

٣- رئاسة أو عضوية مجالس ادارة المصالح المستقلة والمؤسسات العامة في نطاق البلدية.

٤- ملكية امتياز أو وظائفه في نطاق البلدية.

٥- عضوية أو وظائف الهيئات واللجان المكلفة ادارة مشاريع ذات نفع عام في نطاق البلدية القائمة فيها هذه المؤسسات.

المادة ٢٧- لا يكون أهلاً لعضوية المجالس البلدية:

١- الذين لا يعرفون القراءة والكتابة.

٢- المحكومون بالحرمان من الحقوق المدنية أو بالتجريد المدني.

٣- المحكومون من أجل جنایات أو جنح شائنة كما هي معينة في الفقرة ٣ من المادة ١٠ من قانون انتخاب أعضاء مجلس النواب أو من أجل الجنح المنصوص عليها في المواد ٣٢٩ الى ٣٣٤ من قانون العقوبات.

٤- المحكومون بجرائم الانتماء الى الجمعيات السرية.

٥- المحجور عليهم قضائياً لعنتي العته والجنون.

٦- الاشخاص الذين يعلن افلاسهم حتى اعادة اعتبارهم.

المادة ٢٨- لا يجوز للشخص الواحد أن يكون عضواً في عدة مجالس بلدية وكذلك لا يجوز في البلدية الواحدة أن يكون الاب واحد الاولاد، والام واحد الاولاد، والزوج والزوجة، والحمو وزوج الابنة، أو زوجة الابن، والحمأة وزوجة الابن، أو زوج الابنة، والاختوة والاختوات، والعم وابن الاخ، والنخال وابن الاخت، وزوج الاخت، وزوج الاخ، على اختلافهم، أعضاء بمجلس بلدي واحد. واذا انتخب اثنان من الاقارب والانساب المار ذكرهم ولم يستقل أحدهما، فعلى القائم مقام أن يقبل أحدثهما سناً، واذا تعادلا في

السن فيقال أحدهما بالقرعة في أول اجتماع يعقده المجلس البلدي.

المادة ٢٩ - إذا انتخب عضواً بلدياً أحد الأشخاص الوارد ذكرهم في المادة ٢٦ من هذا القانون، فعليه أن يختار ضمن مهلة أسبوعين بين العضوية ووظيفته والا يعتبر مقالاً حكماً من عضوية البلدية، وتعلن الإقالة بقرار من المحافظ، وإذا وجد أحد أعضاء المجلس البلدي في إحدى الحالات المنصوص عليها في المادة ٢٧ من هذا القانون اعتبر مستقياً حكماً من عضوية البلدية بقرار من المحافظ.

القسم الثاني

الاستقالة والتوقيف عن العمل

المادة ٣٠ - تقدم استقالة الرئيس أو نائب الرئيس أو العضو البلدي إلى المحافظ بواسطة القائم مقام وتعتبر نهائية من تاريخ قبولها بقرار من المحافظ. وإذا لم يبت بالقبول تعتبر الاستقالة نهائية بعد مضي شهر من تاريخ تقديم استقالة ثانية ترسل بكتاب مضمون.

بعد انقضاء خمسة عشر يوماً على قبول استقالة الرئيس أو نائبه، أو اعتبار الاستقالة نهائية يجتمع المجلس البلدي وفقاً لاحكام المادة ٧١ من هذا القانون.

يمكن الرجوع عن الاستقالة قبل صدور قرار قبولها أو اعتبارها نهائية.

المادة ٣١ - إذا تخلف عضو المجلس البلدي عن تلبية الدعوة إلى الاجتماع أربع مرات متوالية بدون عذر مشروع، يدعو الرئيس المجلس البلدي إلى جلسة خاصة تعقد لهذه الغاية.

يقدر المجلس البلدي الأسباب التي دعت العضو إلى الغياب ويمكنه اتخاذ قرار باعتبار العضو مستقياً.

ان قرار المجلس البلدي باعتبار العضو مستقياً يخضع لموافقة وزير الداخلية.

للعضو المعبر مستقياً أن يطلعن بالقرار لدى مجلس شوري الدولة بخلال فترة أيام من تاريخ ابلاغه إليه.

الفصل الثالث

سير العمل في المجلس البلدي

القسم الاول

الدعوة إلى اجتماعات المجلس البلدي

المادة ٣٢ - يجتمع المجلس البلدي مرة في الشهر على الأقل بناء على دعوة من رئيسه وكلما دعت الحاجة إلى اجتماعه وعلى الرئيس أن يعين في دعوته مواضع الاجتماع.

يتحتم على الرئيس دعوة المجلس البلدي إلى الاجتماع إذا طلب ذلك المحافظ أو القائم مقام أو أكثرية أعضاء المجلس على أن تذكر في الطلب والدعوة الأسباب الداعية إلى هذا الاجتماع ومواضعه.

المادة ٣٣ - يجب أن تكون الدعوة خطية، وان ترسل قبل الجلسة بثلاثة أيام على الأقل، إلى محل إقامة العضو أو المقام المختار منه، ويمكن تقصير هذه المهلة إذا اقتضت الضرورة.

وللمجلس البلدي أن ينظر في تقصير المهلة فيقرر الاستمرار في الجلسة أو تأجيلها للموعد اآر.

على العضو المقيم خارج النطاق البلدي أن يختار محل إقامة ضمن نطاق البلدية والا عد مبلغاً في مركز البلدية.

...القسم الثاني النصاب والمناقشات

المادة ٣٤ - لا تكون مناقشة المجلس البلدي قانونية الا اذا حضر أكثر من نصف الاعضاء الذين يكون المجلس مؤلفاً منهم بتاريخ عقد الجلسة التي تجري فيها المناقشة واذا لم تتوفر النسبة المذكورة تأجل الاجتماع ودعي الاعضاء الى اجتماع جديد يحدد بدعوة بعد أربع وعشرين ساعة على الأقل، ولا تكون هذه الجلسة قانونية الا اذا حضر ثلث الاعضاء على الأقل، ويجب أن تتضمن الدعوة الثانية خلاصة صريحة لاحكام هذه المادة.

يستغنى عن الدعوة الثانية وتكون الجلسة قانونية اذا ثبت أن عدم الحضور ناشئ عن وجود مصلحة شخصية للاعضاء الغائبين أو لشخص يديرون أعماله.

المادة ٣٥ - جلسات المجلس البلدي سرية. وللمحافظ أو القائمقام أن يحضرها اذا طلبا ذلك على أن لا يكون لهما حق التصويت.

لرئيس البلدية أن يدعو لحضور جلسات المجلس البلدي أي موظف أو أي شخص اخر لاستماعه.

المادة ٣٦ - يرئس جلسات المجلس البلدي رئيس البلدية وبحالة تغيبه فنانب الرئيس والافأكب ر الاعضاء سناً.

المادة ٣٧ - يتولى رئيس الجلسة حفظ نظامها، واذا وقعت فيها جناية أو جنحة ينظم محضراً بالواقع ويرسله بلا ابطاء الى القضاء الصالح ويبلغ القائمقام نسخة عن هذا المحضر.

المادة ٣٨ - يرئس نائب الرئيس الجلسات التي تناقش فيها حسابات ادارة البلدية الموكلة الى الرئيس، ويرئسها أكبر الاعضاء سناً اذا كان لنانب الرئيس تدخّل بادارة مالية البلدية. ولرئيس البلدية أن يحضر المناقشات في حساباتها الادارية على أن يخرج من الجلسة قبل انشروع في التصويت.

المادة ٣٩ - لرئيس البلدية من تلقاء نفسه أو بناء على طلب القائمقام أو المحافظ أن يطلب الى المجلس البلدي أن يتناقش بصورة استثنائية قبل كل شيء، في مسألة تتطلب درساً مستعجلاً. وله أن يمنع المناقشة في موضوع خارج عن جدول الاعمال.

القسم الثالث التصويت على المقررات

المادة ٤٠ - يمارس المجلس البلدي صلاحياته بموجب قرارات يصدرها في جلسات يعقدها لهذه الغاية.

المادة ٤١ - يجري التصويت بطريقة الاقتراع العلني ولا يجوز التصويت بالوكالة.

يلجأ الى طريقة الاقتراع السري اذا طلب ذلك الرئيس أو أكثرية الاعضاء الحاضرين أو اذا كان التصويت يتعلق بانتخاب ما.

المادة ٤٢ - تتخذ مقررات المجلس بأكثرية أصوات الاعضاء الحاضرين. واذا تعادلت الاصوات فصوت الرئيس يرجح.

المادة ٤٣ - لا يجوز أن يشترك في المناقشة والاقتراع عضوله مصلحة خاصة.

المادة ٤٤ - يجب تدوين قرارات المجلس البلدي بأرقام متسلسلة بحسب تواريخها على سجل ترقم صفحاته ويوقع عليه القائمقام أو من ينتدبه.

يجب ألا يترك في السجل بياض ولا يجوز فيه شطب أو كتابة في الحاشية، وعند الضرورة يوضع خطان على البياض ويوقع الرئيس والكتائب على الشطب أو على الكتابة في الحاشية وتدوين كل مخالفة في ذيل القرار.

ان اهمال تدوين ادخال القرارات في السجل الخاص لا يؤدي الى الغائه والغاء الاعمال التي نفذت بموجبه، على انه يجب على سلطنة الرقابة

الفصل الرابع اختصاص المجلس البلدي

القسم الاول مدى اختصاصه

المادة ٤٧ - كل عمل ذي طابع أو منفعة عامة، في النطاق البلدي، من اختصاص المجلس البلدي. وللمجلس البلدي أن يعرب عن توصياته وأما في سائر المواضيع ذات المصلحة البلدية ويبد ملاحظاته ومقترحاته فيما يتعلق بالحاجات العام في النطاق البلدي، ويتولى رئيس المجلس أو م يقوم مقامه ابلاغ ذلك الى المراجع المختصة وفقاً للاصول.

المادة ٤٨ - تكون للانظمة التي يصدرها المجلس البلدي في المسائل الداخلية ضمن اختصاص صفة الالتزام ضمن النطاق البلدي.

المادة ٤٩ - يتولى المجلس البلدي دون أن يكون ذلك على سبيل الحصر الامور التالية:

- الموازنة البلدية، بما في ذلك نقل وفتح الاعتمادات.

- قطع حساب الموازنة.

- القروض على أشكالها لتحقيق مشاريع معية أنجزت دراستها.

- التنازل عن بعض العائدات البلدية الانية والمستقبلية للمقرض أو للدولة لقاء كفالتقترض، وادراج الاقساط التي تستحق سنوياً في الموازنات البلدية المتتالية طوال مدة هذا القرض

- تحديد معدلات الرسوم البلدية في الحدود المعينة في القانون.

- دفتر الشروط لصفقات اللوازم والاشغاف والخدمات.

الادارية تنييه المجلس البلدي الى هذا الاهمال واتخاذ التدابير لمنع تكراره ولتدوين القرار المهمل.

يجب أن تشمل صفحات سجل القرارات على هامش وأربعة أعمدة فتدون في الهامش ازا، نص القرار جميع البيانات التي تتعلق عند الاقتضاء بتصديقه أو بالموافقة عليه أو بالغائه، ويدون في العمود الاول رقم القرار المتسلسل وفي العمود الثاني تاريخ نشره أو تبليغه وفي العمود الثالث تاريخ ارساله الى سلطة الرقابة الادارية وفي العمود الرابع نص القرار نفسه.

المادة ٤٥ - لكل ناخب في الدائرة البلدية أو صاحب مصلحة أن يطلب إعطائه على نفقته نسخة من قرارات المجلس البلدي مصدقاً عليها من الموظف المختص.

القسم الرابع محاضر الجلسات

المادة ٤٦ - ينظم محضر بكل جلسة من جلسات المجلس البلدي في سجل خاص يرقم صفحاته ويؤشر عليها القانمقام أو من ينتدبه، يتلى في نهايتها ويوقع عليه في الجلسة نفسها من قبل جميع الاعضاء الحاضرين وتذكر تحفظاتهم اذا طلبوا ذلك.

تذكر في المحضر على الاخص الدعوة وجدول الاعمال ونص القرارات التي اتخذها المجلس وأسماء الاعضاء الحاضرين وأسماء الاشخاص الذين اشتركوا في المناقشة وخلاصة ملاحظاتهم وأسماء الذين صوتوا في الاقتراع العلني وتعيين وجهة اقتراعهم.

- اسعاف المعوزين والمعاقين ومساعدة النوادي والجمعيات وسائر النشاطات الصحية والاجتماعية والرياضية والثقافية وأمثالها.

- الأنظمة الخاصة بموظفي وأجراء البلدية وتحديد سلسلة رتبهم ورواتبهم وأجورهم.

- حق التعاقد مع البلديات.

- مراقبة النشاطات التربوية وسير العمل في المدارس الرسمية والخاصة واعداد تقارير الى المراجع التربوية المختصة.

- مراقبة سير المرافق العامة واعداد تقارير عن سير العمل فيها الى الادارات المعنية.

- الموافقة على اعتبار الطرقات الساتجة عن مشروع افراز والتي يستفيد منها اكثر من ستة عقارات لمالكين مختلفين كالأمالك العامة البلدية والتي يحق للبلدية اجراء الاشغال عليها.

- الزام المستفيدين من مشروع انشائي انجزت دراسته المساهمة في تكاليف هذا المشروع في حال موافقة اكثرية ثلاثة أرباع المنتفعين منه على الأقل.

المادة ٥٠- يجوز للمجلس البلدي ضمن منطقته أن ينشئ أو يدير بالذات أو بالواسطة أو يسهم أو يساعد في تنفيذ الاعمال والمشاريع الآتية:

- المدارس الرسمية ودور الحضانة والمدارس المهنية.

- المساكن الشعبية والحمامات والمغاسل العمومية والمسابع.

- المستشفيات العمومية والمسوحات والمستوصفات وغير ذلك من المنشآت والمؤسسات الصحية.

المساحف والمسكنات العامة ودور المستنيل ونسبنا والسلاهي والادبية والمساحف وغيرها من

- دفتر الشروط لبيع أملاك البلدية.

- المداحات.

- قبول ورفض الهبات والاموال الموصى بها.

- البرامج العامة للاشغال والتجميل والتنظيفات والشؤون الصحية ولمشاريع المياه والانارة.

- تسمية الشوارع في النطاق البلدي.

- تخطيط الطرق وتقويمها وتوسيعها وانشاء الحدائق والساحات العامة ووضع التصاميم العائدة للبلدة والمخطط التوجيهي العام بالتعاون مع المديرية العامة للتنظيم المدني ومع مراعاة أحكام قانون الاستملاك على أن تكون موافقة كل من التنظيم المدني والبلدية المعنية ملزمة لقرار المشروع وفي حال اختلاف الرأي بين البلدية والتنظيم المدني بيت مجلس الوزراء بالموضوع بصراحة نهائية.

- انشاء الاسواق والمنتزهات وأماكن السباق والملاعب والحمامات والمتاحف والمستشفيات والمستوصفات والملاجئ والمكتبات والمسكن الشعبية والمغاسل والمجارير ومصارف النفايات وأمثالها.

- المساهمة في نفقات المدارس الرسمية وفقاً للاحكام الخاصة بهذه المدارس.

- المساهمة في نفقات المشاريع ذات النفع العام.

- اسقاط الملك البلدي العام الى ملك بلدي خاص.

