

## Local Governance in Lebanon: The Way Forward

### A roadmap for solid waste management, public safety, accountability and citizen participation\*

#### Executive Summary

##### The Context of Decentralisation Reform in Lebanon

Local authorities in Lebanon face many structural challenges: since the 2015 waste crisis, their capacity to collect domestic waste in a systematic manner and carry out a comprehensive waste management plan is limited. The infrastructure is obsolete in most parts of the country, not only because of the demographic increase resulting from the Syrian refugee crisis. Furthermore, local police forces are not empowered to carry off their duty as safety providers and law enforcement agents. On yet another front, citizens are often ill-informed about what local authorities do and are seldom stakeholders in local decision-making, which represents a major impediment to accountability.

These factors have elicited a wide agreement on the importance of reforming local governance in Lebanon. Many people advocate for a new law along the lines of the 2014 Administrative Decentralisation Bill, but a lot can and should be achieved by adjusting the current municipal framework and improving its workings to provide better and more democratic public services.

Moving forward with a series of legal and administrative steps that are both practical and achievable is as important as the fundamental change of introducing an additional decentralised tier, known as “district councils”. Policy-makers should start by introducing legal amendments and policies that empower Lebanese municipalities and municipal unions as key service providers. Along this process, parliamentary deliberations around the new decentralisation bill should address the fundamental shortcomings of the current municipal framework to avoid duplicating the shortcomings of municipalities and unions of municipalities at the level of the decentralised councils that might be created in the future.

Three sectors are examined here in which local authorities are trying to fill the gaps and addressing the challenges that result from a regulatory vacuum at the national level: solid waste management, public safety, and citizen participation.

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## A Decentralised Solution to Solid Waste Management

The encroachment on the role and prerogatives of local authorities by the central government since the 1990s has undermined the core principles of decentralisation as enshrined in the Municipal Act and the Taef Agreement. In 1989, the Agreement stipulated that the mandate and resources of local authorities must be increased to meet local needs and in the spirit of consolidating administrative decentralisation. However, thirty years later, most of these stipulations have not been implemented. The problem is exemplified in the way solid waste was managed: in the post-war years, the Lebanese government issued a series of decrees that monopolised the management of the sector in the hands of central government agencies and confiscated the resources of the Independent Municipal Fund (IMF), which the law exclusively allocates to local authorities to enable them to perform their duties. As a result, municipalities and unions of municipalities – with some exceptions – were gradually forced to relinquish their leading role in managing waste. In 2015, they were suddenly left to handle the waste crisis with little guidance and few resources from the government. Understandably, they failed to develop and implement adequate strategies based on sustainable and eco-friendly methods.

As a first step, the central government should rescind the decrees that contravene the autonomy of local authorities, as guaranteed in the Municipal Act, and issue a comprehensive national strategy that provides an overarching framework for the local authorities to gradually recover their powers in managing waste. Achieving such objective entails the restitution of the resources of the Independent Municipal Fund to its lawful owners: municipalities and municipal unions. Amendments should also be considered to increase IMF revenues and distribute them more equitably. Parallel to this endeavour, collaboration between central and local authorities should be boosted so that line ministries carry out their duty to provide adequate oversight, training, technical guidance and regulatory guidelines to the local authorities.

## Empowering Local Police Forces to Ensure Public Safety

Local police forces suffer from several loopholes in the legal and regulatory framework that prevent them from ensuring public safety and enforcing the rule of law. Unlike the central security services (such as the Internal Security Forces), the duties of local police forces, as well as their rights, legal mandate and administrative organisation, are left to the discretion of each municipality or union, with varying levels of oversight on the part of central government agencies. This results in a lack of coordination, overlapping powers and, in some cases, a jurisdictional vacuum. For example, determining whether local police should, in some instances, act as judicial police remains a subject of debate. Lebanon's Administrative Court – the Council of State (majlis shura al-dawla) – and the Ministry of Justice have issued contradictory advisory opinions on the issue. Local authorities face additional challenges that undermine their role as safety providers, namely the limited financial resources, precarious employment conditions and heavy dependence on the central government agencies to recruit personnel.

Several measures should be adopted in this regard, starting with the clarification of the legal status of local police forces – namely their capacity to intervene and act as judicial police – and the regulation of the right to keep and carry arms to fulfil their duties. Similarly, legislation should clarify the legal mandate and scope of work of the local police forces. In this process, unified bylaws and Standard Operating Procedures (SOPs) that govern and regulate the action of the local police should be adopted and implemented in all local authorities. This should go hand in hand with the establishment of a mechanism of coordination and collaboration between the central security forces and the local police.

## Achieving Accountability Through Transparency and Better Participation

Despite some legal provisions that allow for the access to information and the participation of citizens in local government affairs, there is still a long way ahead to achieve effective transparency and participatory governance.

For one, the electoral system that is currently applied for municipal representation is one of the major impediments to accountability. Citizens may vote or run for municipal office only in the town in which they are registered, which is seldom where they reside. The place of registration is determined by birth and is inherited from the father. This system, upon which the country's sect-based electoral system and the power-sharing political system were erected, serves to "freeze" the geographic distribution of voters. On another level, involving the community in municipal affairs is not mandatory in the Municipal Act and the recently adopted Access to Information (ATI) Act lacks binding mechanisms for effective implementation.

The newly adopted proportional representation election law of June 2017 may constitute a first step towards better representation at the municipal level, but this reform should be complemented with other ones. In terms of transparency, ATI must be backstopped with the creation of the National Anti-Corruption Commission, which is mandated to monitor and ensure the implementation of the law. Concrete measures and procedures must be also adopted to institutionalise and systematise information-sharing in the work routine of state administrations and local authorities.

Finally, accountability increases when citizens have a say in local decision-making. This can be achieved through the specialised local committees which are foreseen in the Municipal Act. These committees, along with regular open consultations (such as town hall meetings) and consultative mechanisms, should be institutionalised and regulated by rules of procedure and terms of references that set forth their purpose, scope and authority, in addition to clear reporting lines.

## Background and Methodology

In the framework of the campaign “Al-Idara bi-Mahalla”, Democracy Reporting International (DRI) published the report “Public Service Provision in Municipal Unions in Lebanon”.<sup>1</sup> The report describes the state of play of public services based on the results of a survey conducted in two-thirds of the unions of municipalities in all Lebanese regions. It identifies the challenges faced by municipal unions in three sectors: solid waste management, public safety (the role of municipal police), transparency and participation. To complement this effort, it was worthwhile to delve deeper into the analysis of the main findings of the field research to identify the gaps in the existing legal and regulatory frameworks governing public municipal services in Lebanon.

This initiative aims to achieve two objectives: The first objective is to keep up with the discussion on the 2014 Expanded Administrative Decentralisation Bill that was on the agenda of the parliamentary sub-committee established by the Administration and Justice Committee until early 2018.<sup>2</sup> This objective proceeds from the belief that any reform in this regard must adopt an incremental approach to strengthen the powers of the existing local authorities (i.e. municipalities and unions of municipalities) and activate their functions,<sup>3</sup> and that upgrading the existing legislation will guarantee that the role of the district councils, provided for in the bill, is compatible with that of municipalities. The second objective is to draw lessons and recommendations from the experiences of local authorities and existing best practices and harness them for the success and sustainability of the elected district councils to be established.

