DEMYSTIFYING DECENTRALIZATION AND FEDERALISM

The Case of Lebanon

Issam Fares Institute for Public Policy and International Affairs

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Fares Halabi studied finance and law and has a background working across nonprofit organizations, the corporate sector, and think tanks. He relocated to Geneva and pursued a master's degree in international affairs at the Graduate Institute (IHEID). His focus is on governance, decentralization, local governance, security, elections, and human rights in the Middle East, particularly in Lebanon, Syria, Iraq, and other MENA countries. Fares is a policy expert engaged in research, advocacy, and campaigns addressing political and governance issues in the region.

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Decentralization in Lebanon:

Charting A Path for Effective Governance

Rabih El Chaer

Executive Summary

This paper provides an in-depth examination of the decentralization process in Lebanon, starting with the pivotal role of Law Decree 118 of 1977 through to the significant initiatives that followed the Taif Agreement. Through a comparative analysis with the decentralization experiences of France, Italy, and Spain, the study highlights adaptable governance practices suitable for Lebanon's distinct socio-political context. A key focus is on the necessity for fiscal reform, and the importance of revamping the financial management systems of local authorities. This entails enhancing the revenue generation and management capabilities of local authorities to achieve fiscal autonomy, thereby diminishing their reliance on central government allocations, in turn enabling them to more effectively address the needs of their constituencies and promote equitable development across Lebanon's diverse regions.

The paper pays particular attention to the reforms proposed by a committee led by former Minister Ziad Baroud. These proposed reforms, aimed to fundamentally transform Lebanon's local governance landscape through the dissolution of municipal unions, the abolition of the Qaem Maqam position, and the creation of 32 elected district councils with legal and financial independence where Beirut was segmented into 12 electoral districts. It also proposed the establishment of a district-level armed police force, the allocation of a minimum proportion of total state spending to district councils, and granted the autonomous decentralization fund a legal personality and administrative and financial independence. These reforms were designed to modernize and streamline local governance structures, yet they have been stalled in the legislative process since 2016, blocked by political deadlock, bureaucratic inertia, and resistance from central authorities.

To support and facilitate decentralization efforts, the paper advocates for the creation of a ministry dedicated to local governance. It further suggests implementing e-government strategies and stringent anti-corruption measures to enhance the transparency and efficiency of public administration. Additionally, it calls for a reform of the local electoral system to adopt a proportional representation model that fosters participatory democracy and ensures that local councils accurately reflect their communities. The paper also outlines financial reforms inspired by Italy's decentralization model, which include the potential for constitutional amendments - viewed as beneficial though not immediately necessary - to empower local administrations with the authority to independently set tax rates and secure loans.

Ultimately, this paper not only highlights the pressing need for political and financial autonomy among local municipalities but also envisions a future where decentralized governance can stimulate sustainable development, improve public services, and contribute to a more equitable society across Lebanon's heterogeneous regions. Through a comprehensive strategy encompassing legal reforms, fiscal empowerment, and bolstered democratic participation, the recommendations presented aim to redefine Lebanon's approach to decentralization. This transformative vision seeks to establish a more empowered, efficient, and inclusive governance system at both central and local levels, thereby fostering equitable development and enhancing the well-being of all Lebanese citizens.

Introduction

This paper aims to demystify the concept of decentralization in Lebanon, tracing its origins and examining its current state and challenges. The roots of Lebanon's decentralization system were established in 1977 with the enactment of Law Decree 118. This legislation marked a significant step by delegating a portion of state authority to municipalities and their unions. But it was implemented slowly over the years.

In 1989, the Taif Agreement ended the Lebanese civil war, and introduced substantial political and social reforms. These reforms included the gradual abolition of confessionalism, meeting a major demand of the Muslim community, and introduced decentralization and a free-market economy, catering to the Christian community's interests. Yet, the constitutional amendment of September 1990, which aimed to incorporate the Taif reforms, failed to address decentralization, posing a continuous challenge.

More than three decades later, the conversation around decentralization remains relevant and contentious. Some political factions view it as a financial safeguard, ensuring local reinvestment of taxpayer money. Others, conflate it with federalism, fearing it could lead to sectarian fragmentation. The prevailing clientelism in the central political system further complicates matters, as those in power are reluctant to relinquish financial control to local municipalities, a move that could threaten their dominance and the confessional system.

This paper comprehensively examines the concept of decentralization in Lebanon, focusing on the transfer of political and administrative powers, and navigating the complex interplay between central and subnational governance. A key part of this study involves a comparative analysis with international cases such as France, Italy, and Spain to grasp the various conditions, structures, and constraints of decentralization processes.

The objective is to formulate recommendations that are well-suited to the specific context of Lebanon. This involves a clear distinction between decentralization and related concepts. Special attention will be given to both individual municipalities and federations of municipalities. The paper will explore the myriad challenges they face, including issues in revenue collection, limitations in their powers, constraints on expenditure due to required higher-level approvals, and a general scarcity of financial resources, all of which impede the ability of local bodies to instigate development within their communities. This analysis aims to uncover the need for a more effective and nuanced approach to decentralization in Lebanon, one that addresses these pressing issues and paves the way for more empowered and effective local governance.

Understanding Decentralization

Decentralization refers to the process of redistributing power and authority from a central government to subnational entities, such as regional or local governments. This process is typically implemented to enhance the efficiency and responsiveness of governance by aligning it more closely with local needs and conditions[1]. Decentralization can take various forms, ranging from the transfer of administrative duties to the devolution of political and fiscal responsibilities. The central idea is to empower lower-level governments, allowing them to have greater autonomy in decision-making and resource management.

Decentralization is not a one-size-fits-all solution, its implementation and impact can vary significantly based on a country's specific context, including its political, economic, and social landscape.

However, decentralization also presents challenges. It can lead to discrepancies in policy implementation across regions, create additional layers of bureaucracy, and in some cases, may even exacerbate regional inequalities. Moreover, the effectiveness of decentralized governance greatly depends on the capacity of local governments and their ability to manage resources and administer services effectively.

In practice, decentralization varies widely across countries. For instance, in Europe, the European Charter of Local Self-Government requires its parties to apply rules that guarantee the political, administrative, and financial autonomy of local authorities. These principles should be firmly rooted in legal statutes, ideally within the constitution itself.

In the MENA region[2], countries like Tunisia[3] and Morocco[4] have incorporated decentralization into their Constitutions as part of broader democratization efforts. However, the actual implementation can vary, with some countries achieving greater local autonomy than others.

In Lebanon, pursuing decentralization is complex. The absence of a strong central state paradoxically fuels the demand for more decentralized governance. In a study conducted by Konrad-Adenauer-Stiftung and the Center for Lebanese Studies[5], several major Lebanese political parties indicated support for decentralization. The main perspectives include:

◆ The Lebanese Forces, Future Movement, and Free Patriotic Movement view decentralization as essential for stimulating local development.

◆ Kataeb and Al-Jama'ah Islamiya focus on enhancing administrative accountability and achieving equitable development by removing administrative decision-making from the influence of centralized powers.

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1   Motivations for decentralization have varied globally. In Eastern Europe and the former Soviet Union, it was part of a broader political and economic transformation. In Latin America, it aimed to reinforce democracy. In regions like South Africa, Sri Lanka, and Indonesia, it addressed ethnic or regional conflicts. While in countries like Chile, Uganda, and Cote d'Ivoire, the goal was to enhance basic service delivery (Shah and Thompson 2004).

2   Decentralization and Local Governance in MENA: A Survey of Policies, Institutions and Practices: *https://documents1.worldbank.org/curated/en/940531468275089510/pdf/365160ESW0whit1Box0349464B01PUBLIC1.pdf*

3   Chapter Seven of the Constitution, titled "Local Authority" (al-solta al-mahaliyya).

4   The first article of the new Constitution stated that "the territorial organization of the Kingdom is decentralized" and introduced the principle of "advanced regionalization" to instate regions and municipalities as part of local governments.

5   Lebanese political parties and administrative reform: an impossible promise?, Nader Ahmad, Nada Al Maghlout, December 2016.

In a joint statement released in 2015, both the Lebanese Forces and Free Patriotic Movement stressed the need for decentralized units to have their own revenue generation mechanisms, in line with the Taif Agreement.

Kataeb advocates for more autonomy in decision-making and financial matters at the regional level, while Al-Jama'ah Islamiya sees decentralization as key to enabling accountability and balanced development across regions.

At present, the Free Patriotic Movement is actively pushing for decentralization and creating a state asset fund, using its negotiations with Hezbollah regarding electing a new president to advance this cause.

This shared stance among these parties underscores the recognized importance of decentralization for improving governance and development in Lebanon. However, from my personal experience as a political and legal advisor to the Minister of Interior and Municipalities in the Lebanese parliament in 2010, I observed firsthand the complexities and challenges in pushing for a new electoral law that emphasized decentralization. Members of Parliament showed significant resistance, with some rejecting the idea of directly electing mayors, preferring the influence of traditional leaders, or "Zaims". Proposals for a proportional electoral system were criticized as being too complex for their constituents, dismissively likened to sheep "Ghanam", and the suggestion of implementing a quota for women was met with overt resistance. This experience shows the challenges of decentralization reform in Lebanon, where MPs often fear losing their influence over voters and being limited to legislative tasks.

To clarify facets of decentralization, the following comparative table will distinguish decentralization from related concepts like deconcentration, delegation, and devolution. It will outline the objectives behind each approach, methodologies, and their respective advantages and disadvantages. The table will also include examples from OECD countries, illustrating the diverse ways in which these concepts are implemented.

Type	Definition	Goals	Methods	Advantages	Disadvantages	Examples from OECD Countries
Administrative Decentralization[6]	Transferring decision-making authority, resources, and responsibilities for public functions from the central government to subordinate or quasi-independent government organizations and/or local governments.	Improve the efficiency and responsiveness of public services by bringing decision-making closer to the service delivery points and populations affected.	This can involve creating or strengthening local government levels, deconcentrating resources to regional offices of central government agencies, or creating autonomous or semi-autonomous agencies with specific service delivery mandates. This includes concepts such deconcentration, delegation and devolution.	Leads to more responsive and efficient service delivery, greater community involvement, local innovation, and reduces bureaucracy.	Risk of weak administrative or technical capacity at local levels, potential inequity in service distribution, inconsistency in service standards, and potential duplication of efforts.	France: Decentralization laws have transferred authority to regional and departmental councils.
Deconcentration[7]	An administrative structure where specific powers are transferred from a central administration to various services spread across the nation, often termed as deconcentrated or external services. This system differs from decentralization in that these deconcentrated services are directly under the central government's control and are considered part of the same legal entity. Their primary role is to implement the central government's policies at a local or regional level, maintaining a direct line of authority and accountability to the central administration.	To reduce the administrative burden on central headquarters and improve service delivery by bringing administration closer to local communities.	Shifting responsibilities from central departments to regional or local branches within the same governmental structure.	Enhances administrative efficiency and improves responsiveness to local needs.	Limited autonomy for local units and maintains central control.	France: Deconcentration is based on the principle of subsidiarity, which means that the highest level of government must only carry out missions that cannot be performed at a lower level. Certain management functions and decision-making powers are thus delegated to prefects and sub-prefects, who remain hierarchically subordinate to the French State. Decisions are still taken by the State, but at the local level. Italy: Regional offices of central ministries manage local affairs.

6   DRI. (2017). *Decentralising Government: What You Need to Know.* Berlin: DRI. August 2021.

7   La déconcentration en France: histoire et actualité, Stéphane Verclytte, DGAFP, La Documentation Française, 1997.

Type	Definition	Goals	Methods	Advantages	Disadvantages	Examples from OECD Countries
Delegation	Transferring responsibilities to private entities through contracts[8] or to semi-autonomous organizations or local units of government, such as state-owned enterprises and urban or regional development corporations, which are not wholly controlled by the central government but remain accountable to it.	Achieving Best Performance: To utilize specialized expertise of external or quasi-autonomous agencies for optimal outcomes. Strengthening Government Accountability: To enhance accountability of government actions to private entities and other stakeholders. Policy Decision-making: To facilitate long-term policy decisions, minimizing the impact of short-term electoral pressures on governments.	Authority Transfer to Quasi-Autonomous Agencies: Assigning specific responsibilities to agencies that operate semi-independently but remain accountable to the government. Engagement with Private Sector: Collaborating with private companies, especially those with expertise in relevant fields.	Expertise Utilization: Taps into the specialized skills and knowledge of external entities for more effective decision-making. Long-Term Policy Focus: Encourages longer-term policy considerations over short-term electoral gains. Government Accountability: Enhances the credibility and accountability of government policies. Innovation: Encourages innovation and responsiveness.	Potential Ineffectiveness: There's a risk that the intended outcomes may not always materialize. Complexity in Coordination: Challenges in coordinating between the government and quasi-autonomous agencies. Dependence on External Entities: Reliance on non-governmental agencies could lead to potential conflicts of interest or goal misalignment. Unaccountability: Challenges in maintaining accountability.	Spain: Autonomous communities managing education and health. France: Regional governments handling regional transport and economic development. The creation of Independent Administrative Authorities (Autorités administratives indépendantes - AAIs), which include regulatory bodies like the Commission des Opérations de Bourse and the Autorité de régulation des télécommunications.
Political Decentralization[9]	Aims to give more power in public decision-making to citizens or their elected representatives. Associated with pluralistic politics and representative governments, supports democratization by giving more influence to policy formulation and implementation.	Empower local representatives to enhance participation in decision-making and make decisions more relevant to diverse interests in society.	Constitutional/statutory reforms, development of pluralistic political parties, strengthening of legislatures, creation of local political units and encouragement of public interest groups. Conducting regular democratic elections to choose local governing bodies. Clearly defining the jurisdiction and authority of local governing bodies. Empowering local officials with significant decision-making power and control over resources. Designing political and electoral systems to incentivize public-oriented governance. Implementing transparency and accountability mechanisms for local government actions and decisions.	More informed decisions, greater relevance to societal interests, better understanding between elected officials and constituents, increases political competition and participation.	Requires significant political reforms and the development of local political infrastructure. Challenges include the potential for local elite capture, risk of increased corruption at the local level, difficulties in managing intergovernmental relations, and the complexity of ensuring effective accountability mechanisms. It can also lead to disparities in governance quality across regions and increase administrative costs.	Spain: Significant regional autonomy in Catalonia and the Basque Country.

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8   La délégation de service public, Jean-François Auby, Presses universitaires de France, Que sais-je ? 2019.
9   A Framework for the Assessment of Political Decentralization, World Bank, 2010:
      https://www.shareweb.ch/site/DDLGN/Documents/WB_Political_decentralization_%202010.pdf

Type	Definition	Goals	Methods	Advantages	Disadvantages	Examples from OECD Countries
Fiscal Decentralization[10]	Focuses on the financial aspect, where local governments or private organizations have revenues either collected locally or transferred from the central government, along with the authority to make expenditure decisions.	Provide adequate financial resources for decentralized functions and decision-making authority on expenditures.	Self-financing through user charges, co-financing, expansion of local revenues, intergovernmental transfers, and municipal borrowing.	Enhances financial responsibility and autonomy of local governments, promotes efficient use of resources.	Dependence on central government subsidies, potential for inefficient use of funds.	Italy & Spain: Regions have power to levy taxes and manage financial resources.
Economic/Market Decentralization[11]	Shifts responsibility for functions from the public to the private sector, typically through privatization and deregulation.	Enable the private sector to carry out functions traditionally managed by the government, fostering efficiency and market development.	Privatization and deregulation to reduce legal constraints on private participation.	Encourages innovation and efficiency by leveraging private sector capabilities, reduces burden on the government.	Risk of loss of public accountability, potential for reduced service quality or increased costs in some cases.	France: Privatization of certain public services and utilities.
Devolution[12]	The most comprehensive form of decentralization, where local governments are granted autonomy and independence in decision-making, resource management, and revenue generation. Devolved units are recognized as independent legal entities with their own elected officials.	To foster local self-governance and democracy, allowing for region-specific policy making.	Granting extensive powers to local governments, including legislative, administrative, and fiscal autonomy.	Promotes local self-governance; allows for tailored solutions to local needs.	Can lead to disparities in resource allocation and complexity in coordinating national policies.	Germany: Länder (states) with their legislative powers. Switzerland: Cantons managing their education, healthcare, and taxation. UK: Scotland, Wales, and Northern Ireland with devolved powers.