- تنظيم النقل بأنواعه وتحديد تعرفاته عند الاقتضاء ضمن النطاق البلدي، ومع مراعاة أحكام القوانين النافذة.

المجالس العمومية والرياضية والمؤسسات الاجتماعية والثقافية والفنية.

الوسائل المحلية للنقل العام.

الاسواق العامة لبيع المأكولات وبردات لحفظها وبيادر الغلال.

المادة ٥١ يجب موافقة المجلس البلدي في الامور التالية:

- تغيير اسم البلد

- تغيير حدود البلد

- تنظيم حركة المرور والنقل العام

- مشاريع تقويم الطرق العامة الكبرى وتحديدھا والتصاميم التوجيهية العامة في المنطقة البلدية.

انشاء المدارس الرسمية والمستشفيات والمستوصفات الحكومية ونقلها أو الغاؤها.

الندابير المتعلقة بالاسعاف العام.

انشاء مكاتب ومؤسسات خيرية.

طلبات رخص استثمار المحلات المصنفة، والمطاعم، والمساح والمقاهي والملاهي والفنادق. وعلى المجلس البلدي أن يتخذ قراراً في المواضيع المشار إليها خلال مدة شهر من تاريخ ابلاغه الاوراق المتعلقة بهذه المواضيع، والا اعتبر موافقاً عليها ضمناً.

وفي حال عدم موافقة المجلس البلدي واصرار السلطة المختصة على اتخاذ تدبير مخالف، يعرض الموضوع على مجلس الوزراء عن طريق الوزير المختص، لبتة بالصورة النهائية.

المادة ٥٢ - يراقب المجلس البلدي أعمال السلطة التنفيذية ويسهر على حسن سير العمل في البلدية ويضع بنتيجة أعمال الرقابة تقارير يرفعها الى سلطة الرقابة.

المادة ٥٣ - ينتخب المجلس البلدي من بين أعضائه في بداية كل عام عضوين أصليين وعضوين رديفين يشكلان مع رئيس البلدية ووزيب الرئيس هيئة لجنة المناقصات التي تتولى تأريخ انقضاء البلدية وتلزييم الرسوم التي يقرر المجلس البلدي وضعها في المزايدة.

وللمجلس البلدي أن ينتخب أيضاً لجنة من أعضائه لدراسة القضايا المناطة به ويمكن أن يستعين بلجان يعينها من غير أعضائه.

المادة ٥٤ - قرارات المجلس البلدي نافذة بحذ ذاتها باستثناء القرارات التي أخضعها هذا المرسوم الاشتراعي صراحة لتصديق سلطة الرقابة الادارية، فتصبح نافذة من تاريخ تصديقها.

المادة ٥٥ - تنشر القرارات النافذة ذات الصفة العامة التي يتخذها المجلس البلدي على باب مركز البلدية، وينظم محضر بذلك يوقعه الموظف المختص. أما القرارات النافذة الاخرى فتبلغ الى أصحابها.

القسم الثاني

الرقابة الادارية على قرارات المجلس البلدي

المادة ٥٦ - تمارس الرقابة الادارية على قرارات المجلس البلدي السلطات التالية:

- القائمقام

- المحافظ

- وزير الداخلية

٢- تمارس الرقابة الادارية على قرارات مجلس بلدية بيروت من قبل وزير الداخلية فقط.

المادة ٥٧ - لوزير الداخلية أن يفوض الى مدير عام الداخلية الصلاحيات المنوطة به بموجب أحكام هذا القانون كلياً أو جزئياً.

المادة ٥٨ - يرسل رئيس البلدية قرارات المجلس البلدي التي سلطة الرقابة الادارية المختصة، مباشرة، خلال ثمانية أيام من تاريخ صدورها، على أن يبلغ نسخة عنها الى المراجع التسلسلية.

المادة ٥٩ - لا تخضع لتصديق سلطة الرقابة الادارية قرارات المجلس البلدي التالية، وهي على سبيل التعداد والمثال لا الحصر:

- عقود الايجار التي لا تزيد بدلاتها السنوية عن عشرة الاف ليرة في البلديات الخاضعة لرقابة ديوان المحاسبة المسبقة وخمسة الاف ليرة في البلديات الاخرى.

- تأمين المباني البلدية وتجهيزاتها وآلياتها لدى شركات الضمان للعقود التي لا تزيد قيمة هذا التأمين عن خمسة الاف ليرة في البلديات الخاضعة لرقابة ديوان المحاسبة المسبقة وثلاثة الاف ليرة في البلديات الاخرى.

- قبول أو رفض الهبات والاموال الموصى بها غير المرتبطة بأعباء.

- اسعاف المعوزين والمعاقين ومساعدة النشاطات التربوية والثقافية والرياضية والاجتماعية عندما لا تزيد قيمة المساعدة عن الف ليرة في السنة.

- وضع تعريفات النقل والعربات والمركبات العمومية على اختلاف أنواعها ضمن النطاق البلدي.

- تحصيل الرسوم البلدية والحجز على أموال المكلفين الذين يتمنون عن دفع تلك الرسوم.

المادة ٦٠ - تخضع لتصديق القائم مقام القرارات التالية:

- الموازنة البلدية ونقل وفتح الاعتمادات.

- الحسابات القطعية.

- تحديد معدلات الرسوم البلدية ضمن الحدود المنصوص عنها بقانون الرسوم البلدية.

- شراء العقارات أو بيعها التي لا تزيد قيمتها عن المائتي الف ليرة ودفاتر الشروط الخاصة العائدة لها.

- عقود الايجارات عندما تزيد بدلاتها السنوية عن عشرة الاف ليرة في البلديات الخاضعة لرقابة ديوان المحاسبة المسبقة وعن خمسة الاف ليرة بالنسبة للبلديات الاخرى، ولا تتعدى في الحالتين الثلاثين الف ليرة.

- اسعاف المعوزين والمعاقين ومساعدة النوادي والجمعيات وسائر النشاطات الثقافية والاجتماعية والرياضية والصحية وأمثالها عندما تزيد المساعدة في السنة عن الالف ليرة.

- اجازة صفقات اللوازم والاشغال والخدمات عندما تزيد قيمتها عن عشرة الاف ليرة ولا تتجاوز المائة الف ليرة وتصديق دفاتر الشروط الخاصة العائدة لها.

- اجازة الاشغال بالامانة وشراء اللوازم بالفاتورة عندما تتجاوز أكلافها الثلاثة الاف ليرة ولا تزيد عن خمس وعشرين الف ليرة.

- تسوية الخلافات والمصالحات مع مراعاة أحكام المادة ٦٦ من هذا المرسوم الاشتراعي.

- قبول أو رفض الهبات والاموال الموصى بها المرتبطة بأعباء.

المادة ٦١ - تخضع لتصديق المحافظ القرارات التالية:

- اجازة صفقات اللوازم والاشغال والخدمات عندما تزيد قيمتها عن المائة الف ليرة، وتصديق دفاتر الشروط الخاصة العائدة لها.

- اجازة الاشغال بالامانة وشراء اللوازم بالفاتورة عندما تتجاوز قيمتها خمساً وعشرين الف ليرة.

- الزام المستفيدين من مشروع انشائي أنجزت دراسته المساهمة في التكاليف.

-- التنازل عن بعض العائدات السلطنة المالية والمستقبلية للمقرض أو للدولة.

المادة ٦٣- تعتبر القرارات المبينة في المواد السابقة مصدقاً عليها ضمناً إذا لم تتخذ سلطنة الرقابة الادارية المختصة قرارها بشأنها خلال شهر من تاريخ تسجيل القرار في الوحدة المختصة لدى سلطة الرقابة الادارية المعنية.

وعلى رئيس البلدية في مثل هذه الحال، أن يحيط سلطة الرقابة الادارية المختصة علماً بأن القرار أصبح مصدقاً.

لا تطبق هذه المهلة على القرارات المتعلقة بالتخطيط والموازنة وفتح ونقل الاعتمادات والقروض.

أما القرارات الخاضعة لرقابة ديوان المحاسبة المسبقة، فتسري المدة بشأنها من تاريخ ابلاغ قرار الديوان بالموافقة الى سلطة الرقابة الادارية.

المادة ٦٤- تصديق سلطة الرقابة الادارية يجب أن يكون خطياً، وهو قابل للطعن أمام مجلس شوري الدولة.

المادة ٦٥- يجوز للقائمقام أو المحافظ أو لوزير الداخلية في أي وقت شاء ولأسباب تتعلق بالامن أن يرجي، مؤقتاً تنفيذ قرار مجلس بلدي، ويجب أن يتم ذلك بموجب قرار معلل يقبل الطعن أمام مجلس شوري الدولة.

المادة ٦٦- تخضع المصالحات لموافقة هيئة القضايا في وزارة العدل في القضايا العالقة أمام المحاكم، ولموافقة هيئة التشريع والاستشارات في وزارة العدل في القضايا التي لم ترفع أمام المحاكم.

- شراء العقارات أو بيعها التي تزيد قيمتها عن مايتي الف ليرة ودفاتر الشروط الخاصة العائدة لها.

-- تخصيص ملك بلدي لمصلحة ما، بعد أن يكون مخصصاً لمصلحة عامة.

- عقود الايجار التي تزيد بدلاتها السنوية عن ثلاثين الف ليرة.

- انشاء الاسواق وأماكن السباق والمتاحف والمستشفيات والمساكن الشعبية ومصارف النفايات وأمثالها.

المادة ٦٢- تخضع لتصديق وزير الداخلية القرارات التالية:

- القرارات التي يتألف منها نظام عام.

- القروض.

- تسمية الشوارع والساحات والابنية العامة واقامة النصب التذكارية والتمثيل.

- انشاء الوحدات البلدية وتنظيمها وتحديد ملاكها واختصاصاتها وسلسلة رتب ورواتب موظفيها.

- انشاء اتحادات تضم عدة مجالس بلدية للقيام بأعمال مشتركة ذات نفع عام.

- تعويضات رئيس ونائب رئيس البلدية.

- اسقاط الاملاك البلدية العامة الى املاك بلدية خاصة، وتعتبر املاكاً بلدية عامة الطرقات والفضلات الواقعة ضمن نطاق البلدية باستثناء الطرق الدولية.

- دفتر الشروط العام لصفقات اللوازم والاشغال والخدمات.

- دفتر الشروط العام لبيع املاك البلدية.

الباب الثالث السلطة التنفيذية

الفصل الاول تعريفها وانتخابها

المادة ٦٧- يتولى السلطة التنفيذية في البلدية رئيس المجلس البلدي، وفي بلدية بيروت يتولاها المحافظ. لا تطبق على من يتولى السلطة التنفيذية أحكام الفقرة (٢) من المادة ١٤ من المرسوم الاشتراعي رقم ١١٢ تاريخ ١٢ حزيران ١٩٥٩.

المادة ٦٨- (١) - ينتخب رئيس ونائب رئيس البلدية بالتصويت العام المباشر ولمدة ست سنوات مع أعضاء المجلس البلدي.

(٢) - أما في بلدية بيروت فيجري انتخاب رئيس ونائب رئيس المجلس البلدي للمدة المذكورة في الفقرة ١ من قبل أعضاء المجلس بطريقة الاقتراع السري وبالاكثرية النسبية في أول جلسة يعقدها وذلك بدعوة من المحافظ وفي الموعد والمكان اللذين يحددهما المحافظ ضمن مهلة خمسة عشر يوماً من تاريخ اكتمال عدد أعضاء المجلس.

يرأس الجلسة أكبر الاعضاء سناً عند تعادل الاصوات بين عضوين يفوز الأكبر سناً. واذا كانا من عمر واحد يلجأ إلى القرعة.

(٣) - يعتبر رئيس ونائب رئيس البلدية من أعضاء المجلس البلدي ومن ضمن العدد المحدد في المادة التاسعة من هذا المرسوم الاشتراعي.

المادة ٦٩- تطبق أحكام المواد ٢٦ و ٢٧ و ٢٨ و ٢٩ المتعلقة بأهلية أعضاء المجلس البلدي على أهلية رئيس البلدية ونائب الرئيس.

المادة ٧٠- تسري أحكام المواد ١٣-١٤-١٥-١٦-١٧-١٨-١٩-٢٠ المتعلقة بطريقة انتخاب أعضاء المجلس البلدي على طريقة انتخاب رئيس ونائب رئيس البلدية، الا انه لا يحق

للمرشح أن يقدم ترشيحه الا لمركز واحد في البلدية والا حق للمقائممقام أن يرفض طلبات ترشيحه كلها.

المادة ٧١- اذا شغل مركز رئاسة البلدية بصورة نهائية لأي سبب كان يتولى نائب الرئيس شؤون الرئاسة للفترة المتبقية من ولاية البلدية، ويلتزم المجلس البلدي ببناء لدعوة من الرئيس الجديد لانتخاب نائب الرئيس من بين أعضاء المجلس البلدي وخلال مهلة أقصاها شهر واحد من تاريخ الشغور.

المادة ٧٢- في حال شغور مركز رئاسة البلدية بصورة مؤقتة طيلة سبعة أيام عمل متتالية، يتولى نائب الرئيس هذه المهام بصورة مؤقتة بقرار من المجلس البلدي وتحاط سلطة الرقابة الادارية علماً بتولية مهام الرئاسة.

المادة ٧٢- يحق لرئيس ونائب رئيس البلدية أن يتقاضيا تعويض تمثيل وانتقال يحدده المجلس البلدي ويكون متناسباً مع أهمية الجهد الذي يقضيه كل منهما في تصريف شؤون البلدية.

الفصل الثاني

اختصاص رئيس السلطة التنفيذية

المادة ٧٤- يتولى رئيس السلطة التنفيذية على سبيل التعداد لا الحصر، الاعمال التالية:

- تنفيذ قرارات المجلس البلدي.
- وضع مشروع موازنة البلدية.
- ادارة دوائر البلدية والاشراف عليها.
- ادارة أموال البلدية وعقاراتها والقيام بالتالي بجميع الاعمال اللازمة لصيانة حقوقها.
- ادارة مداخيل البلدية والاشراف على حساباتها.

-- الاهتمام باتخاذ جميع الوسائل اللازمة لتأمين صحة الوزن والكيل والقياس.

- كل ما يختص بحماية البيئة والمناظر الطبيعية والاثار التاريخية وصيانة الاشجار والاماكن المشجرة، ومنع التلوث.

- اعطاء رخص البناء ورخص السكن وافادات انجاز البناء لادخال الماء والكهرباء والهاتف بعد موافقة الدوائر الفنية المختصة.

- تطبيق أحكام القوانين المتعلقة بتسوية مخالفات البناء.

- التوقيف عن البناء بناء لطلب المتضرر ولقاء كفالة يقدر قيمتها رئيس البلدية لمدة أقصاها خمسة عشر يوماً ليتمكن خلالها المتضرر مراجعة المحكمة المختصة.

- الترخيص بحفر الطرقات العامة لمد قساطل المياه والكهرباء والهاتف والمجارير وغيرها لقاء كفالة تضمن إعادة الحال الى ما كانت عليه على نفقة طالب الترخيص ولا تستثنى المؤسسات العامة والمصالح المستقلة وادارات الدولة من هذا الترخيص.

- الترخيص بوصل المجارير ضمن النطاق البلدي بعد استيفاء الرسوم وان كان المشروع قد جرى تنفيذه بواسطة مجلس الاتحاد أو هيئة أخرى وان كان يمر في نطاق عدة بلديات.

