



Administrative Decentralization in Lebanon

Practical Steps to
Move Forward

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December 2017

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This paper is the result of a Chatham House process.

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Introduction

The Democratic Renewal Movement (DRM) has been involved in public policy development since its establishment in 2001. DRM's Public Policy Development Program has included a number of workshops and seminars organized separately or in partnership with civil society organizations with the aim of contributing positively and objectively to ongoing policy debates in order to clarify concepts and correct the course of proposed policies and draft legislations. DRM has also aimed to launch new processes that are needed for a modern state and to strengthen institutions at the political, administrative, social, economic and developmental levels.

The present study on administrative decentralization in Lebanon falls in this realm. It was preceded by a seminar on the same topic held on April 24, 2014 entitled "Decentralization: addressing the controversies and the implementation challenges" following the release of the Sleiman-Baroud draft law. Through this paper, we seek to shed light on conceptual aspects of the topic and on various draft laws and proposals related to decentralization, highlight the positions and contributions of the different Lebanese actors and parties, and sum up the progress towards decentralization since the Taef Accords of 1989 in order to understand the opportunities and the required conditions for its successful enactment.

This exercise was undertaken in partnership with civil society, activists, politicians and concerned researchers in order to contribute to an enabling environment for the much needed impetus to enact the draft law that is still under consideration before the Committee of Administration and Justice and the Committee of Law Modernization, without being given the priority it deserves. The slow review process of the draft law has resulted in a weaker attention on the issue by the successive governments, the parliament or the political parties. Hence, we felt it was our duty to produce this study that will go beyond looking into the concepts, positions and proposals to take stock of the active political and civil actors that have contributed – or not – to this momentum. Transitioning towards decentralization is today a top need after Lebanon's long experience with a failed centralized administration.

Administrative Decentralization and the Lebanese Parties

In a preliminary scoping of the positions of the main Lebanese parties, digging into their founding documents, principles, statements and positions of their leaders, namely those represented in the current parliamentary makeup, we can make the following general observations:

Political parties, in general, support the content of the Taef Accords in terms of the principles and objectives that prone the adoption of an extended administrative and developmental decentralization, with a focus on balanced and regional development. Nonetheless, parties could be categorized under three groups based on their level of support for decentralization as formulated in the Taef Accords.

Group One: Parties that strongly and clearly support decentralization based on the Taef Accords and that take positions inside and outside the parliament and the government in favor of decentralization. They work through conferences and workshops to promote the culture of decentralization and push for enacting the relevant draft laws. In general, they are positive about the basis, objectives and content of the Ziad Baroud draft law and publicly support it. It is noteworthy that some of these parties that used to lean towards political decentralization have become aware of the importance of respecting the underlying principle of the Taef Accords with regards to preserving national unity and the unity of the state and its institutions. In addition, they tend to approach the Baroud proposal objectively and rationally away from the war legacy and atmosphere and focus on the positive aspects of decentralization as a milestone in the reform process.

Group Two: Parties that generally support decentralization based on their acceptance of the Taef Accords without showing particular enthusiasm or having any declared initiatives or programs about it. They abide by some sort of positive neutrality regarding the Baroud proposal without making efforts toward its adoption. For greater precision, we may consider that some of these parties stress on the developmental dimension overlooking the administrative one, while others show no real enthusiasm on either levels.

Group Three: Parties that are based on pan-Arab and/or pan-Syrian ideologies that do not support decentralization and express concerns about the risk of it slipping into political decentralization. However, they have been supportive of the Taef Accords without reservation. They show no interest in this topic and do not tackle the issue in their political platforms.

Lebanese Parties and Decentralization

Group 1		Group 2	Group 3
Strong and clear support for decentralization and for the Sleiman-Baroud proposal		Mild support for decentralization	No support for decentralization
Lebanese Forces	Democratic Left Movement	Amal Movement	Syrian National Socialist Party
Lebanese Kataeb Party	Maraya Movement	Hezbollah	Arab Socialist Ba'ath Party
Free Patriotic Movement	National Liberal Party	Future Movement	People's Movement
Progressive Socialist Party	National Bloc	Lebanese Communist Party	
Democratic Renewal Movement	Armenian Parties	Jamaa Islamiya	