10   Fiscal Decentralization, Local Public Sector Finance and Intergovernmental Fiscal Relations: A Primer, World Bank, 2021: *https://documents1.worldbank.org/curated/en/099225502022316135/pdf/P1754490fe142c0db095050e3808607c8ff.pdf*

11   Sophie Nicinski, Droit Public des Affaires, LGDJ, 2021.

12   Droit Constitutionnel, Précis, l'Etat Régional, Dalloz, 2011, p.477.

Type	Definition	Goals	Methods	Advantages	Disadvantages	Examples from OECD Countries
Federalism[13]	The federal state, also known as a federation, is a governmental structure characterized by a dual-layer organization: a central federal government and individual federated states. The federal constitution lays out the distribution of powers between these two levels. Typically, matters of international sovereignty, such as diplomacy, defense, and currency, are reserved for the federal government. Each federated state is a distinct political entity with its own set of executive, legislative, and judicial powers, designed to operate in tandem with the federal system. These states actively contribute to federal decision-making. This is often reflected in the structure of the federal legislature, which usually comprises two chambers. One represents the general population of the entire federation, while the other represents the federated states, such as the German Bundesrat or the American Senate. This structure ensures both direct and regional representation in federal governance.	Representation and Autonomy: To allow different groups in diverse regions to have influence in governance, particularly in decisions that affect their local and cultural interests. Power Distribution: To balance power by dividing responsibilities between a central government and regional entities (states, provinces, regions). Prevent Centralized Power Abuse: By dispersing power, federalism acts as a safeguard against the concentration of power in a single institution. Social Cohesion and Peace: To maintain social cohesion and peace in diverse societies by recognizing and accommodating regional differences.	Constitutional Division of Powers: Clearly defined in a constitution, this divides responsibilities between the central government and regional entities. Legislative Structure: Typically includes two chambers, one representing the population at the federal level and another representing federated entities. Local Autonomy: Granting federated states or regions the authority to manage local matters such as education, language, and cultural affairs. Policy Experimentation: Allowing regional governments to develop and test policies suited to their local needs and circumstances.	Local Governance and Customization: Enables regions to tailor policies and laws to their unique cultural, linguistic, or economic needs. Diverse Representation: Ensures representation of various groups in the federal decision-making process, thereby enhancing democracy. Decentralization of Power: Prevents the concentration of power, reducing the risk of authoritarianism. Policy Innovation: Facilitates policy innovation and experimentation at regional levels. Stability and Unity: Can strengthen national unity by satisfying regional demands for recognition and autonomy.	Complexity and Cost: Potentially expensive due to the duplication of government functions at multiple levels and the complexity of managing such a system. Coordination Challenges: Difficulties in coordinating policy responses between different levels of government, especially in emergencies like pandemics. Potential for Inequality: Risk of unequal development and resource allocation between regions. Limited Protection for Minorities: May not adequately protect minorities dispersed across multiple regions or within a region dominated by another group. Inefficiency and Rigidity: The system may sometimes be inefficient and slow to respond to national challenges due to the division of powers and regional autonomy.	Switzerland: A strong federal system with significant cantonal autonomy.

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13   The Federal Contract: A Constitutional Theory of Federalism, Stephen Tierney, Oxford Academic Books, 2022.

Assessing Decentralization in Lebanon[14]

Decentralization comprises three essential dimensions: political, administrative, and fiscal autonomy. Evaluating the extent to which Lebanon's municipalities and their unions have achieved these autonomies within the existing legal framework, particularly the Lebanese Municipalities Law (Legislative Decree No. 118/1977), is a subject of significant debate. The first Article of the municipalities law defines a municipality as a local administration that exercises the powers granted to it by law within its jurisdiction. It confers legal personality, financial independence, and administrative independence upon the municipality within the bounds of this law. In the following sections, this paper will delve into each aspect of decentralization, examining the realities and challenges associated with achieving political, administrative, and fiscal autonomy within the context of local governance in Lebanon.

Comparing Political Autonomy in Local Governance: France and Lebanon

Political autonomy for local authorities is a cornerstone of decentralized governance, reflecting the ability of communities to govern themselves and make decisions that impact their daily lives. While this principle is upheld in both France and Lebanon, the two countries exhibit notable differences in their approaches. France's system is characterized by a robust framework of constitutional safeguards, independently elected councils, comprehensive checks and mechanisms, and a balanced electoral system that promotes fair representation[15]. In contrast, Lebanon grapples with challenges related to the absence of a specific municipal electoral law, undemocratic election processes, potential political interference, and restrictions on local leaders. These distinctions underscore the pressing need for reforms in Lebanon to enhance political autonomy and strengthen local governance.

France's Framework for Political Autonomy

- ◆ **Legislative Approval to Create Local Authorities:** In France, Article 72 of the French Constitution outlines that the creation or merger of territorial collectivities like communes, departments, and regions is subject to legislative approval. This constitutional provision ensures that decisions are made transparently and without undue political influence, with only the Parliament having the authority to make such determinations based on specific criteria.

- ◆ **Directly Elected Councils Including Mayors:** France's local collectivities are governed by independently and directly elected councils, including mayors. This approach allows for self-governance and local decision-making, a fundamental aspect of political autonomy. These councils, directly chosen by the citizens, play a pivotal role in shaping local policies, budgets, and initiatives, reflecting the democratic values of the country.

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14   Decentralization, in the context of the Lebanese stratagem, a calamity or an extrication?, Konrad Adenauer Stiftung, 2022.
15   Bertrand Faure, Droit des Collectivités Territoriales, Dalloz, 2021.

- ◆ **Checks and Mechanisms:** France's democratic model includes a range of checks and mechanisms to protect individual interests and prevent unchecked power. These mechanisms encompass "extra-municipal" councils, inquiry and evaluation committees, public service consultative commissions, referendums, petition rights, non-cumulative mandates, and equal access to electoral mandates and functions for both genders. These measures ensure that local governance remains balanced and responsive to the diverse needs of the community.

- ◆ **Fair Representation:** France's electoral system combines proportional representation with majority voting systems. Lists with at least 10% of votes in the first-round advance to the second round, promoting fair representation and preventing a concentration of power within local authorities.

Challenges to Political Autonomy in Lebanon's Local Governance

- ◆ **Absence of Specific Electoral Law:** The absence of a specific municipal electoral law results in municipal elections being governed by the general parliamentary electoral law. This linkage can lead to limitations and restrictions within the electoral process for local authorities.

- ◆ **Majority System:** Lebanon employs a majority system for municipal council elections, where the candidate with the most votes wins. However, this system may not always accurately represent the true will of the voters, as it can enable a minority bloc to secure a majority of seats, indirectly influencing the selection of the mayor.

- ◆ **Limitation of Rights for Running Elections:** Lebanon's municipal council composition is determined by the number of people registered in the municipal's lists, rather than the actual number of residents. This restriction limits voting and candidacy rights to those registered in the municipal's civil registries, potentially perpetuating political manipulation and limiting the representation of the broader population who may pay taxes but can't participate in the municipal work or hold the municipal council accountable.

- ◆ **Creation of Municipalities:** The creation of municipalities in Lebanon falls under the purview of the Minister of the Interior and Municipalities, often based on unspecified technical, geographic, or demographic factors. This approach has led to an excessive number of municipalities (1058), many of which may lack the capacity to fulfill their duties but were established to serve political interests.

- ◆ **Challenges to Regular Elections:** Lebanon has faced challenges in upholding the principle of regular elections for local authorities. Recent decisions have approved extensions of municipal councils' mandates[16,] disrupting the regular electoral cycle, and raising concerns about potential central authority and political party influence on municipal elections.

- ◆ **Restrictions on Local Leaders:** Article 49-3 of the Lebanese Constitution and Article 8 of the electoral law restrict mayors, deputy heads of municipal councils, and presidents of municipal unions from running for higher offices unless they resign two years prior to the election. These restrictions aim to prevent conflicts of interest but may also discourage competition.

The contrasting approaches of France and Lebanon to political autonomy for local authorities underscore the need for Lebanon to address its challenges and implement reforms that strengthen local governance and ensure the genuine empowerment of communities in decision-making processes.

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16   In its decision No. 1/97 dated September 22, 1997, the Constitutional Council declared the extension of municipal councils' mandates through Law No. 654 as unconstitutional. Contradictorily, in 2023), the Council approved the extension of terms for municipal councils and mukhtars, effectively postponing elections by two years, citing emergency circumstances. Despite this decision, it is highly likely that the parliament will once again postpone these elections for the third time, citing the ongoing war in the south of Lebanon and Gaza as justification for the delay.

The Administrative Dimension of Decentralization: Balancing Local Autonomy and State Oversight

The distribution of powers between local and national authorities is fundamentally guided by the principle of subsidiarity. This principle asserts that matters should be handled by the smallest, lowest, or least centralized competent authority, advocating for decisions to be made as closely as possible to the citizens they affect. However, this distribution of powers is dynamic, adapting to evolving national and local needs.

Subsidiarity[17] implies that entities mediating between the individual and the state have inherent authority, not merely delegated authority, and this should be carefully safeguarded. The autonomy of local authorities stems from two main aspects: the absence of tutelage and the power to establish standards through regulatory authority.

The principle of free administration of local authorities encompasses several components:

◆ **Regulatory Power:** Local authorities have the ability to issue regulations and decrees, underscoring that only laws passed by Parliament[18], and not acts of the national executive -such as decrees- can impose constraints on local authorities.

◆ **Organizational Freedom:** Local authorities have the liberty to organize themselves internally.

◆ **Resource Management**[19]**:** Local authorities have exclusive competence in managing resources, especially personnel. They have the autonomy to hire, fire, and set employment terms without referring to higher-level governments, ensuring accountability to elected officials.

◆ **Contractual Freedom**[20]**:** Allows local authorities to enter into agreements and contracts for local development and service provision, subject to constitutional safeguards preventing excessive legislative interference.

◆ **The prohibition of guardianship of one local authority over another:** This ensures that no single local authority can dominate or unduly influence others. This principle is crucial in maintaining a level playing field among various local authorities and in promoting cooperative relationships rather than hierarchical ones.

◆ **The absence of supervisory authority:** This means that local authorities have neither a hierarchical superior nor supervisory authority.

In Lebanon, deconcentration regulations define nine governorates[21,] subdivided into 26 districts (*Qada'*), except for the non-divided Beirut governorate. These governorates and districts respectively represent the upper and lower tiers of the central government[22].

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17 Subsidiarity is described in the European Charter of Local Self-Government as: "Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of the responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy." This definition, found in Article 4 entitled "Scope of local self-government," emphasizes the importance of local decision-making and governance.

18 CC°, QPC, 2016, Assemblée des départements de France.

19 CC°, 1984, Fonction publique territorial.

20 CC°, 1993, Anti-corruption law (Sapin I).

21 Akkar, Baalbek-Hermel, Beirut, Beqaa, Mount Lebanon, Keserwan El Foutouh and Jbeil, Nabatiyeh, North Lebanon and South Lebanon.

22 Constituting an integral part of the Ministry of Interior and Municipalities (MoIM).

Lebanon has 60 municipal unions[23] and 1059 municipalities[24] serving a population of 5.6 million residents over 10452 km^2.

Article 47 of the Municipal Act[25] grants municipalities extensive powers in all economic and social areas that aim to serve the public benefit within the municipality. The mayor's role is particularly crucial, involved in implementing council decisions, managing municipal assets, and overseeing critical areas like health, safety, and environmental matters.

In addition to this structure are the municipal unions. These unions have many prerogatives, which include executing public projects with common benefits for all or some member municipalities, such as roads, sewerage systems, waste collection slaughterhouses, civil defense, organizing transportation, contracting loans, and overseeing cooperatives, souks and markets.

Despite the broad powers that the legislature granted to municipalities and municipal unions to make autonomous decisions independent of the central authority, municipalities still remain under the legislature's administrative control, or what is known as administrative guardianship (La tutelle administrative). This control is exercised through:

◆ Prior approval of municipal council decisions (L'aprobation préalable) or the right of prior approval[26], meaning that the decision taken by the decentralized administration does not come into effect until it is ratified by the guardianship authority[27].

◆ The authority to replace the Municipal Council (La substitution) when it fails to carry out any work required by laws and regulations.

In addition to administrative oversight[28], there is judicial and quasi-judicial oversight of municipalities and of the General Financial Controller and the Audit Bureau.

The legislative framework in Lebanon grants municipalities a degree of administrative autonomy, but it also subjects them to substantial state oversight[29]. This extent of oversight is such that it makes decentralization appear more like veiled deconcentration.

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23 The Municipal union consists of several municipalities not defined by law and enjoys legal personality and financial independence. It is established by a decree taken by the Council of Ministers based on the proposal of the Minister of the Interior.

24 Article 1 of the Municipalities Law defines a municipality as a local administration that exercises the powers granted to it by law and regulations. It is an elected public body that enjoys a legal personality and financial and administrative independence.

25 "Each work of public character or interest in the municipal area falls within the scope of the municipal council's competence."

26 In accordance with Article 56 of the Municipalities Act, administrative control over the Municipal Council's decisions is exercised by the following powers: the Qaim Maqam, the Governor, and the Minister of Interior. As for the decisions of the Beirut Municipal Council, the guardianship authority is limited to the Minister of Interior only.

27 Examples of decisions of municipal councils that are not subject to or subject to ratification can be divided as follows. 1. Not subject to ratification: approving deals for supplies, works, and services, and approving their special terms of conditions when the value does not exceed 30 million LBP. 2. Subject to ratification by the Qaem Maqam: when the value exceeds 30 million LBP but is below 80 million LBP (between 3,300 USD and 8,800 USD). 3. Subject to ratification by the Governor: when the value exceeds 80 million LBP.

28 It is worth noting that administrative oversight by the Civil Service Council extends to municipalities serving as administrative centers of "Muhafazat." This oversight encompasses a wide range of matters related to municipal civil servants, including appointments, transfers, and disciplinary actions.

29 **هويدا الترك**، المجالس البلدية والابعاد الاقتصادية والمالية والاجتماعية، دراسة ميدانية لأوضاع المجالس البلدية في محافظة لبنان الجنوبي على ضوء الانتخابات البلدية لعام 2010، معهد باسل فليحان المالي، سنة 2015، ص. 60.

Fiscal Decentralization: Balancing Responsibilities and Resources

Fiscal decentralization delegates taxing and spending responsibilities to subnational tiers of government. The degree of fiscal decentralization depends on the amount of resources delegated and the autonomy in managing these resources. Fiscal autonomy includes budget and accounting authority, expenditure power, revenue control, and adherence to fiscal rules.

Subnational fiscal autonomy involves both expenditure and revenue, where the capacity to access external funding, manage budgets, choose service delivery modes, and control and report performance are integral aspects. Equalization mechanisms, such as horizontal equalization, can limit subnational fiscal autonomy, potentially redistributing resources from wealthier jurisdictions to poorer ones.

In Lebanon[30], Article 86 of Legislative Decree No. 118/1977 provides a comprehensive outline of the various revenue streams available for the functioning and development of municipalities and municipal unions in Lebanon. What follows is a comprehensive review of current and potential amendments to the current legislation are necessary to address the deficiencies in the financial resources available to municipalities[31].

Local Collected Fees

These fees[32], collected directly by municipalities from taxpayers. The effectiveness of these fees as a revenue source has diminished due to lack of adjustments in response to exchange rate fluctuations. There is a need to amend fee rates, collection methods, exemptions, and adopt modern electronic systems and transparency measures to enhance taxpayers' contribution to municipal finances[33].

State-Collected Fees

The state collects a variety of fees and surcharges for municipalities, including increases in property tax, levies on commercial and industrial profits, inheritance and will transfer fees, real estate registration, liquid fuel surcharges, vehicle registration, port fees, as well as taxes on spirits, beverages, and insurance contracts, along with VAT on services like telecommunications, electricity, and water.

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30 Mona Harb and Sami Atallah, A fragmented and Incomplete Decentralization; Local Governments and Public Goods: Assessing Decentralization in the Arab World, LCPS, 2015.

31 A study conducted by the Ministry of Interior and Municipalities and the International City/County Management Association (ICMA) in 2011 proposed 138 recommendations spanning over 18 laws and decrees, aiming to enhance municipal finances and promote equalization.

32 Fees on the rental value of real estate, public places and gambling clubs, advertising, public property, fuel distribution, industrial firms, auctions, mobile vendors, slaughterhouses, tourism sites, registration of contracts, construction permits, building and maintenance of sewage networks and pavements, certificates and technical studies, structural improvements, and explosive materials.

33 Democracy Reporting International has prepared two draft laws in this regard.
The first draft law focuses on municipal fees and revenues. It aims to streamline and classify fees and taxes. The draft establishes principles for managing and distributing funds from the Autonomous Municipal Fund based on fairness and sustainability, focusing on regional development and equalization. It emphasizes the need for transparent data and the swift distribution of revenues to municipalities.
The second draft law pertains to the procedures for collecting municipal fees and revenues. It aims to enhance transparency, integrity, and simplicity in procedures and operations. The draft mandates the registration and data compilation of taxpayers. The draft clarifies the rights and responsibilities of the municipality and the taxpayer, clarifies auditing and monitoring principles, and specifies reporting, assigning, and prosecution procedures for payment defaulters.

The value and percentage of the fees collected by the state are crucial for equalization and wealth redistribution, enabling municipalities to develop locally and function effectively[34]. The success of these fees hinges on the state's efficient tax collection[35] and equitable distribution to municipalities.