- مراقبة الاتجار بالمواد الغذائية وتسعيرها على أن لا يتعارض ذلك مع التدابير والقرارات التي تصدرها وزارة الاقتصاد والتجارة.

-- تعيين موظفي البلدية وفقاً لانظمة البلدية وملاكاتها وانهاء خدماتهم وتعيين العمال والاجراء المياومين في حدود الاعتمادات المخصصة لهم في الموازنة. الا انه لا يجوز أن يكون الاب واحد الاولاد والأم واحد الاولاد والزوج والزوجية وزوجة الابن، والاخوة والاحويات موظفين في

بلدية واحدة واذا وجد بين الموظفين من هو في هذه الحالات حتى لرئيس البلدية أن يصرف أحدهما من الخدمة بموجب قرار اداري نافذ بذاته على أن تصفى تعويضاته وفقاً لاحكام قانون الموظفين.

-- الترخيص بالاعلان.

- يتولى شؤون الامن بواسطة الشرطة البلدية، التي تتمتع بصفة الضابطة العدلية، وله أن يطلب مؤازرة قوى الامن الداخلي عند وقوع أي جرم أو احتمال حدوث ما قد يهدد السلامة العامة وأن يباشر التحقيقات اللازمة.

- اتخاذ التدابير الادارية والتنظيمية التي يراها مناسبة لحسن سير العمل البلدي ولتأمين الواردات البلدية وفقاً لاحكام قانون الرسوم البلدية.

- القيام ببعض الاعمال والاجراءات المستعجلة المتعلقة بالصحة العامة والسلامة العامة والمواصلات والاليات والتشريفات والاستقبالات على أن تعرض فيما بعد على موافقة المجلس البلدي.

المادة ٧٥- يجوز لرئيس السلطة التنفيذية أن يرخص بالاشغال الموقت أو بوضع البضائع مؤقتاً في الطرق والاماكن العامة أو يعرضها على جوانب الارصفة والساحات العامة، وله أن يرخص أيضاً لاصحاب المطاعم والمقاهي بأن يضعوا طاولات ومقاعد وكراسي على أرصفة الطرق والساحات المذكورة.

المادة ٧٦- لرئيس السلطة التنفيذية أن يصدر أنظمة بلدية في المسائل الداخلة ضمن اختصاصه ويكون لهذه الأنظمة ضمن النطاق البلدي صفة الالزام التي هي لشرائح الدولة وأنظمتها.

تنشر القرارات ذات الصفة العامة التي يتخذها رئيس السلطة التنفيذية على باب مركز البلدية، وينظم محضراً بذلك يوقعه الموظف المختص، وتبلغ القرارات الأخرى الى أصحابها.

- الأمر بصرف السيزانية البلدية والقيام بانفاق المصاريف والاشراف عليها واعطاء حوالات بصرفها.

اجراء عقود الايجار والقسمة والمقايضة وقبول الهبات والاشهاد، الصومسى بها والشراء والمصالحات به، ان يكون هذه الاعمال قد رخص باجرائها ومدى الاحكام هذا القانون.

- القيام بالشروط نفسها بالمشتريات والاتفاقات والصفقات والالتزامات ومراقبة الاشغال التي تنفذ لحساب البلدية واستلامها.

- عقد النفقات التي تجري بموجب بيان أو فاتورة.

- تمثيل البلدية أمام المحاكم وفقاً للشروط المنصوص عليها في هذا القانون.

- اصدار الاوامر باتخاذ التدابير المنحلية في المسائل الموكلة الى عيانيته وسلطته بموجب القوانين والانظمة.

- اتخاذ التدابير بشأن مكافحة السكر والامراض الوبائية أو السارية وأمراض الحيوانات.

- هدم المباني المتداعية واصلاحها على نفقة أصحابها وفقاً لاحكام قانون البناء.

- استلام الهبات والاموال الموصى بها الى البلدية اذا كانت معرضة للتلف أو الضياع وحفظها الى أن يبت بشأنها.

- اتخاذ التدابير المتعلقة بقمع التسول.

- اتخاذ التدابير اللازمة بشأن المجانين الذين يهددون الاداب أو سلامة الاشخاص والاموال.

- اتخاذ جميع التدابير اللازمة لتدارك وملافاة الحوادث التي قد تقع بسبب شرود الحيوانات المضرة أو المفترسة.

- تأمين توزيع المساعدات اللازمة لاعانة ضحايا الافات والنكبات كالحريق وطغيان المياه والامراض الوبائية أو السارية الخ...

- المحافظة على الراحة والسلامة والصحة العامة بشرط أن لا يتعرض للمصالحات التي تمنحها القوانين والانظمة لدوائر الامن في الدولة.

- كل ما يتعلق بتأمين السير وتسهيل التجول في الشوارع والساحات والطرق العمومية وكل ما يتعلق بالتنظيف والانارة ورفع الانقاض والاقذار

- الاهتمام باستدراك أو منع ما من شأنه أن يمس الراحة والسلامة والصحة العامة.

- نقل الموتى وتنظيم سير الجنازات وتنظيم الدفن ونش الجثث والمحافظة على النظام في المدافن وعلى حرمتها.

- وكل ما يختص بحماية صحة الافراد والصحة العامة كالمراقبة الصحية على أماكن الاجتماعات والفنادق والنسيونات ومنازل البغاء والمقاهي والمطاعم والافران وحوانيت اللحامين والسمايين والحلاقين الخ.. وبشكل عام على جميع الاماكن التي يتعاطى فيها تجارة أو صناعة المأكولات أو المشروبات والمراقبة الصحية على الاشخاص المرتبطين بأية صفة كانت بهذه المحلات.

- الاهتمام باتخاذ وسائل الوقاية من الحريق والانفجار وطغيان المياه كتنظيم مصلحة المطافئ ومراقبة الاماكن التي تخزن فيها المواد الملتهبة والمتفجرة والمحروقات وتحديد كميات هذه المواد التي يجوز لهذه الاماكن تخزينها والامر باتخاذ وسائل الوقاية الواجبة عليها.

- فرض ما يلزم من تدابير النظافة والراحة والصحة والسلامة على وسائل النقل العمومي.

- كل ما يختص بالاداب والحشمة العمومية.

- الاهتمام باتخاذ جميع الوسائل اللازمة لتأمين نقاوة وسلامة مواد الأكل المعدة للتجار.

المادة ٧٧- ١- يرئس رئيس السلطة التنفيذية الوحدات البلدية ويسهر على حسن سير العمل وتنسيقه فيها، وهو الرئيس التسلسلي الاعلى لموظفي البلدية.

٢- لرئيس السلطة التنفيذية أن يفوض الى نائب الرئيس بعض صلاحياته.

وله كذلك أن يفوض رؤساء الوحدات البلدية بعض صلاحياته باستثناء الصلاحيات التي تتعلق باستصدار نصوص لها الصفة العامة.

يتم التفويض بقرار يبلغ الى وزير الداخلية وينشر في الجريدة الرسمية.

المادة ٧٨- يمسك سجل خاص لتدوين جميع القرارات التي يتخذها رئيس السلطة التنفيذية ويذكر على السجل اذا كان هذا القرار قد نشر أو بلغ.

المادة ٧٩- ١- تحال للعلم جميع القرارات التي يتخذها رئيس السلطة التنفيذية الى القائمقام. وفي بلدية بيروت الى وزير الداخلية.

٢- يتصل رئيس السلطة التنفيذية مباشرة مع الادارات العامة في كل ما يتعلق بشؤون البلدية العادية.

الباب الرابع

أحكام مختلفة

الفصل الاول

التنظيم الاداري

المادة ٨٠- تخضع بلديات مراكز المحافظات لرقابة مجلس الخدمة المدنية. وتبقى خاضعة لرقابة مجلس الخدمة المدنية البلديات التي سبق وأخضعت له بمرسوم. تحدد البلديات الأخرى التي تخضع لرقابة مجلس الخدمة المدنية بمرسوم يتخذ في مجلس الوزراء بناء على اقتراح وزير الداخلية.

المادة ٨١- تضع كل بلدية نظاماً لموظفيها وملاكاً لهم، وكذلك نظاماً لاجرائها.

المادة ٨٢- تطبق في البلديات الخاضعة لرقابة مجلس الخدمة المدنية الاحكام التالية:

- المواد ١٣ و ٦١ و ٦٢ و ٩٧ و ١٠٠ من المرسوم الاشتراعي رقم ١١٢ تاريخ ١٢ حزيران ١٩٥٩ وتعديلاتها.

- المواد ٤٠ و ٤١ و ٤٢ و ٤٣ و ٤٤ و ٤٥ و ٤٦ و ٤٧ و ٤٨ و ٥٩ و ٦٠ و ٦١ من المرسوم الاشتراعي رقم ١١٣ تاريخ ١٢ حزيران ١٩٥٩ وتعديلاتها.

المادة ٨٣- للبلدية أن تنشئ ما تحتاجه من الوحدات الادارية والمالية والفنية، والشرطة والحرس والاطفاء والاسعاف.

كما يجوز انشاء وحدات وشرطة وحرس واطفاء واسعاف مشتركة بين بلديتين أو أكثر، وتعيين موظفين مشتركين فيما بينها.

١- يتم انشاء الوحدات والشرطة والحرس والاطفاء والاسعاف المشتركة بقرار من وزير الداخلية.

٢- يضع وزير الداخلية أنظمة موحدة للموظفين المشتركين مع الاحتفاظ للبلديات ذات الوحدات المشتركة بوضع الانظمة الخاصة التي تراعي أوضاعها على أن تخضع هذه الانظمة الخاصة لموافقة وزير الداخلية.

٣- توزع بقرار من وزير الداخلية نفقات هؤلاء الموظفين بين البلديات المعنية على أساس معدلات مئوية.

٤- تصدر قرارات وزير الداخلية بهذا الشأن بناء على اقتراح المحافظ وبعد استطلاع رأي البلديات المعنية.

المادة ٨٤- يجوز للمجالس البلدية في البلديات التي تخضع لرقابة مجلس الخدمة المدنية، وبعد أخذ موافقة وزير الداخلية، التعاقد مع أشخاص ممن تتوافر فيهم الشروط العامة للتوظيف البلدية للقيام ببعض وظائفها في أوقات محددة وشروط خاصة تعين في العقد، كما يجوز في البلديات التي يقل قدرها حسابها السنوي عن خمسين ألف ليرة تكليف أعضاء من المجلس البلدي بدون مقابل، بمهام الكاتب، كما يجوز تكليف الشرطي بمهام المرافق الصحي والجاني.

المادة ٨٥- يحق للموظفين البلديين المنوط بهم تطبيق أو مراقبة تنفيذ القوانين والانظمة المتعلقة بالصحة العامة والنظافة العامة والبناء وتسهيل التجول في الشوارع والساحات العامة ضبط مخالفات القوانين والانظمة.

الفصل الثاني

مالية البلديات

المادة ٨٦- تتكون مالية البلديات من:

- الرسوم التي تستوفيتها البلدية مباشرة من المكلفين.
- الرسوم التي تستوفيتها الدولة أو المصالح المستقلة أو المؤسسات العامة لحساب البلديات ويتم توزيعها مباشرة لكل بلدية.
- الرسوم التي تستوفيتها الدولة لحساب جميع البلديات.
- المساعدات والقروض.
- حاصلات أملاك البلدية. بما في ذلك كامل إيرادات المشاعات الخاصة بها.
- الغرامات.
- الهبات والوصايا.

المادة ٨٧- تودع امانة في صندوق بلدي مستقل في وزارة الداخلية حاصلات العلاوات المشتركة العائدة لجميع البلديات.

المادة ٨٨- تحدد أصول وقواعد توزيع أموال الصندوق البلدي المستقل بنصوص تطبيقية بعد استشارة مجلس شوري الدولة.

المادة ٨٩- تعين قواعد وأصول المحاسبة في البلديات بموجب مرسوم يتخذ في مجلس الوزراء، بناء لاقتراح وزير الداخلية.

المادة ٩٠- تخضع بلدية بيروت لرقابة ديوان المحاسبة وكذلك البلديات الخاضعة حالياً للرقابة ذاتها.

تحدد البلديات الأخرى التي تخضع لرقابة ديوان المحاسبة بمرسوم يتخذ في مجلس الوزراء، بناء على اقتراح وزير الداخلية.

الفصل الثالث

الموجه البلدي

المادة ٩١- تتولى وزارة الداخلية اعداد البلديات لتمكينها من الاضطلاع بمهامها.

المادة ٩٢- يعهد وزير الداخلية الى عدد من الموظفين مهمة توجيه البلديات الى الوسائل الكفيلة بتطويرها ورفع مستواها وزيادة فعاليتها وتحسين تنظيمها وتبسيط الاساليب والأصول وطرق العمل المتبعة فيها وتعريفها الى أفضل السبل لتحقيق غاياتها.

المادة ٩٣- يجري اختيار الموظفين المشار اليهم في المادة السابقة من بين موظفي الدولة والبلديات الذين تتوافر فيهم معارف ومؤهلات خاصة في الحقل البلدي.

وتطبق عليهم حالة الانتداب وأحكامه المنصوص عليها في المرسوم الاشتراعي رقم ١١٢ تاريخ ١٢

حزيران ١٩٥٩، ويحدد عددهم، وفقاً للحاجة بقرار من وزير الداخلية.

المادة ٩٤- يجري اعداد دورات تدريبية للبلديات والاتحادات المنشأة وأجهزتها وفقاً لبرنامج يحدده وزير الداخلية.

الفصل الرابع المراقب العام

المادة ٩٥- تخضع الاعمال المالية في بلدية بيروت وسائر البلديات واتحادات البلديات، التي تحدد بمرسوم يتخذ في مجلس الوزراء، بناء على اقتراح وزير الداخلية، لسلطة مراقب مالي يسمى المراقب العام.

يمكن أن تناول سلطة المراقب العام أكثر من بلدية أو اتحاد.

المادة ٩٦- يعين المراقب العام بمرسوم يتخذ في مجلس الوزراء، بناء على اقتراح وزير الداخلية وتنتهى خدماته بالطريقة نفسها.

تحدد تعويضات المراقب العام في مرسوم تعيينه.

يشترط في المراقب العام:

- أن يكون من موظفي الفئة الثالثة على الأقل، في ملاكات الدولة أو ما يعادلها في ملاكات البلديات، حائزاً على اجازة جامعية أو خريج المعهد الوطني للإدارة والانماء، وتولى الاعمال المالية أو الرقابة المالية لمدة خمس سنوات على الأقل.

- أو أن يكون من موظفي الفئة الثالثة على الأقل. في ملاكات الدولة أو ما يعادلها في ملاكات البلديات الخاضعة لاصول وقواعد المحاسبة العمومية. وتولى الاعمال المالية أو الرقابة المالية لمدة عشر سنوات على الأقل.

- يشترط في المراقب العام في بلدية بيروت أن يكون من موظفي الفئة الثانية على الأقل في ملاكات الدولة أو ما يعادلها في ملاكات البلديات الخاضعة لاحكام قانون المحاسبة العمومية وتولى الاعمال المالية أو الرقابة المالية لمدة عشر سنوات على الأقل.

المادة ٩٧- تحدد صلاحيات المراقب العام ومركز عمله بمرسوم يتخذ في مجلس الوزراء، بناء على اقتراح وزير الداخلية.