The methodology of this policy paper tackles each of the three public service sectors in two steps. In the first step, it determines whether the challenges faced by local authorities and identified in the December 2017 report are the result of (1) loopholes or inconsistencies in legislation, (2) a lack of human, financial, technical, or other resources, (3) the practices of the central authority, (4) or the absence of appropriate public policies. In the second step, a road map is proposed through a set of recommendations and mechanisms that must be applied immediately to improve public services at the local level, should the Expanded Administrative Decentralisation Bill be taken forward.

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1 Democracy Reporting International. (2017). Public Service Provision in Municipal Unions in Lebanon: Solid Waste Management, Municipal Police and Public Safety, Accountability and Participation. Beirut: Lebanon. December 2017.

2 The draft law is available on the following link: <http://decentralization-lb.org/LawProject.aspx>. Retrieved in December 2017.

3 Democracy Reporting International. (2017). Reforming Decentralisation in Lebanon: The State of Play. Briefing Paper No. 80. Beirut: Lebanon. April 2017. All relevant publications are available in Arabic and English on the following link: <http://democracy-reporting.org/country/lebanon/>.

## Strengthening the Role of Local Authorities in Solid Waste Management

The waste crisis that erupted in 2015 in Beirut and a large number of Lebanese cities and villages has exposed the gravity of the approach adopted by the central government since the 1990s to manage the solid waste sector. While the concerned parties are trying to obscure the disastrous environmental and health repercussions of this crisis and delude the public opinion by pretending that plans and solutions are available to the government and ready for implementation, it must be emphasised that any step aimed at addressing this issue must go hand in hand with the local authorities' recovery of their essential and fundamental role in the management of this sector decades after it had been confiscated by the central authority.

Today, the percentage of Lebanese municipal unions capable of playing an active role in the management of household solid waste does not exceed 54%. This is due to the waste management sector draining local authorities financially (in one of the cases, the sector budget amounted to 60% of the total budget) and requiring additional staff and specialised experts. Nevertheless, the results of the questionnaire show a clear determination at the local level to find decentralised management solutions.<sup>4</sup>

### The Problematic Issues Related to the Role of Local Authorities in Solid Waste Management

The promulgation of the 1977 Municipal Act that regulates the work of local authorities was both a qualitative and quantitative leap towards the promotion of local development and a cornerstone for the application of administrative decentralisation in Lebanon. Four decades later, this initiative remains defective at the legislative level due to the central authority's practices that have weakened the ability of local authorities to assume their role, and also marginalised them by taking over their funds and powers and failing to provide the financial, technical, and human resources needed to improve their performance in more than one sector.

The period that followed the Lebanese civil war (1975–1990) is the most indicative of the absence of a serious political will in Lebanon to achieve administrative decentralisation as provided for in the Taef Agreement of 1989.<sup>5</sup> The solid household waste management sector is a prominent example in this regard. Since the early 1990s, the central authority has been taking over the powers and funds of local authorities. Towards the end of 1992, the Council for Development and Reconstruction (CDR) that reports to the Office of the Prime Minister replaced the Joint Commission for the City of Beirut, which was then entrusted with the tasks of street sweeping and waste collection, in cooperation with the Municipal Department for Public Cleanliness. As a result, the CDR monopolised all loans provided by the state and all donations allocated for the management of this sector, including all financing, contracting, and oversight agreements. In the mid-1990s, the CDR outsourced waste collection in Beirut to Sukkar Engineering Company (Sukleen) without the approval of neither the municipal council nor the Governor of Beirut City. The Municipal Department for Public Cleanliness protested against this move and condemned it as a “legal transgression and an encroachment on the powers of the Municipality of Beirut whose role will be undermined and taken over by the CDR in several sectors, especially that public cleanliness is, by law, a core area of competence of the municipality, and that all undertakings, contracts, and outsourcing agreements in favor of third parties are not allowed without the knowledge and consent of such third parties”.<sup>6</sup> However, because both the governor and the municipal council eventually revoked their opposition under the influence of political pressure, the usurpation of the municipality's resources and powers continued until the waste management crisis reached its peak in 2015. It is worth noting that the amounts of money spent on public cleanliness in the city of Beirut was excessively high. The fact that Sukleen did not discontinue its operation after the expiry of its contract indicates that the contract was renewed. And while

5 The Taef Agreement, paragraph 3 entitled “Administrative Decentralisation” reads as follows:

Expanded administrative decentralisation shall be adopted at the level of the smaller administrative units (district and smaller units) through the election of a council for every district, headed by the district officer to ensure local participation.

A comprehensive and unified development plan capable of developing the Lebanese provinces economically and socially shall be adopted and the resources of the municipalities, unified municipalities, and municipal unions shall be reinforced with the necessary financial resources.

6 Issam Sleiman. (1998). “Waqi' al-baladiyat fi muhafazat Beirut”. *Waqi' al-baladiyat fi Lubnan wa 'awa'eq al-musharaka al-mahalliya wal-tanmiya al-mutawazina*. Beirut: Lebanese Center for Policy Studies (LCPS). P. 76.

4 Public Service Provision in Municipal Unions in Lebanon. Pp. iv, 12.

such renewal entails, as per the contract provisions, considerable financial burdens on the Municipality of Beirut, a study conducted by the Municipal Department for Public Cleanliness demonstrates the latter's ability to provide the same service at only one-third of the amount charged by Sukleen, if given adequate support.<sup>7</sup>

In the same vein, the report by Democracy Reporting International shows that municipal unions tend to give a negative assessment of their relation with the central authorities (especially the Ministry of the Interior and Municipalities and the CDR) with regard to waste management.<sup>8</sup> The Human Rights Watch report "As if You're Inhaling Your Death" sheds light on the serious environmental and health risks resulting from the government's failure to approve an integrated national plan for solid waste management, which has led to a massive spread of random waste dumps and increased open burning of waste, especially in poor areas.<sup>9</sup>

Unfortunately, the government used the same approach in the distribution of the IMF revenues, a key source of funding that enables the local authorities to assume their role, particularly in the management of the solid waste sector. Since the 1990s, the Lebanese government has been exhausting the IMF revenues either to pay for high-priced contracts with private companies such as Sukleen and others providing waste collection services, or to finance CDR projects unauthorised by the Municipal Act and the decree establishing "the rules and regulations for the distribution of the IMF revenues" (Decree No. 1917 issued in 1979). This has "deprived the municipalities of USD 1.2 billion in revenues and, based on conservative estimates, it has been found that at least USD 460 million of central government spending is illegal".<sup>10</sup>

The DRI report reflects the extent to which unions and municipalities lack the necessary resources to undertake their role: with less than LBP 2.5 billion in funding, their operation capacity is kept at a minimum. Moreover, several unions reported an unfair calculation of the IMF funds due to the distribution of revenues on the basis of persons registered in the administrative personal status records, rather than on the basis of existing needs.<sup>11</sup>

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7 Ibid., p. 78.

8 Public Service Provision in Municipal Unions in Lebanon. P. 26.

9 Human Rights Watch. (2017). "As if You're Inhaling Your Death: The Health Risks of Burning Waste in Lebanon". Report. Beirut: Lebanon. Available on the following link: <https://www.hrw.org/report/2017/12/01/if-youre-inhaling-your-death/health-risks-burning-waste-lebanon>. Retrieved in December 2017.

