Governmental Reforms in Lebanon 1965-1967

By

Aref Abdul Khalik

Submitted in Partial Fulfillment
of the Requirements for the
Degree of Master of Arts
in the Department of
Political Studies and Public Administration

American University of Beirut
Beirut, Lebanon

June, 1968
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PREFACE

This thesis presents a critical examination of the governmental reform movements in Lebanon during the post independence period. While it is primarily devoted to the 1965 reform movement, it gives a brief but clear picture of the previous reform movements.

It attempts to analyze the methods and procedures that were followed and the reaction of the public to the reform. The future of the present reform movement in the judicial and administrative system is still an image. I will try in this work to analyze and clarify this image in the context of Lebanese cultural and political values. It is hoped that this study will contribute to the development of understanding of the forces that are working towards administrative reform and modernization in Lebanon and the forces that still handicap positive progress.

It includes an effort to spell out and clarify the causes and consequences of the present reform movement in the light of the general historical, social and cultural setting of Lebanon.

Finally, I would like to express my gratitude for all those whom I interviewed for their invaluable assistance in providing me with the necessary information. I am indebted in particular to Mr. Raymond Nahhas who devoted a lot of his valuable time to me.

American University of Beirut
Beirut, Lebanon
June, 1968.

Aref Abdul Khalik
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CHAPTER I

INTRODUCTION

A. Historical Background

The strategic geographical location of Lebanon made it a center for various ancient civilizations. "The mountainous character of the land, its close proximity to the sea, its central location in the cradle of civilization and at the crossroads of the world, astride the great international highway that linked the three historic continents - these are the determining factors in its historic career". Lebanon's geographic location strongly influences the character of its people. Over the centuries, its land has been the outlet for traders and travellers from its neighboring countries, and a gateway for those from beyond the seas. Its people are among the most cosmopolitan to be found anywhere, and its women in particular enjoy an advanced degree of social and political freedom. Since early Phoenician days, Lebanon has been open in each direction to a varied succession of physical and cultural invasions, encouraged by the country's strategic location and physical assets. Because of its mountainous character and rugged terrain, Lebanon has never been fully

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conquered by any nation. Thus, both geographical and historical factors have continued to make Lebanon a refuge for many religious groups and minorities. The result was a multiplicity of religious sects, and a clash of cultures which left its imprints on the religious and social fields.

At present, the population of the country (about two millions) living within a small territory (4,015 square miles) forms the most unique mosaic of sects (16 different sects) with a rich cultural heritage. In brief, there are few countries on earth that can boast a longer or more colorful history, or that possess a more enviable cultural heritage than Lebanon.

For the purpose of this study, it is sufficient if we go back in history to the Ottoman period. It is during this stage of history that Lebanon, for the first time, started to acquire some of the governmental and administrative practices which still, to some extent, influence the Lebanese administration to the present time.

The Ottoman administrative system, which borrowed its fundamental lines from Persian, Seljuk and Mamluk administrations resembled a pyramid at the top of which stood the smallest unit, the village, and the broad base of which rested on the Evale (largest administrative unit). A number of villages formed a Nahiyah (locality) administered by a mudir (Director) and a number of Nahiyahs constituted a
gada (sub-district) administered by a qaim-magam (sub-governor). Below the gada come the Sanjak (District), each governed by a Mutassarif or Governor. The Eyalet was administered by a Wali or Pasha who was the supreme governor of the Province.² This system of government, based on Muslim principles, continued until 1856 when the first Ottoman administrative reform movement was introduced by Midhat Pasha.

Until 1840, Mount Lebanon was ruled by local feudal lords who were appointed by the Sultan in Constantinople. The feudal lord was the leader and chieftain of all feudal lords in the country. His rule was absolute in administering the domestic affairs, and his powers were not limited by any constitutional provisions. Both legislative and executive powers emanated from him. He appointed civil servants, imposed taxes and administered justice.³

The feudal lords, as well as the officers of the administration, lacked any real consideration for the welfare of the people. The predominant principle was favouritism and buying of all kinds of governmental offices. The officers of the administration were, by their very virtues, "led ostensibly to adopt a cynical view of their functions and

² Zeine N. Zeine, Arab-Turkish Relations and the Emergence of Arab Nationalism (Beirut: Khayat, 1958), p. 23.
responsibilities... By the beginning of the 18th century it had become the established practice to give promotion by favouritism and bribery, and to put up to auction offices (not only administrative, but also judicial and theological), lands and concessions of all kinds. After 1841 the Ottomans tried to exercise direct rule in Lebanon. In order to achieve this purpose, they created discord between the inhabitants divided into two main religious sects, haronite Christians and Druzes. Thus the Christian-Druze union which started in the early seventeenth century under the Ma'Imid Emirs of the Shuf, and continued under the Shihab Emirs until 1840 came to an end. The Ottomans reacted violently against this union when Lebanese Emirs followed an expansion and independence policy, thus threatening the Sultan's sovereignty. Druze-Christian relations from 1841 to 1860 were characterized by split and tension. The major cause of this tension was sectarian jealousies, encouraged by the Porte and by foreign interests in the country. In 1842 a Conference of the five major European powers, France, Britain, Austria, Prussia and Russia in agreement with the Porte agreed in principle to a scheme of partition. The plan provided for a Druze and a Christian Qa'im-maqam, each to rule over his co-religionists under the general patronage of the local Ottoman governor.