وفيما خلا الصلاحيات والتعويضات المقررة له، لا يجوز اناطة المراقب العام في البلدية أو الاتحاد بأية مهمة ولا تكليف القيام بأي عمل ولا تقاضي أي تعويض أو مكافأة.

المادة ٩٨- يستفيد المراقب العام من المنافع والخدمات التي تعطى للموظفين في ملاكته الاصلية أيا كان نوعها، وتدفع له بالاضافة الى رواتبه وتعويضاته ومخصصاته من موازنة البلدية أو الاتحاد.

المادة ٩٩- يرتبط المراقب العام ادارياً بوزارة الداخلية طيلة مدة قيامه بهذه الوظيفة.

الفصل الخامس الدعاوى

المادة ١٠٠- يتناقش المجلس البلدي بالدعاوى والملاحقات القضائية التي تقام باسم البلدية، ويخول القرار المتخذ رئيس السلطة التنفيذية المراجعة في كافة مراحل المقاضاة.

لرئيس السلطة التنفيذية القيام بالقضايا المستعجلة والاجراءات التحفظية وذلك قبل أن يتخذ المجلس البلدي القرار المشار اليه أعلاه.

المادة ١٠١- تعفى الدعاوى المقامة على البلدية أمام القضاء العدلي من تقديم المذكرة التمهيدية.

أما تقديم الدعاوى على البلدية أمام القضاء الإداري فيبقى خاضعاً للأصول المعمول بها أدى هذا القضاء.

المادة ١٠٢- تطبق بحق البلديات الاصول المتبعة في تنفيذ الاحكام الصادرة بحق الدولة.

الفصل السادس

الملاحظات التأديبية والجزائية

المادة ١٠٣ - يعتبر رئيس المجلس البلدي أو نائبه أو العضو الذي يتولى أعمال السلطة التنفيذية مسؤولاً من الوجهة المسلكية ويتعرض للعقوبات التأديبية اذا أخل بالواجبات التي تفرضها عليه الانظمة والقوانين، رغم انذاره. وأدى ذلك الى الحاق الضرر بمصالح البلدية.

ولا تحول الملاحقة التأديبية دون الملاحقة عند الاقتضاء أمام المحاكم المدنية والجزائية المختصة.

المادة ١٠٤- العقوبات التأديبية فئتان:

- الفئة الاولى:

- التنبيه

- التأنيب

- الفئة الثانية:

- التوقيف عن العمل لمدة لا تتجاوز السنة

- الإقالة

المادة ١٠٥- تفرض عقوبات الفئة الاولى بقرار من وزير الداخلية.

تفرض عقوبات الفئة الثانية بقرار من الهيئة التأديبية الخاصة.

ويحق للهيئة التأديبية الخاصة فرض أية عقوبة من الفئة الاولى فيما اذا تبين لها أن المحال عليها لا يستحق عقوبة أشد.

المادة ١٠٦- تألف الهيئة التأديبية الخاصة على الوجه التالي:

- رئيس المجلس التأديبي العام للموظفين

رئيساً

- موظف من وزارة الداخلية من الفئة الثانية على الأقل

عضواً

- رئيس بلدية

عضواً

- ويقوم بوظيفة مفوض الحكومة، مفوض الحكومة لدى المجلس التأديبي العام للموظفين وبوظيفة أمين سر الهيئة موظف من الفئة الرابعة على الأقل في مصلحة الشؤون البلدية والقروية في وزارة الداخلية.

لا يشترك مفوض الحكومة وأمين سر الهيئة التأديبية الخاصة في المذاكرة واصدار الحكم.

المادة ١٠٧- تعين الهيئة التأديبية الخاصة بمرسوم بناء على اقتراح وزير الداخلية.

ويعين في هذا المرسوم رئيس وأعضاء اضافيون ليقوموا مقام الرئيس والاعضاء الاصليين عند التغيب أو المرض أو تعذر الاشتراك بأعمال الهيئة لسبب قانوني.

المادة ١٠٨- يحال رئيس المجلس البلدي أو نائبه أو العضو الذي يتولى أعمال السلطة التنفيذية على الهيئة التأديبية الخاصة بقرار من وزير الداخلية بعد اجراء تحقيق تتولاه وزارة الداخلية.

المادة ١٠٩- يعمل أمام الهيئة التأديبية الخاصة بالاصول المتبعة أمام المجلس التأديبي العام للموظفين.

المادة ١١٠- تقبل قرارات الهيئة التأديبية الخاصة الطعن لتجاوز حد السلطة أمام مجلس شوري الدولة وفقاً للأصول المتبعة لديه.

الفصل السابع اتحاد البلديات

القسم الاول - تعريفه - تشكيله - ولايته

المادة ١١٤- يتألف اتحاد البلديات من عدد من البلديات، ويتمتع بالشخصية المعنوية والاستقلال المالي. ويمارس الصلاحيات المنصوص عليها في هذا القانون.

المادة ١١٥- ١- ينشأ اتحاد البلديات بمرسوم يتخذ في مجلس الوزراء بناء على اقتراح وزير الداخلية، وذلك:

- اما بمبادرة منه

- واما بناء على طلب البلديات

٢- ويجوز ضم بلديات أخرى الى الاتحاد بمرسوم بناء على اقتراح وزير الداخلية وبمبادرة أو بناء على طلب البلديات.

٣- يحل اتحاد البلديات بنفس الاصول المعتمدة لانشائه.

يحدد في مرسوم الحل ومع الاحتفاظ بحقوق الغير الشروط التي تجري فيها تصفية اتحاد البلديات.

المادة ١١٦- يحدد في مرسوم انشاء اتحاد البلديات اسم هذا الاتحاد ومركزه.

المادة ١١٧- تنتهي ولاية مجلس الاتحاد بانتهاء ولاية المجالس البلدية التي يتألف منها.

القسم الثاني - جهاز الاتحاد

المادة ١١٨- يتألف جهاز الاتحاد من سلطة تفريرية تسمى مجلس الاتحاد ومن سلطة تنفيذية يتولاها رئيس مجلس الاتحاد.

المادة ١١٩- يتألف مجلس الاتحاد من رؤساء البلديات التي يضمها الاتحاد ويمكن للمجلس

ان مراجعة مجلس شورى الدولة لا توقف التنفيذ ما لم يقرر المجلس وقف تنفيذ القرار المطعون فيه.

على مجلس شورى الدولة أن يبت بطلب وقف التنفيذ خلال ثلاثة أيام بعد انقضاء عشرة أيام على تاريخ تبليغ الدولة والا اعتبر الطلب مقبولاً حكماً حتى تاريخ صدور الحكم النهائي.

المادة ١١١- لا يمكن ملاحقة الرئيس أو نائبه أو العضو البلدي جزائياً من أجل جرم يتعلق بمهامهم الا بناء على موافقة المحافظ الخطية.

المادة ١١٢- اذا صدر قرار ظني أو حكم بدائي بحق رئيس البلدية أو نائب الرئيس أو أحد الاعضاء جاز كف يده بقرار من المحافظ، حتى صدور الحكم النهائي.

وإذا اتهم أحد هؤلاء بجناية أو ظن به بجنحة شائنة، وجب كف يده بقرار من المحافظ حتى انتهاء الدعوى.

وإذا صدر بحق أحد هؤلاء حكم مبرم بجناية أو بجنحة شائنة يعتبر مقالاً حكماً وتعلن الاقالة بقرار من المحافظ.

وإذا صدر بحق أحد هؤلاء مذكرة توقيف غيابية كانت أو وجاهية بجناية أو بجنحة شائنة، اعتبر مكفوف اليد حكماً اعتباراً من تاريخ المذكرة.

وإذا استردت مذكرة التوقيف أو أخلى سبيله يعود حكماً الى ممارسة أعماله ان لم يكن قد أوقف بجناية أو بجرم شائن.

المادة ١١٣- يعود للنيابة العامة حق وصف الجرم، الملاحق به رئيس البلدية أو نائبه أو أحد الاعضاء، وما اذا كان ناشئاً عن مهام البلدية أو غير ناشئ عنها.

البلدي بناء لاقته. اح الرئيس ان يتمثل بأحد أعضائه طيلة مدة ولاية الاتحاد.

وفي حال شغور مركز عضو الاتحاد بسبب دائم كالوفاة أو الاستقالة أو الإقالة من عضوية المجلس البلدي يحل محله العضو الذي ينتدبه المجلس البلدي التابع له.

المادة ١٢٠- بلتتم مجلس الاتحاد خلال مهلة أسبوعين من تكوينه بناء لدعوة القوائم مقام أو المحافظ وذلك لانتخاب الرئيس ونائب الرئيس ولا يشترك القوائم مقام أو المحافظ في هذه الانتخابات ان كان متولياً أعمال البلديات.

المادة ١٢١- يعاون رئيس السلطة التنفيذية في إدارة شؤون الاتحاد جهاز موظفين يرئسه مدير ويتألف من الجهاز الهندسي والصحي، من الجهاز الإداري والمالي ومن جهاز الشرطة.

يتولى مجلس الاتحاد وضع أنظمة وملاكات موظفي الاتحاد.

يعين رئيس مجلس الاتحاد الموظفين وفقاً لأحكام الأنظمة والملاكات المرعية الاجراء.

المادة ١٢٢- يتولى الجهاز الهندسي، لصالح البلديات الاعضاء في الاتحاد الشؤون التالية:

- درس طلبات رخص البناء وتنظيم الكشوفات الفنية ورفع كامل الملف الى رئيس البلدية المعنية للبت به.

-- اعداد دفاتر شروط اللوازم والاشغال والخدمات.

-- اعداد الدراسات الفنية المطلوبة والاستشارات.

- وضع التخطيطات.

- اعداد لوائح الاستملاك والبيانات التفصيلية لاحتثها الى لجان التخمين المختصة.

درس وايداء الرأي برخص الاسكان.

- المراقبة الصحية.

- اعداد تقارير الى رئيس البلدية المعنية تتعلق بمخالفات البناء وبالمخالفات الصحية ويسائر المخالفات العائدة لصلاحيه هذا الجهاز والتي تقع ضمن نطاق البلدية، ورفعها بواسطة رئيس مجلس الاتحاد الى رئيس البلدية المعنية.

- كما يتولى الجهاز الهندسي والصحي سائر الامور الفنية المشتركة التي يطلبها منه رئيس مجلس الاتحاد.

المادة ١٢٣- يتولى الجهاز الاداري والمالي الامور التالية:

- الشؤون الادارية والمالية للبلديات الصغرى التي لا تسمح موازنتها الخاصة باستخدام موظفين لتأمين هذه الاعمال.

- معاون أجهزة البلديات الاعضاء لتحسين سير أعمالها الادارية والمالية. ويمكن أن يعهد الى أحد الجباة في الاتحاد مساندة البلديات الاعضاء في تحصيل الرسوم من المكلفين.

-- الشؤون الادارية والمالية في الاتحاد.

المادة ١٢٤- يتولى جهاز الشرطة في الاتحاد الامور التالية:

- توعية المواطنين للتقيد بأحكام الانظمة والقوانين المرعية الاجراء.

- وضع تقارير بالمخالفات الحاصلة ضمن نطاق البلديات التابعة للاتحاد ورفعها بواسطة رئيس مجلس الاتحاد الى رئيس البلدية المعنية.

- اجراء التحقيقات الاولية في الجرائم المشهودة والجرائم التي تمس السلامة العامة لحين وصول الضابطة العدلية.

- تأمين مهام رجال الشرطة البلدية في البلديات التي لا تسمح موازنتها بتعيين أفراد شرطة خاصة بها.

- يتم تكليف رجال شرطة الاتحاد بهذه المهمات بموجب قرار يصدره رئيس مجلس الاتحاد بناء لطلب رئيس البلدية المعنية ويعمل هؤلاء تحت امرة رئيس البلدية المنتخبين اليها.

المادة ١٢٥- يحق للبلديات الاعضاء أن تفصل مؤقتاً كل أو بعض أفراد شرطتها للعمل ضمن نطاق بلدية أخرى في الاتحاد على أن يلحق بها عدد من أفراد شرطة بلديات أخرى للعمل ضمن نطاقها.

يتم الفصل والالحاق بقرار من رئيس البلدية بعد موافقة رئيس مجلس الاتحاد.

يستمر رجال الشرطة في قبض رواتبهم من البلديات المعينين فيها ويتقاضون تعويضات النقل والانتقال من البلدية المفصولين اليها.

القسم الثالث - اختصاص مجلس الاتحاد

المادة ١٢٦- يتداول مجلس الاتحاد ويقرر في المواضيع التالية:

- المشاريع العامة ذات المنافع المشتركة التي تستفيد منها جميع البلديات الاعضاء أو بعضها أو التي تشمل نطاق أكثر من اتحاد واحد سواء كانت هذه المشاريع قائمة أو مرتقبة. كالطرق والمجارير والنفايات والمسالك والاطفاء وتنظيم المواصلات والتعاونيات والاسواق الشعبية وخلافها.

- التخطيط والاستملاكات ودفاتر الشروط وكل ما يلزم لتنفيذ المشاريع.

- التنسيق بين البلديات الاعضاء وبت الخلافات الناشئة بينها.

- اقرار موازنة الاتحاد.

- اقرار الحساب القطعي.

- اقرار نظام وملاكات موظفي الاتحاد.

- ادارة المشاعات الواقعة ضمن نطاق بلديات الاتحاد والتي لا تعود ادارتها الى بلدية معينة والتي تديرها حالياً لجان مشاعية خاصة، والتصرف بكامل ايراداتها لتحقيق مشاريع الاتحاد، وتنتقل الى مجلس الاتحاد فور انشائه الاموال والموجودات التي تكون بحوزة اللجان المشاعية الخاصة التي تصبح منحلة حكماً.

- اقرار الخطة الانمائية ضمن نطاق الاتحاد وصلاحياته.

- الزام المستفيدين من مشروع انشائي أنجزت دراسته المساهمة في تكاليف هذا المشروع في حال موافقة أكثرية ثلاثة أرباع المنتفعين منه على الاقل.

- القروض بجميع أشكالها لتحقيق مشاريع معينة انجزت دراستها.

- التنازل عن بعض العائدات البلدية الانية والمستقبلية للقارض أو للدولة بشخص وزير المالية لقاء كفالته القرض وادراج الاقساط التي تستحق سنوياً في الموازنات المتتالية طوال مدة هذا القرض.

المادة ١٢٧- في حال اختلاف مجالس الاتحاد على أحد المشاريع المشتركة فيما بينها أو رفض أحدها البحث فيه، يرفع الموضوع الى وزير الداخلية الذي يبت بالخلاف بموجب قرار معلل له صفة الالزام القانوني للاتحادات المعنية.

المادة ١٢٨- ان جميع القرارات التي يتخذها مجلس الاتحاد ضمن نطاق صلاحياته لها صفة الالزام القانوني للبلديات الاعضاء.

إذا تمتعت إحدى البلديات الاعضاء عن تنفيذ قرارات مجلس الاتحاد فعلى القائم مقام أو المحافظ اما عفواً أو بناء لطلب رئيس مجلس

أهمية الجهد الذي يبذله كل منهما في تصريف شؤون الاتحاد.

المادة ١٣٢- يقوم نائب الرئيس بصلاحيات الرئيس في حال غيابه أو إيقافه عن العمل أو في حال شغور مركز الرئاسة لأي سبب كان وفي حال غياب الرئيس ونائب الرئيس أو شغور مركز منهما يقوم مقام الرئيس بصورة مؤقتة أكبر الاعضاء سنًا في مجلس الاتحاد.