Centralized Fees: The Autonomous Municipal Fund

Centralized fees are collected by the state from all municipalities and deposited into an Autonomous Municipal Fund. These encompass property taxes, inheritance and will taxes, registration fees, additional premiums on property tax, taxes on commercial and industrial profits, and vehicle registration fees.

The Autonomous Municipal Fund is managed by the Ministry of the Interior and receives revenue from shared allowances applicable to all municipalities.

However, the fund's autonomy is constrained by Article 2 of Decree No. 1917/1979, which mandates depositing the funds in the Bank of Lebanon under the Public Treasury's name. The disbursement rules for these funds are set by joint decisions of the Ministers of Interior and Finance, reducing municipal financial independence and subjecting fund allocation to central authority and political decisions. Consequently, the fund's resources have been inconsistently distributed and occasionally diverted for unrelated state debts.

Additionally, Decree No. 1917/1979 allows the central government to withdraw funds from the Autonomous Municipal Fund for unspecified "public interest" purposes, further diminishing municipal control over these resources[36].

Development projects are broadly defined, leading to discretionary interpretations by the Ministry of Interior and Municipalities and the Ministry of Finance[37]. The state's inconsistent distribution schedule affects municipalities' budget planning, which is often influenced by political factors[38].

However, a significant ruling by the state council in 2015 reinforced the principle that the funds of the Autonomous Municipal Fund should be held in trust for the municipalities. This ruling emphasized that the central state does not have the authority to unilaterally control or change the distribution criteria of these funds. This pivotal decision, unfortunately remains an isolated case. It has not become the norm largely because municipalities often hesitate to challenge the Minister of Interior or the Minister of Finance, typically due to a desire to safeguard other interests they have with these ministries.

34 About Administrative Decentralization in Lebanon, LCPS, 2015.

35 **زهوان الصديق**، تمويل البلديات في لبنان، المؤسسة الحديثة للكتاب، ط. أولى، سنة 2019.

36 **د. زهوان الصديق**، تمويل البلديات في لبنان، المؤسسة الحديثة للكتاب، ط. أولى، سنة 2019، ص. 239 وما يليها.

37 **د.غدير العلايلي**، قرار لمجلس شورى الدولة وحقوق البلديات المصابة بمطمر للنفايات: توزيع أموال الصندوق البلدي المستقل لا يتم اعتباطا، المفكرة القانونية، تاريخ 02/08/2012.

38 **د. زياد بارود**، «التمويل في اللامركزية: قراءة من منظار لبناني ومقارن»، برنامج الأمم المتحدة الإنمائي، منتدى الإدارة المحلية في جامعة الأمير سلطان، المملكة العربية السعودية، الرياض، 23-23 تشرين الثاني 2005، ص 15.

Hence, there is an immediate necessity to overhaul the Autonomous Municipal Fund. This reform should involve setting up an independent management entity with its own moral personality and an autonomous board of directors. This board should comprise elected mayors representing large, medium, and small municipalities, as well as municipal unions[39]. Additionally, the reform must focus on enhancing transparency in handling revenues and expenditures and creating more equitable formulas for distributing funds[40].

Enhancing the management and equitable distribution of the Autonomous Municipal Fund's resources is vital for fostering municipal development and achieving nationwide equalization.

Income from Municipal Properties[41]

Municipal property is an essential tool in the hands of local authorities, representing an important source of municipal revenues and a route to achieve social and development goals. The Municipalities Law grants municipalities the authority to manage their lands and assets. This includes responsibilities like preparing sale terms of reference for municipal property, transferring public municipal property to private municipal property, and optimizing property use for public welfare and local development.

Categorizing municipal properties into public and private sectors is rooted in a legal framework with historical origins in Ottoman laws, further shaped during the French Mandate period[42] and solidified with post-independence legislations like the Forestry Law of 1949.

Public municipal property, encompassing assets such as the seashore, transportation infrastructures, and public utilities, is characterized by its utility to the community, irrespective of its geographic location. Municipalities have the flexibility to grant temporary licenses for using these public properties, especially when direct management is impractical.

The use and occupation of public municipal property are regulated by three main systems:

◆ **Temporary and Casual Occupation:** This system is designed for private projects that benefit individual owners and do not focus on serving the public interest.

◆ **Concession System:** This method is intended for projects that aim to serve the public interest or provide a public service. Projects under this system require authorization through a specific law to proceed.

◆ **Public-Private Partnership (PPP) contracts:** The initiation of municipal projects is the responsibility of either the President of the Municipal Council or the President of the Municipal Union Council. These projects start with a preliminary study submitted to the High Council for Partnership and Privatization, launching a detailed 21-step process from the project's inception to signing the final contract. These stages can take years to complete, affecting investor confidence and necessitating modified contract terms.

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39 On January 25, 2023, the Lebanese Forces parliamentary bloc introduced an expedited draft law, which proposed establishing an "independent municipal fund" to replace the existing Autonomous Municipal Fund. The proposed law aims to create a board of directors for the new fund, which would possess legal personality and financial and administrative independence. The board would consist of mayors from current municipalities, with two elected from each district. Additionally, the proposal mandates that the fund must employ a local office to annually audit its accounts.

40 **نيقولا غصن**، اقتراح قانون إنشاء الصندوق البلدي المستقل: تعزيز مبدأ اللامركزية بعد عقود من استنسابية الحكومة، المفكرة القانونية، تاريخ 22/03/2023

41 **جورج معراوي**، «الأملاك البلدية: بين تحديات والفرص المتاحة»، المجلة السادسة، معهد باسل فليحان المالي، معهد باسل فليحان المالي، سنة 2012.

42 قانون الأراضي العثماني الصادر سنة 1274 هـ (نحو 1857 م) والقرار رقم 144/س تاريخ 10/6/1925 (الأملاك العمومية) والقرار رقم 275 تاريخ 25/5/1926 (إدارة وبيع أملاك الدولة الخصوصية غير المنقولة) وقانون الملكية العقارية الصادر بالقرار رقم 3339 تاريخ 12/11/1930 والقرارات رقم 186 و 188 و 189 تاريخ 15/3/926.

To enhance the management of their private property, municipalities need to effectively implement the law on the ownership of villages and communal lands, as set out in Decree No. 15396/1964 and its subsequent amendments[43]. This includes transferring private state property within municipal boundaries to the municipalities themselves.

However, a comprehensive government strategy for the management of state municipalities is urgently needed. This approach should encompass the collection of extensive statistics, the formulation of a specific law for municipal properties, and continuous efforts in delineating and delimiting the public properties of municipalities. Additionally, standardizing the valuation prices of these properties is essential. For this strategy to be effective and transparent, collaboration between the Ministry of Finance, the real estate cadaster, and the municipalities themselves is crucial to ensure efficient property management across state and municipal levels.

Fines, Gifts and Bequests

Local authorities are responsible for collecting financial penalties for various legal violations. However, there is still a need for stronger law enforcement at the local level. This is primarily due to a combination of factors, including limited resources, a lack of political will, and insufficient accountability measures. Another source of revenue for local authorities derives from received donations and inheritances. Municipal Council decisions to accept or reject non-burdened donations and recommended funds are exempt from approval by the Administrative Oversight Authority. However, for conditional donations, mere acceptance by the municipal council is not legally sound. Such acceptance must also be ratified by the administrative control authority, represented by the Qaem Maqam as per Article 60 of the Municipalities Law, or by the Prefect for municipalities within the governorate center.

Regarding cash and in-kind donations to the state, Public Accounting Law No. 14969/1963, Article 52, outlines the following procedures:

- ◆ Donations to the state, whether cash or in-kind and provided by legal or real persons, valued at up to 250,000,000 Lebanese pounds, require acceptance through a decree based on a proposal from the competent minister and the Minister of Finance.

- ◆ Donations exceeding 250,000,000 Lebanese pounds in value, whether cash or in-kind and presented by legal or real persons to the state, must be accepted by a decree issued by the Council of Ministers.

القاضي إيلي معلوف، «البعد القانوني للأملاك العامة في لبنان»، المجلة السادسة، معهد باسل فليحان المالي، سنة 2012 43.

Decentralization after the Taif Agreement[44]

Under the framework of administrative decentralization, the Taif Agreement outlines several key provisions:

1. ***Unified State with Strong Central Authority:*** The Lebanese state is affirmed as a singular, unified entity with a robust central governing body.

2. ***Enhanced Powers for Prefects and Qaim Maqam:*** The agreement proposes expanded powers for Prefects and the Qaim Maqam. It also suggests representation of all state departments in administrative regions at the highest level possible, aiming to streamline services for citizens and address their needs locally.

3. ***Administrative Division Review:*** There is a need to reconsider the administrative divisions in Lebanon to promote national integration while safeguarding coexistence and the unity of the land, people, and institutions.

4. ***Expanded Administrative Decentralization:*** The agreement advocates for broader administrative decentralization at the level of smaller administrative units, such as Qada'. This includes the election of a council for each Qada', led by the Qaim Maqam, to strengthen local participation.

5. ***Unified National Development Plan:*** It emphasizes the adoption of a comprehensive, unified development plan for the country. This plan aims to foster economic and social development across Lebanon's regions and enhance the financial capabilities of municipalities, unified municipalities, and municipal unions.

The Taif Agreement's approach to decentralization in Lebanon fell short of effectiveness. True administrative decentralization would necessitate that local authority councils, like those in the Qada', are elected by the population, embodying their will and accountable solely to them.

The Taif Agreement's proposal to instate a Qaim Maqam as the head of the elected Qada' council reflected a French method made obsolete by 1982, the year France embraced authentic administrative decentralization. Additionally, solutions proposed under the Taif Agreement left significant ambiguities regarding the financial autonomy of municipalities, stopping short of granting municipalities complete financial independence and the power to determine local tax rates and amounts. The continued existence of municipal unions introduces an additional administrative layer, coexisting with municipalities and Qada' councils. In Lebanon's context, a country with limited geographical size and financial resources, this structure risks overlap in authorities, complicating the collection and distribution of local taxes, and potentially increasing the financial burden on citizens.

Like the Taif Agreement, various projects and proposed laws developed in the 1990s and 2000s, which were never adopted or implemented, demonstrate a lack of genuine commitment to effective administrative decentralization. Instead of transferring powers to elected local authorities, these initiatives tend to delegate responsibilities from the central government to deconcentrated authorities.

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44 André Sleiman, Maximising Subsidiarity: Rethinking Decentralisation and Multi-Level Governance in Lebanon, Berghof Foundation and UN Women, 2021.

The criticisms and observations of these projects can be summarized as follows:

◆ Some projects fail to differentiate between decentralization and deconcentration, often strengthening the prerogatives of deconcentrated powers at the expense of decentralized elected authorities.

◆ Projects that do distinguish between decentralized and deconcentrated authorities often lack mechanisms for cooperation between them.

◆ These initiatives propose the formation of District or Qada' councils composed of both elected and appointed members, led by the deconcentrated representative of the central government, and includes representatives from the Ministry of Interior and Municipalities. However, decisions made by these councils are subject to approval by the central supervisory authority before becoming enforceable.

◆ Despite varying terminologies used for new administrative divisions (muhafaza, administrative region, Qada'), these projects converge to create a single decentralized network between the central and local levels.

In essence, these initiatives fall short of establishing a truly decentralized administrative structure.

Decentralization Draft Law Led by Former Minister Ziad Baroud

Ziad Baroud's committee introduced a comprehensive proposal aimed at reforming Lebanon's local governance structure. For the first time, the proposal advocated for the state to adopt an expanded decentralized system, which involved the division of local councils into municipal and district councils. Additionally, it proposed maintaining overlapping powers between municipalities and district councils, with the Beirut City Council serving as a notable example. However, the proposal drew criticism for its decision to divide Lebanon into 32 district councils, a departure from the existing 26 administrative divisions of historical districts (Qada'), without transparently specifying the rationale or criteria behind this change. This ambiguity raised concerns regarding potential delineation issues.

While the proposal included positive elements, such as establishing a ministry dedicated to local councils independent of the Ministry of Interior, and abolishing the position of Qaim Maqam, it also raised questions regarding the elimination of municipal unions. The proposal suggested replacing municipal unions with new entities such as district councils, however, preserving municipal unions and encouraging municipalities to join them voluntarily may have been a more pragmatic approach.

Another significant aspect of the proposal was the establishment of an independent elections body tasked with overseeing electoral functions, thereby replacing the Ministry of Interior and Municipalities. However, concerns were raised regarding the potential duplication of independent elections bodies for municipal and parliamentary elections, echoing past frustrations with the ineffective parliamentary elections body within the interior ministry.

The district council, also known as Majles Qada', comprises two primary components: a general body elected through a majority system and a board of directors chosen via a proportional system by the same general body, with a qualification threshold surpassing 10% of the membership percentage.

A more straightforward approach would involve directly electing the district council through a proportional system. This method ensures that the list garnering the highest number of votes secures the majority of seats, including the council presidency. Additionally, the vice president could be elected from the opposition within the district council's members, thereby promoting inclusivity and fair representation.

Regarding voter eligibility, each of the cities and villages is considered as one electoral body within a district council. Each electoral body is represented in the general assembly by a certain number of members based on the population registered in the personal status records of these cities and villages. The proposal also granted the right to vote to Lebanese residents of a specific district meeting certain criteria, including residency and tax payment.

The proposed legislation grants extensive authority to the District Council, encompassing responsibilities such as civil service recruitment, infrastructure planning and execution, and launching economically beneficial projects for public welfare and environmental preservation. It also allows for the acceptance of monetary and material donations, facilitation of public transportation, disaster management, and instating property improvement taxes for projects' direct beneficiaries, all without prior oversight, save for exceptional cases.

Additionally, the proposal mandates the establishment of a district-level armed police force under the jurisdiction of the judicial police.

Financially, the draft law outlines revenue streams for the district. , including direct taxpayer fees, licensing charges, a portion of real estate registration fees, property taxes, income tax shares, and profits from real estate transactions. It also includes income from district-owned properties and investments, utilities subscriptions, as well as various sources like bank interest, aid, loans, fines, and a decentralized fund. This fund, replacing the autonomous municipal fund, operates independently and is governed by a board of trustees elected from the district and municipal councils. Its revenue sources are diverse, incorporating VAT percentages, telecommunications charges, customs revenue, and more.

Allocation from the fund is distributed with 70% to district councils and 30% to municipalities, determined by a formula that factors in development, fee collection, population, and geographical size. However, practical implementation in Lebanon faces challenges due to insufficient data, potentially leading to delays in its enforcement.

Finally, Ziad Baroud's proposal falls short in addressing crucial areas that would require amendments to the constitution. Notably, it lacks provisions for voter-initiated referendums, the empowerment of district councils to challenge laws affecting local autonomy before the Constitutional Council, or the authorization for district councils to impose certain taxes.

This comprehensive table offers a more lucid insight into the alterations made by the parliamentary committees' amendments in comparison to the initial draft law presented by the committee led by Ziad Baroud. These amendments demonstrate a more conservative stance towards decentralization, especially regarding the legal status, representation, and administrative autonomy of the district councils.

Reform	The Draft Law proposed by Ziad Baroud's Committee	Parliamentary Committee Amendments (2016-2018)	Parliamentary Committee Amendments (2019-2023)
Creating a Ministry for Local Councils	The Ministry of Interior and Municipalities was bifurcated into the Ministry of Interior and the Ministry of Local Administration. The positions of the Qaim Maqam and the associated bodies will be abolished. Within a maximum period of one year following the election of the District Council, the existing municipal unions within the district shall be dissolved.		An agreement was not reached on the principle of establishing the Ministry of Local Administration. Similarly, consensus on the principle of dissolving municipal unions was not achieved.
Independent electoral body	Established an independent electoral body, replacing the Ministry of Interior and Municipalities in electoral functions.		The National Electoral Commission has been granted authority over district council elections. The authority to convene elections, accept registrations of electoral lists, and officially announce election results has been duly conferred upon the governor (Mouhafez) and the minister.
District Councils	Proposed 32 district councils with legal and financial independence[45].	Reduced to 26 district councils, aligning with current administrative districts.	A "District Council" shall be established in each district (Qada').
Legal and Administrative Status	Gave district councils legal personality and administrative/financial independence.	Omitted mention of legal personality and administrative/financial independence for district councils.	Gave district councils legal personality and administrative/financial independence.
Structure of Districts councils	District councils consist of: 1. A general assembly 2. A board of directors		
Beirut Municipality Status	1. Beirut was segmented into 12 electoral districts, each corresponding to its historical neighborhood. In each district, 5 representatives were selected from voters registered in the civil registries, along with a representative from the residents, elected through direct ballot. It was stipulated that the candidate receiving the highest percentage of votes in a district would represent that district on the Board of Directors. 2. The Governor of Beirut's role is limited to representing the central authority. He or she attends the Board of Directors' meetings without voting rights and possesses the authority to formally request the Board to reconsider its decisions. Additionally, the Governor holds the right to propose topics for discussion on the meeting agenda.	Did not change the status of the Beirut Municipality.	The amendments did not adopt the principle of dividing Beirut into several electoral districts.
General Assembly election	Within each district, every city and village forms its own electoral body[46]. In this system, each segment of the population, as registered in the personal status records of these cities and villages, is represented by the candidate who receives the highest number of votes, in accordance with the majority voting system.	Reduced representation of residents in the General Assembly.	Every ten thousand registered in cities and villages is represented by one member in the General Assembly

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45 The committee proposed dividing the Akkar Governorate (created in 2003) into three districts (Halba, Bibnin, and Qobayat) and the Baalbek-Hermel Governorate (also created in 2003) into five districts (Baalbek, Shmistar, Labweh, Hermel, and Deir al-Ahmar).