10 Sami Atallah. (2015). "Liberate the Municipal Fund from the Grip of Politicians". Beirut: LCPS. Available on the following link: <https://www.lcps-lebanon.org/featuredArticle.php?id=52>. Retrieved in December 2017.

11 Public Service Provision in Municipal Unions in Lebanon. P. 8.

## Recommendations to Strengthen the Role of Local Authorities in Solid Waste Management

Since the practices of the central authority are in violation of the current laws and deviate from the Municipal Act, the Environment Protection Act, and the Decree on the Distribution of the IMF revenues, establishing a sound and integrated management of solid waste does not require an intervention of the legislator at this stage, but rather the application of the laws in force, in order to advance the series of desired reforms.

### First: Ending the central authority's monopoly on the sector's management and restoring the local authorities' role and resources

It would be worthwhile to re-establish the legal basis that, on the one hand, expressly enshrines the role and responsibility of local authorities in managing this sector and, on the other, confirms their exclusive authority to contract works within their service provision scope, and in certain cases, to give prior approval for works that the central government bodies may intend to implement within their scope (such as the CDR). According to the Municipal Act, the municipality is a local authority that possesses a legal personality, enjoys administrative and financial autonomy, and exercises, within its scope of authority, wide powers in all areas of public utility. The municipal council may express its recommendations and wishes regarding all issues of public interest and communicate its observations and suggestions regarding the public needs in the municipal area (Art. 1 and 47 of the Municipal Act).<sup>12</sup> In its review of the matters and functions handled by the municipal council, Article 49 of the Municipal Act mentions issues that are directly related to the solid waste management sector, such as “public programs for works, landscaping, cleaning, health affairs, water supply and lighting projects”, in addition to the municipal council's authority to arrange for “all types of loans for the execution of specific projects that have been studied” and prepare “the specifications for the procurement of goods, works, and services”. Article 74 of the same Act provides for all matters and tasks related to cleaning, lifting rubble and debris, and addressing any event that might affect public well-being, safety, and health. The law has thus

enshrined all the matters that fall within the responsibility of local authorities, especially the solid waste management sector, as local affairs and services, and emphasised their purely local nature.

At this stage, the management of this sector does not require any legislative amendment. It rather requires the application of the existing laws, taking serious actions to develop appropriate policies, and the provision of the necessary resources and technologies. In this regard, it is necessary to rely on the expanded administrative decentralisation path to discuss new legislation and design a road map that includes near, medium and long-term plans complementing the reform provided for in the Taef Agreement.

At another level, maintaining the financial resources allocated by the IMF to local authorities calls for the application of restrictions and controls that limit the discretion of the central government to dispose of the IMF funds. It is therefore imperative to start the application of Article 87 of the Municipal Act, which stipulates that the IMF should be kept at the Ministry of the Interior and Municipalities, and not at the Ministry of Finance, as has been the case until now, pending the separation of the decentralised fund from the tutelage of the political executive and the establishment of its legal personality, administrative and financial autonomy, and fully-resourced administrative and technical department. Finally, in order to safeguard its independence, the Fund should be subject to ex-post controls by specialised oversight bodies, such as the Court of Audit, away from the interference of the political executive.

Also, the Fund's resources and the basis for the distribution of its revenues should be reconsidered so as to ensure fair and equitable development conditions in all the regions, rather than to deepen the gap, as is now the case, between poor and rich municipalities. The revenue distribution basis adopted in the Expanded Administrative Decentralisation Bill (Art. 99 and 105) is appropriate and recommended in this regard.

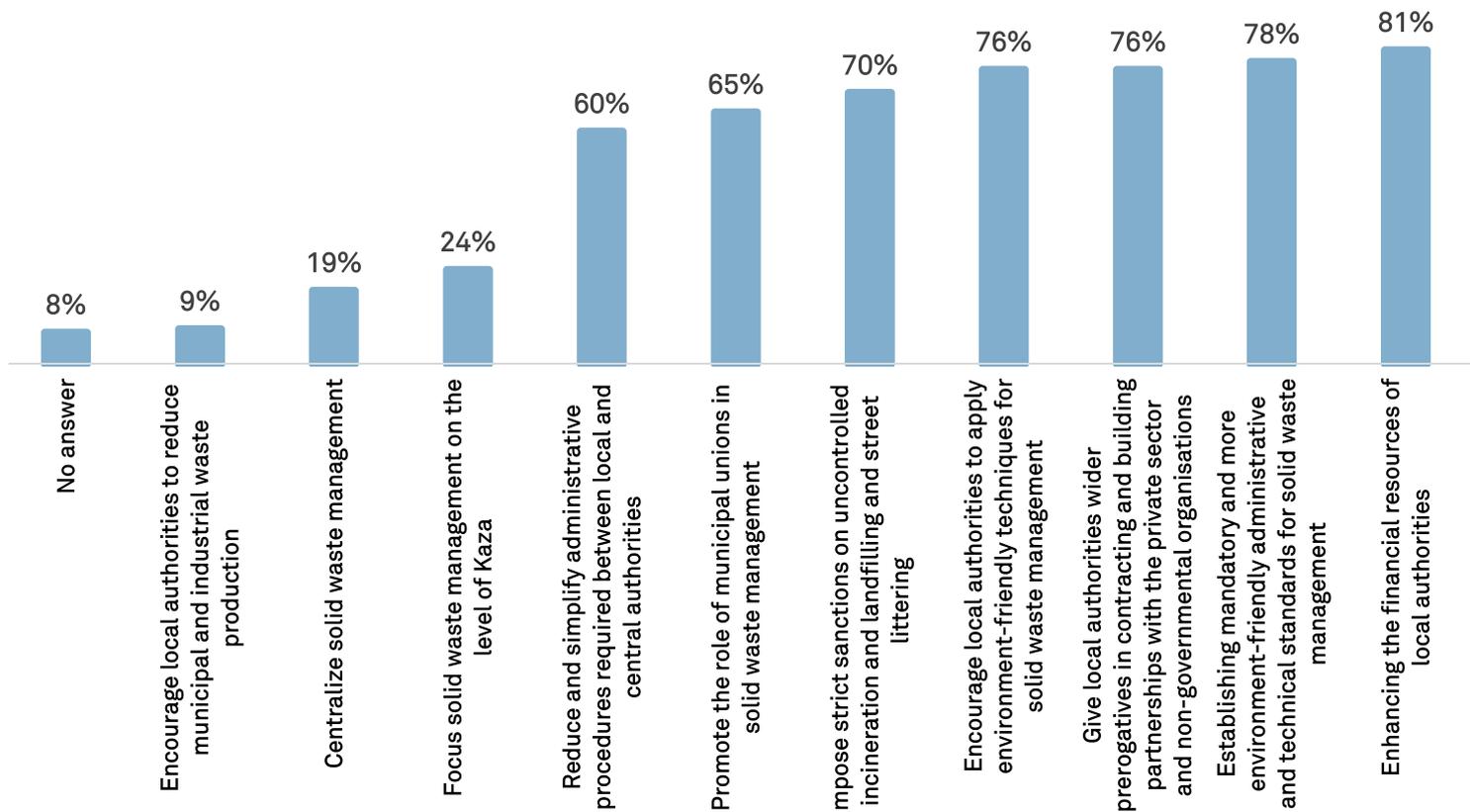
<sup>12</sup> The powers of the municipality are divided into two decision-making authorities: the elected municipal council, which holds the policy-making power, and the municipal staff, which has the executive power. The executive authority is headed by the president of the municipal council (the mayor) in all municipalities except for the municipality of Beirut, where it is headed by the Governor of Beirut City. The law gives the head of the executive authority a regulatory power to issue binding decisions in several sectors, especially public cleanliness, health, and safety (Art. 74 of the Municipal Act).