القسم الخامس

مالية الاتحاد

المادة ١٣٣- تتكون مالية الاتحاد من:

- عشرة بالمئة من الواردات الفعلية للبلديات الأعضاء، كما هي محددة في جدول الحساب القطعي للسنة السابقة ولا تدخل في حساب الواردات الامانات والنقد المدور والقروض والمساعدات.

- نسبة مئوية اضافية من موازنة البلديات الاعضاء المستفيدة من مشروع معين ذو نفع مشترك يحددها مجلس الاتحاد على ضوء تكاليف المشروع على أن تخضع هذه النسبة لموافقة وزير الداخلية.

- المساعدات والقروض، وكامل عائدات المشاعات الداخلة في اختصاص مجلس الاتحاد.

- ما يخصص للاتحاد من عائدات الصندوق البلدي المستقل.

- مساهمة الدولة في موازنة الاتحاد على أن تدرج المبالغ المخصصة لذلك سنوياً في الموازنة العامة. توزع الاموال بين الاتحادات بقرار من وزير الداخلية وتخصص لوضع دراسات أو تنفيذ مشاريع مشتركة انجزت دراستها ولانعاش المناطق وخاصة الريفية منها.

الاتحاد أن يوجه الى البلدية المختصة أمراً خطياً بوجوب التنفيذ خلال مهلة عشرة أيام والا حل محل المجلس البلدي أو رئيس البلدية في القرار الذي يضمن حسن تنفيذ قرار مجلس الاتحاد.

يسجل قرار القائ مقام أو المحافظ في سجل القرارات الخاص في البلدية المعنية.

المادة ١٣٩- يعتمد مجلس اتحاد البلديات نفس الاصول والقواعد المعتمدة لسير العمل في المجالس البلدية والمنصوص عليها في هذا القانون.

القسم الرابع - رئاسة مجلس الاتحاد

المادة ١٣٠- يتولى السلطة التنفيذية رئيس مجلس الاتحاد وتكون له على سبيل التعداد لا الحصر الصلاحيات التالية:

- دعوة مجلس الاتحاد وتحديد جدول أعماله.

- رئاسة جلسات مجلس الاتحاد وادارتها.

- وضع مشروع الموازنة والحساب القطعي والتقرير السنوي.

- الاشراف على مالية الاتحاد وضبط وارداته.

- عقد النفقة والامر بصرف الموازنة.

- تعيين الموظفين ضمن أحكام النظام والملاكات المصدقة.

- ادارة شؤون الاتحاد وهو الرئيس التسلسلي الاعلى لموظفي الاتحاد.

- تنفيذ قرارات مجلس الاتحاد.

- تمثيل الاتحاد لدى القضاء والغير.

المادة ١٣١- يحق لرئيس ونائب رئيس مجلس الاتحاد أن يتقاضيا من موازنة الاتحاد تعويض تمثيل وانتقال يحدده المجلس ويكون متناسباً مع

- النهيات والوصايا.

المادة ١٣٤- تخضع قرارات مجلس الاتحاد لسلطة الرقابة الادارية وفقاً للاحكام والاصول والقواعد المطبقة على البلديات.

الفصل الثامن

أحكام عامة

المادة ١٣٥- اذا تمنع المجلس البلدي أو رئيسه القيام بعمل من الاعمال التي توجبها القوانين والانظمة، للقائم مقام أن يوجه الى المجلس البلدي أو إلى رئيسه أمراً خطياً بوجوب التنفيذ خلال مهلة تعين في هذا الامر الخطي فاذا انقضت المهلة دون التنفيذ حق للقائم مقام بعد موافقة المحافظ أن يقوم بنفسه بذلك بموجب قرار معلل.

يسجل قرار القائم مقام في سجل القرارات المنصوص عليه في المادة ٤٤ من هذا المرسوم الاشتراعي ويخضع لتصديق سلطة الرقابة الادارية عند الاقتضاء.

المادة ١٣٦- يحق للبلديات استعمال الاملاك العمومية البلدية لتنفيذ مشاريعها العامة والقيام بالحفر والتمديدات لتنفيذ مشاريع الانارة والمجارير والمياه وغيرها، الا انه لا يمكن في أي حال أن تمارس بلدية ما سلطتها خارج نطاقها البلدي، وأن تستوفي رسوماً من بلدية أخرى أو من المكلفين التابعين لتلك البلدية.

المادة ١٣٧- خلافاً لكل نص اخر لا تخضع أعمال السلطتين التقريرية والتنفيذية في البلديات لرقابة التفتيش المركزي.

المادة ١٣٨- باستثناء بلديتي بيروت وطرابلس وفي الاماكن التي لم تنشأ فيها اتحادات وأجهزتها الهندسية تجرى جميع المعاملات الفنية الهندسية، خاصة البلديات في المكاتب الفنية لفروع التنظيم المدني في الاقضية.

أما المعاملات الفنية التي يقتضي استصدار مراسيم بشأنها لتصبح نافذة فتجرى في المديرية العامة للتنظيم المدني.

المادة ١٣٩- يلغى قانون البلديات رقم ٢٩ تاريخ ٢٩ ايار ١٩٦٣ وجميع الاحكام المخالفة لاحكام هذا المرسوم الاشتراعي أو غير المتفقة مع مضمونه.

المادة ١٤٠- يعمل بهذا المرسوم الاشتراعي فور نشره في الجريدة الرسمية.

بعيدا في ٣٠ حزيران سنة ١٩٧٧
الامضاء: الياس سركيس

قوانين

المادة الثالثة -

تقوم «المصلحة التقنية» في المديرية العامة للاحوال الشخصية سنوياً بتدوين الاضافات والشطوبات على القوائم الانتخابية، استناداً الى ما يأتي:

أ- على رؤساء أقسام وموظفي الاحوال الشخصية أن يقدموا سنوياً الى المصلحة التقنية ما بين الخامس عشر من كانون الاول والخامس من كانون الثاني:

- أسماء الاشخاص الذين تتوافر فيهم الشروط القانونية لقياد أسمائهم.

- أسماء الاشخاص الذين ستتوافر فيهم هذه الشروط بتاريخ تجميد القائمة الانتخابية.

- أسماء الذين أهمل قيدهم أو توفوا أو شطبت أسماءهم من سجلات الاحصاء.

ب- ترسل دائرة السجل العدلي في كل محافظة سنوياً الى المديرية العامة للاحوال الشخصية بين الخامس عشر من كانون الاول والخامس من كانون الثاني، بياناً بأسماء الاشخاص المحكوم عليهم بجرائم من شأنها حرمانهم من ممارسة حق الانتخاب وفقاً لاحكام المادة ١٠ من قانون انتخاب اعضاء مجلس النواب الصادر بتاريخ ١٩٦٠/٤/٢٦ وتعديلاته.

ج- ترسل المحاكم العدلية سنوياً الى المديرية العامة للاحوال الشخصية بين الخامس عشر من كانون الاول والخامس من كانون الثاني، بياناً بالاحكام النهائية المتعلقة بالافلاس والحجر.

المادة الرابعة -

قبل الاول من شباط من كل سنة تدقق المصلحة التقنية لدى المديرية العامة للاحوال الشخصية القوائم الانتخابية المنقحة وتوافق عليها وتوقعها.

قانون رقم ٦٦٥

يتعلق بتعديلات على بعض النصوص في قانون انتخاب اعضاء مجلس النواب وقانون البلديات وقانون المختارين

أقر مجلس النواب،

وينشر رئيس الجمهورية القانون التالي نصه،

الفصل الاول

القوائم الانتخابية

المادة الاولى -

تضع المديرية العامة للاحوال الشخصية، لكل دائرة انتخابية، قوائم انتخابية ممكنة بأسماء الناخبين. وتتضمن هذه القوائم اسماء جميع الناخبين الذين بلغت مدة اقامتهم الاصلية أو الحقيقية، في الدائرة الانتخابية، ستة أشهر على الاقل بتاريخ بدء اعادة التدقيق بالقوائم الانتخابية، أي في ١٥ كانون الاول من كل سنة.

المادة الثانية -

تنشأ في ملاك وزارة الداخلية - المديرية العامة للاحوال الشخصية مصلحة تسمى «المصلحة التقنية» يرأسها موظف من الفئة الثانية (رئيس مصلحة)، تقوم بجميع الاعمال العائدة للقوائم الانتخابية الممكنة وتصحيحها وللبطاقة الانتخابية ولبطاقة الهوية وبكل ما يرتبط بهذه الاعمال.

الفصل الثاني

لجان القيد ومهامها

المادة السابعة -

تنشأ في كل من مدن بيروت وطرابلس وصيدا وفي كل قضاء لجنة قيد أو أكثر، وتتألف كل لجنة من قاض رئيساً ومن أحد رؤساء المجالس البلدية في الدائرة أو أحد أعضاء هذه المجالس ومن موظف الاحوال الشخصية مقررراً، ويمكن أن تستشير اللجنة المختار فيما يختص بقريته. تتخذ كل لجنة قيد مقررراً دائماً لها في مركز القامقامية، ويصدق بكل لجنة، عند الحاجة موظف أو أكثر من موظفي الاحوال الشخصية بقرار يصدر عن مدير عام الاحوال الشخصية.

يعين رؤساء لجان القيد وأعضاؤها بمراسيم تصدر بناء على اقتراح وزير العدل والداخلية.

المادة الثامنة -

تتولى لجان القيد المهام الآتية:

أ- النظر في طلبات التصحيح على القوائم الانتخابية وفقاً لما هو وارد في المواد التاسعة والعاشر والحادية عشرة من هذا القانون، واصدار قرارات بشأنها تبلغ الى أصحاب العلاقة والى المديرية العامة للاحوال الشخصية لتنفيذ التصحيح وفقاً لمضمون هذه القرارات.

ب- تلقي نتائج الانتخابات بعد افعال ارقام الاقتراع ودرس المحاضر والمستندات واتخاذ القرارات المناسبة بشأنها، ثم القيام بعملية جمع الاصوات وتنظيم الجدول العام بالنتيجة التي نالها كل مرشح ورفعها الى رؤساء لجان القيد العليا في المحافظة وفقاً لما هو وارد في المادتين السادسة عشرة والسابعة عشرة من هذا القانون.

تدون أسباب التنقيح في حقل خاص مقابل كل اضافة الى اللانحة أو حذف منها. واذا نقل اسم ناخب من قائمة الى أخرى، وجب ذكر اسم القرية أو الحي الذي كان مقيداً فيه سابقاً وتاريخ شطبه.

المادة الخامسة -

قبل العاشر من شباط من كل سنة ترسل المديرية العامة لحوال الشخصية نسخاً عن القوائم الانتخابية المنقحة والموقعة الى البلديات والى المسخة اريس والى مراكز المحافظات والقائمقامات، بواسطة الدرك أو الشرطة، لنشرها بحيث يحق لأي كان أن يطلع عليها وأن ينسخها، ويتم الاعلان عن ذلك بواسطة وسائل الاعلام لمدة خمسة أيام على الأقل.

ينظم رجال الدرك أو الشرطة محضراً باياداعها ويوقعونه مع المختار أو البلدية ويرفعونه الى اللجنة المنصوص عليها في المادة السابعة من هذا القانون بواسطة المحافظ أو القائمقام أو من يقوم بوظيفتهما.

المادة السادسة -

يحق لأي كان أن يحصل على الاقراص (Disques) التي تحتوي على القوائم الانتخابية ابتداء من تاريخ نشرها وفقاً للمادة السابقة، وذلك من الدائرة المختصة لدى المصلحة التقنية. ويحدد ثمن قرص الكمبيوتر (Floppy) الذي يتضمن القوائم الانتخابية في القضاء بمبلغ عشرة الاف ليرة تستوفى بواسطة طابع مالي يلصق على الطلب. أما القرص (CD) الذي يتضمن القوائم الانتخابية في المحافظة، فيحدد ثمنه بخمسين الف ليرة، تستوفى بواسطة طابع مالية تلصق على الطلب.

المادة التاسعة -

ابتداءً من تاريخ نشر القوائم الانتخابية والاعلان عنها أي في العاشر من شباط من كل سنة، يحق للناخبين التقدم من لجان القيد المختصة في كل قضاء، بالطلبات العائدة لتصحيح أي خطأ في القوائم الانتخابية.

على الناخب الذي سقط قيده أو وقع خطأ فيه أو باسمه على القائمة الانتخابية، بسبب الإهمال أو الخطأ أو لأي سبب آخر، أن يقدم طلبه الى لجنة القيد خلال مهلة شهر واحد من تاريخ نشر القوائم الانتخابية، وعليه أن يرفق بطلبه المستندات والادلة التي تثبت صحة ما جاء في الطلب.

يحق لكل ناخب مقيد في احدى قوائم الدوائر الانتخابية أن يطلب الى لجنة القيد شطب أو قيد اسم شخص جرى قيده في هذه القائمة خلافاً للقانون، ولكل من المحافظ والقائمقام والمختار المختص أن يمارس هذا الحق وذلك خلال مدة الشهر التي تنتهي في العاشر من اذار من كل سنة.

تقوم لجان القيد بدرس الطلبات تباعاً وتبت بها وتصدر قرارات بشأنها قبل الخامس عشر من شهر اذار من كل سنة. وترسل نسخاً عنها الى أصحاب العلاقة والى المديرية العامة للاحوال الشخصية لتنفيذ مضمونها.

المادة العاشرة -

تنشأ في كل محافظة لجنة قيد عليا تتألف من رئيس غرفة استئناف في المحافظة رئيساً ومن قاض ومفتش من التفتيش المركزي عضوين ومن رئيس دائرة أو رئيس قسم النفوس في المحافظة عضواً مقررأ.

يعين رؤساء لجان القيد العليا وأعضاؤها بمراسيم تصدر بناءً على اقتراح وزير العدل والداخلية.

تكون مهمة لجان القيد العليا:

أ- النظر في طلبات استئناف قرارات لجان القيد في الاقضية. يقدم أصحاب العلاقة، طلبات استئناف قرارات لجان القيد باستدعاء بسيط، بخلال خمسة أيام من تاريخ تبلغهم قرارات هذه اللجان. وعلى لجان القيد العليا ان تبت بطلبات الاستئناف قبل الخامس والعشرين من اذار من كل سنة.

ب- تلقي محاضر وجداول النتائج الصادرة عن لجان القيد في الاقضية ودرسها وجمع الاصوات وتنظيم محضر بالنتائج النهائية التي نالها كل مرشح في الدائرة وفقاً لما هو وارد في المادة الثامنة عشرة من هذا القانون.

المادة الحادية عشرة -

ترسل المديرية العامة للاحوال الشخصية الى وزير الداخلية قبل الثلاثين من اذار من كل سنة، نسخاً موقعة عن القوائم الانتخابية المنقحة نهائياً استناداً الى قرارات لجان القيد.

اذ تبين لاحقاً لوزير الداخلية، وجود أخطاء ونواقص في القوائم الانتخابية، من أي نوع كان، يحيل القضية فوراً الى لجنة القيد المختصة، التي تبت بها بخلال ثلاثة أيام.

المادة الثانية عشرة -

يرسل وزير الداخلية نسخاً عن القوائم الانتخابية النهائية التي وردته من المديرية العامة للاحوال الشخصية، الى مصلحة الشؤون السياسية والادارية في مديرية الداخلية العامة، لاعتمادها بأي انتخابات تجري بخلال المهلة التي تبدأ من ٣٠ اذار ولغاية ٣٠ اذار من السنة التي تليها.