46 As mentioned in the report drafted by the committee presided over by Ziad Baroud, Lebanon comprises 1,431 villages and cities. Of these, only 23 have a population exceeding 20,000 individuals, as registered in their respective personal status records.

Reform	The Draft Law proposed by Ziad Baroud's Committee	Parliamentary Committee Amendments (2016-2018)	Parliamentary Committee Amendments (2019-2023)
Residents' voting rights	Lebanese citizens residing in a specific district for six consecutive years, who are up to date with their tax and municipal fee payments, and who are not registered in the personal status records of that district, are also entitled to vote. They have the right to elect candidates from among their group, and each portion of these residents is allotted a seat in the General Assembly based on the majority voting system.		One member in the General Assembly shall be allocated for every thirty thousand residents registered within the district's population lists.
Board of Director's election	Elected by the General Assembly via proportional system with closed lists. The allocation of seats is determined by dividing the total number of votes received by each list by the electoral quotient, and seats are then assigned in accordance with the largest remainder rule. Lists that fail to obtain a minimum of ten percent (10%) of the total votes cast will be excluded from the seat allocation process. The list that secures the highest percentage of votes will be awarded a majority of 51% of the total 12 seats available on the Board of Directors.		
Elections of the Chairman and Vice Chairman of the Board of Directors	The Chairman and Vice Chairman are elected from the list that received the highest percentage of votes according to the order of the names of the candidates on the list.		
Gender Quota	Implemented a gender quota, mandating that 50% of the General Assembly and 30% of the Board of Directors must be comprised of either gender.	Kept the gender quota in the General Assembly but suspended it in the Board of Directors.	The article that mandated consideration of the gender quota principle in allocating winning seats within the General Assembly has been suspended. The gender quota principle has been implemented for candidacy in the General Assembly, requiring candidate lists to feature individuals of both genders, with the stipulation that one gender must comprise no less than thirty percent (30%) of the total candidate count, subject to the availability of candidates from both genders. The provision requiring the Board of Directors to be composed of members from both genders, with at least thirty percent (30%) of the seats legally allocated to one gender, has been revoked.
Administrative Control	The decisions of the Board of Directors are effective and are not subject to any prior oversight or approval, except for some exceptions.		

Reform	The Draft Law proposed by Ziad Baroud's Committee	Parliamentary Committee Amendments (2016-2018)	Parliamentary Committee Amendments (2019-2023)
General Assembly's powers	1. Election of the Chairman and Vice-Chairman of the Board of Directors 2. Mandatory Approval of Key Decisions by the District Council, this includes, but is not limited to, approval of the annual budget, certain contracts pertaining to leases, mortgages, and sales, and the acceptance of gifts subject to conditions. Oversight and Authority to Withdraw Confidence from the entire Board of Directors or from select members thereof.		
Board of Director's Powers	Every work of a public nature or benefit falls within its jurisdiction, such as establishing and developing infrastructure, producing electrical energy, projects of an economic nature, and partnerships between the public and private sectors.		The construction of ports and airports now necessitates prior authorization from the pertinent ministerial bodies.
Police and Civil Servants	Establishment of a district-level armed police force and recruitment of civil servants by District Council.	Reduced tasks of district police and centralized hiring and training of employees.	Approval has been granted for the establishment of a district-level police force, which will operate under the direct authority of the President of the District Council. Additionally, this district police force will be classified as an auxiliary unit to the judicial police. Police training will be centralized. The Civil Servant Council is granted the authority to conduct the recruitment process for positions within the District Council's staff, provided that a member designated by the District Council participates as a rapporteur in the recruiting committee.
Financial resources	No new taxes were created, but 20% of total state spending was allocated to district councils, bringing the total funds allocated to local administrations in Lebanon (municipalities and district councils) to a minimum of about 25% of total state spending. 40% of this amount is secured through the fund for decentralization. 60% is through direct and indirect taxes and fees, especially taxes on built properties, income, real estate registration fees, and other resources.	Did not address changes in financial powers.	An agreement on the fiscal and financial resources of the District Council has not been reached.
The Decentralization fund	1. It has a legal personality and administrative and financial independence and is managed by a board of trustees elected from the municipalities and district councils. 2. Its funds are distributed every six months in a ratio of 70% to district councils and 30% to municipalities[47]. Its revenues consist of a percentage of VAT, customs revenues, transfer fees on inheritances and wills, insurance and mobile phone bills. The distribution of these resources is based on demographic, geographic, development, and fiscal/financial indicators. 3. It grants subsidized loans to district and municipal councils and guarantees their loans to others. It also obtains subsidized loans to achieve its goals.		An agreement on the decentralization fund has not been reached.

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47 Its annual budget amounts to about 2% of the GDP, compared to the Autonomous Municipal Fund, whose budget constitutes 0.6% of the GDP.

Reform	The Draft Law proposed by Ziad Baroud's Committee	Parliamentary Committee Amendments (2016-2018)	Parliamentary Committee Amendments (2019-2023)
PPP contracts	Partnerships between district councils and the private sector are facilitated through a public-private partnership model.		An agreement on the PPP contracts has not been reached.
Establishment of Specialized Departments in Districts	In each District, the Board of Directors shall establish the following permanent specialized departments: A Statistics Department, a Local Governance Department, an Informatics Department, and a Traffic Safety Department.		No agreement has been reached on the article proposing the establishment of these specialized departments.

Recommendations for Decentralization Reform in Lebanon

Throughout this paper, we have observed the complexity of decentralization and the numerous conditions required for its efficiency and recommendation. This complexity is especially pronounced in Lebanon, where the prospect of decentralization is fraught with challenges, arising from the country's unique political and social fabric. The phenomenon of 'elite capture' is significant here, marked by the absence of public policy programs within political parties and the dominance of families, tribes, or local feudal figures in decision-making. This dominance is motivated partly by personal gain but predominantly due to a lack of democratic culture and a misunderstanding of the concept of public service, further intensified by Lebanon's history of confessionalism and political patronage.

The situation is compounded by the potential worsening of existing corruption[48], with decentralization possibly leading local civil servants to favor patronage politics over public service. Additionally, a major obstacle in implementing decentralization is the central government's reluctance to cede control, combined with the ambiguity in reform legislation, resulting in unclear responsibilities and governance conflicts. Financial management is also a critical issue, particularly against the backdrop of the economic crisis where the state lacks sufficient resources for its budget and plans. The dilemma of setting new taxes or raising existing ones, which might lead to deflation, further complicates matters. The strained banking system, which hinders local authorities' ability to finance projects, coupled with a lack of human capacity and know-how within these institutions to manage finances, mirrors crises like that of Argentina's[49], where local government overborrowing and mismanagement affected service quality.

Moreover, the success of decentralization depends heavily on maintaining transparency and accountability, the lack of which currently impedes citizens' capacity to hold local authorities accountable. The intricate balance of power dynamics between central and local governments is a pivotal aspect of this process. Therefore, for decentralization to

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48 Lebanon is the 149th least corrupt nation out of 180 countries, according to the 2023 Corruption Perceptions Index reported by Transparency International. The corruption rank in Lebanon averaged 121.7 from 2003 until 2022, reaching an all-time low ranking of 154 out of 180 in 2021 and a record high ranking of 63 out of 163 countries in 2006.

49 Rémy Prud'homme, "The dangers of decentralization", World Bank, 1995.

effectively benefit Lebanon, it must navigate these multifaceted challenges with a strategic approach emphasizing transparency, accountability, and active citizen participation.

In light of this, the following recommendations are put forward:

1. ***Clarifying Concepts:*** The Taif Agreement's depiction of decentralization was ambiguous. Thus, it is imperative for the legislature to clearly distinguish between decentralization and deconcentration. This effort may, in due course and through an appropriate process, be complemented by the integration of the concept of decentralization into the Constitution. Such incorporation would serve as an ultimate guarantee for the principles underlying decentralization and the autonomy of local authorities. It would also confer additional authority, particularly in fiscal matters and citizen participation.

2. ***Central Authority Role Development:***
    » Establish an independent ministry dedicated to local authorities and equalization[50], tasked with coordinating, planning, and reforming the decentralization framework. This ministry would also assist in defining the economic roles and capacities of each tier within the decentralization structure, specifically district councils (Majles El Qada') and municipalities.
    » Implement the e-government strategy for 2020-2030[51] and enforce all anti-corruption and Public Procurement Laws. These actions will improve transparency and efficiency and significantly reduce or eliminate corruption.
    » Activate the General Directorate of Statistics and the independent electoral oversight body.
    » Improve local civil servant training and activate the High Council for Public-Private Sector Partnership.
    » Establish administrative courts in districts[52].

3. ***Efficient Deconcentration:*** Enhance the capabilities of deconcentrated authorities to provide administrative services to citizens by ensuring an equitable distribution of state facilities and services across all districts. This includes abolishing the role of the Qaim Maqam and redefining the Prefect's role, limiting it to exercising legal oversight over local authorities' decisions by referring any unlawful decisions to the administrative courts.

4. ***Broad Administrative Decentralization:*** Focus on two levels – municipalities and Qada' councils or municipalities and municipal unions, ensuring full elections for both. This also necessitates a redistribution of powers between these two levels to eliminate any overlap, confusion, or conflict. The actual powers of municipalities should be confined to essential functions that directly address the population's needs at the municipal level, enabling municipal finances to adequately cover these needs. Additionally, it is advisable to encourage municipalities to merge by granting more authority to those that meet certain criteria regarding geographic area, population density, fiscal collection, and volume.

5. ***Administrative Divisions Based on Data:*** Rely on economic, social, and demographic data for administrative divisions.

6. ***Local Civil Servants:*** Create a local civil servant's function separate from the central authority and under the supervision of elected local councils.

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50 In 1993, a Ministry dedicated to Local Governance was established. This ministry was subsequently merged with the Ministry of Interior in 1996, leading to the creation of the Ministry of Interior and Municipalities.

51 The Council of Ministers, by Resolution No. 65 dated 5/12/2022, approved the digital transformation strategy in Lebanon for 2020-2030. The purpose of this strategy is to guide the digital transformation of Lebanon's public services toward an inclusive digital society where all citizens, businesses, government departments and organizations can benefit from Internet era opportunities offered by digital technologies. The strategy advocates a new "whole-of-government" approach and a program of actions that will radically improve digital services in Lebanon.

52 Article 34 of Decree 10434/1975, which was amended by Law No. 227/2000 pertaining to the Shura (State) Council regulation, stipulates the following: "The date, number, designations, and quantity of judges for each administrative court shall be determined by a decision from the Minister of Justice, subject to the approval of the State Shura Council's office."

7. ***District Level Security:*** Establish an armed police force for each decentralized level, with respective accountability to either municipalities or district councils.

8. ***Local Authority Election Law Reform:***

   » Adopt a proportional electoral system wherein the electoral list that secures the majority of votes will be allocated the majority of available seats. From this majority list, the mayor and their deputy are to be appointed in accordance with a pre-established order. The allocation of the remaining seats will be carried out proportionally among the other lists, with a cap set at a maximum threshold of 5%.

   » Grant voting rights at the district council level to residents who have been effectively and continuously established in a district for more than 10 years. However, this right should not extend to the municipal level, in order to preserve the social fabric of the municipal council representation, where the fluctuating number of residents could significantly alter its composition.

   » Implement participatory democracy and ensure transparency between local authorities, residents, voters, and civil society throughout the various stages of decision-making, while also adopting the principle of referendums.

   » Amend Article 49-3 of the Lebanese Constitution and Article 8 of the electoral law to permit mayors, deputy heads of municipal councils, and presidents of municipal unions to be eligible for higher office candidacy.

   » Permit resigned or dissolved councils to operate until new elections.

9. ***Amend Financial and Administrative Powers of Local Authorities:***

   » Revise the Constitution and laws to avert double taxation and allow local administrations to independently set tax rates.

   » Reevaluate fee and revenue effectiveness and collection methods.

   » Empower local councils to secure loans from the private sector.

   » Implement performance-based budgeting.

   » Develop and disseminate a unified accounting system.

   » Grant true autonomy to the Autonomous Municipal Fund, with moral personality and independent board members, and expand its financing capabilities.

   » Remove guardianship and prior administrative control and shift to subsequent control to verify legitimacy.

   » Set up local branches of the Regional Courts of Accounts.

10. ***Strengthen Central-Local Partnership:***

   » Align state contributions to local administrations with scientific indicators and parliamentary discussions.

   » Clearly define responsibilities and objectives through time-based contracts between the state and local administrations.

   » Conduct an annual conference for local authorities to assess and coordinate efforts.

   » Prepare a triennial report on equalization and decentralization for legislative review.

11. ***Local Governance Experimentation:*** Enable experimentation through delegating new powers to local authorities capable of managing additional responsibilities. This process should include the transfer of specific public services and facilities from the central government to these local entities.

Realizing the objectives of administrative decentralization, especially in its economic-financial aspect, requires a comprehensive reform process spanning political, economic, administrative, and judicial domains. This reform should be a collaborative effort shaped by the convergence of political will and popular support.

The Question of Lebanese Federalism

Fares Halabi

Executive Summary

The discourse on governance reform and federalism in Lebanon is undeniably driven not merely by an intellectual endeavor but, more significantly, by a response to the pressing need for structural and operational changes. In recent years, multiple groups and individuals have advocated for the adoption of federalism as a solution for Lebanon. Although this is not the first instance of such advocacy in the country's nearly 100-year history, the current proposals appear more robust and comprehensive in terms of background and approaches. However, it is noteworthy that in many cases, these proposals predominantly originate from an identity and community perspective rather than a functional or service-oriented approach.

This paper comes at a crucial juncture in the history of not just Lebanon, but also of the region, with the objective of exploring the question of Federalism in Lebanon through four key perspectives: identity, power-sharing, grassroots approaches, and the involvement of armed non-state groups. Consequently, the paper delves into the historical, political, and sociological dimensions of the concept of a federal Lebanon. An analysis of three federalism proposals developed post-2010 is undertaken, exploring their various aspects and tracing the historical trajectory of federalism in the country. The paper also scrutinizes the connection between federalism and non-state armed groups, using Hezbollah as a case study to illuminate the challenges in implementing federalism. The argument put forward suggests that a grassroots bottom-up approach may be the only viable route for federalism to gain support, or implementation in the near future, given the challenges associated with a top-down policy for federalizing the country. The subsequent section explores the relationship between federalism and power-sharing in the Lebanese context, noting how this relationship plays a crucial role in the potential implementation of federalism. The paper then delves into the intersection of identity and federalism, offering a concise history of Lebanese identity. This section underscores how both identity and power-sharing influence the federalism model, with a specific focus on territorial federalism versus non-territorial federalism. The former lacks an ethnic and community background, while the latter, predominantly sect or religion-based, closely aligns with the identity and power-sharing questions in Lebanon.

The overarching motivation for "Lebanese Federalists" lies in identity, one that propels the adoption of a non-territorial, community-based federalism. Federalists face challenges that extend beyond mere data and information limitations, which include broader contextual obstacles inherent to Lebanon's current predicament, and the direct challenges attached to the concept of federalism. Despite these hurdles, federalists exhibit adaptability in their approaches, strategically positioning their endeavors on the negotiation table as the federalism/decentralization discourse gains momentum. The predominant proponents of federalism align with the Maronite community, a reflection not only of the historical roots of federalism in Lebanon but also the question of seminal identity. Discussing federalism in this light occurs in anticipation of new federal projects on the horizon or alterations to existing maps. Even in the hypothetical scenario of federalism's implementation in Lebanon, it is acknowledged that none of these projects would be embraced in their entirety; however, their influence could significantly shape discussions and inspire the implementation of reforms in the future.

Introduction

Over the span of almost 100 years, Lebanon has consistently witnessed discussions about governance reforms. However, the periods during which most Lebanese were content with the state of governance have been relatively short-lived. Attention has primarily been directed towards central-level governance and fighting corruption, with less emphasis on probing the root causes of these issues. It wasn't until the advent of the new millennium that serious discussions about the role of local institutions and governance gained momentum.