## Second: Developing appropriate policies and providing the necessary resources

Technical solutions and mechanisms are available for integrated and sustainable management of solid household waste, but their development and implementation require political will, as well as empowerment and capacity building for local authorities. In November 2017, a group of individuals and independent civil and political groups launched the “Waste Management Coalition” initiative to act as a pressure group that lobbies for the development of a sustainable waste management strategy based on accumulated experience and local success stories in this field.<sup>13</sup>

At the technical level, the first step is to have municipalities, the authority closest to the people, enforce a waste reduction and sorting-at-source policy, each within its geographical scope. Waste treatment

The municipal union presidents’ perception of the central government’s role in solid waste management. Source: Public Service Provision in Municipal Unions in Lebanon (2017).



and disposal require a comprehensive and long-term strategy involving other stakeholders, mainly local authorities, the Ministry of the Environment, the Ministry of the Interior and Municipalities, the Office of the Minister of State for Administrative Reform (OMSAR) and the Council for Development and Reconstruction (CDR), provided that they coordinate among themselves and establish the necessary environmental and health standards, guidelines, and regulations.

In this regard, communication and cooperation with international donors is key to securing technical resources and benefiting from the experiences and approaches of other countries.<sup>14</sup> An integrated, sustainable management of solid waste necessitates leveraging economies of scale whereby, in light of the model proposed in the DRI Report, it is possible to limit the powers of the smaller local authorities to street sweeping, waste collection, sorting at the source, and basic composting, and assign the functions of establishing sanitary landfills, establishing and managing waste treatment centres (or outsourcing their operation), recycling, secondary sorting, and developing a general plan for medium and large local authorities only.<sup>15</sup>

As shown in the figure below, the municipal union presidents’ perception of the central government’s role confirms their tendency to adopt positive practices in this regard.

13 The coalition has developed a series of steps and recommendations that can be implemented in stages and on more than one level. They are available on the Coalition’s website: <https://www.wmclebanon.org/>. Retrieved in December 2017.

14 We refer here to a number of studies and reports prepared by international non-governmental bodies in light of the experiences of Brazil and France, available on the following link: <http://www.localiban.org/mot887.html?lang=ar>. Retrieved in December 2017.

15 Public Service Provision in Municipal Unions in Lebanon. P. 28.

At the financial level, financial reforms and a tax-incentive policy that encourages the waste reduction and the gradual adoption of modern recycling techniques are required in the first place. The resources of local authorities should as well be strengthened through the reform of the IMF revenues' calculation and distribution modality.<sup>16</sup>

The Expanded Administrative Decentralisation Bill proposes to have the IMF replaced by a decentralised fund which, unlike the IMF, possesses legal personality and administrative and financial autonomy, is free of any central control, but is subject to ex-post controls by the Court of Audit only. This bill is different from the laws and decrees currently governing the IMF in that it provides for the establishment of the decentralised fund, the independence of its members from the government, and the development of objective and specific criteria that regulate its funding and revenue distribution to the municipalities and the district councils to be established in lieu of the existing municipal unions.<sup>17</sup>

Enacting the Expanded Administrative Decentralisation Bill is envisaged in two stages:

- Reviewing the criteria used to calculate sources of funding and determine the percentage of the fund's revenues by amending the laws that regulate a number of taxes, such as the value added tax (VAT), the revenues of certain sectors, such as cell phone bills and customs, and a number of fees, such as the public property occupancy fees.
- Setting restrictions and controls that limit the discretion of the central government with regard to the management of the fund's revenues, and developing objective and measurable mechanisms and criteria that determine the percentage of revenue distribution to local authorities and, most importantly, how villages without municipalities benefit from such revenues through cooperation with neighbouring local authorities.

In parallel with amending the Municipal Act, and in coordination with the local authorities, the Ministry of the Interior and Municipalities must conduct a comprehensive survey that determines the demographic size and geographical scope of each municipality and assesses its needs. This will pave the way for implementing and activating the mechanisms provided for in the bill.

<sup>16</sup> See the recommendations in: Republic of Lebanon. Ministry of the Interior and Municipalities. (2011). Municipal Finance Studies Program: Final Roadmap for Modernizing Municipal Finance in Lebanon. Submitted by ICMA with its subcontractors CRI and TCGI. Beirut: Ministry of the Interior and Municipalities. Available in English on the following link: [www.moim.gov.lb/Download.aspx?idf=80](http://www.moim.gov.lb/Download.aspx?idf=80). Retrieved in December 2017.

<sup>17</sup> See Articles 90–99 of the bill regarding the establishment, functions, and work mechanism of the Fund; and Article 105 regarding the ex-post controls by the Court of Audit.

## Strengthening the Role of Local Police in Maintaining Public Safety

The DRI report acknowledges the major challenges faced by municipal unions and municipalities in maintaining public safety through the local police (municipal police and municipal union police). The police force, albeit compulsory in accordance with the Municipal Act, is only available to 59% of the municipal unions. While the report identifies the lack of resources and the difficulty of employment as primary challenges, it exposes other significant gaps at the legislative and regulatory levels of this sector.<sup>18</sup>

The Lebanese legislator neither defined the legal nature of, nor developed a comprehensive framework for the local police. It rather inadvertently addressed it in various texts and legislations where the main focus is on controlling traffic violations and maintaining public cleanliness.<sup>19</sup> This is also the case in the Municipal Act, where the local police is only referred to in a small number of Articles (notably Art. 74, 83–85, 121, 124 and 125) without any detailed elaboration on its functions and powers.

This legal ambiguity on the nature of local police is heightened by the plurality of competent authorities that are authorised to issue local police regulations (each of the mayors or municipal union presidents), which results in disparities and inconsistencies between the police forces of local authorities. Moreover, the different perceptions that municipal union presidents have of the role of each of the municipal police and union police highlight the confusion between these two police forces. Some union presidents want a more developed police force at the level of the union, while others want to either limit the role of the municipal union police to coordination with the municipal police, or abolish it altogether.<sup>20</sup> The absence of texts and regulations has resulted in conflicting opinions from the competent judicial bodies, which perpetuates the incoherence between the powers of local police and those of other security services.

Finally, the authority to recruit local police officers in municipalities and unions remains tied to the central government, which is contrary to the principle of administrative autonomy of decentralised local authorities. As a result, municipalities and municipal unions resort to contracting, temporary employment based on payment statements or invoices, employing day workers, or offering monthly or annual contracts to avoid the financial burdens of fixed positions, thereby adversely affecting the performance of local police.<sup>21</sup>

### The Problems Related to the Role of Local Police in Maintaining Public Safety

Since mayors and municipal union presidents head the executive authority, each in their own municipality or union, the Municipal Act gives them broad powers (Art. 74), including powers related to public safety. In order to ensure the proper exercise of these powers, the mayor and the president of the municipal union are assisted by a police force. Local authorities are entitled to establish as many additional units as needed, including guards, firefighters and rescue units, to perform more specialised tasks. The head of the executive authority is the highest-ranking in the hierarchy of the employees (Art. 77).