Main Administrative Decentralization Proposals

Auguste Bakhos draft of 1995	Michel Murr draft of 1999	Elias El-Murr draft of 2001	Robert Ghanem draft of 2007
<ul style="list-style-type: none"> - An appointed Caza council formed by Members of Parliament and the heads of municipalities. It is headed by the Qaimaqam. - Linked to the Ministry of Interior and does not have financial and administrative independence. - Its competence is to design projects and studies to enhance the conditions of the Caza provided they are in accordance with the central government's plan. - It has an advisory capacity and does not play any decision-making or executive role. - It is subject to the prior control of the central government and the Court of Audit. 	<ul style="list-style-type: none"> - To establish administrative regions, each headed by an appointed staff member from the Ministry of Interior, assisted by an elected council composed by the heads of municipalities, mukhtars, professional associations and syndicates. - The competence of the council is to study and implement projects, promote development and manage the role of ministerial bodies at the local level. - It enjoys administrative and financial independence according to the share of the administrative region from the public budget. - It has the right to oversee local institutions except for municipalities and unions of municipalities. - It is directly controlled by the Ministry of Interior. - It is part of a draft project to reorganize and restructure the Ministry of Interior and Municipalities. 	<ul style="list-style-type: none"> - A new law for municipalities with a wider mandate and competence namely at the level of local development and modernizing the municipality. - The head of the municipality and his/her deputy are directly elected. - Financial and administrative independence and post-control by the Court of Audit. - Adopting modern technologies. - Abolishes the position of the governor of Beirut, merges the governorates of Beirut and Mount-Lebanon and gives full mandate to the head of the Beirut municipality. 	<ul style="list-style-type: none"> - Elected caza council formed by the heads of municipalities, the mukhtars, professional associations and syndicates (15 members). - The Caza is part of a governorate that is managed by the Governorate council headed by the governor. It is composed by the staff and representatives of the Caza council. -The Caza council has decision-making and executive powers. It enjoys financial and administrative independence and its decisions are binding at the Caza level. -It reports to the Court of Audit
This step is inconsistent with decentralization and is below the Taef requirements.	Closer to the concept of administration de-concentration rather than decentralization.	A modest step towards decentralization by strengthening the role of municipalities as the main pillar of the process.	A step towards decentralization. It calls for decentralization at the Caza level and centralization at the governorate level.

The 2014 Sleiman-Baroud Draft Law

It comprises 147 articles. The relevant drafting committee concluded its activities in April 2014 after 47 sessions relying on an investigation made available in a book entitled "Administrative Decentralization in 100 Questions" (2011) published by the Ministry of Interior and Municipalities, which included a number of options and recommendations. It was conducted jointly by the Ministry's various departments, municipalities, civil society groups and a number of experts. It led to a series of workshops and conferences. Then, it was launched in a ceremony held at the Presidential Palace in Baabda under the leadership of President Michel Sleiman. The draft law stipulates in its main sections on the following:

- To adopt the current Caza as a decentralized administrative unit managed by an elected council called the Caza council.
- The Caza council enjoys moral personality and is administratively and financially independent.
- To abolish the positions of qaimaqam and governor and transfer their prerogatives to the Caza council.
- To replace the Independent Municipal Fund with a decentralized fund administered jointly by the Caza council and the central government and subjected to the post-control of the Court of Audit.
- No new taxes shall apply, only a redistribution of taxes and the transfer of some taxes from the central government to the Caza.
- The share of Cazas out of their total rights in the mentioned fund is determined according to a set of indicators (number of inhabitants, area of the Caza, the development indicator and the tax collection indicator).
- The Caza shall be managed by two entities: a general assembly and an administrative executive council headed by an elected official.
- To apply a 30 percent gender quota in elections and nominations at the level of the Caza council.
- The mandate of the council includes, but is not limited to, putting in place a strategic development plan for the Caza; managing dams, lakes, rivers, the production of energy and services in general; developing public benefit development and investment projects; protecting the environment and reserves; devising a plan for the development of tourism, the protection of the heritage, namely the cultural heritage and ruins; develop the ICT sector; building public parks and squares; following up on the comprehensive land management plan in Lebanon and proposing relevant amendments; and forming administrative and financial bodies, training them and overseeing their work...
- To oversee the Caza council and in addition to self-control and popular oversight through periodical election, it is possible to ask for a vote of confidence regarding the Council as a whole or one of its members through referral to the disciplinary body of the Caza councils. The oversight role of the central government could go as far as the dissolution of the Council in case of violation of the constitution while the right to challenge that decision before the State Shura Council is preserved.
- The city of Beirut enjoys a special status: it is an administrative area that enjoys a moral personality, administrative and financial independence. The city affairs are managed by the Beirut City Council. The Council is made up of an elected general assembly and an executive board. The Council's prerogatives combine the powers of the Caza councils and those of municipal councils. The governor