While debates about federalism in Lebanon have occurred in the past, contemporary federal proposals and proponents display a heightened confidence in their approaches. Against the backdrop of ongoing crises in the country, federalism emerged as a topic of discussion. However, it occupied a peripheral role and faced significant opposition from most traditional Lebanese parties. The belief that federalism could offer a comprehensive solution to challenges related to identity, sectarianism, and governance is predominantly supported by federalists rather than being a widespread perspective. There isn't a singular federal blueprint; each country tends to adopt its own unique model. This diversity can be viewed as a reflection of the intricate reality of federalism, wherein various models emerged from exploring different interpretations of federalism[1]. In the Lebanese context, one theory worth exploring underscores the significance of a shared citizenship concept. Its absence may propel ethnic groups towards pursuing self-determination, potentially leading to secessionist claims and the potential disintegration of federal states. To forestall such secessionist tendencies, fostering a unifying identity alongside ethnic affiliations[2] is imperative. Moreover, for a stable federal system, a democratic government[3] with a balanced power-sharing formula is essential, especially in a diverse society like Lebanon. Consequently, a genuine federation is less likely to be realized through a top-down approach or coercion from above, as such methods undermine the federal distribution of power and the self-rule of federal units.

The future governance model holds central importance in Lebanon, Syria, and to a comparable extent, in Iraq, especially since the emergence of pseudo-federalism in 2005—an event that now serves as a cautionary example of federalism. Scholars and experts examining post-conflict Syria are particularly interested in gleaning insights from Lebanon's experiences in the wake of its civil war.

By examining federalism through various lenses, this study places a particular emphasis on political and sociological theories, despite the growing global significance of the economic theory of federalism in driving economic and market development.

In line with William H. Ricker's perspective rooted in the political theory of federalism, the definition adopted here asserts that "*Federalism is a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions*[53]." The political theory of federalism posits it as a solution to political challenges, centered around power dynamics and the division of political power[4].

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53 Volden, C. (2004). Origin, Operation, and Significance: The Federalism of William H. Riker. Publius, 34(4), 89–107. *http://www.jstor.org/stable/20184927*

The core proposition of sociological theory suggests an intrinsic connection between the emergence of a federal political system and the federal nature of society. According to William Livingston[5], a society achieves federal status by integrating diversity into its structure. This diversity stems from variations in religion, race, nationality, language, geographical distances, distinct historical backgrounds, prior independent statehood, separate colonial histories, and disparities in social and political institutions. Therefore, federalism is described[6] as a reaction to societal needs arising from diversities distributed in a specific way. A pivotal condition underscored by Livingston is that these diversities must be territorially grouped to facilitate the formation of a federal union. Thus, the concept of federalism has evolved, with variations across different countries. Similarly, the definitions of federalism may exhibit both overlaps and distinctions. This paper concentrates on two fundamental aspects of federalism: the distribution of power, and identity. In Kenneth C. Wheare's definition (1946), he emphasized the role of power-sharing, asserting, "By the federal principle, I mean the method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent." While Daniel Elazar (1987) delved into the roles of communities and groups in federalism, stating, "‹Federal principles are concerned with the combination of self-rule and shared rule." Broadly, federalism entails the linkage of individuals, groups, and polities in a lasting yet limited union, facilitating the pursuit of common goals while preserving the integrity of all parties. Essentially, a federal state involves the coexistence of at least two levels of government, each enjoying a degree of autonomy in specific areas. As such, the division of power is not solely horizontal but also vertical, with the competences of each unit typically outlined in the Constitution[7].

This paper seeks to address the overarching question: **To what extent does the interplay between federalism and power-sharing dynamics influence the practical viability and implications of implementing a federal governance structure in Lebanon? This central inquiry is divided into two sub-questions: How does the relationship between federalism and identity impact the prospects of effective governance transformation? Furthermore, in the presence of a dominant non-state armed group, how do grassroots efforts intersect with the potential establishment of a federal state?**

The paper draws on a diverse range of sources, including online interviews, primary resources, academic papers, mainstream media, and new media content to capture a well-rounded perspective on the topic. The analysis includes an in-depth examination of primary materials, offering insights into historical developments, particularly between 1920 and 1945. The study aims to contribute a thorough and balanced exploration of federalism in Lebanon. It also investigates and compares three federalism proposals.

The study does not endorse specific policies or provide direct recommendations, focusing instead on objectively analyzing the concept of federalism and its diverse facets in Lebanon.

A Historical Analysis of Federalism in Lebanon

> **❝** *Due to its present religious divisions and the state of mind among its populations, its heritage of tyranny for several centuries, Syria cannot but be formed into three parts, or four - if Palestine has to remain separate. Greater Lebanon or Phoenicia, the region of Damascus and that of Aleppo.[8]"*

Before the creation of Greater Lebanon, there was an initial belief that Lebanon (Mount Lebanon) might become a federated entity and part of Syria, a perspective that had some support from Maronite intellectuals before they changed their stance. During Lebanon's colonial period between 1920 to 1943, Maronites predominantly advocated for an independent state, while the Muslim community, particularly the Sunnis, explored ways to reunify Lebanon with Syria[9] (Firro, 2014). The Great Syrian Revolt and efforts to unite the Aleppo, Damascus, and Alawite states, alongside another separate government in Jabal al-Druze[54] in Syria expedited the drafting of the first Lebanese constitution in 1926, which was primarily based on the French constitution although adapted to the Lebanese context. As a result, Lebanon achieved its independence in 1943 as a centralized unitary state.

Over the following two decades, emphasis shifted towards administrative decentralization, while the term "expanded decentralization" was introduced into political discourse in Lebanon. Simultaneously, there were continuous efforts aimed at governance reform during the tenures of Camille Chamoun, Fouad Chehab, and Sleiman Frangieh [10] (Sleiman, 2013).

In the 1950s, the discourse on federalism involved two noteworthy figures: Michel Chiha and Kamal Joumblatt (Sleiman, 2013). Michel Chiha, a key contributor to forming the Lebanese constitution in 1926 and an advocate for Lebanese identity, introduced the concept of "Une très large décentralisation," suggesting a comprehensive decentralization strategy. He emphasized the necessity of internal governance of federated states, in a manner akin to the Swiss cantons. In contrast, Kamal Jumblatt, leader of the Progressive Socialist Party (PSP), presented a socio-political perspective. He underscored how various religious groups and sects, termed "les familles spirituelles," could unite in a federal union within the country. The federalism envisioned by both Jumblatt and Chiha resembled more of a philosophical alliance pact among different Lebanese communities, than the federal system later introduced into the country's discourse.

The civil war in Lebanon gave rise to the concept of federalism, reflecting the need for a restructured governance model in the country. This restructuring aimed to address the conflicts between various Lebanese communities and safeguard the interests of Christians and Maronites in particular. Three notable federalism proposals emerged during this period: Moussa Prince's plan, Antoine Fattal's federal constitution with six provinces, and Antoine Najjem's proposal, which bore close resemblance to Moussa Prince's plan

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54 On January 1st, 1925, the mandate authority dissolved the Syrian States Federation established in 1922. As a result, the states of Damascus and Aleppo were merged into a single state called Syria, with the promise of declaring its constitution later. Meanwhile, the Alawite State returned to full autonomy. Lebanon and Jabal al-Druze remained unchanged. Al-Saleh, M. A. (2020). إدارة الإقتصاد السوري زمن الانتداب الفرنسي (1918-1946) - تأثيراتها فيما بعد الاستقلال [The Administration of the Syrian Economy during the French Mandate (1918-1946) - Its Effects Post-Independence]. DOI: 10.4000/books.ifpo.13843

although it focused on Central Lebanon or Mount Lebanon, where Druze and Maronites jointly governed.

As the civil war neared its end, the Lebanese forces dedicated several months to a comprehensive federal project called "The State of Federal Lebanon'' or "*Jomhouriet Lobnan Al-ittihādiyya*." However, the Taif Agreement implemented structural reforms to the Lebanese political system and ultimately pushed for greater administrative decentralization. Thus, "Greater Administrative Decentralization" emerged as the favored term for reforming Lebanon's governance model, but remains unimplemented, despite public support from most Lebanese political parties, in contrast to federalism.

During the post-civil war period, notably under the Syrian Baath rule until 2005, discussions regarding federalism in Lebanon waned. This decline was attributed to the Syrian regime's persecution of Christian political figures. Amid this context, such political figures adopted a more discreet stance, leading federalists to maintain a low profile.

Following the 2005 uprising, a constrained dialogue on federalism emerged, spearheaded by a group known as "Helf Loubnanona." They perceived federalism as a potential solution for Lebanon's challenges. According to the group, there was palpable momentum at that time to reach consensus on a new political system in the aftermath of the Syrian withdrawal[11].

Therefore, up until the period after the 2005 uprising, one could identify three distinct generations of Lebanese federalists. The first and eldest generation, born before independence, comprised the visionaries who founded the idea of a federal Lebanon, such as Moussa Prince and Charles Malek. The second generation of federalists encompassed individuals born between 1943 and the 1960s. The third generation, often referred to as neo-federalists, consisted of those born during the civil war, with the "Helf Loubnanona" group in 2005 forming a notable representative of this third cohort.

Nevertheless, in the past decade, various federal initiatives have begun to emerge and are still in development. Mainstream and new media discussions have primarily centered on federal demands related to culture and community issues. Lebanon's ongoing crises and its status as a potential failed state have spurred individuals and groups to explore alternative solutions, leading to the resurgence of the concept of "Federalism" for some. Interestingly, during the October 2019 uprising in Lebanon, discussions regarding federalism rarely arose among activists or groups; mostly, their demands were articulated towards decentralization and balanced development.

The historical narrative of federalism in Lebanon consistently underscores the predominant affiliation of federalists, who are often Maronite Christians. This recurrent pattern, observed across different generational phases, can be understood as minority communities seeking autonomy and safeguarding their collective rights. Notably, federalism was often perceived as a means of self-rule within the Christian minority. However, decentralization emerged as the more publicly accepted approach. Federalism remained a sensitive issue during this tumultuous period. Following the withdrawal of the Syrian regime, federalist ideas and projects resurfaced. The post-Syrian era paved the way for a renewed interest in federalism, leading to more serious and comprehensive federal initiatives in the past decade. This resurgence highlights the ongoing dynamics and evolution of federalist discourse in Lebanon, shaped by historical contexts and changing political landscapes.

A Grassroots / Bottom-up Approach

Contrary to the claims of some advocates, implementing federalism in Lebanon presents notable challenges. In the aftermath of the civil war, the Lebanese political parties, that were once proponents of federalism have since shifted their support towards an extended administrative decentralization model. This shift presents a formidable challenge for Lebanese federalists, who would need to garner widespread public support to advocate for a "Federal Lebanon." Given the improbable nature of a top-down policy shift wherein ruling parties and traditional factions willingly endorse a federal system, this transition would necessitate writing a new constitution. The primary impediment to this prospect is that for three decades after signing the Taif Agreement, the same political entities have failed to address decentralization reforms. Media discussions on governance reform, and superficial engagement in parliamentary committees have shown a discernible lack of will to effect tangible changes. Moreover, even as these parties ostensibly view decentralization as a necessary undertaking for the country, they exhibit reluctance to explore federalism. Secondly, despite the evident failure of the Lebanese state and the centralized governance model reaching an impasse - notwithstanding contemporary discontent with the existing power-sharing formula - traditional parties harbor reservations about federalism's power-sharing dynamics. Thirdly, federalizing the country is seen as an intricate process, raising concerns tied to identity and ideology among people. Additionally, while federalism and governance reform are inherently internal processes, the pervasive influence of regional and international powers introduces a layer of complexity, leading traditional parties to adopt a precautionary stance against its implementation.

The existence of diverse federalism proposals complicates advocating for federalism at higher levels, particularly since proponents are typically outside the parliamentary or governmental spheres. Therefore, the essence of a bottom-up approach to federalism in Lebanon lies in the capacity of the Lebanese people to exert pressure for a governance reform model that paves the way for federalism. Initiating a public discourse around federalist ideas among the populace is pivotal.

Most federal concepts in Lebanon stem from individuals or small groups advocating for federalism, often with comprehensive plans, yet predominantly based on their personal views. There has been less emphasis on understanding the public's needs and opinions regarding future governance models and their stance on federalism or decentralization. Therefore, a bottom-up approach, if embraced by federalists, would enable them to comprehend people's needs at both central and regional levels, allowing for a more fitting federal system reflective of broader societal needs. This kind of engagement with the broader public would facilitate the introduction of the concept of subsidiarity - the essence of federalism - which advocates for handling matters at the local level. Federalism can also be framed in the context of a new social contract. Thus, the bottom-up approach facilitates the opportunity for the public to understand federalism and be engaged throughout the federalization process, from its research to its implementation. Furthermore, this approach aids federalists in developing more robust federal projects and garnering broader public support and political mobilization, which can be used as leverage in official circles.

Lebanese Federalism: Initiatives of the Past Decade

Federalists in Lebanon have utilized available data to generate maps, federal proposals, and draft constitutions. The impediments to transitioning to a federal Lebanon, coupled with an adversarial campaign against federalist ideas and projects labeled as either sep-aratist or Zionist, have intensified the difficulties federalists experience.

In this study, I examine three distinct federalism projects, denoted as Projects A, B, and C. A comprehensive comparison is presented in the first appendix (Appendix 1), encapsu-lating various aspects of federalism. For a more detailed understanding, Appendix 2 and Appendix 3 feature maps associated with these projects. These appendices provide a structured framework for the comprehensive analysis and visualization of the federalism proposals.

1. The marginalization of federalism by traditional political parties, a lack of political impetus for governance reform, and the restriction of federalism discussions as responses to community-based threats have collectively diminished the prospects of widespread acceptance of federal projects among the general audience. Nevertheless, federalists in Lebanon steadfastly view federalism as the only solution for the myriad issues and crises confronting the nation.

2. In André Georges Sleiman's 2013 dissertation, he identified three generations of federalists in Lebanon. The federalists examined in this study can be considered the fourth generation. All federalist projects conceptualize federalism as a matter of identity, reflected in the notable prevalence of Maronite federalists. This identity-driven impetus stems from a deep-seated apprehension of being subject to Islamic rule and the associated concept of "ahel al-dhimma." This underscores the conviction that the federalization of the country is perceived as a solution to community-based issues and conflicts, clarifying why federalism is pursued as a solution for governance-related challenges instead of alternative styles of governance.

3. As previously asserted, these federalists posit that the centralized state model in Lebanon has been inadequate. They contend that the success of federalism in multi-ethnic states, exemplified in Canada and Switzerland (Projects A & B), positions these nations as successful models for Lebanon to emulate. This viewpoint is substantiated through a comparative approach, evident in both documented materials and public discourse, drawing parallels with the achievements of Western countries that have embraced federal structures.

4. These initiatives fundamentally reject the existing governance model in its entirety, resulting in the restructuring of borders and the establishment of new local levels. For instance, Project (A) advocates for the formation of four cantons, whereas Project (B) leans towards the creation of 16 provinces, designating Beirut as a governorate. In the case of Project (C), the proposal suggests establishing 14 novel governorates, each with its designated center, simultaneously reducing the existing number of provinces and introducing 17 new provinces with revised boundaries. Notably, (C) introduces new nomenclature for these envisioned regional units, primarily derived from the historical context of each region.

5. The three projects collectively adhere to a non-territorial, community-based federalism, characterized as religious or sectarian federalism, where the federal unit is not tied to a specific geographic area and instead aligned with religious and sectarian identity. For instance, in Project (A), four cantons are proposed, three of which are allocated to Druze, Shia Muslims, and Sunni Muslims, considering them as distinct sects, while Christians,

irrespective of their sects, are treated as a unified group. In Project (C), Christians are amalgamated into one group, while Alawites are included among the Muslim sects. Within this context, the proponents of federalism assert that a community-based approach is essential, given Lebanon's multi-ethnic nature. They argue that any governance model must respect and accommodate this diverse and intricate societal fabric.

6. The ongoing discussions about federal proposals convey a sense of assurance regarding the potential reduction in community-based conflicts through federalism. According to federalist principles, the likelihood of groups interfering in each other's affairs diminishes. However, it is important to note that this certainty is accompanied by a potential drawback, regarding equitable resource distribution and the satisfaction of groups with the country's federalization. In the realm of political discourse, two perspectives emerge concerning the interplay between Federalism and ethnic conflicts, specifically those rooted in community dynamics. The initial viewpoint posits that federalism has the capacity to diminish the likelihood of community-based conflicts. In nations grappling with violence among territorially distinct concentrated groups, federalism[12] has secured autonomy for these groups while incorporating them into the central government through power-sharing mechanisms. Examples can be observed in Bosnia and Nepal. Conversely, the second perspective[13] suggests that unless the central government can and is willing to provide resources to distinct ethnic groups within the federation, an ethno-federal structure may not be the best solution for long term stability. Rather, such a structure may actually increase the possibility of instability in the form of separatist war.