The fundamental question that arises in this regard is about the legal nature, description, and scope of local police functions. Although local police is a community police par excellence, it is vested with powers, under Article 85 of the Municipal Act, to control administrative irregularities through municipal employees who are in charge of enforcing the laws and regulations related to public health, public cleanliness, construction, and traffic management in streets and public squares, as well as monitoring their implementation and any violations interfering therewith. But what about the nature of the local police role in maintaining public safety and security at the local level?

18 Public Service Provision in Municipal Unions in Lebanon. Pp. 14, 22.

19 Specifically: The Forest Code (1949), the Decree on Maintaining Public Cleanliness (1974), the Building Violations' Settlement Act (1994), the Environment Protection Act (2002), the Construction Code (2004), the Traffic Code (2012), the Decree on Establishing a Professional Task Force to Monitor Forests, Hunting and Fishing (2013).

20 Public Service Provision in Municipal Unions in Lebanon. P. 21.

21 Hence the question as to whether the SOPs and rules of procedure apply to non-permanent police officers and whether, for example, it is preferable to apply a general principle whereby the application of the non-permanent recruitment modality that significantly undermines the nature, responsibility and functions of local police officers is either prohibited or restricted to pre-defined circumstances, subject to the seasonal officer's full and unconditional compliance with a code of conduct for local police, similar to that of the Internal Security Forces, and commitment to a minimum of obligations, duties, training requirements, etc.

The DRI report has shown that union police forces are active in areas beyond their legal powers and very similar to those of the municipal police. The figures presented in the report also reveal the extent of legal ambiguity surrounding the concept of judicial police, especially in terms of dealing with refugees from Syria.<sup>22</sup>

While it is certain that law enforcement is a core function of local police, two questions remain to be answered in order to determine the overall functions and areas of competence of local police: Should local police be armed? Could it exercise the functions of judicial police? If yes, what are the requirements and limits for the exercise of such functions?

These two issues are directly related to the extent to which the police may exercise the functions of the judicial police. The Municipal Act clearly states that the head of the executive authority shall be responsible for “ensuring security through the municipal police which enjoys the status of judicial police. They may request the support of the Internal Security Forces in the event of a crime or potential disruption of public security, and proceed with the required investigations”(Art. 74). On the other hand, the fact that the amended Code of Criminal Procedure (2005) fails to mention the municipal police in its enumeration of the agents or bodies that exercise the functions of judicial police (Art. 16, 38 and 39) raises the question as to whether this would preclude the application of Article 74 of the Municipal Act referred to above.

It should be noted, however, that the Municipal Act and the Code of Criminal Procedure are both framework texts, and thus legally equivalent. This is why the opinions of the jurists on the subject are divided. When the Municipality of Zahlé presented its own municipal police system (opinion No. 333 dated 8 October 2012), the Council of State issued an advisory opinion stating that: “In view of the following provisions added in a separate paragraph [...] subject to the provisions of this Law, the municipal police shall act as judicial police in cases where the offenders are caught in the act, and in cases of trespass on public and private property”.

The opinion issued on 20 August 2015 by the Legislative and Advisory Committee at the Ministry of Justice conflicted with that of the Council of State. The Committee adhered to a study prepared by the Institute of the Internal Security Forces for this purpose which concluded that “municipal police cannot be considered as part of judicial police”, for the reasons explained in the study.

As to whether the local police may be considered an armed force, the Weapons and Ammunition Act (Legislative Decree No. 137 of 12 June 1959) provides a clear enumeration of municipal staff. Article 26 reads as follows: “Security forces, forest rangers, watchmen, guards, and all persons who are employed in military-like positions may own and carry the weapons and ammunition mentioned in item 1 of the first category, and in the fourth category, within the limits of their functions, and by virtue of a written authorisation issued by the Ministry of the Interior on special cards stating the serial number and type of the weapon which they are authorised to carry. Article 1 of Legislative Decree No. 102 dated 16 September 1983 on National Defence defines the term “armed forces” as follows: “The army, the Internal Security Forces, the General Security forces, and in general, all persons who work in public administrations, public institutions and municipalities and carry arms ex officio”.

Carrying weapons and ammunition and obtaining the required license is a major responsibility for both the local police officer and the institution to which they belong. Given the criticality of the procedure and the responsibility it entails, arming local police must be subject to strict and rigorous conditions.

<sup>22</sup> Public Service Provision in Municipal Unions in Lebanon. Pp. 13–15.

## Recommendations to Organise and Strengthen the Role of Local Police in Maintaining Public Safety

A series of recommendations is proposed to strengthen the role and improve the performance of local police in maintaining public safety and security at the local level. This reform initiative is based on the intervention of the legislator (through amendments to the Municipal Act), the central government (through a decree or circular), or the local authority itself (through a municipal council or union council decision in accordance with Articles 54 and 62 of the Municipal Act).<sup>23</sup>

Regardless of who initiates the organisation of the local police role, bridging the legal gap requires that the proposed organisation model include a comprehensive framework to standardise the SOPs of local police. If a law amendment proves to be intricate due to the slow pace of legislation, the Ministry of the Interior and Municipalities may propose a draft decree in this regard. The elected local authorities can also be urged, in cooperation with other security forces and the Ministry, to develop a flexible regulatory framework adaptable to the local and community-level peculiarities of towns and villages where it is applied, pending its promulgation to the local authorities by the competent administrative and judicial authorities.

Some guidelines and fundamentals for regulating the work of the local police, regardless of the party implementing the reform (local authority, Parliament, Ministry of the Interior and Municipalities, Council of State...) or the regulatory framework adopted in this regard (bill, decree, model rules of procedure...) are suggested below.

In the event of failure to reach a legislative amendment or a new decree, it becomes necessary to define the mechanism for amending the regulations in force, which have already been ratified by the Minister of the Interior and Municipalities, to comply with the new criteria. The mechanism would be either to reverse the ratification or to require municipal councils and union councils to discontinue the application of existing regulations.

### First: Identifying the needs based on a qualitative and quantitative assessment of the status quo

To prevent the recurrence of the same problems at the level of local authorities, the approach to the issues in question calls for the collection of the necessary information and data ahead of introducing a new police unit at the district level. It is crucial to complete the following steps before enacting the Expanded Administrative Decentralisation Bill:

1. Mapping the municipalities and municipal unions that have established their own police unit and other types of security services (rescue units, guards units, firefighting units, disaster management units), and assessing their needs.<sup>24</sup>
2. Mapping the municipalities and municipal unions that share a number of police officers (in accordance with Articles 83 and 124 of the Municipal Act).
3. Mapping the local authorities that rely mainly on non-permanent police officers (contractual and daily workers), and determining the number of police officers who fall in this category.

In light of the collected data, the current needs of local police can be assessed to determine the minimum standard for providing competent local police officers. To put it more clearly, every local authority should have a police unit in accordance with the law, and smaller local authorities should be encouraged to share resources and coordinate efforts so that they can establish and manage joint police units. It is necessary to determine the minimum number of police officers that should be available based on a set of criteria that takes into account the regional characteristics of the local authority (population, level of security, environmental and health threats, traffic density, etc.).