المادة الثالثة عشرة -

مع الاحتفاظ بالتنقيحات المجراة تنفيذاً لاحكام المادة الحادية عشرة من هذا القانون، تجمد

القائمة الانتخابية في ٣٠ اذار من كل سنة وتبقى نافذة حتى ٣٠ اذار من السنة التالية.

الفصل الثالث

في الاعمال الانتخابية

المادة الرابعة عشرة -

لا يحق للناخب أن يشترك في الاقتراع ما لم يبرز بطاقة انتخابية مخصصة للانتخابات البلدية والاختيارية والمجالس المحلية، أو بطاقة انتخابية مخصصة للانتخابات النيابية العامة.

يستمر تسليم البطاقات الانتخابية لغاية اليوم السابع الذي يسبق أي عملية انتخابية.

تتضمن البطاقة الانتخابية:

رقم العائلة، الاسم والشهرة، اسم الاب، تاريخ الولادة، المذهب والصورة الشمسية.

على الناخب عند دخوله مركز الاقتراع أن يقدم بطاقته الانتخابية كي يسمح له بالاقتراع في قلم الاقتراع، بعد التدقيق اللازم.

يوقع رئيس القلم والكتاب واحد معاوني رئيس القلم المشار اليهم في المادة ٤٢ من قانون انتخاب أعضاء مجلس النواب أمام الناخب، الظرف أو الظروف العائدة للانتخاب، ويسلمه أو يسلمها الى الناخب وفقاً للعملية أو العمليات الانتخابية المحددة، ويلزم الناخب بدخول المعزل المعد لحجبه عن الانظار ويضع في كل ظرف ورقة واحدة تشتمل على أسماء بقدر عدد النواب الذين يراد انتخابهم، أو أعضاء المجلس البلدي أو المختار والمجلس الاختياري، ولا يجوز أن تشتمل الورقة على أكثر من هذا العدد، وعندما يدعى باسمه يتقدم ويبين لرئيس القلم بأنه لا يحمل الا الظرف أو الظروف المخصصة للانتخاب، فيتحقق الرئيس من ذلك بدون أن يسسه أو يمسيها ثم يأذن للناخب بأن يضع بيده

كلا من الظروف في كل علبه اقتراع، ثم يثقب رئيس القلم البطاقة الانتخابية في المحل المخصص لذلك ويعيدها لصاحبها.

في أول انتخابات عامة يتم اجراؤها بعد الانتخابات الحالية تعدل البطاقة الانتخابية لتتضمن: رقم السجل، الاسم والشهرة، اسم الاب، اسم الام، تاريخ الولادة والصورة الشمسية.

لا يحق للناخب أن يوكل غيره وضع الظرف في صندوق الاقتراع، الا انه يسمح للناخب المصاب بعاهة تجعله عاجزاً عن وضع ورقته في الظرف وادخال هذا الظرف في علبه الاقتراع أن يستعين بناخب آخر يختاره بنفسه.

على رئيس قلم الاقتراع أن يتأكد من ان الناخب قد تقيّد تماماً بما ورد نصه في هذه المادة وان الناخب قد احتلّى بنفسه في المعزل تحت طائلة عدم السماح له بالاقتراع.

يثبت اقتراع الناخب بتوقيعه أو بوضع بصمته وتوقيع أحد أعضاء قلم الاقتراع بجانب اسمه على اللائحة الخاصة بكل عملية انتخابية.

المادة الخامسة عشرة -

بعد ختام عملية الاقتراع يفتح صندوق الاقتراع وتحصى الظروف التي فيها، فإذا كان عددها يزيد عن عدد الاسماء المشطوبة أو ينقص عنه يشار الى ذلك في المحضر. يفتح الرئيس أو أحد معاوني الظروف، كل واحد على حدة، ويقرأ بصوت عال الاسم المدون أو الاسماء المدونة على ورقة الاقتراع التي يحويها الظرف وذلك تحت الرقابة الفعلية للمرشحين أو مندوبيهم أو رقابة الناخبين في حال عدم تواجد هؤلاء.

تسجل هذه الاسماء والاصوات التي ينالها كل مرشح على لوائح خاصة على نسختين تحت رقابة الناخبين أو المرشحين أو مندوبيهم ويوقع على هذه اللوائح رئيس القلم وجميع الأعضاء.

المادة السادسة عشرة -

فور انتهاء اللجنة من جمع وتنظيم محضر النتائج، تسلم الموظف المذكور نسخة موقعة عن المحضر مع جدول النتائج لقاء توقيعه بالاستلام.

عندما تعلن النتيجة المؤقتة للاقتراع في القلم، ينظم رئيس القلم محضراً بالأعمال على نسختين يوقع جميع صفحاته جميع أعضاء قلم الاقتراع.

المادة الثامنة عشرة -

فور استلامها كل محضر وجدول عام من لجان القيد، تقوم اللجنة العليا بقراءة مجموع الاصوات التي نالها كل مرشح، وجمع النتائج الواردة من لجان القيد، ثم تدون النتيجة النهائية في الدائرة الانتخابية على الجدول النهائي، بالأرقام وبالاحرف مع تفقيطها، وتنظم محضراً بذلك، وشم توقع على المحضر وعلى الجدول العام للنتائج بكامل أعضائها. وتعلن عندئذ أمام المرشحين أو مندوبيهم، النتيجة النهائية التي نالها كل مرشح.

تسلم لجنة القيد العليا، المحافظ، المحضر النهائي والجدول العام، وتنظم مستنداً بالتسليم والنسليم يوقعه المحافظ أو من يسميه وأحد أعضاء لجنة القيد العليا الذي يسميه رئيس اللجنة.

ويرفع المحافظ النتائج مع المحضر النهائي والجدول العام، فوراً، الى وزارة الداخلية التي تتولى اعلان النتائج النهائية وأسماء المرشحين الفائزين عبر وسائل الاعلام رسمياً. ويوجه وزير الداخلية، فوراً كتاباً الى رئيس المجلس النيابي، في ما يعود للانتخابات النيابية، يبلغه بموجبه أسماء المرشحين الفائزين ونتائج الاصوات التي نالها كل مرشح. أما في ما يعود للانتخابات البلدية والاختيارية فيوجه وزير الداخلية كتاباً الى المحافظين والقائمقامين يبلغهم بموجبه أسماء المرشحين الفائزين، كما يبلغ وزارة الشؤون البلدية والقروية أسماء المرشحين الفائزين في الانتخابات البلدية.

على رئيس القلم ان يضع في مغلف، قوائم الشطب التي وقع عليها الناخبون وأوراق الاقتراع التي اعتبرت باطلة والظروف العائدة لها ومحضر الاعمال المذكورة سابقاً. ويتم اعتماد هذه المستندات فقط من قبل لجان القيد أو أي مرجع آخر.

يختتم هذا المغلف بالشمع الاحمر وينقله رئيس القلم والكاآب الى مركز لجنة القيد بمواكبة أمنية حيث يصار الى تسليمه مع المستندات التي يتضمنها الى رئيس لجنة القيد أو من يتدبه فتتولى فتحه، فيما بعد بحضور ممثلي المرشحين. ويعتبر رئيس القلم والكاآب مسؤولين اذا وصل المغلف مفتوحاً.

المادة السابعة عشرة -

تقوم لجان القيد بدراسة المحاضر والمستندات وتتخذ القرارات اللازمة بشأنها، وتعلن الأرقام الواردة في كل محضر على سمع الحاضرين (المرشحين أو مندوبيهم)، كما تتولى فرز الاصوات التي نالها كل مرشح وجمعها وترفع نتيجة جمع الاصوات بموجب محضر وجدول عام يوقعهما جميع أعضاء اللجنة، الى اللجان العليا في المحافظات.

تسمي مديرية الداخلية العامة موظفاً يتسلم المغلفات والمستندات من لجنة القيد، تباعاً، وفور انتهائها من عملها في كل مغلف. ويوقع الموظف المذكور على بيان استلام كل مغلف ومستنداته.

المادة التاسعة عشرة -

يعاقب كل موظف، تخلف بدون عذر مشروع عن الالتحاق بمركز قلم الاقتراع الذي عين فيه رئيساً أو كاتباً، بالحبس مدة شهر واحد أو بغرامة قدرها مليون ليرة لبنانية. وفي هذه الحالة تعتمد التقارير الطبية المقدمة من اللجنة الطبية الرسمية فقط.

ويعاقب كل من رئيس قلم الاقتراع أو كاتبه، اذا أخل بالمواعيد المفروضة عليه ولم يتبع الاصول المحددة له في هذا القانون بالحبس من ثلاثة أشهر الى ثمان سوات أو بالغرامة من مليون الى ثلاثة ملايين ليرة لبنانية.

في هاتين الحالتين، وخلافاً لاحكام المادة ٦١ من قانون الموظفين الصادر بالمرسوم الاشتراعي رقم ٥٩/١١٢ تاريخ ١٢/٦/١٩٥٩، تتحرك دعوى الحق العام بالادعاء الشخصي من قبل المرشح أو بناء لادعاء النيابة العامة أو بناء على طلب من رئيس لجنة القيد المختصة، ولا تحتاج الملاحقة الى موافقة الادارة التي ينتمي اليها هذا الموظف.

الفصل الرابع

أحكام خاصة تتعلق بالانتخابات البلدية

المادة العشرون -

تجري الانتخابات البلدية في جميع المناطق اللبنانية وفقاً للاصول المحددة في هذا القانون، باستثناء المدن والقرى الواقعة تحت الاحتلال الاسرائيلي، ويستمر المحافظون والقائمقامون بالقيام بأعمال المجالس البلدية في تلك المدن والقرى.

وعلى الحكومة أن تدعو لاجراء انتخابات بلدية لهذه المدن والقرى الواقعة تحت الاحتلال الاسرائيلي خلال مدة ثلاثة أشهر من تاريخ زوال الاحتلال.

كما ان المدن والقرى الواقعة في مناطق التهجير والتي لم تتم المصالحة والعودة اليها فتحدد بمرسوم يتخذ في مجلس الوزراء بناء على اقتراح، وزراء الداخلية والشؤون البلدية والقروية وشؤون المهجرين، وعلى الحكومة أن تدعو لاجراء انتخابات بلدية لهذه المدن والقرى كلما أصبح ذلك ممكناً بقرار من مجلس الوزراء خلال مدة ثلاثة أشهر من تاريخ هذا القرار.

المادة الحادية والعشرون -

١- ينتخب أعضاء المجلس البلدي بالتصويت العام المباشر وفقاً للاصول المنصوص عليها في قانون انتخاب أعضاء مجلس النواب وفي هذا القانون.

٢- تؤلف البلدية دائرة انتخابية واحدة.

٣- ينتخب المجلس البلدي من بين أعضائه، رئيساً ونائب رئيس بطريقة الاقتراع السري وبالاكثرية المطلقة ولمدة ولاية المجلس البلدي، وذلك في أول جلسة يعقدها، في الموعد والمكان اللذين يحددهما المحافظ أو القائمقام، ضمن مهلة شهر من تاريخ اعلان نتيجة الانتخاب.

يرأس الجلسة أكبر الاعضاء سنأ. عند تعادل الاصوات بين عضوين يفوز الأكبر سنأ. واذا كانا من عمر واحد يلجأ الى القرعة.

٤- يعتبر رئيس ونائب رئيس البلدية من أعضاء المجلس البلدي ومن ضمن العدد المحدد في كل بلدية.

٥- للمجلس البلدي، بعد ثلاثة أعوام من انتخاب الرئيس ونائبه، وفي أول جلسة يعقدها أن يتزع الثقة منيها أو من أحدهما، بالاكثرية المطلقة من مجموع أعضائه، وذلك بناء على عريضة يوقعها ربع هؤلاء الاعضاء.

على المجلس البلدي، في هذه الحالة، أن يعقد فوراً جلسة لملء المركز الشاغر.

المادة الثانية والعشرون -

لا يجوز الجمع بين رئاسة أو عضوية المجلس البلدي وبين:

- ١- عضوية المجلس النيابي أو تولي منصب وزاري.
- ٢- المختارية أو عضوية المجلس الاختياري.
- ٣- القضاء.

٤- وظائف الدولة والمصالح المستقلة والمؤسسات العامة والبلديات.

٥- رئاسة أو عضوية مجالس ادارة المصالح المستقلة والمؤسسات العامة.

٦- ملكية امتياز أو وظائفه في نطاق البلدية.

٧- عضوية أو وظائف الهيئات أو اللجان المكلفة ادارة مشاريع ذات نفع عام في نطاق البلدية.

لا يجوز لرئيس البلدية ونائبه أن يترشحا للانتخابات النيابية الا بعد مرور سنتين على انتهاء ولايتهما أو استقالتهما.

طبق هذه المادة على المجالس البلدية التي تنخب بعد نفاذ هذا القانون.

لمادة الثالثة والعشرون:

زير الداخلية أن يعين موعد الانتخاب في يوم احد لجميع البلديات أو أن يعين موعداً خاصاً لكل بلدية أو مجموعة من البلديات، اذا اقتضت سلامة العمليات الانتخابية، على أن تتم انتخابات في جميع البلديات خلال المنهل سنة من المادة ١٤ من قانون البلديات.

المادة الرابعة العشرون:

يتألف المجلس البلدي من:

أ- ٩ أعضاء للبلدية التي يقل عدد أهاليها المسجلين عن ال ٢٠٠٠ شخصاً.

ب- ١٢ عضواً للبلدية التي يتراوح عدد أهاليها المسجلين بين ٢٠٠١ و ٤٠٠٠ شخصاً.

ج- ١٥ عضواً للبلدية التي يتراوح عدد أهاليها المسجلين بين ٤٠٠١ و ١٢٠٠٠ شخصاً.

د- ١٨ عضواً للبلدية التي يتراوح عدد أهاليها المسجلين بين ١٢٠٠١ و ٢٤٠٠٠ شخصاً.

هـ- ٢١ عضواً للبلدية التي يزيد عدد أهاليها المسجلين عن ٢٤٠٠٠ شخصاً، باستثناء ما هو وارد في الفقرة «و» من هذه المادة.

و- ٢٤ عضواً لبلديتي بيروت وطرابلس.

المادة الخامسة والعشرون:

١- على كل من يرغب في ترشيح نفسه لعضوية بلدية ما أن يقدم الى القانمقامية أو المحافظة في مراكز المحافظات قبل موعد الانتخاب بعشرة أيام على الأقل، تصريحاً مسجلاً لدى الكاتب العدل ينطوي على اسمه وعلى اسم البلدية التي يريد أن يرشح نفسه فيها.

يستوفي الكاتب العدل رسماً مقطوعاً مقداره عشرة آلاف ليرة لبنانية عن كل تصريح.

٢- لا يقبل الترشيح الا اذا كان المرشح ناخباً مدوناً اسمه في القائمة الانتخابية الخاصة بالبلدية التي يرغب في أن يكون عضواً في مجلسها، وأودع تأميناً قدره خمسمائة الف ليرة لبنانية وتتوافر فيه أهلية العضوية للمجالس البلدية المنصوص عنها في المرسوم الاشتراعي رقم ٧٧/١١٨ (قانون البلديات).

٣- يعطي القوائم مقام أو المحافظ ايضاً بثت تقديم طلب الترشيح.