7. In alignment with the non-territorial approaches adopted by these projects, the likelihood of minority groups residing within the federal units is considerable, potentially manifesting at the village or cantonal level. This is a result of the well-established fact that community groups in Lebanon are dispersed rather than concentrated in a singular geographic area. The inherent diversity and distribution of these communities across the country necessitate a nuanced approach to federalism that accommodates and respects the intricate social fabric at various local levels.

8. While federalists exhibit a genuine commitment to their projects, there is a noticeable reluctance to address the transitional phase. Specifically, federalists refrain from clarifying how implementing federalism in Lebanon would transpire. An aspect discussed in Project (A) suggests that implementation would be an internal decision, possibly coupled with an agreement from regional and international countries with influence in Lebanon. Drawing parallels, federalists point to historical precedents in 1840, 1861, 1920, and 1990, where external actors entered into agreements that complimented internal decisions.

9. Each of the projects articulate a distinctive vision for federalism and its associated institutions. For instance, in Project (A), the Federal Government comprises all four Cantonal Prime Ministers, with unanimous voting required for all decisions, whether in person or remotely. In addition, the Federal Parliament would be composed of MPs representing all Cantons. Meanwhile, in Project (B), the Federal Assembly adopts a unique structure: the Council of Districts, where each district is represented by two members, the governorate of Beirut, represented by four members, and the Federal House of Representatives, consisting of 100 members divided equally between Christians and Muslims, representing the entire nation. Furthermore, the Federal Executive Authority in Project (B) is bifurcated into the Federal Presidential Council, featuring six members, alternating between Christians and Muslims, and the Federal Consultative Council.

10. The federal projects assign notable importance to the local level over the central level. For instance, Project (B) clearly asserts "In the event of a conflict between federal law and local law, the local law takes precedence." Similarly, Project (A) emphasizes that "Cantonal sovereignty is the ultimate source of sovereignty," indicating that the Federal Government holds no sovereignty rights over the Cantons or municipalities. In instances of conflict, Cantonal law takes precedence over Federal law. This emphasis on local autonomy is further reflected in taxation policies, where Projects (B) and (C) propose that the central level should receive 20% of taxation, with the remaining 80% allocated to the local level(s). Additionally, discussions about federal competences, particularly in Project (A), are framed within the international framework of federalism. These include areas such as foreign relations, defense-related armed forces, federal railways, air transport, postal and telecommunications services, the central bank, and water resources.

11. All three Projects (A, B & C) distinctly emphasize the importance of a neutral Lebanon to successfully implement federalism. According to federalist perspectives, neutrality plays a pivotal role in safeguarding the sovereignty of the country. Proponents argue that a neutral stance is essential to ensure that Lebanon retains its autonomy and independence in the intricate dynamics of federal governance.

Federalism and Power–Sharing

In this section, I explore the correlation between federalism and power-sharing. Initially, I delve into the primary theories surrounding this intersection. Subsequently, I examine the notion that, regardless of the specific form federalization may take in Lebanon, power-sharing will persist as a crucial element in the country's governance model. Within this context, I identify three layers of power-sharing and highlight challenges associated with power-sharing post-federalization. Notably, these challenges encompass the potential for secession demands and unresolved disputes at the central level. I then posit that the presence of power-sharing dynamics contributes to the hesitancy of traditional political parties to embrace federalism within the country.

Scholars have placed emphasis on exploring the convergence of consociationalism, federalism, and power-sharing. Elazar (1985) suggests that consociationalism as a governance model typically endures for two generations before giving way to another form of regime, he defines consociational democracy, highlighting two primary characteristics— "grand coalitions and segmental autonomy"— and two secondary characteristics— "**proportionality and minority veto**[14]." In this context, the grand coalition aligns with power-sharing, signifying joint governance by political leaders from diverse communities. Moreover, it ensures minorities have a guaranteed veto to prevent being outnumbered by majorities. Lijphart (2004)[15] contends that power-sharing stands out as the most viable democratic model for divided societies. However, the effectiveness of power-sharing systems varies, and not all options yield equal advantages.

The main objectives of federalism seek to accommodate, reconcile, and effectively manage the diverse social fabric[16] within a comprehensive political framework. Consequently, distinctions arise among consociationalism and federalism based on a society's territorial concentration. Federalism is more applicable when there is a notable territorial concentration. On the other hand, consociationalism is suited to countries characterized by non-territorial groups dispersed across the nation rather than concentrated in specific regions. This model involves various groups or communities embodying their political roles through representatives at the central level (Watts, 2002).

In any federal system, power-sharing is crucial at both central and subnational levels, whether in provinces, cantons, or other designations. The specific competences of each entity should be clearly outlined in a constitution[17]. According to Watts:

> **"** *Federalism represents a fusion of shared-rule and self-rule, harmonizing the advantages of central unity and peripheral diversity, thereby advocating for self-rule."*

Power-sharing transcends individual contexts, and forms an integral part of governance models, especially within federal systems. In the contemporary global landscape, federations that seamlessly integrate shared-rule and self-rule offer a pragmatic approach to combining the benefits of unity and diversity through representative institutions. Traditional analyses of power distribution in federal systems have focused on two dimensions:

1. Vertical division of power encompassing executive, legislative, and judicial functions between the national and subnational levels.

2. Horizontal distribution of subnational competences where distinct entities wield their own powers. This varies across federal systems; for instance, the dynamics in Australia differ from those in Switzerland or Belgium.

While federalism offers advantages in addressing power-sharing issues, arguments suggest that federalization can pose challenges to effective power sharing (Vandenberghe, 2022), (Swenden, 2013), (Hale 2004)[18] & (Caluwaerts and Reuchamps 2015):

1. Strengthening federalization may trigger increased demands for autonomy, especially in times of reform or crisis, potentially escalating to full-scale secession.

2. Hollowing the center in return for peace: Federalization can complicate resolving ethno-territorial conflicts at the central level. Thus, comprehensive deals between the different ethnic groups or communities become challenging as federalization gradually diminishes the central government's competences and available resources to secure peace agreements.

3. Federalization can mitigate political deadlock by multiplying the venues through which policy can be advanced, whereas deadlock in a national system can paralyze an entire country.

Belgium's federal system, established in 1993 to accommodate linguistic and ethnic diversity, provides a valuable framework for understanding the potential structure of a federal Lebanon. By mirroring Belgium's model, vertical power-sharing refers to the distribution between the federal capital of Beirut, and subnational units, designated as cantons, governorates, or provinces. This would mainly impact the executive domain, with fewer implications on the judicial and legislative aspects[19]. In Belgium, powers and responsibilities are divided between the federal government at the national level and the three regional governments. In the case of Lebanon, it also experiences horizontal power-sharing; similar distinctions may arise, particularly for Beirut, which possesses unique competences and responsibilities. This multifaceted approach, encompassing both vertical and horizontal power-sharing dynamics, underscores the intricate considerations and potential adaptations required for implementing federalism in Lebanon.

Up to this point, the discussion has delved into the technical aspects relevant to any federal state undergoing reform or contemplating implementing a new federal system. However, within the Lebanese context, an additional layer emerges during the transitional phase toward federalism—that of power-sharing dynamics among political parties. This introduces a nuanced consideration, one where federalism would lean toward a non-territorial approach, wherein boundaries of subnational units align with the presence of distinct religious groups such as Sunnis, Maronites or Shiites, or territorial federalism where boundaries are either historically or geographically demarcated without an explicit ethnic or religious background. The political parties involved would actively seek to determine their prospective share in the new federal system before reaching a consensus. This added dimension underscores the intricacies and political nuances involved in Lebanon's potential transition to federalism.

Thus, power-sharing remains an important question in the event of federalizing Lebanon, first of all, what formula would different groups and traditional parties agree on? Secondly, how would power be distributed horizontally and vertically in a way that ensures a good governance system immune to challenges such as separatist demands or conflicts between subnational units? Finally, elaborating upon previous mentions of consociationalism, any federal system in Lebanon might require some consociational features at the central or federal level, such as the proportional inclusion of different groups in key government positions.

Numerous challenges could impede traditional parties from reaching consensus on a new federal system in relation to power-sharing. The primary hurdle involves restricting their influence to specific regions that align with their geographical presence. A second challenge centers around taxation and fiscal federalism, considering historical disparities in regions' tax-generation capacities. Traditional parties may resist scenarios where subnational units possess autonomy over their taxes. Thirdly, issues surrounding security and foreign affairs would intensify inter-party tensions. Given the diverse stances among Lebanese parties, especially those aligned with larger coalitions, endorsing a federal system might be met with reluctance due to potential limitations on coalition influence. Further complications may arise in ongoing debates on a new federal system, encompassing topics such as subnational unit boundaries, the role of the army, the education system, and the status of Beirut. The decade-long discourse on the decentralization law has underscored the significance of how fiscal matters shape these discussions.

While navigating the complexities of transitioning to federalism in Lebanon, adopting a transparent power-sharing formula is crucial. This, coupled with comprehensive constitutional reforms, lays the groundwork for a functional federal system. Proactively addressing potential challenges during this transitional phase becomes imperative, and these measures contribute to creating a more conducive environment for the ongoing discourse.

Federalism and Identity

In this section, I explore the interplay between federalism and identity, offering a brief overview of the history and evolution of Lebanese identity. Within this context, I delve into the role of identity as a primary motivating factor for endorsing federalism in Lebanon.

The relationship between identity and federalism unveils a compelling dynamic, with federalism frequently emerging as a crucial tool for addressing identity-related challenges in nations contending with community-based conflicts. Scholars often perceive federalism as a potential remedy to instill stability in societies marked by internal divisions. Elazar, in particular, contends that in instances where a country grapples with ethnic cleavages, federalism stands as the singular pathway to achieving "local and world peace." This resonates with a core tenet of federalism—acknowledging and respecting distinctions among diverse communities. Switzerland's federal structure, for instance, underscores linguistic and regional diversity, intertwining identity with local affiliations. In the United States, cultural diversity coexists with a robust national identity grounded in democratic principles. Germany's federalism, shaped by historical ties to a unified German identity, places linguistic and cultural homogeneity at the forefront. The unique interplay between each country's federal arrangements and identity reflects its historical context and cultural tapestry.

Scholars have made a distinction between two key forms of federalism: identity federalism and efficiency federalism (Bulmer, 2017)[20]. Identity federalism emerges when multiple distinct national communities, characterized by differences in language, culture, religion, or other factors, choose to coexist within a single political entity. In contrast, efficiency federalism occurs when a country decides to adopt a federal system of governance. As a result, there are generally two approaches to federalism, the "coming together" approach, where independent states come together to establish a federal state, and the "holding together" approach, in which a unitary state transitions to a federal system. This transition involves decentralizing power, granting greater authority and control over resources and policies to subnational units.

An example of the "coming together" approach is found in the historical case of Switzerland[21]. Over 700 years ago, the three mountain republics of Uri, Schwyz, and Unterwalden gathered near Lake Lucerne and formed the core of the Helvetic or Swiss Confederation. This union expanded over time, leading to the establishment of Switzerland as a federal state, comprising both a central government and individual cantonal governments. The "coming together" federalism phenomenon is also observed in other nations like the United States and Canada. Belgium, Nigeria and Nepal embody the "holding together" form of federalism.

Since decades, Belgium[22] has undergone a series of reforms and adopted a federal system, marking a shift towards the "holding together" phenomenon. In Nigeria (Osaghae, 1991)[23], after a period of centralization following a coup in 1966, it[24] transitioned to a federal system with the 1999 Constitution, which established a federal government, 36 states, and the Federal Capital Territory, Abuja (Agbu, 2004)[25]. In Nepal[26] federalism aims to acknowledge and empower diverse ethnic, cultural, and regional identities while simultaneously addressing the "holding together" imperative (Crisis Group, 2016), granting local communities increased authority over matters such as education, healthcare, and cultural preservation.

The ongoing discord surrounding the state's identity remains closely intertwined with the unresolved questions surrounding the definition of citizenry. After all, what is Lebanon if not its own populace? Thus, a fundamental question persists: Who truly embodies the Lebanese identity (Maktabi, 1999)[27]?

Lebanese society held diverse views on identity, with some tracing their identity back to the Phoenician civilization. Some viewed Lebanese identity as part of the larger Arab Islamic world (Salibi, 1971)[28], while others saw Lebanon as a refuge for the displaced. Greater Lebanon's borders were drawn under French rule, reflecting a collaboration between French colonial circles and Christian Lebanese nationalists in the years following World War I (Firro, 2004[29]). Defining 'Lebanese Identity' has remained a persistent point of contention spanning numerous years. The pursuit of a coherent Lebanese identity can be traced back nearly a century, commencing in the nascent days of Greater Lebanon's establishment in 1920. Nevertheless, this evolutionary process was far from linear, with its roots emerging from the 1840s, a period marked by the emergence of Maronite political particularism. As the early 20th century unfolded, luminaries like Charles Corm advocated for a Christian, non-Arab entity within Lebanon. He initially voiced support for the establishment of a Syrian, non-Arab federation, in alignment with the perspectives of Checri Ganem and the Comité Central Syrien, before becoming a prominent advocate for the Lebanese state. Between 1920 and 1943, Lebanese identity underwent significant transformations. Muslims, in particular, started to adapt to the idea of an autonomous Lebanon. In 1943, the National Pact defined Lebanon as a country with an ‹Arab face.›

The debate on Lebanese identity persisted and became particularly pronounced during the 1958 crisis. By the 1970s, Maronite Christians sought to establish a smaller Christian state, while Muslims, backed by Syria, opposed the idea. During the civil war, Lebanese identity was at risk, as various factions fought for their own interests. The Taif Agreement, which brought an end to the civil war, focused on power-sharing and granted Muslims more authority than before. In the post-civil war conflict period under Syrian rule until 2005, discussions on Lebanese identity were less prevalent. With the assassination of Prime Minister Rafik Hariri in 2005, millions of Lebanese rallied for the country's independence from Syrian influence. The subsequent years brought a series of challenges, including conflicts with Israel and internal clashes, alongside an exploration of religious and ethnic identity of a nation in search of unity. A key catalyst in this evolving landscape was the Syrian conflict, the emergence of the Axis of Resistance, and the relationship between Hezbollah and the Islamic Republic of Iran. This dynamic has significantly shaped the identity of Hezbollah supporters, who maintain a robust connection with the concept of "Wilayat-al-Faqih" (the guardianship of the jurist), setting them apart from other Lebanese citizens. Another pivotal juncture surfaced during the 2019 uprising, wherein millions of Lebanese, both domestically and among the diaspora, harbored aspirations of combating corruption and sectarianism with the overarching goal of building a renewed Lebanon founded upon a shared Lebanese identity. In the initial months of this grassroots movement, individuals representing a spectrum of backgrounds collectively prioritized their national identity over other allegiances.

In 2005 and 2019, expressions of Lebanese identity reached their peak. Thousands of Lebanese citizens took to the streets, voicing political demands and rallying behind various slogans. Federalism and the idea of a federal state were seldom discussed during these periods. Instead, the discourse predominantly revolved around themes of unity and the end of an era marked by conflict.

Revisiting the central question of defining Lebanese identity within the framework of federalism, the discourse often intensifies amid political unrest, and is frequently intertwined with ethnic and community-based conflicts. Supporters of federalism perceive it as a potential solution to unresolved issues and an assertion of their identity as authentic Lebanese. This group, predominantly composed of Christians, considers themselves the rightful heirs of a greater Lebanon and champions of its original form. Recent years, marked by Hezbollah's increased influence over state institutions and the central power's decline, have prompted advocates to push for federalization, citing identity as a crucial motivating factor. They view federalism as a mechanism to prevent the dominance of one group over others, advocating for regional autonomy. From their perspective, federalism represents the convergence of ethnic or community-based identity with the broader Lebanese identity. Conversely, within the opposing camp that includes both radical and moderate factions, individuals perceive themselves as Lebanese who strive to maintain a unitary state in Lebanon and safeguard its territorial integrity. For them, federalism poses a threat of country partition, and those supporting federalism are deemed as separatists. The identity narrative thus becomes a crucial point of contention within the broader debate on federalism in Lebanon.

Examining the intricacies of federalism and its impact on identity brings forth a pivotal consideration of how Lebanese identity and diverse identities within the nation might be preserved or transformed when implementing federalism. The question of identity as the primary driving force behind federalism proposals leads to a focus on community-based federalism. In this model, individuals from different groups across Lebanon are dispersed throughout the country, albeit with occasional concentrations in specific regions. The adoption of identity-based or community-based federalism proposals might dissuade opponents from engaging in constructive discourse, perpetuating the demonization of federalists and their supporters.

In the Lebanese context, the ‹holding together' federalism approach could be viable, contingent upon the consensus of individuals from various communities and groups opting to federalize the country. Therefore, a prerequisite before delving into federalization is engaging in a discourse on identity. This discussion aims to explore how the federalization of Lebanon could fortify Lebanese civic nationalism, supplanting ethnic and sectarian identities. Such consideration serves a critical purpose—safeguarding national unity and preempting potential calls for secession that may emerge as a consequence of federalism.