<sup>23</sup> Although the municipal council decisions are effective per se, according to Article 54 of the Municipal Act, the same article excludes the decisions to “establish and organise municipal units and determine their staffing, competencies, and scale of staff ranks and salaries” and makes explicit reference that such decisions are subject to the approval of the administrative control authority, whereby they only become effective on the date of their authorisation by the Minister of the Interior and Municipalities.

<sup>24</sup> Today, 59% of municipal unions in Lebanon have a police unit and 3% of them have a disaster management unit employing 1 to 25 members who are permanent employees in only 29% of the unions. (Public Service Provision in Municipal Unions in Lebanon. Pp. 7, 14).

## Second: Defining the legal status of local police and consolidating the principles governing their work

Based on a comparative study of models adopted in other countries – and the French model in particular – three basic principles that govern the work of local police and contribute to defining their functions and scope of work can be drawn.

**Principle One:** The local authority is bound to exercise its role and powers without violating the laws in force, nor prejudicing the rights and freedoms enshrined in the Lebanese Constitution, especially individual freedoms, the freedom of movement, the presumption of innocence and other principles that must be binding on all security services. In the same vein, the general rule established by the French Council of State (Conseil d'État) in dealing with the scope of authority of security services states that “freedom is the rule and the restrictions imposed by the police are the exception” should be adopted.<sup>25</sup>

**Principle Two:** The relationship and modalities of communication between the local police and other public security services – foremost among which are the Internal Security Forces and their units – should be defined on the basis of the principles of cooperation, support and coordination. This can be achieved by establishing a clear and explicit framework that determines the extent to which the powers are interconnected and suggests ways to coordinate the roles of each of the various security services, which often work within the same geographical area.

**Principle Three:** Pursuant to the Municipal Act and the above-mentioned advisory opinion of the Lebanese Council of State, we propose the adoption of the following definition of local police: “The local police is a public armed force with community and administrative policing roles. It may as well act as judicial police in cases where the offenders are caught in the act, or in cases of trespass on public and private property. Its jurisdiction is local, and its members wear uniform and carry authorised weapons while on duty.”

<sup>25</sup> See the two constituent resolutions of the French Council of State (Conseil d'État) declaring that freedom of association and civil liberties, in general, are the rule, and restrictions applied thereon are the exception:

« Arrêt Baldy », State Council, 10 August 1917, No. 59855.

« Arrêt Benjamin », State Council, 19 May 1933, No. 17413 17520.

Clearly, the provisions of the 2014 Administrative Decentralisation Bill and the proposed definition and principles are consistent in terms of determining the legal status of the local police force, their framework of cooperation with the central security forces, and the mechanisms for coordination between the district council police and the municipal police in the district.

## Third: Integrating the principles of the standard operating procedure system of the police unit in all local authorities

Under the principle of administrative autonomy enshrined in the Municipal Act, the administrative control authority, or the Ministry of the Interior and Municipalities, may not obligate municipalities or municipal unions to adopt standard rules of procedure for police units. However, the Ministry of the Interior and Municipalities may disseminate general guidelines and directives that outline the general legal framework for the development of the rules of procedure and facilitate their integration process, once ratified by the Minister of the Interior and Municipalities in accordance with due process.

It is recommended, as a first step, to develop a set of guidelines and directives that define the general legal framework of the rules of procedure – these guidelines and directives should make reference to the binding clauses and provisions of the laws in force, primarily the Municipal Act and the Civil Service Act (Legislative Decree No. 112 of 12 June 1959) – and formulate model rules of procedure to be attached to the guidelines, for the local authorities to rely on and adapt to their needs, scope of work, and characteristics.

In terms of employment, many municipalities are unable to afford the additional financial burdens of increased staffing. Thus, it would be useful to consider a framework that allows exceptional recourse to contracting or recruiting on a daily-pay basis under specific conditions, provided that “seasonal” police officers are subject to minimum obligations and training requirements, in particular, the Code of Conduct for local police.<sup>26</sup>

Concerning the role in the ratification process played by judicial and supervisory bodies, such as the Council of State and the Civil Service Board, it is suggested to have the model standard operating procedures referred to the Civil Service Board's Research and Guidance Department, and to consult the Council of State before the model is disseminated, in order to maintain consistency and save the effort and time required to ratify each set of procedures separately.

<sup>26</sup> Neither the ISF study nor the SOPs or the Code of Conduct have been published as of December 2017.

Furthermore, it would be worthwhile to consult the Expanded Administrative Decentralisation Bill, particularly Article 62 which sets out the functions of the police unit, to ensure that these functions are consistent with the provisions of the standard operating procedures currently proposed for adoption by municipalities and unions. In addition, the provisions of Articles 63 and 64 establish the principle of cooperation and training requirements for police units in municipalities and district councils and could be used to develop and integrate guidelines and directives on the operating procedures by building on the experience and success stories that some municipalities and unions have in this field. Such move paves the way for the transfer of the municipal union police to district councils in the future. With regard to the use of arms, and noting that the decentralisation law acknowledges the local police as an armed force, the following guidelines and criteria must be adopted:

First: Availability of the state of necessity to use arms, including in the following cases:

- Legitimate self-defence.
- Countering an attempt to disarm a police officer.
- Executing the assigned missions in accordance with due process and in cooperation with other security forces.
- Protecting the premises of the municipality (town hall) or municipal union.

Second: The exercise of judicial police functions in the cases specified above, particularly when thwarting an escape or outrun attempt by offenders whose involvement in a misdemeanor or felony has been determined by firm evidence, after repeated and loud warnings.

Third: Ensuring the availability of the eligibility, training, competence and behavioural requirements for carrying and using arms by delegating the Institute of the Internal Security Forces to train local police officers and demanding the completion of such training as a prerequisite for obtaining the license to carry arms. This requirement should be explicitly stated in the model rules of procedure of local police as approved by the Ministry of the Interior Municipalities.

Fourth: Determining the authorised weapon type and securing a weapon storage space. The Ministry of the Interior and Municipalities issued a circular (No. 18 of 16 May 2001) that authorises local police to carry arms (including the use of pistols only, for example), subject to a set of guidelines, controls and restrictions. It is proposed to either consolidate this circular into the local authorities' proposed standard rules of procedure, or have another circular issued if the Ministry of the Interior and Municipalities sees fit to do so, based on the recommendations of the central security forces (most notably replacing pistols with a different type of individual small firearm).

#### Fourth: Determining the functions and scope of power of local police

Articles 74, 84, 85 and 124 of the Municipal Act provide for the functions and scope of power of local police. Article 74 identifies the main areas of action in which, based on the instructions of the head of the executive authority, local police officers may intervene as a community and administrative police force directly involved in preserving peace and security at the local level. These areas of action include:

- Health surveillance and public health action.
- Maintaining public cleanliness, in particular preventing littering and rubble dumping on the road sides and near waterways.
- Organising and controlling construction and enforcing working hours for construction sites.
- Maintaining traffic safety and facilitating circulation and movement in public places.
- Managing, organising and controlling traffic, and preventing noise pollution.
- Protecting the environment and forested areas, in particular preventing polluting emissions from generators, vehicles and machinery, and prohibiting logging and the transfer of firewood without legal authorisation.
- Removing encroachments on public property, especially abandoned machinery and vehicles, and unlicensed advertisements on poles, trees and others.
- Organising and controlling seawater and freshwater fishing and hunting.