على هذا الأخير وخلال ثلاثة أيام من تقديم طلب الترشيح أن يصدر قراراً معللاً بقبول الطلب أو برفضه، والا اعتبر سكوته، بانقضاء هذه المدة، قراراً ضمناً بالقبول.

يعاقب قرار قبول أو رفض الترشيح، فور صدوره، على باب دار القانمقامية أو المحافظة، وينظم في الأمر محضراً يوقعه الموظف المختص.

٤- يحق للمرشح وخلال مدة أسبوع من تاريخ صدور القرار القاضي برفض ترشيحه، مراجعة مجلس شوري الدولة، باستدعاء غير خاضع للرسم أو أية معاملة أخرى.

وعلى المجلس أن يفصل بالاعتراض نهائياً بحلول مهلة خمسة أيام من تاريخ تسجيله في قلم المجلس والا اعتبر ترشيحه مقبولاً.

٥- تنشر أسماء المرشحين الذين قبلت طلبات ترشيحهم بلا ابقاء على باب البلدية التي رشحوا أنفسهم فيها.

٦- يعاد التأمين لصاحب العلاقة اذا رجع عن ترشيحه بتصريح مسجل لدى كاتب العدل يقدم الى القانمقامية أو المحافظة قبل موعد الانتخاب بخمسة أيام على الأقل.

المادة السادسة والعشرون:

مع مراعاة أحكام المادة ٢٤ من هذا القانون:

١- تحدد وزارة الداخلية بقرار دعوة الناخبين وعدد الاعضاء الذين سينتخبون لكل بلدية، كما تحدد عدد الاعضاء الذي يعود لكل قرية فيما اذا كانت البلدية الواحدة تضم عدة قرى وذلك وفقاً لنسبة عدد سكان كل منها.

ويجري الترشيح على هذا الاساس.

٢- تعد بالانتخاب المرشح الذي بنال العدد الاكبر من أصوات المقترعين، واذا تساوت الأصوات فيفوز الاكبر سناً، واذا تساوت السن فيجأ الى الفرعة بواسطة لجنة انقيد المصوص عليها في المادة السابعة من هذا القانون.

٣- اذا كان عدد المرشحين موازياً لعدد الاعضاء المطلوب انتخابهم وانقضت مدة الترشيح فاز هؤلاء المرشحون بالتركية. ويعلن عن ذلك بقرار من المحافظ أو القانمقام اما اذا لم يبلغ عدد المرشحين عدد الاعضاء المطلوب انتخابهم عند انقضاء مدة الترشيح أو اذا أدى الى ذلك رجوع مرشحين عن ترشيحهم حاز قبول ترشيحات جديدة تقدم قبل الاقتراع بثلاثة أيام.

٤- يعاد التأمين للمرشح اذا نال الانتخاب أو نال ٢٥٪ من أصوات المقترعين على الأقل.

المادة السابعة والعشرون:

اذا شغل مركز رئاسة البلدية بصورة نهائية لأي سبب كان قبل نهاية ولاية المجلس البلدي بسنة أشهر على الأقل، يلتزم المجلس البلدي بناء لدعوة القانمقام أو المحافظ لانتخاب رئيس جديد من بين أعضائه وذلك خلال مهلة أقصاها شهر واحد من تاريخ الشغور.

غير انه لا ينتخب خلف لرئيس البلدية اذا حصل الشغور خلال مهلة تقل عن الستة أشهر.

وفي هذه الحالة يتولى نائب الرئيس شؤون الرئاسة الفترة المتبقية من ولاية المجلس البلدي.

الفصل الخامس

أحكام خاصة تتعلق بالانتخابات الاختيارية

المادة الثامنة والعشرون:

يتألف المجلس الاختياري في المدن والقرى من مختار وثلاثة أعضاء.

أما في الاحياء فيتم انتخاب مختار بدون أعضاء اختياريين.

ينتخب المختار بالتصويت العام المباشر وكذلك الاعضاء الاختياريون المحدد عددهم في قرار دعوة الناخبين وفقاً لما هو وارد في المادة الخامسة والثلاثين من هذا القانون.

المادة التاسعة والعشرون:

تجري انتخابات المختارين والمجالس الاختيارية في جميع المناطق اللبنانية وفقاً للاصول المحددة في هذا القانون، باستثناء المدن والقرى الواقعة تحت الاحتلال الاسرائيلي حيث يحق للحكومة وبسبب الظروف الاستثنائية، أن تعين مختارين ومجالس اختيارية وذلك بمراسيم تتخذ في مجلس الوزراء بناء على اقتراح وزير الداخلية.

وعلى الحكومة أن تدعو لاجراء انتخابات اختيارية لهذه البلدات والقرى خلال مدة ثلاثة أشهر من تاريخ زوال الاحتلال الاسرائيلي.

أما المدن والقرى الواقعة في مناطق التهجير والتي لم تتم المصالحة والعودة اليها فتحدد بمرسوم يتخذ في مجلس الوزراء بناء على اقتراح وزراء الداخلية والشؤون البلدية والقروية وشؤون المهجرين، وعلى الحكومة أن تدعو لاجراء انتخابات المختارين والمجالس الاختيارية لهذه المدن والقرى كلما أصبح ذلك ممكناً بقرار من مجلس الوزراء خلال مدة ثلاثة أشهر من تاريخ هذا القرار.

الثلاثون:

تعدل مدة ولاية المختارين وأعضاء المجالس الاختيارية الواردة في المادة ١٥ من قانون المختارين للمجالس الاختيارية بحيث تصبح ست سنوات.

المادة الحادية والثلاثون:

لا يجوز الجمع بين وظيفة المختار أو عضوية المجلس الاختياري وبين:

١- عضوية المجلس النيابي أو تولي منصب وزاري.

٢- رئاسة أو نيابة رئاسة أو عضوية المجلس البلدي.

٣- القضاء.

٤- وظائف الدولة والمصالح المستقلة والمؤسسات العامة والبلديات.

٥- رئاسة أو عضوية مجالس ادارة المصالح المستقلة والمؤسسات العامة.

٦- ملكية امتياز أو وظائفه في نطاق القرية أو الحي.

٧- عضوية أو وظائف الهيئات أو اللجان المكلفة ادارة مشاريع ذات نفع عام في نطاق القرية أو الحي.

لا يجوز للمختار أن يرشح نفسه للانتخابات النيابية الا بعد مرور سنتين على انتهاء ولايته أو استقالته.

تطبق هذه المادة على المختارين وأعضاء المجالس الاختيارية الذين ينتخبون بعد نفاذ هذا القانون.

المادة الثانية والثلاثون:

قراراً ضمنياً بالقبول يعلّق قرار قبول أو رفض الترشيح، فور صدوره، على باب دار القانمقامية أو المحافظة، وينظم بهذا الامر محضر يوقعه الموظف المختص.

لوزير الداخلية أن يعيّن موعد الانتخابات الاختيارية في يوم واحد لجميع القرى والاحياء أو أن يعيّن موعداً خاصاً لكل قرية أو حي أو مجموعة قرى واحياء إذا اقتضت ذلك سلامة العمليات الانتخابية، على ان تتم الانتخابات الاختيارية في جميع القرى والاحياء خلال المهل المبينة في المادة الرابعة والثلاثين من هذا القانون.

٤- يحق للمرشح خلال مدة أسبوع، من تاريخ صدور القرار القاضي برفض ترشيحه، مراجعة مجلس شوري الدولة، باستدعاء غير خاضع للرسم أو أية معاملة أخرى. وعلى المجلس أن يفصل بالاعتراض نهائياً خلال مهلة خمسة أيام من تاريخ تسجيله في قلم المجلس.

المادة الثالثة والثلاثون:

٥- تنشر أسماء المرشحين الذين قبلت طلبات ترشيحهم بلا ابطاء في القرى والاحياء المرشحين فيها.

١- على كل من يرغب في ترشيح نفسه لمنصب مختار أو لعضوية الهيئة الاختيارية في البلديات والقرى ولوظيفة مختار في الاحياء، أن يقدم الى القانمقامية أو المحافظة في مراكز المحافظات، قبل موعد الانتخاب بعشرة أيام على الاقل، تصريحاً مسجلاً لدى الكاتب العدل ينطوي على اسمه وعلى اسم القرية أو الحي الذي يريد أن يرشح نفسه فيه.

٦- يعاد التأمين لصاحب العلاقة اذا رجع عن ترشيحه بتصريح مسجل لدى كاتب العدل يقدم الى القانمقامية أو المحافظة قبل موعد الانتخاب بخمسة أيام على الاقل.

يستوفي الكاتب العدل رسماً مقطوعاً مقداره عشرة آلاف ليرة لبنانية عن كل تصريح.

المادة الرابعة والثلاثون:

تدعى الهيئات الانتخابية للمختارين والمجالس الاختيارية بقرار من وزير الداخلية بخلال الشهرين السابقين لنهاية ولاية المختارين والمجالس الاختيارية. وتكون المهلة بين تاريخ نشر القرار واجتماع الهيئة الانتخابية ثلاثين يوماً على الاقل. وتجري الانتخابات الاختيارية خلال الستين يوماً التي تسبق موعد انتهاء ولاية المختارين والمجالس الاختيارية.

٢- لا يقبل طلب الترشيح الا اذا كان المرشح ناخباً مدوناً اسمه في القائمة الانتخابية الخاصة بالقرية أو المدينة التي يرغب في أن يكون مختاراً أو عضواً في الهيئة الاختيارية فيها أو الحي الذي يرغب في أن يكون مختاراً فيه، وأودع تأميناً قدره خمسمائة الف ليرة لبنانية وتوافر فيه أهلية وظيفة مختار أو عضو في الهيئة الاختيارية المنصوص عليها في قانون المختارين الصادر في ١٩٤٧/١١/٢٧.

المادة الخامسة والثلاثون:

١- تحدد وزارة الداخلية بقرار دعوة الناخبين عدد المختارين والاعضاء الاختياريين الذين سينتخبون لكل قرية أو عدد المختارين لكل حي. ويجري الترشيح على هذا الاساس.

٣- يعطي القانمقام أو المحافظ ايضاً يثبت تقديم طلب الترشيح.

على هذا الاخير وخلال ثلاثة أيام من تقديم طلب الترشيح أن يصدر قراراً معللاً بقبول الطلب أو برفضه والا اعتبر سكوتة، بانقضاء هذه المدة،

تطبق بالنسبة لبقية المدن والقرى
النصوص المعمول بها حالياً والتي
المفعول.

الفصل السادس أحكام متفرقة

المادة التاسعة والثلاثون:

بصورة استثنائية، وفي ما يتعلق به
الحاصلة قبل تاريخ صدور هذا الة
المختارون مهلة شهرين لتنظيم وتقديم
الأشخاص المسجلين في أحيائهم
كان محل الوفاة أو الدفن شرط أن تـ
حصلت على الأراضي اللبنانية، و
الغاية من غرامة التأخير المنصوص علـ
٣٣ من القانون الصادر بتاريخ ٧
(قيد وثائق الاحوال الشخصية) و
والعقوبات والملاحظات المنصوـ
المادة ٣٤ منه.

اعتباراً من نفاذ هذا القانون يتوجـ
المتوفين المباشرين وحتى الدرجـ
مختار القرية أو الحي خطياً بحصول
وذلك خلال شهر واحد من تاريخ حـ

يتولى المختار تنظيم وثيقة الوفا
خمسة عشر يوماً من تاريخ تبلغه.

تفرض غرامة مالية قدرها مائة الف
من ذوي المتوفين أو المختار في حا
القيام بالاجراءات المطلوبة من كـ
المهل المحددة اعلاه.

المادة الاربعون:

كل شخص أهمل قيده أو ورد خط
القوائم الانتخابية، أن يطلب قيد اـ

٢- يفوز بالانتخاب المرشح الذي ينال العدد
الاكبر من أصوات المقترعين في القرية أو الحي،
وإذا تساوت الاصوات فيفوز الاكبر سناً، وإذا
تساوت السن يلجأ الى القرعة بواسطة لجنة القيد
المنصوص عليها في المادة السابعة من هذا
القانون.

٣- اذا كان عدد المرشحين موازياً لعدد الاعضاء
المطلوب انتخابهم وانقضت مدة الترشيح فاز
هؤلاء المرشحون بالتركية. ويعلن عن ذلك بقرار
من المحافظ أو القائمقام أما اذا لم يبلغ عدد
المرشحين عدد الاعضاء المطلوب انتخابهم عند
اقفال مدة الترشيح أو اذا أدى الى ذلك رجوع
مرشحين عن ترشيحهم يجاز قبول ترشيحات
جديدة تقدم قبل الاقتراع بثلاثة أيام.

٤- يعاد التأمين للمرشح اذا فاز بالانتخابات أو
نال ٢٥٪ من أصوات المقترعين على الاقل.

المادة السادسة والثلاثون:

تبدأ عمليات الاقتراع في الساعة السابعة صباحاً
وتنتهي في الساعة السابعة عشرة، وتستمر يوماً
واحداً فقط.

المادة السابعة والثلاثون:

يطعن بصحة الانتخاب لدى مجلس شوري الدولة
في مهلة خمسة عشر يوماً تلي اعلان النتيجة،
وعلى هذا المجلس أن يفصل بهذا الطعن خلال
مهلة أقصاها ستة أشهر من تاريخ تقديمه.

المادة الثامنة والثلاثون:

للحكومة بمراسيم تتخذ في مجلس الوزراء بناء
على اقتراح وزير الداخلية، أن تزيد عدد الاحياء أو
عدد المختارين في المدن والاحياء الواردة في
القانون الصادر بتاريخ ٧ أيار ١٩٤٩ وفي المرسوم
الاشتراعي رقم ١١٦ تاريخ ١٢/٦/١٩٥٩.

الخطأ من لجنة القيد في دائرته الانتخابية خلال المهل المحددة في هذا القانون.

ولكل من المحافظ والقائمقام والمختار المختص أن يمارس هذا الحق.

المادة الحادية والأربعون:

يجاز لوزراء الداخلية أن تستعين بمديرية الشؤون الجغرافية في الحيش وبمصلحة الهندسة في قوى الامن الداخلي وبدوائر المساحة وبالتنظيم المدني في جميع المناطق وبالمكاتب الهندسية الخاصة، بالإضافة الى العناصر اللازمة من مجندي خدمة العلم، وتكليفها بتنظيم خرائط تحديد الاحياء الجديدة أو النطاق البلدي للبلديات المستجدة أو تلك التي يمكن أن تندمج أو تفصل على ضوء العوامل الفنية والجغرافية والديمغرافية والاقتصادية التي تربط في ما بينها، على أن تتم هذه الاعمال قبل تاريخ موعد اجراء الانتخابات البلدية والاختيارية بشهرين على الاقل كي يصار الى تحديد المدن والقرى والاحياء المستجدة التي ستدعى للانتخابات بموجب قرار وزارة الداخلية الذي يقضي بدعوة الهيئات الانتخابية.

تنظم وزارة الداخلية العمل بين الاجهزة الفنية والادارية والامنية والعسكرية والمكاتب الهندسية الخاصة كافة، وتبلغهم تكاليف خطية تتضمن نوع الاعمال المطلوب انجازها مع المهلة المحددة للانجاز، وعلى الوزارات والادارات المعنية التي تتبع لها المديريات والمصالح والدوائر والفنيين المشار اليهم في هذه المادة تنفيذ طلب وزارة الداخلية وبالأولوية، لانجاز الاعمال المطلوبة ضمن المهلة المحددة بالتكليف، كي تتمكن بالتالي وزارة الداخلية من اجراء الانتخابات البلدية والاختيارية في هذه المدن والقرى والاحياء في المواعيد المحددة لها.