Federalism and Armed Non-State Actors (ANSAs)

Scholars have traditionally directed less attention towards the nexus between armed non-state actors (ANSAs) and federalism, primarily because historically stable federal countries such as Canada, the United States, Switzerland, and to some extent, Germany, have not grappled with the challenges posed by ANSAs. However, instances like the presence of armed groups in Jammu and Kashmir in India, Boko Haram in Nigeria, and insurgent groups in regions like Balochistan and the tribal areas along the Afghanistan border serve as illustrative examples. These cases underscore how ANSAs exert pressure on a country's federal system and illuminate varied responses of federal governments to such challenges. The core concept of the "state," as articulated by Max Weber[30] and other political and sociological thinkers, revolves around the monopoly of violence. The absence or fragility of the state is often associated with potential anarchy[31], featuring rebels or ANSAs[32]. In the Lebanese case, the current reality is that Hezbollah, originally a prominent local actor now assuming a regional role, qualifies as an ANSA. It possesses its own distinct organization, structure, and economy parallel to that of the state. A crucial preliminary question that demands discussion, if not resolution, prior to the implementation of federalism is: How can federalism function in the presence of ANSA/s?

In Lebanon, Hezbollah, presents a distinct scenario. Hezbollah's formidable influence extends beyond specific geographic areas, exerting significant control over Lebanese political spheres for over a decade. In addition to issues of identity discussed earlier, several crucial points must be addressed: 1) Defense, 2) Foreign Affairs, and 3) Resource Distribution. Federal systems necessitate a robust central government to handle matters at the national level, particularly in defense and security. The presence of an ANSA like Hezbollah, with a distinct agenda tied to Iran and the region rather than solely Lebanese borders, poses a threat to any federal government. This circumstance risks placing security back into the hands of those who possess weapons in the country. Another concern arises in the realm of foreign decisions potentially becoming aligned with the interests of a specific group, rather than the broader Lebanese national interest. This situation is particularly pertinent if a group like Hezbollah maintains its current level of influence over various institutions. Thirdly, the distribution of resources in the federal system becomes a significant issue, especially if an ANSA wields substantial power over these resources. Such groups often exploit state resources in centralized systems to generate income for themselves and their constituents, a trend that may persist in a federal system. Furthermore, the power-sharing arrangement among different federal units comes into question, particularly if others perceive an ongoing threat from Hezbollah. As discussed earlier, the sovereignty of the country is also at stake, as its national interest contends with the interests of the ANSA, or in the case of Hezbollah, the interests of Iran. In response, federal units or communities might seek to counterbalance Hezbollah by establishing their own groups or local militias, a suboptimal choice that threatens the future of a federal state.

As of now, key figures within Hezbollah openly endorse an expanded administrative decentralization, and they have recently announced their initiation of a comprehensive exploration and discussion on fiscal decentralization within the country. Similar to the stance held by the majority of non-Christian political parties, Hezbollah remains unsupportive of the federalization of the country, viewing federalism as a Western intervention and, at times, as an Israeli tactic to partition the nation. Critics assert that Hezbollah, despite publicly denouncing federalism, operates within its own internal federal system. This system encompasses control over defense and security, foreign affairs, resource allocations and distribution, as well as significant influence over borders, airports, and ports. This situation can be termed as 'internal federalism' or 'self-imposed federalism[33]' (Figueiredo & Weingast, 2005), wherein Hezbollah wields influence over a diverse array of national and regional governmental institutions. This influence is asserted both directly and indirectly, as the organization engages in negotiations with states and traditional parties, employing a strategy that alternates between incentives and deterrents to attain its objectives.

Conclusion

I examined the complexities surrounding Lebanese identity and emphasized the significance of power-sharing in the country. These complexities are further compounded by the need to distribute power between the central government and subnational units, while also navigating the horizontal dynamics of power-sharing among local units and diverse groups. Consequently, I underscored the crucial need to address identity and power-sharing issues before considering the federalization of the nation. A particular focus was directed towards the context of federalization in the presence of an armed non-state actor (ANSA), with Hezbollah being a specific case. The discourse explored the feasibility of achieving authentic federalism under such circumstances, shedding light on the challenges posed by armed groups like Hezbollah to Lebanon's federalization process. I hypothesized that given the lack of support for federalism from political parties, which generally favor administrative decentralization, and the improbable implementation of a top-down federalization policy in the immediate future, a bottom-up approach emerges as a potential strategy to navigate the hurdles associated with federal projects.

The political consensus in Lebanon is that the existing system and governance model have reached an impasse. The nation experiences prolonged periods without a president, and both local and parliamentary elections are frequently delayed without securing popular consensus. The repercussions of poor financial governance have culminated in one of the most severe financial crises, impacting hundreds of thousands who have lost access to their savings. Additionally, the status of critical sectors such as education, healthcare, the environment, water management, immigration, war and peace decisions, among various other issues, reflect the dire state of governance in Lebanon.

Federalism in Lebanon persists as a crucial internal matter, yet its resolution is intertwined with external considerations. A look at neighboring nations, particularly Syria and Iraq, highlights the potential impact of their conflict resolutions on governance reforms in Lebanon. While reform and federalization are primarily local and internal concerns, the influence of regional dynamics cannot be overlooked. Such cross-border implications underscore the complex interplay between internal aspirations and regional developments in shaping the trajectory of federalism in Lebanon.

In analyzing the federal projects, it becomes evident that federalists have invested substantial effort in crafting and refining their respective proposals, dedicating more attention to developing their projects rather than prioritizing extensive networking or advocacy for federalism. Remarkably, a discernible gap emerges in their focus on the transitional era, given the transformative nature of federalism on a country's functions. Federalists face challenges that extend beyond mere data and information limitations, such as broader contextual obstacles inherent to Lebanon's current situation and the direct challenges posed to the concept of federalism. Despite these hurdles, federalists exhibit adaptability in their approaches, strategically positioning their endeavors on the negotiation table as the discourse regarding federalism and decentralization gains momentum. Even in the hypothetical scenario of federalism's implementation in Lebanon, it is acknowledged that none of these projects would be embraced in entirety; however, their influence could significantly shape discussions and inspire the implementation of reforms in the future.

Table 1.

Criteria	Theory		
	Political	Social	Economic
Power Distribution	Dividing powers between central and regional units.	Recognizing and accommodating diverse social, cultural, and ethnic identities within a federal structure.	Decentralizing decision-making to promote competition and efficiency.
Governance	Emphasizing the role of federal institutions in maintaining unity, protecting individual rights, and ensuring equal representation.	Fostering social cohesion, preserving local autonomy, and accommodating minority interests.	Enhance economic efficiency through competition among jurisdictions and market-correction interventions.
Identity	Often linked to national identity and citizenship.	Recognizes and respects regional, cultural, and social identities, fostering a sense of belonging within diverse communities.	Primarily concerned with individual and collective economic interests, promoting efficiency, and resource allocation.
Decision-Making	Decision-making authority is distributed between levels of government, the constitution delineates powers.	Decentralized decision-making to accommodate local preferences and needs, empowering local communities to shape their policies.	Decentralization facilitates competition among jurisdictions, allowing for efficient resource allocation and market corrections.

Between Self-Rule and Shared Rule

Comparative Tables

André Sleiman

	Federalism	Administrative Decentralisation
High-level definition	Combination of self-rule of the constituent units (a. k. a. the federated states) at the sub-national level and shared rule through federal institutions at the national level.	Transfer of policy-making powers, including planning, management, and resource raising and allocation, from the national government to sub-national governments, with a focus on improving service delivery and boosting local development.
Form of state organisation	Composite – a federation involves the union of two or more political entities where national sovereignty is shared between the federal government and the federated governments.	Simple (also called "unitarian") – the state is governed as a single power in which the national government is supreme. Unitary states are "one and indivisible" political entities where national sovereignty is not shared with sub-national governments. Citizens are subject to the same single power throughout the national territory.
Mechanism of organisation	Constitutional mechanism for dividing power between different levels of government in a single country – a federal government at the national level and several constituent units (a. k. a. federated states, autonomous regions, cantons) at the regional level. The federal principle is legally protected in the constitutional framework. While asserting the unity of the federation, the self-rule of its constituent states is enshrined the federal constitutional framework.	Administrative mechanism for distributing powers between different levels of government in a single state – a central government at the national level and several decentralised governments at the regional and/or local level(s) (municipalities, regions, provinces). Administrative decentralisation can be stipulated in the constitutional framework (e.g., Tunisia), but this is not necessarily the case.
Organisation of the political system	Federal states include: » At the federal/national level: authorities that represent the legislative, executive, and judiciary powers; and » At the level of constituent units: authorities that represent the legislative, executive, and judiciary powers.	Administratively decentralised states include authorities that represent the legislative, executive, and judiciary powers at the national level only.
Elected political entities	Key political entities that are elected by the population include: » The federal assembly, which is often bicameral (at the national level); » The parliaments of the constituent units; and » Sub-national governments (e.g., municipalities, provinces).	Key political entities that are elected by the population include: » The national parliament; and » Sub-national governments (e.g., municipalities, provinces).
Equalisation mechanism	The federal government has a mechanism to make cash payments (a. k. a. grants) to constituent units to offset differences in revenue generation and reduce inequalities in their fiscal capacities arising from the differences in their demography, natural endowments, and economies.	The national government has a mechanism to make cash payments (a. k. a. grants) to sub-national governments to offset differences in revenue generation and reduce inequalities in their fiscal capacities arising from the differences in their demography, natural endowments, and economies.

The below table provides a comparison between federalism and administrative decentralisation according to the Regional Authority Index.

Dimension I – Self-rule			
The degree of authority exercised by a sub-national government over those living in its territory			
Sub-dimension	Definition	Federalism	Administrative decentralisation
Institutional depth	The extent to which a sub-national government is autonomous rather than deconcentrated.	Constituent units are politically autonomous, which entails extensive administrative, financial, and fiscal autonomy.	Sub-national governments have administrative and financial autonomy to plan and deliver services within their geographic boundaries.
Policy scope	The range of policies for which a sub-national government is responsible.	Constituent units have extensive competencies across all sectors of activity, except for foreign policy, defence, and monetary policy, which are exclusive responsibility of the federal government.	Sub-national governments are responsible for policy-making and service provision in the sectors that are determined by the national government. Usually, these include the environment, local economic development, spatial planning, mobility, and more.
Fiscal autonomy	The extent to which a sub-national government may independently tax its population.	Constituent units independently tax their population.	A core principle is that "finance follows function" whereby finances should be commensurate with the policy scope. In some countries, but not all, sub-national governments may set the bases and rates of specific taxes depending on the limits set by the national government.
Borrowing autonomy	The extent to which a sub-national government may borrow.	Constituent units borrow freely.	Sub-national governments may sometimes – and sometimes not – borrow within the limits and constraints set by the national government.
Representation	The extent to which a sub-national government has an independent legislature and executive.	Constituent units have an independent legislating assembly (often bicameral) and an independent executive apparatus to develop implement state legislation.	Sub-national governments comprise a policy-making body and an executive body but have no legislature or executive in the sense of assemblies or ministries.

Dimension II – Shared rule			
The degree of authority exercised by a sub-national government or its representatives in the country			
Law-making	The extent to which sub-national representatives co-determine national legislation.	The representatives of constituent units co-determine national legislation.	The representatives of sub-national governments do not determine national legislation.
Executive control	The extent to which a sub-national government co-determines national policy in inter-governmental meetings.	Constituent units co-determine national policy in inter-governmental meetings.	Sub-national governments do not determine national policy.
Fiscal control	The extent to which sub-national representatives co-determine the distribution of national tax revenues.	The representatives of constituent units co-determine how national tax revenues are distributed.	The representatives of sub-national governments do not determine national tax revenues.
Borrowing control	The extent to which a sub-national government co-determines national and sub-national borrowing constraints.	Constituent units co-determine national and sub-national borrowing constraints.	Sub-national governments do not determine borrowing constraints.
Constitutional reform	The extent to which sub-national representatives co-determine constitutional change.	The representatives of constituent units determine constitutional change.	The representatives of sub-national governments do not determine constitutional change.

Annexes

Annex 1

Form of the State, Document Type and Year

A	B	C
The Federal Republic of Lebanon, Constitution (2020) - Organisation.	Federal republic of Lebanon: The governing system in Lebanon is republican, democratic, and parliamentary. Constitution (2022) - Person.	The "Lebanese Federalism" 2013/4

Background

A	B	C
Lebanon is the aggregation of four (4) different national narratives ("Roman Nationaux"), deriving from four (4) distinct "Cultural Groups"	Multicultural communities in Lebanon have existed for hundreds of years, with a particular focus on the events of 1840 and the emergence of the Moutasarfiya system. Lebanon is a result of the Maronite project, and it serves as a guarantee for the Maronite community. Historical experiences with the Ottomans, Mamluks, Abbasids, and Umayyads have made Christians wary of becoming a minority under Muslim rule.	The proposal begins by addressing the ongoing issue of security stability in Lebanon. Since its establishment, Lebanon has not experienced sustained stability; rather, conflicts between its various communities have occurred every few years. Consequently, the proposal argues that decentralization is inadequate, and federalism is the necessary solution. The manifesto and the proposal delve into Lebanon's historical development, emphasizing the need for federalism and exploring its various aspects. While placing a significant focus on identity issues and communal dynamics, the proposal also introduces an entry point for a transitional plan and local development.

Approach

A	B	C
Non-territorial community based (Sectarian) approach.	Non-Territorial and community-based Federalism.	Non-Territorial and community-based Federalism.

Language

A	B	C
Arabic and French are the official languages of the country. Any Canton (upon the approval of 51% or more of the Cantonal deputies) may decide to choose any language (or alphabet or script) as its official language.	Official Language: Arabic is the official and primary language of Lebanon. Other languages can be taught.	It is possible to propose legislation for any language to be officially recognized for a sect alongside the currently recognized (official languages), but there is one official language in Lebanon if the proposal receives an absolute majority after being put to a vote within the relevant community.

Political Structure: Regional / Federal Units

A	B	C
The Federal model has three (3) governance layers: Municipalities, Canton/Region, and Federal level. There are 4 cantons.	16 provinces, + 1 Governorate Beirut (3 units) "The governance model in the federal state of Lebanon involves three levels: » Municipal Level » Local Executive Authorities Level » Federal Authorities Level"	The plan involves creating 14 new governorates, each with its own designated center, while reducing the existing provinces and establishing 21 new provinces with revised boundaries. Some of these provinces may be associated with governorates that are not geographically adjacent.

President

A	B	C
1. The Federal President shall be selected from the four (4) members of the Federal Government. 2. The term of office of the Federal President shall be one (1) year. 3. Of the four members of the Federal Government, the eldest shall be the first President for term of one (1) year. After the eldest term, the second eldest shall be President for a term of one (1) year and so forth.	Rotation.	The Presidential Council consists of 8 members, with 4 Christians and 4 Muslims, without specifying denominations. It is not permissible for any sect or denomination to have more than one president. The Presidential Council assumes executive authority for a non-renewable term of six years. The presidency is honorary and rotates annually between Muslims and Christians. It is not eligible for renewal or candidacy for another term.

Transition Plan

A	B	C
/	/	The project proposes several steps to achieve federalism in Lebanon. The first stage involves reconfiguring the governorates and districts with a new concept, thereby determining neighborhoods and towns based on the social component (sectarian). In the second stage, the governorates are specified. The current districts and governorates are canceled, and new governorates are delineated in several stages to align the boundaries of the governorates with the depths of sectarian divisions. Here, there is an indication of various reasons beyond the scope of this text, relying on sectarian distribution according to exclusion lists, rather than based on personal affiliations, permanent residence areas, or land ownership. In the third stage, regions belonging to the governorates are created, meaning new districts are specified (21 in total). In the final stages, the ultimate map is created after reaching an agreement on disputed lands.

Neutrality

A	B	C
The Federation shall ensure total neutrality of Lebanon.	Lebanon should abstain from aligning with any political or armed axis, emphasizing a liberal, parliamentary system that respects civil liberties and freedoms.	Adopting a neutral stance in foreign policy.

Capital

A	B	C
Beirut is the federal capital- within the limits of its Central District. A capital for each canton.	Federal Capital: Beirut is designated as the federal capital.	The center of the federal state follows the commercial center of the central state exclusively, serving as the political center and the center for all federal ministries.

New Internal Borders & Maps

A	B	C
Borders of the new cantons. In addition to administrative borders in Beirut	Borders of the new cantons.	Borders of the new governorates and provinces.