In light of the existing legal texts (including Article 124 of the Municipal Act), the work methods, measures and procedures of local police units fall within the following scope:

- Educating the citizens on compliance with the provisions of the laws and regulations in force.
- Warning and addressing verbal or written notices of eviction, demolition, or removal of encroachment before proceeding to drafting a record of evidence for seizure or impoundment.
- Reporting irregularities within their scope and informing the municipal departments or official authorities concerned or the union municipalities of such reports through the president of the municipal or union council.
- Conducting surveillance patrols within their scope.
- Conducting surveys or inquiries.
- Conducting preliminary investigations into crimes that were committed in the presence of witnesses and crimes that threaten public safety until the arrival of the competent judicial authority.
- Effective enforcement including traffic management or facilitation, drafting records of evidence of irregularities, removing encroachments on public property, removing irregularities, restraining offenders, public comfort and security disturbers, etc.
- Covering municipalities whose budgetary limitations do not allow them to recruit their own police officers. Municipalities that do not have a police unit linked to their own administrative body may request the union to which they belong to arrange a secondment.

## Fifth: Other key considerations

A set of practical and procedural measures is needed to institutionalise the local police and standardise its work as follows<sup>27</sup>:

- Determining the legal status of local police.
- Adopting a local police uniform (pursuant to the circular of the Ministry of the Interior and Municipalities No. 4 dated 19 January 2001 on adopting a uniform for the municipal police).
- Adopting the special identification card for the local police members.
- Identifying and providing the vehicles and equipment that local police units need to carry out their functions.
- Adopting and integrating a code of conduct that takes into account the specificities of the local police.
- Organising the carrying and use of arms according to clear and specific standards enforceable by the Ministry of the Interior and Municipalities, in cooperation with the central security forces and local authorities.

<sup>27</sup> See also:

Farid Youssef Ghanem. (2012). *Al-mas'uliya 'an a'mal hurras al-amn, 'anaser al-quwwa al-'amma: mahiyat wa ahamiyat al-shurta al-baladiya*. Tripoli (Lebanon): Al-mu'assassa al-haditha lil-kitab.

Cités Unies Liban (BTVL). (2015). *Projet d'appui aux municipalités libanaises dans le domaine du renforcement du rôle et des compétences de la police municipale au Liban. Étude de pré-diagnostic*. Mars 2015. (Also available in Arabic).

Étude comparative : la police municipale en France, au Liban et en Tunisie. Mai 2015.

## Strengthening Accountability and Citizen Participation in Local Governance

Local authorities are elected to represent local communities and achieve public interest and common good. They are the closest to the people in terms of both geographical proximity and mandate. Accountability and participation are thus the cornerstones of the work of local authorities. These two principles are enshrined, albeit not explicitly, in the Municipal Act. A number of positive strides in this area have been made thanks to non-governmental organisations which have consistently promoted accountability in municipal work. Among the most pertinent of these strides was the adoption of the Access to Information Act (No. 28 of 10 February 2017) which binds public administrations and municipalities to publish all public administrative documents (decisions, budgets, annual accounts and tenders) and create special websites for this purpose; and the issuance of Circular No. 13236 (dated 6 September 2017) in which the Minister of the Interior and Municipalities requested all municipalities and municipal unions, in response to the demands of the “Municipalities Under The Spotlight” (Baladiyat ‘al Makshuf) campaign,<sup>28</sup> to take the necessary measures to implement the Access to Information Act. These two pieces of legislation provided additional legal support to improving accountability at the local level. Despite all this, local authorities are still facing considerable challenges: the results of DRI’s field survey (2017) show that only about half the municipal unions engage in active participation, and that the percentage of participation of individuals and civil society organisations in local work is still low in a large number of unions. What, then, are the most critical challenges facing accountability and participation in local governance? And what are the means to strengthen these two principles?

### The Problematic Issues Related to Accountability and Citizen Participation in Local Governance

The current electoral system may be one of the major reasons for the lack of accountability and citizen participation in decision-making. Lebanese citizens are required to vote in the town or village where the records of their registration are found according to the 1932 census, i.e., in their district of family origin which, in most cases, is different from their permanent place of residence. This voting system undermines the accountability process, especially in densely populated towns and villages where the proportion of non-voters is very high. It is shaped by the political considerations that rest on the two pillars of the sectarian political

system, namely, the sectarian representation in government, and the “balanced” sectarian distribution between electoral districts. The prevailing political opinion is that any interference in the established order would disrupt the political balance between the constituent sectarian communities of the “consensual” power-sharing system of government, but the reality is that having citizens vote in a place other than their permanent place of residence and denying them both the freedom to choose where to vote, and the legal right to transfer their records of registration<sup>29</sup> weakens their relationship with the elected local authorities. As counterintuitive as it may seem, accountability and participation are also absent in rural municipalities where the majority of voters are residents, hence the need to establish a grassroots democratic practice.

The majority system that is applied in the municipal elections compromises fair representation through facilitating the monopoly of municipal councils by the main political parties, the most organised and financed, and strategic electoral alliances rooted in traditional antagonism and family ties. In both cases, the majority system is a major obstacle to emerging political movements and reformist civil campaigns. Had the electoral system applied the principle of proportional representation, a significant number of independent list candidates would have won representative seats in the municipal elections of 2016.

The absence of accountability and participation is also fundamentally linked to the fact that the legal and regulatory framework for local governance does not require local authorities to engage and consult the citizens in decision-making, public policy-making, and strategic planning. At the same time, the lack of public confidence in the judicial and supervisory bodies’ ability to hold public authorities accountable, whether central or decentralised, disincentivises the participation of citizens and their self-organisation into pressure groups that urge the local authorities to respond to their demands.

<sup>28</sup> The circular can be found on the official website of the “Municipalities Under the Spotlight” campaign: <https://mutslb.org>. Retrieved in December 2017.

<sup>29</sup> According to Article 40 of the Personal Status Code (1951) and its amendments, any Lebanese citizen may request the transfer of their civil registration from one region to another upon providing a proof of three-year uninterrupted residence in the region they wish to transfer their records to. However, the Minister of the Interior and Municipalities may “deny the request if it is found to be necessary”. The Lebanese government is currently using this provision of the Law to deny civil registration transfer requests for political and electoral reasons.

## Recommendations to Strengthen Accountability and Citizen Participation in Local Governance

In 2017, the new Parliamentary Elections Law and the Access to Information Act were passed. They are expected to contribute to enhancing participation and accountability at the local governance level. Several campaigns have also been launched by civil organisations (eg, the “Municipalities under the Spotlight” and “Beirut Madinati” campaigns) to promote citizen participation and transparency mechanisms that enable accountability.<sup>30</sup>

### First: Achieving Better Representation at the Local Level

The adoption of proportional representation in the new Parliamentary Elections Law (No. 44 of 17 June 2017) makes its adoption at the municipal elections level imperative, pursuant to Article 16 of the Municipal Act. In parallel with this reform promoting fair representation at the level of smaller electoral constituencies such as municipalities, the citizens living in a given municipal area should be given the right to elect their municipal representatives, especially since the expanded administrative decentralisation bill that is on the agenda of the decentralisation committee of the Administration and Justice Committee until early 2018 provides for the application of proportional representation to fill a portion of the seats of the anticipated district councils.