of Beirut is no longer the head of the executive power and has only the right to attend the board sessions without having the authority to vote or submit any of the council decisions for reconsideration.

- No changes shall apply to municipalities. Their laws, resources and prerogatives are to be preserved.
- To remove municipalities out of the authority of the Ministry of Interior and place them under the authority of a new ministry for Local Administration.

Reasons for Supporting the Baroud Draft Law

This draft law is the closest to the Taef spirit regarding decentralization and balanced development. It is also the closest to the concepts, content and experiences of decentralized systems namely in Europe where the core of the system is based on the principle of elections and local development allowing for democratic participation, financial and administrative independence as well as popular accountability and oversight. This draft is also the most suited for Lebanon, its plural nature, history and existing administrative divisions.

Being based on Taef, it will be easier to adopt at the official and popular levels. This draft would lead to greater national unity and shall not constitute any means for fragmentation or division. We do not believe that the risks of division are valid concerns today, at least as depicted by some politicians and media outlets. They are over-exaggerated and conceal a trend to service the current centralized system based on quotas, patron-client relations and the perpetuation of the current sectarian structures. A system that is a failure on more than one front. Undoubtedly, after having experienced the trend towards partition and division during the 1975-1990 war, the Lebanese have become mature enough to prevent any relapse that would lead to the same outcomes.

As we grow aware of the surrounding risks, namely as a result of the developments in Syria and Iraq, the wars in these two countries and against them, in addition to the relevant dangers of division and similar scenarios, there is a need for greater precaution and prevention. Hence, one must choose the right circumstances to tackle the topic of decentralization based on the proposed draft. It would be preferable as well to work based on a rational progression according to specific stages and a positive incremental approach whereas the draft law would be enacted first, then a medium-term timeline for implementation is developed, because we are very well aware of the scope and extent of administrative difficulties namely all the sets of laws and other pieces of legislation that need to be amended, abolished or modernized (dozens of them), as well as the great need to adapt to the new reality and the culture of decentralization.

This draft is also a contribution to healing one of the ordeals of the Lebanese political system. It would definitely pave the way for new applicable trends towards modernization away from the prevailing culture of corruption and the vicious cycle of deadlock, political vacuum and endless extensions of elected bodies' terms. Administrative decentralization as depicted in this draft could be an opportunity for reform at the central and local levels by immunizing local governments from the aftermath of political crises at the central government level.

This is the experience that many countries have had and that several Arab countries are seeking, like Jordan and Tunisia, which have recently started to transition towards decentralization. It goes without saying that these two countries share a number of similarities with Lebanon and we have been introduced to their experiences during a workshop held on October 24, 2017 at the Lebanese parliament.

On another note, the parliamentary committees that are slowly (as noted earlier) studying the Baroud draft law are intersecting and shadowing one another's work. In this regard, it is relevant to refer to the inaugural

speech of the President of the Republic Michel Aoun delivered on October 31, 2016 and the policy statement of Prime Minister Saad Hariri's cabinet delivered on December 28, 2016. In President Aoun's address, one can read, "as for administrative decentralization... it should be a main pillar, not only in the implementation of the National Accord Document or in harmony with Lebanon's nature, but also in conformity with the development of governance systems in the world." As for the policy statement, it states that "the government is also committed to following on the enactment of the administrative decentralization law in cooperation with the parliament".

We must build on the commitment of the President and the Prime Minister to enact the administrative decentralization law. This process is based on adopting the required legal measures and getting organized to ensure a proper implementation of the text. This is quite important to reverse the trend of excessive centralization, which contradicts the Taef Accords and the experiences of states that overcame their ordeals by transitioning from extreme centralization to flexible administrative decentralization.