Sovereignty

A	B	C
Cantonal sovereignty is the ultimate source of sovereignty. The Federal Government has no sovereignty rights over the Cantons or the municipalities. In matters of conflict and disparity, Cantonal law shall take precedence over Federal law. Primality to Canton (1) Where a Canton law, judgement, or decision is held to be incompatible with a federal law, Cantonal Laws, decisions, and judgments (one upheld by a Cantonal Constitutional Court) shall prevail.	In the event of a conflict between federal law and local law, the local law takes precedence.	/

Citizenship

A	B	C
Unless otherwise provided by law, a "Lebanese" within the meaning of this Basic Law is a person who possesses Lebanese nationality or who is a descendant of such a person. Former Lebanese citizens and their descendants who lost their citizenship and migration grounds shall, on application, have their citizenship	Lebanese citizenship is a right for every Lebanese and forms the basis of their nationality. It is granted and regulated according to a local naturalization law that is consistent with the fundamental law, while respecting the principle of parity between Christians and Muslims. It also prohibits collective naturalization, which extends beyond individual and immediate family members.	Enacting a law that stipulates revoking citizenship from those who acquired it through a naturalization decree issued in 1994. The foreign spouse (whether male or female) is immediately naturalized, with exceptions for Palestinians, Syrians, and all refugees (both males and females) who cannot be naturalized

Armed forces

A	B	C
Army and police at the federal level. Police at the cantonal level.	Federal Army: The state maintains a federal army.	Each governorate will be organized into a military brigade, and these brigades will operate under the leadership of the Federal Council of Chiefs of Staff.

Annex 2

Federal Institutions

1. Federal Government Composed of all 4 Cantonal Prime Ministers. All decisions on any matter require unanimous voting in presence or remote .	1. Federal Assembly: a) Council of Districts: » Each district in the Council of Districts is represented by two members regardless of its geographical area and population. Beirut governorate is represented by four members, with two members for the Christian constituency and one member for each Islamic constituency. The members are elected for a four-year term, and the electoral bodies consist of members of the Legislative Council in each district and members of its municipal councils. The winning candidate is the one who receives an absolute majority of votes in the second round. In case of a tie, the vote of the President of the Legislative Council in each district is considered decisive. » is responsible for studying all projects of laws and proposing laws that the Federal House of Representatives has approved in their final form. Its tasks are limited to studying and approving laws related to the following topics, among others: nationality, foreign residency and ownership, modifying district borders, and personal status issues in all their forms. b) Federal House of Representatives: » Ensures equal Muslim and Christian representation, proportionally within each. » The Federal House of Representatives is composed of 100 members representing the entire nation and the Lebanese people as a whole, divided equally between Christians and Muslims and proportionally among their sects. Representatives are elected directly by the people through a direct secret ballot, following a proportional representation system, while ensuring proper and genuine sectarian representation. Each Christian and Muslim community elects its own representatives. The parliamentary term lasts four years. The electoral constituency is based on the electoral districts established in the 2017 Electoral Law (Law No. 44, dated 17/6/2017). Seats are allocated to districts based on their population, with each district having at least one seat. » Federal Presidential Council: Holds executive authority and is composed of six members, three Muslims, and three Christians.	The Presidential Council consists of 8 members, with 4 Christians and 4 Muslims, without specifying denominations. It is not permissible for any sect or governorate to have more than one president. The executive authority's term is 6 years, non-renewable, and the presidency is honorary and rotates annually between Muslims and Christians, not subject to renewal or re-nomination through a lottery system. All decisions of the Presidential Council are made unanimously. The Presidential Council is elected in two stages by an electoral body composed of members of local legislative councils and members of the House of Representatives. This election uses a closed list containing all Muslim and Christian candidates, but it is a condition that the list obtains a relative majority among both Christians and Muslims. If the election is not possible within three months, all candidates lose their eligibility to run for a period of six years.

2. Federal Parliament Composed of all Canton MPs	2. Federal Executive Authority:	The Cabinet: The Presidential Council appoints ministers who are technocrats to manage the state ministries and their facilities. They serve as advisors and are subject to the absolute authority of the Presidential Council. The Presidential Council selects them outside of sectarian constraints within a specified time frame. The Presidential Council is considered independent upon completing its term, with no right to re-nominate its members for the new term.
	a) The Federal Presidential Council: The federal executive authority is entrusted to the Federal Presidential Council, exclusively composed of six Lebanese members, three Christians and three Muslims, representing the following sects: (Sunni, Shia, Druze, Maronite, Greek Orthodox, Greek Catholic). They are elected with an end-of-term date, serving for a six-year term, with the condition that no sect is represented by more than one member, and no candidate is considered for the Federal Council. -- The presidency of the council is rotated among the six members, so the presidency moves to a different member each year until the term returns to their administration. The president's powers are purely protocol-based, and their role is limited to calling for sessions and their vote carries more weight in the event of a tie.	
	b) The Federal Consultative Council Article 110:	
	» The Federal Presidential Council alternates between Christians and Muslims, and its mission concludes with the end of the council's term. This consultative council serves as the administrative and executive office of the Federal Council. The mechanism of operation and the powers of the Federal Consultative Council are defined by federal law.	
Judicial: judicial power shall be exercised by the Federal Constitutional Court and by the Federal courts. Federal Administrative Court, the Federal Finance Court, the Federal Labor Court, and the Federal Social Court	Federal Judicial Authority: The federal judicial authority is entrusted to the "Supreme Judicial Council," the "Federal Constitutional Supreme Court," other federal high courts, and the "Republic Ombudsman."	The Speaker of the House: The presidency of the House of Representatives is rotated on a weekly basis in alphabetical order of the names of the representatives. The task of the Speaker of the House is to manage the sessions (not issue invitations) and represent the House of Representatives when necessary. The House of Representatives: It has a term of 4 years. The members of the House (totaling 120) are elected by the constituents of their respective sects based on a proportional representation system within a single national district. Each sect is assigned a specific number of seats, and this number is adjusted periodically to reflect the size of the sect's population. For example, the Alawites have 2 representatives, the Druze have 6, the Sunni have 26, the Shia have 26, and the major Christian sects have the following allocations: 6 for the Armenian Orthodox, 4 for the Roman Catholic, 8 for the Greek Orthodox, and 11 for the Maronites, along with 31 for the smaller minorities based on a half or more basis.

Federal Competences

1. Relations with foreign states 2. Armed Forces for purposes of defense. 3. Federal Railways and Air transport 4. postal and telecommunications services 5. Central Bank 6. Water Resource	1. Foreign Affairs, including the formulation of foreign policy, diplomatic representation, negotiation, and the approval of various types of international treaties. 2. Defense matters, including armed forces to ensure Lebanon's protection, security, and borders, as well as civilian protection issues, the establishment of a national security policy, and its implementation, including decisions related to peace and war. Managing the armed forces to secure Lebanon's protection, security, and defense. 3. Issuing currency and minting coins, as well as preparing and approving the federal budget, determining monetary policy, and managing the federal central bank. 4. Negotiating and approving maritime navigation and trade treaties, except for treaties made between regions, provided they do not conflict with the interests of the federal authority and the basic law.	1. regulating federal cooperation, 2. monetary policy, 3. controlling the federal state's economy, 4. declaring war and peace, 5. determining foreign policy, 6. organizing the status of refugees, 7. overseeing vital state facilities, 8. managing dams and water resources (except for friendly agreements between governorates), 9. handling joint projects between governorates required for the common good and local interests in case of the absence of amicable agreements between the relevant governorates.

Federal Exclusive legislative power

The Federation shall have exclusive legislative power with respect to: 1. Foreign affairs and defense, including protection of the civilian population; 2. Citizenship in the Federation; 3. Freedom of movement, passports, immigration, emigration, and extradition; 4. Currency, money and coinage, weights and measures, and the determination of standards of time; 5. The unity of the customs and trading area, treaties regarding commerce and navigation, the free movement of goods, and the exchange of goods and payments with foreign countries, including customs and border protection; 6. Safeguarding Lebanese cultural assets against removal from the country; 7. Air transport; 8. The operation of railways wholly or predominantly owned by the Federation (federal railways), 9. Postal and telecommunications services; 10. The legal relations of persons employed by the Federation and by federal corporations under public law;	1. Amendment of the federal constitution 2. Electing the six members of the Presidential Council, taking into account the equal representation of Muslims and Christians 3. Declaring a state of emergency and a state of war 4. Formulating foreign policy and overseeing relations with other countries 5. Approving international treaties after the completion of negotiations by the Presidential Council 6. Supervising the Federal Council, federal administration, affiliated courts, and other entities and individuals entrusted with the tasks of the union 7. Maintaining external security, independence, and neutrality of Lebanon 8. Maintaining internal security 9. Issuing general amnesty decisions	/

Local Institutions

1. Canton Prime Minister - Each Canton is geographically delineated as being the aggregation of all the municipalities belonging to such Canton. The Municipalities belonging to a Canton are those whose native electors/residents at the time of the approval of this Basic Law compose at least 67% of that Canton's Ethno-Cultural Group..	Local Executive Authority: a) governor: Governor for each province and for the 3 units in Beirut b) executive council: appointed by the Governor, and it is responsible for implementing laws enacted by the legislative council and formulating the general policies for local governance.	» Governor: No sectarian exclusivity in nomination; elected by an absolute majority of all residents of the governorate. » Legislative Council (or Provincial Council): Each governorate has a locally elected council without sectarian exclusivity in nomination; members are elected without sectarian exclusivity. The nature of the electoral system is proportional. The council elects its president in the first legislative session with a two-thirds quorum and by a relative majority. » Each district has a number of representatives, and the number is the whole number following the percentage according to the lists of grouped sects in the governorate (and in other districts to which it belongs). » Local Government (or Provincial Government): It is headed by the governor appointed from among all residents of the governorate based on competence within a specified time frame. The governor is considered independent once the term is completed and is not eligible to run for the new session following it. » Municipal Council: No sectarian exclusivity in nomination, and members are elected without sectarian exclusivity. The nature of the electoral system is pluralistic. The number of members remains as it is today. Municipal employees are appointed by the municipal council based on the competence criterion.
2. Canton Parliament The number of Canton MPs are proportionate to the overall population. It is expected to be around: [70] Christian, [70] Sunni, [70] Shiite, and [25] Druse.	As for the executive authority in the district, it is entrusted to an elected governor through a general and direct secret ballot by the residents registered in the electoral rolls specific to the district. The governor, acting alone, is responsible for forming an executive council while taking into account sectarian representation. Neither of the two legislative authorities is allowed to enact laws that conflict with democratic principles or with the basic rights and freedoms outlined in this constitution.	
At the Cantonal level, judicial power shall be exercised by the Cantonal Constitutional Court and by the Cantonal courts.	Local Legislative Authority The local legislative authority is entrusted to a legislative council, responsible for legislation and the enactment of laws at the level of all districts. The districts are also required to establish an independent body for overseeing local parliamentary elections, the operation of which is defined by local law. Each of the 16 districts, including Greater Beirut Governorate, has a legislative council, the number of whose members is determined in proportion to the number of eligible candidates who rank first and second in the first round. The candidate who receives the majority of votes is elected at that time. Elections are conducted within the sectarian framework, with one seat reserved for minorities in each district, and the deputies represent the various sects.	

| | Local Judicial Authority

a) Supreme Judicial Council, overseeing all local courts and their various jurisdictions. The local Supreme Judicial Council manages the affairs of the local judicial bodies. Local legislation regulates its composition, responsibilities, and operational procedures.

b) local Constitutional Court. | |

Cantonal Legislative power

| The Canton shall have exclusive legislative power with respect to:

a) Civilian protection;
b) Residency within the Canton;
c) Education, schooling, cultural heritage;
d) Language;
e) e. non-federal public transport, local railways, mountain railways;
f) waste disposal, air pollution control, and noise abatement;
g) Industry, commerce, services,
h) statutory rights and duties of civil servants of the Canton,
i) municipalities and other corporations established under public law as well as the judges in the Canton;
j) hunting;
k) protection of nature and landscape management;
l) Cantonal and regional planning;
m) management of cantonal water resources;
n) admission to institutions of higher education and requirements for graduation in such institutions;
o) industrial property rights, copyrights, and publishing and all other IP rights;
p) Land ownership, Real estate, real estate transactions, limitations, and building permits;
q) Graves, religious sites, and other memorial monuments
r) All aspects of life not reserved herein specifically and exclusively for the Federation
s) y: Migrants | The legislative council has broad powers, and anything that is not reserved for the federal authority is within the jurisdiction of the legislative councils in the districts. Districts should legislate on matters related to their own national heritage, in a way that respects and preserves their cultural, religious, historical, and social identity.

» Medicine
» Healthcare
» Building and repairing highways
» Funding schools and universities and developing their educational programs
» Tax collection
» Maintaining a police force under the judiciary
» Setting the official minimum wage
» Workplace safety standards
» Social welfare policies in the judiciary | / |

Tax

1. Each Canton must raise its own taxes from its own population.
2. Unless an exceptional decision to the contrary, no Canton can be entitled to any allocation of federal tax revenues for any purposes: Revenue from the following taxes shall accrue to the Canton:
  a) property tax;
  b) inheritance tax;
  c) motor vehicle tax;
  d) tax on gambling establishments;
  e) cantonal road freight tax and cantonal motor vehicle tax;
  f) cantonal taxes on capital gains and transactions, insurance, and bills of exchange;
  g) cantonal income and corporation taxes;
  h) value added tax;
  i) other taxes for specific public infrastructure
3. Revenue from the following taxes shall accrue to the Municipalities:
  a) property tax;
  b) inheritance tax;
  c) motor vehicle tax;
  d) tax on gambling establishments;
  e) municipal road freight tax and municipal motor vehicle tax;
	The procedures adopted to enable local judicial bodies to collect taxes are regulated by a unified federal law.
	30% of the taxes in each district are allocated to the municipality.
	50% of the taxes are allocated to the district.
	20% of the taxes are allocated to the central authority.
		30% of the taxes go to the municipality (either for the town or the neighborhood), 50% to the governorate, and 20% to the central government. The profits of central public facilities (such as the Port and Beirut Airport) go to the central government.

The Federation shall have exclusive power to legislate with respect to customs, duties, and fiscal Federation-wide monopolies: The yield of fiscal monopolies and the revenue from the following taxes shall accrue to the Federation:
  a) customs duties;
  b) federal road freight tax and federal motor vehicle tax;
  c) federal taxes on capital gains and transactions, insurance, and bills of exchange;
  d) non-recurring levies on property and leveling of burdens levies;
  e) federal income and corporation taxes;other taxes for specific public infrastructure
	In return, an independent fund is established, called the Balanced Development Support Fund. This fund possesses legal personality and administrative and financial independence. It is supervised by a board of trustees elected from the districts in accordance with the federal internal regulations of the fund. Its mission revolves around ensuring equal development conditions among different districts. Sources of financing for this fund include, but are not limited to:
	» A percentage of the profits of federal public institutions such as ports and airports.
	» A small portion of the value-added tax.
	» Cellular phone bills.
	» Customs administration revenues.
	» Fees on public property usage.
		The governorate is responsible for collecting direct and indirect taxes (excluding customs and fees from certain official institutions with special funds, such as lotteries and sweepstakes, which are collected by the central government) and the value-added tax. For non-central public facilities, 50% of the profits go to the central government, and the remaining 50% is distributed between the municipality (10%) and the governorate (40%) if the facility is entirely within a neighborhood of a single component and within its jurisdiction.

Joint tasks – Responsibility for expenditure

1. The Federation shall participate in the discharge of responsibilities of the cantons, provided that such responsibilities are (i) important to society as a whole and (ii) that federal participation is necessary for the improvement of living conditions. 2. All the cost of all joint operations shall be jointly borne by the Federation and the Canton in proportions to be agreed upon. 3. The Federation and the Cantons may cooperate on the basis of agreements in the promotion of sciences, research, and education. 4. The Federation and the Cantons may cooperate in planning, constructing, and operating information technology systems needed to discharge their responsibilities. 5. The Federation and the Cantons may agree to specify the standards and security requirements necessary for exchanges between their information technology systems. 6. Comprehensive access by means of information technology to the administrative services of the Federation shall be regulated by a federal law. 7. With a view to ascertaining and improving the performance of their administrations, the Federation and the Cantons may conduct comparative studies and publish the results thereof. 8. Information requested from one canton will be requested from all the others as well.	1. Amending the federal constitution. 2. Developing oil wealth. 3. Managing historical sites. 4. Customs administration. 5. General development and planning. 6. Public health policy. 7. Domestic water resources and river management. 8. International roads. 9. Air and environmental policy and pollution control. 10. Communications and electrical connections. 11. Cooperation in waste management.	/

Public Participation and Election

There are two (2) electoral colleges, one for the municipal elections and another for the cantonal elections. The Municipal Electoral College is based on residency (i.e. Municipal registration of residency), and therefore, all residents over eighteen (18) can participate as voters irrespective of their belonging to a particular Group. The Cantonal Electoral College, tasked with electing members of parliament as well as the cantonal prime minister, is composed of all the men and women belonging to the relevant Group irrespective of their residency.	1. The electoral body is eligible to participate in municipal elections conducted within the sectarian framework. 2. The electoral body is eligible to participate in elections at the local authority level, which are also conducted within the sectarian framework, with one seat reserved for minorities. 3. The electoral body was included within the sectarian framework. 4. The electoral body is eligible to participate in the election of local executive authorities.	/

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