### Second: Promoting Accountability in Local Authorities

The second legislative reform of 2017, or the Access to Information Act which promotes accountability is rarely applied: municipalities publish only 10% of the information related to their budgets and decisions, and less than 12% of municipal unions have a favorable opinion of this Act.<sup>31</sup>

However, promoting accountability first requires the availability of the necessary mechanisms to access information and administrative documents, in particular decisions, budgets, annual accounts, tender files and all documents issued by the local councils and their presidents in the exercise of their duties. It is worth mentioning that even the Municipal Act of 1977 provides for a number of mechanisms that allow individuals to stay current with municipal work. Article 45 of the Municipal Act explicitly states the right of voters or interested parties to obtain copies of the municipal

council decisions that may be disclosed to the public. Article 55 of the same act stipulates that the municipal council decisions that are in force and serve a public interest shall be posted on the door of the municipal premises. This means that the judiciary has already established this right and explained in detail the means and scope of application of those two articles.

#### The Local Authorities' Obligation of Transparency under the Lebanese Administrative Law

In a jurisprudence case of the Lebanese Council of State issued in 1995 (Decision No. 471 dated 29 March 1995), the latter confirmed that the refusal of the concerned municipality to give the applicant a copy of its budget for the years 1991 and 1992 and annual accounts of 1991 is in violation of Article 45 of the Municipal Act. In another, more recent case submitted by a citizen challenging the municipality's decision denying him access to the decisions of its municipal council, the Administrative Court reaffirmed the following principles (Decision No. 577/2012–2013, Raymond Tohmé Habib, Municipality of Bsalim – Mezher – Majzoub):

- Article 45 regulates the exercise of the right to obtain copies of the municipal council decisions, while Article 55 regulates the publication of decisions of public interest and the notification of other executory decisions to the interested parties.
- The terms used in Articles 45 and 55 above are clear and explicit in distinguishing between two categories of people entitled to obtain copies of municipal council decisions, each of which is distinct and separate from the other.
- Any person eligible to vote in the municipal constituency is able to exercise this right; non-voters are considered as interested parties.
- The law has not restricted the right to obtain copies of the municipal council decisions, except in the event of abuse of this right.
- The municipality may not take regulatory decisions that violate the law or obscure the understanding of the legal text, especially the right to obtain copies of the municipal council decisions or the obligation to publish them.

<sup>30</sup> André Sleiman. (2017). “Li-radm al-huwa bayna baladiyat Beirut wal-nass” (Closing the Gap Between the Municipality of Beirut and the People). Beirut: An-Nahar. 5 April 2017.

<sup>31</sup> Public Service Provision in Municipal Unions in Lebanon. Pp. 17–18.

The application of the Access to Information Act that emphasises the local authorities' obligation of transparency allows the practice of accountability and oversight by both citizens and civil society organisations (known as citizen – or civilian – oversight). The biggest obstacle to the application of this act has been the stalled establishment of the National Anti-Corruption Commission provided for in Articles 19 and 22 of said Act<sup>32</sup> due to the blocked adoption of the Anti-Corruption Law still under discussion at the General Assembly of Parliament. Moreover, it will be impossible to compel the competent authority to implement the decisions of the National Anti-Corruption Commission since the Lebanese Administrative Law lacks the mechanisms that empower the Council of State to bind public administrations to abide by its decisions or to impose sanctions on them if they fail to do so. The risk, in this case, is that the decisions of the Commission will become a mere expression of disapproval that is impossible to translate into binding legal constraints.

For this reason, the first step towards improving the accountability of local authorities is to establish the National Anti-Corruption Commission and give it all the powers and resources it needs to be fully operational. Also, there is a need to strengthen the role of oversight and judicial bodies in holding accountable the authorities that fail to adhere to the obligation of transparency.

The second step is to develop information and communications technology (ICT) tools and draw a comprehensive digital transformation plan that would reduce administrative paperwork routines and boost efficiency. Automation provides direct electronic communication with citizens and faster completion of administrative and financial procedures. Moreover, automation will enable the application of the law on the right to access information by facilitating the publication of administrative documents on the official website of the authority concerned.

The third step is to approve the legal amendments required to declassify the meeting reports of the elected local councils (as required in Article 35 of the Municipal Act) and make their publication as binding as the decisions contained in them. Finally, it will be useful to reproduce the Basil Fuleihan Institute's "citizen budget" experience<sup>33</sup> at the local level, considering that the official model adopted for the preparation and execution of municipal budgets is nowhere near the standards of accountability.

### Third: Strengthening Citizen Participation in Local Governance

While the Municipal Act does not explicitly enshrine the principle of participation, mayors and municipal union presidents use various means and mechanisms to ensure communication with the local population, including:

- Personal visits.
- Relying on the mukhtars and distributing public opinion survey forms.
- Organising consultative meetings, interactive workshops and discussions where voters and residents are invited to discuss their concerns and voice their needs and demands.
- Inviting the citizens to present a specific issue during an ordinary local council meeting.<sup>34</sup>
- Forming specialised volunteer committees to follow up and advise on specific issues.<sup>35</sup>
- Establishing a counseling and guidance office and creating a website to allow the citizens to submit queries in person or online.

32 In accordance with Article 22 of this Act, the National Anti-Corruption Commission is responsible for applying the provisions of the Access to Information Act, advising the competent authorities, receiving and investigating complaints arising from the non-application of the Act, issuing the necessary decisions in this regard, reporting the difficulties that people encounter in accessing information, and contributing to training, education, and awareness raising on the importance of the right to access information and the means to exercise it.

33 Lebanese Republic. Ministry of Finance. (2018). Citizen Budget 2018. Beirut: Institut des Finances Basil Fuleihan. April 2018.

34 In accordance with Article 35, paragraph 2, of the Municipal Act, which allows any person to raise any issue or matter before the local council, provided that they obtain prior authorisation from the President of the Council.

35 In accordance with Article 53, paragraph 2, of the same Act, which provides for the possibility of appointing specialised committees from outside the local council's membership.

These examples reveal that participation in local and municipal affairs still lacks a regular and systematised framework. It is therefore necessary to organise and institutionalise the participatory process so that it becomes sustainable rather than circumstantial.<sup>36</sup> For this purpose, we recommend the development of a model framework that includes institutionalised participatory mechanisms and channels to ensure periodic communication and coordination between the local community and the elected local councils. This involves the institutionalisation of the specialised local committees (Art. 53 of the Municipal Act) that are supposed to issue their own model rules of procedure defining their composition, system of work, scope of functions, and relationship with the local council, and requiring the appointment of volunteer experts and consultants from outside the local council's membership. In addition, a standard practice should be established for the organisation of periodic town hall meetings where citizens and elected local council members gather to discuss local projects and plans that serve strategic goals or involve a specific impact on the region. Finally, it is recommended to introduce the necessary amendments to establish the mandatory character of town hall meetings and facilitate the citizens' attendance of ordinary local council meetings.

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<sup>36</sup> Public Service Provision in Municipal Unions in Lebanon. P.18.