المادة الثانية والأربعون:

يجاز للمديرية العامة للاحوال الشخصية، أن تعيد تكوين سجلات النفوس الممزقة أو المفقودة أو المحروقة أو المتلفة أو المستجدة والقيود المتعلقة بها وأن تصحح القيود المشكوك بها، المدونة في مختلف سجلات النفوس، وذلك بالرجوع الى الاشرطة المصورة العائدة للسجلات والوثائق والى المستندات القانونية الاخرى المتوفرة لديها.

المادة الثالثة والأربعون:

بصورة استثنائية ولمرة واحدة، يحق للناخب أن يشترك في الاقتراع اذا أبرز بطاقة هوية يعود تاريخها الى ما قبل العام ١٩٧٥ وملصق عليها الصورة الشمسية، أو بيان قيد افرادي صادر بعد تاريخ ١/١/١٩٩٢، أو بيان قيد افرادي معنى من رسم الطابع المالي يعمل به لعملية انتخابية واحدة وذلك في أول انتخابات بلدية واختيارية تجري بعد تاريخ صدور هذا القانون.

المادة الرابعة والأربعون:

تلغى المواد ١٢ و ١٤ و ١٦ و ١٧ و ١٨ و ١٩ و ٢٠ و ٢١ و ٢٢ و ٢٣ و ٢٤ و ٢٥ و ٢٦ و ٢٧ و ٢٩ و ٤٩ و ٥٤ و ٥٨ من قانون انتخاب أعضاء مجلس النواب الصادر بتاريخ ٢٦/٤/١٩٦٠ وتعديلاته.

المادة الخامسة والأربعون:

تلغى المواد ٣ و ٤ و ٥ و ٩ و ١١ و ١٢ و ١٥ و ١٨ و ١٩ و ٢٦ و ٦٨ و ٧١ من قانون البلديات (المرسوم الاشتراعي رقم ٧٧/١١٨ تاريخ ٣٠/١٩٧٧).

المادة السادسة والاربعون:

تلغى المواد ٢ و٤ و٦ و٧ و٨ و٩ و١٣ من قانون المختارين والمجالس الاختيارية الصادر بتاريخ ١٩٤٧/١١/٢٧.

المادة التاسعة والاربعون:

تحدد عند الاقتضاء، دقائق تطبيق أحكام هذا القانون بمراسيم تتخذ في مجلس الوزراء بناء على اقتراح وزير الداخلية.

المادة السابعة والاربعون:

تلغى جميع النصوص المخالفة أو التي تتعارض مع أحكام هذا القانون أو التي لا تتفق مع مضمونه.

المادة الخمسون:

يعمل بهذا القانون فور نشره في الجريدة الرسمية.

بعدا في ٢٩ كانون الاول ١٩٩٧

الامضاء: الياس الهراوي

المادة الثامنة والاربعون:

تجري الانتخابات البلدية والاختيارية لأول دورة تجري بعد تاريخ نفاذ هذا القانون ابتداء من نهاية الشهر الرابع الذي يلي تاريخ صدوره، على أن تحدد المراحل وتواريخها وفقاً للمادة ١٤ من قانون البلديات (المرسوم الاشتراعي رقم ٧٧/١١٨) ووفقاً للمادة الرابعة والثلاثين من هذا القانون.

صدر عن رئيس الجمهورية

رئيس مجلس الوزراء

الامضاء: رفيق الحريري

رئيس مجلس الوزراء

الامضاء: رفيق الحريري

Annex III

جدول إتحادات البلديات في لبنان

مركزه	البلدات التي يضمها	المرسوم وتاريخ الإنشاء	إسم الإتحاد	القضاء
ذوق مكابيل	جميع بلديات القضاء (47 بلدية)	مرسوم رقم 722 تاريخ 12 كانون الأول سنة 1977	إتحاد بلديات كسروان-الفتوح	كسروان
صيدا	عنقون - مغدوشه - درب السيم - الغازية - الميه وميه - حارة صيدا - الصالحيه - مجدليون - عبرا - الهلاليه - البرامية - صيدا - القرية - يقسطا	مرسوم رقم 1097 تاريخ 23 آذار سنة 1978	إتحاد بلديات صيدا-الزهراني	صيدا
مركز القضا	جب جنين - القرعون - خربة قنفاار - صغيين- بعلول- لالا- عين زبده - عينتيت - باب مارع - مشغرة - كفريا - سحمر - يحمر - ليايا	مرسوم رقم 2191 تاريخ 12 تموز سنة 1979	إتحاد بلديات البحيرة	البقاع الغربي
بعقلين	بعقلين - غريفه - عترين - الكحلونية - عينبال - مزرعة الشوف - عين وزين - جديدة الشوف - السمقانية	مرسوم رقم 2394 تاريخ 7 تشرين الثاني سنة 1979	إتحاد بلديات السويجاني	الشوف
مركز القضا	سن الفيل - برج حمود - الجديدة، البوشرية، السد - الدكوانه - الزلقا، عمارة شلهوب، عين عار، بيت الكوكو - بيت شباب - بكفيا، المحيدته - ساقية المسك، بحر صاف - ضهر الصوان - مار موسى الدوار - بعيدات - مار شعيا، المزكه - برمانا - بيت مري، عين سعاده - روميه - المنصوريه، المكلس، الديشونيه - بصاليم، مزر والمجذوب - نابيه - الفنار - العيرون الدوار	مرسوم رقم 2395 تاريخ 7 تشرين الثاني سنة 1979	إتحاد بلديات المتن الشمالي - الساحلي والأوسط	المتن
بلدة حمانا	بعلمشميه - بتخنيه - ترشيش - جورة أرصون - حمانا - دير الحرف - رأس المتن - رأس الحرف - العربانيه - الدليه - عاريا - قبيع - القرية - الشبانيه - بمرم - قرنايل - كفرسلوان - صليما	مرسوم رقم 2632 تاريخ 18 كانون الثاني سنة 1980	إتحاد بلديات المتن الأعلى	بعيدا
صوفر	بحمدون الضيعه - شارون - شانية - بدغان - صوفر - المشرفه - المنصوريه، عين المرج - بتاتر	مرسوم رقم 3932 تاريخ 20 آذار سنة 1981	إتحاد بلديات الجرد الأعلى - بحمدون	عاليه
جيبيل	جيبيل - عمشيت - فترى - حالات - نهر إبراهيم- لاسا وعين الغوبيه - ميفوق القطاره - قرطبا - أمج - نرتج - المنصف - جاج - العاقورة	مرسوم رقم 4571 تاريخ 14 كانون الأول سنة 1981	إتحاد بلديات قضاء جيبيل	جيبيل
جون	جون - المطله - بسابا- مزرعة الضهر - حصروت - الزعرورية	مرسوم رقم 4888 تاريخ 18 شباط سنة 1982	إتحاد بلديات إقليم الخروب الجنوبي	الشوف
طرابلس	يشمل نطاق الإتحاد بلديات طرابلس والمنا والبداوي	مرسوم رقم 5234 تاريخ 25 أيار سنة 1982	إتحاد بلديات الفيحاء	طرابلس
النبطية	النبطية - النبطية فوقا - حوش- زبدين - الكفور - حاروف - كفرمان - كفرتبنيت - ميفدون - الشرقيّة - زوطر الغربية - زوطر الشرقيّة - قاقعيّة الجسر - جبشيت	مرسوم رقم 5419 تاريخ 20 أيلول سنة 1982	إتحاد بلديات الشقيف	النبطية
زغرتا	زغرتا - اهدن - مجدليا، رشعين، كفر دلاقوس،	مرسوم رقم 4165	إتحاد بلديات ساحل قضاء	زغرتا

الديقاع الغربي	زغر تا	إتحاد بلديات السهل	تاريخ 16 أيلول سنة 1987 مرسوم رقم 4268 تاريخ 21 تشرين الأول سنة 1987	كفرحاتا السلطان يعقوب الموحدة/- غزة - الخيارة - حوش الحريرة - المرج - الصوري - المنارة - كامد اللوز - المنصورة	غزه
الشوف	إتحاد بلديات إقليم الخروب الشمالي	مرسوم رقم 6100 تاريخ 30 آب سنة 2001	الرميلة - جدرا - برجا - عانوت - شحيم - مزبود - دلهون - كترمايا - الوردانية سبلين - داريا - ضهر المغارة - الجية	مزبود	
النبطية	إتحاد بلديات إقليم التفاح	مرسوم رقم 7187 تاريخ 18 كانون الثاني سنة 2002	عربصاليم - حومين الفوقا - حومين التحتا - جباع - جرجوع - كفر فيلا - عين قانا - صربا ورمين	بلدة جباع	
عكار	إتحاد بلديات منطقة الجومة	مرسوم رقم 7261 تاريخ 25 كانون الثاني سنة 2002	بينو - قبولا، رحبة، بزينا، عكار العتيقة، تكريت، جبر ايل، عيات، بيت ملات والبرج	بينو	
الشوف	إتحاد بلديات الشوف الأعلى	مرسوم رقم 8323 تاريخ 7 آب سنة 2002	المختارة - نيحا (الشوف) - باتر - حارة جندل - عماطور - عين قني - بطمة - معاصر الشوف - خريبة (الشوف) - بعذران - مرستي - جباع (الشوف)	بلدة المختار	
البترون	إتحاد بلديات منطقة البترون	مرسوم رقم 9071 تاريخ 8 تشرين الثاني سنة 2002	البترون - دوما - تنورين - بشعلة - كفر حلدا - كفور العربي - بقسميا - عبرين - الهري - حمامات - سلعاتا - زان - اجدبرا - كوبا - راسنحاش - اده - كفر عبيدا - وحردين وبيت كساب	بلدة البتروز	
صور	إتحاد بلديات قضاء صور	مرسوم رقم 9761 تاريخ 11 آذار سنة 2003	صور - برج الشمالي - شحور - طير فلسيه - عينيت - قليله - الناقورة - البازوريه - صريفا - قانا - باتولية - جوبا - الشهابية - عباسية - عين بعال - معركة - يارين - دير قانون النهر - علما الشعب ومعروب	بلدة صور	
الكورة	إتحاد بلديات الكورة	مرسوم رقم 9970 تاريخ 15 نيسان سنة 2003	فيح - دار شمزين - بتوراتيچ - كفتون - كفر حزير - بطرام - قلحات - أميون - بندنايل - بزيلا - دار بعشتار - كفر صارون - كفر عقا - رشدبين - برسا - المجدل - بترومين - عين عكرين - بكفتين - عفصديق - بصرما - كفرحاتا - أنفه - كوسبا	أميون	
بشري	إتحاد بلديات قضاء بشري	مرسوم رقم 10171 تاريخ 23 أيار سنة 2003	بشري - بقرقاشا - بز عون - حدث الجبة - قنات - طورزا وبقاعكفره	بلدة بشري	

Annex IV

Table 2 List, base, and rate of municipal tariffs and fees collected directly by the municipality

List Tariff/Fee	Base of assessment	Tariff/fee	Tariff/Fee	Exemptions
<i>Fees on the rental value of built real estate</i>	Registered contract assessment by rental value committee		5% for housing units 7% for commercial units	- Government and public agencies - Property used for religious purposes - Property used by embassies and consulates - Property used by UN - Property used by NGO with an order from CM
<i>Articles 3 - 18</i>				Government and Public agencies Educational institutes
<i>Fees on public places and gambling clubs</i>				
<i>Article 19 - 27</i>				
License fee			One time fee between 20.000 LL to 200.000 LL on public places One time fee between 60.000 LL to 600.000LL on gambling clubs	
Investment fee	Hotels - per room Clubs Bars Restaurants Coffee shops Casinos Beaches and health clubs Game rooms - per game machine Cinemas and theaters Gambling clubs		2.000LL to 20.000LL 30.000LL to 300.000LL 10.000LL to 100.000LL 20.000LL to 200.000LL 10.000LL to 100.000LL 100.000LL to 1 million LL 50.000LL to 500.000LL 10.000 LL to 100.000 LL 500 LL to 5.000 LL 5.000 LL to 50.000 LL and 5% on the value of the tickets	
<i>Fee on advertising</i>				Government and

<i>Article 28 - 41</i>			public agencies
License fee	Running advertising	One time fee between 3,000 LL to 30,000 LL	Municipality
	Temporary advertising on boards mobile or immobile	One time fee between 600 LL to 6,000 LL	UN
Investment fee	Running advertising (th lights)	Annual fee on 1m: between 500LL to 5,000 LL	Elections advertising
	Running advertising (thout lights)	Annual fee on 1m: between 300LL to 3,000 LL	
	Temporary advertising on board	Monthly fee on 1m: between 100LL to 1,000 LL	
	Cinema advertising	5% of the contract	
	TV advertising	5% of the contract	
<i>Fees on public property</i>			
<i>Article 42 - 49</i>			
License fee	Work on existing and immobile property	1,000 LL to 10,000 LL	
	Work on mobile	2% of the sales value	
Investment fee	Work on existing and immobile property	1% of the sales value	
	Work on mobile	1,000 LL to 10,000 LL	
<i>Fees on fuel distribution places</i>			
<i>Article 50 - 52</i>			
License fee	For every meter	20,000 LL to 100,000 LL	

Investment fee		5.000 LL to 50.000 LL
<i>Fees on Industrial Institutions</i>		
<i>Article 53 - 56</i>		
License fee	Group 1	10,000 LL to 100,000 LL
	Group 2	5.000 LL to 50.000 LL
	Group 3	2.000 LL to 20.000 LL
Investment fee	For every horsepower in a machine	10 LL to 100 LL
<i>Fees on auctions</i>	Sales value of the good	2.5% of the value of the good
<i>Article 57 - 59</i>		
<i>Fees on mobile vendors</i>		
<i>Article 60 - 63</i>		
License fee		1.000 LL
<i>Fees on slaughterhouses</i>	Goat or sheep	1.000 LL
	Cow or calf	2.000 LL
	Buffalo, camel or horse	3.000 LL
<i>Article 64 - 66</i>	Pig	4.000 LL
	Any meat from area outside municipal boundaries	10 LL per Kilo
<i>Fees on entry to public touristic areas</i>	Any touristic site	MC decides the fee
<i>Article 67</i>		
<i>Fees on registration of contracts</i>		100 LL fee for registration
<i>Article 68</i>		
<i>Fees on construction permits</i>	Sales value of the real estate in m ²	1.5% for 1 m ² ≤ 25,000 LL
		2% for 1 m ² between 25,000 LL to 100,000 LL
<i>Article 69 - 80</i>		1% for 1 m ² > 100,000 LL
		In addition, 5% for using public property,
		and 10% to be spent as

follows:

- If in Beirut, 5% goes to Beirut Museum, and another 5% goes to public restroom and gardens.

Anywhere else, 10% goes to schools, public housing, clinics, libraries

<i>Fees on development and maintenance of sewage system and pavements</i>	Sales value in m ²	1/1000 for new property 1.5% for occupiers	UN
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Article 78 - 80

<i>Fees on certificate, statements and technical studies</i>		A fee of 1.000 LL	UN
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Article 81 - 82

Fees on compensation due to improvement

Article 83 - 84

<i>Fees on explosive materials</i>	Rental value of property housing explosives	2%	
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Article 85

Source: Law 60, 1988.

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