Practical Suggestions towards Administrative Decentralization

On the Municipal Level

- 1.1 Amend the municipal law to free municipalities from the tutelage of the Ministry of Interior.
- 1.2 Establish a Ministry of Municipalities or Local Administration.
- 1.3 Find the proper mechanism to grant voting rights to the residents within the municipal jurisdiction.
- 1.4 Encourage the merger of small neighboring municipalities.
- 1.5 Pursue the work of the union of municipalities on joint projects during the transitional period.
- 1.6 Encourage the twinning between municipalities locally and internationally.
- 1.7 Open up to the local, regional and international civil society organizations including donor organizations that can contribute to the development of human capacities and launch pilot projects.
- 1.8 Adopt e-government models and train the municipal staff.
- 1.9 Encourage municipalities to publish their decisions, budgets and final accounts on their websites, in accordance with the Access to Information Law adopted by the Lebanese parliament at the beginning of 2017 to promote transparency, accountability and popular oversight.
- 1.10 Increase municipal revenues by enhancing collection and transferring their full dues from the Independent Municipal Fund on maturity dates.

Adoption of the Baroud Draft Law

- 2.1 Adopt the draft law and schedule its implementation.
- 2.2 Gradually transfer authority from the central government to the Caza councils.
- 2.3 Establish a decentralization fund in replacement of the Independent Municipal Fund and train the relevant oversight authority.
- 2.4 Build the capacity of the staff and cadres at the relevant administrations.
- 2.5 Launch a series of workshops on the needed laws and legislations, and there are dozens of them, in order to make them compatible with administrative decentralization.

Local Development Implications

- 3.1 Encourage municipalities to promote local development as part of a national strategy and a comprehensive vision, while emphasizing local specificities, needs and resources, in cooperation with the civil society and on public-private partnerships and in complementarity and coordination with the central government.
- 3.2 Develop, through a multi-stakeholder approach, a general vision for development in Lebanon and build the capacities of planning units in all ministries and institutions and linking them to the general vision, to provide direction and a general umbrella for the local and regional development plans.

- 3.3 Review the “Masterplan for the Arrangement of Lebanese Territories – Schéma directeur pour l’aménagement du territoire libanais” of 2009 by reducing some of its highly-centralized inclinations.

E-government

- 4.1 Mainstream e-government processes at the level of central institutions, Caza councils and municipal councils, and linking all government databases.
- 4.2 Coordinate the transition operations from classical to e-government, in parallel with moving from administrative centralization to decentralization.
- 4.3 Provide services and information to citizens, include them in the decision-making process and achieve transparency in governance while alleviating the financial burdens, increasing quality, efficiency and speed and preserving the environment, leading to savings in public budgets, in time, effort and money
- 4.5 There have been some pilot e-government attempts in Lebanon since 2002 but they remain isolated within some ministries and institutions including the Ministry of Finance (real estate affairs, taxes and fees...), the Ministry of Interior (registering expatriates for the upcoming parliamentary elections...), the Ministry of Telecommunications (Ogero) and some other institutions. However, so far, there is no comprehensive e-government strategy at the central level in general. This strategy is needed so that e-government services would prevail at the central and local levels.

Advocacy and Lobbying Efforts

- 5.1 Encourage political parties, namely those represented in parliament, and that support decentralization, to increase their efforts and give the draft law the priority it deserves.
- 5.2 Hold workshops culminating in a general conference bringing together civil society actors working in this direction in order to combine and optimize efforts.
- 5.3 Seize the opportunity of the upcoming parliamentary elections in order to incite candidates, namely those with civil society backgrounds, to propose decentralization as one of the reform priorities in their electoral platforms.
- 5.4 Pursue the establishment of active partnerships with international donor institutions in order to gain deeper perspectives, take stock of the most important international experiences and mainstream the culture of decentralization.
- 5.5 Promote the exchange of expertise with Arab states, namely Jordan and Tunisia, which have recently transitioned to administrative decentralization in order to take into account the successes and difficulties especially in the transitional periods.
- 5.7 Include syndicated and professional associations, in particular the Bar associations, in the decentralization efforts.
- 5.8 Pay special attention to the media and communication in order to influence the public opinion namely and widespread the culture of decentralization, to highlight its positive aspects and the negative aspects of pursuing the failed path of centralization.