In 1845, a civil war broke out again and the Porte sent Shakib Effendi to resolve the conflict. His plan for reform was the creation in each ga‘im-magāmiyeh a Majlis or Council of twelve members; a deputy to the ga‘im-magām of the same sect as the latter, plus a judge and a tax assessor from each of the six sects. Judicial appeals reaching the ga‘im-magām would be referred to the judge of the sect to which the parties belonged, or to two judges jointly in inter-sectarian cases, with the remaining judges of the Majlis attending but not taking part in judging the case.  

The general situation of the Ottoman Empire at this time was characterized by deterioration and decline. Attempts of governmental reform in the Empire started as early as 1793, when Sultan Selim III asked Abu Bakr Ratip to go to Vienna and study the Austrian institutions and governmental structure of all European states. The aim of the reforms at this stage of the Ottoman Empire was to strengthen the state machinery and put an end to foreign ambitions in the Empire. Ratip Pasha returned after two months with a 500 pages report about the plan for reform. The report was divided into two parts. The first was about military institutions, and the second was about governmental institutions of European states. This attempt of reform was abortive from

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5 Helcolm H. Kerr, Lebanon in the Last Years of Feudalism 1840-1868 (Beirut: 1959), pp. 3-11.
the very beginning, and none of the recommendations included in this report were executed. From the first quarter of the nineteenth century onwards, a group of enlightened Turks were becoming increasingly aware of the necessity for reforming the outmoded institutions and administrative machinery of their Empire. The period within which those new Ottomans were active is called the period of the Tanzimat. The most serious attempt of reform during this period came about in February 1856 and was known as the "Hatti Hamayun". The result of this attempt was a claim for equality addressed by the Sultan to the people in February 1856, in which he promised the execution of equalitarian and democratic principles in the whole Empire and in all fields. There was a great opposition to these reforms, since they were alien to the values of the Ottoman Empire. These reforms were ready made. They were borrowed from the west and imposed on a different cultural set up. The 1856 reforms in the Ottoman Empire were able to slow down the decline in the Empire but were not able to stop it.

In Lebanon, conflicts between Christians and Druzes continued in spite of the various formulas drawn up to settle down the conflict. By 1860 religious tensions, encouraged by foreign ambition in the country, had come to a head. The savage massacres of 1860 between Druzes and Christians is one

6Zeine N. Zeine, op. cit., p. 35.
of the most remembered events, and one of the darkest pictures in the Lebanese history.

At this point, the five major European powers intervened, and with Turkish consent agreed on the institution of an autonomous regime for Mount Lebanon. This special regime, drafted in 1861, was ratified and established in final form in 1864. Mount Lebanon lived under this protocole until the outbreak of the First World War. The area covered by this protocole was small. It excluded the city of Beirut, Tripoli, Sidon, Tyre, and the Biqa' valley. According to this statute, Mount Lebanon was administered by a single Governor known as the Hutasarrif. The Governor should be a non-Lebanese Christian Catholic, appointed by the Ottoman Government and approved by the five major powers. The Governor was vested with all the executive power, the responsibility of maintaining peace and order and the collection of taxes. The Porte granted him the authority to appoint the local administrative officers and to install judges.\(^7\) An Administrative Council was elected by the people in proportional sectarian representation as an advisory body to assist the Governor on all matters. The Council was composed of twelve members delegated from the various districts and divided as follows: four Maronites, three Druzes, two Greek Orthodox, one Sunni Moalem, one Shi'\(^7\)

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Muslem, and one Roman Catholic. On the other hand, the country was divided into seven administrative districts:
Those of Kura, el-Hetn, Batrun, Kisrwan, Zehle, Shuf, and Jezzin. Each district was to be administered by an official appointed by the Governor from the community that commanded a majority.\textsuperscript{8} Between 1861 and 1914, Mount Lebanon benefited from a rich political and administrative experience. It had also enjoyed a tradition of local rule as well as a high degree of education. Prosperity and stability were restored and much effort was paid for internal constructive projects. In the judicial field, a judicial hierarchy of courts for civil and criminal cases was established.

With the entry of Turkey into the First World War, the Protocols was suspended. In October 1915, Mount Lebanon was declared a normal Sanjak, its autonomous status was abolished, and a period of direct Turkish rule started and continued until the end of the war. By 1918 the coastal areas of Lebanon were occupied by British and French forces. A new phase of Lebanese history started with the French Mandate.

\textbf{The French Mandate 1920-1943}

In April 1920, the San Remo Conference, considered France and England the rightful heirs to the partitioned Ottoman Empire. It gave the mandate over Lebanon and Syria

\textsuperscript{8} Shereen Khairallah, \textit{This is Lebanon} (Beirut: Khayat, 1965), p. 60.
to France, and that over Palestine and Iraq to Britain. Four months later, the decision was accepted by Turkey in the Treaty of Sevres. The basic presupposition of the mandate was formulated by the League of Nations and expressed in Article 22 of its Covenant which states: "Certain Communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone."\(^9\)

In September 1920, the French created the state of Greater Lebanon.\(^X\) The state of Greater Lebanon incorporated Tripoli, Sidon, Tyre, the Bicq' valley and the city of Beirut which were added to pre-war Mount Lebanon. After this enlargement, the religious composition of the population changed markedly, since the population of these added territories to Mount Lebanon were predominantly Moslems. Thus the old composition of population with a Christian and Druze predominance was changed. Sunni Moslems became the major Moslem sect and ranked about the same with Maronites in number of population. Druzes ranked after the Shi' in the Moslem category. The creation of Greater Lebanon, left its deep consequences over the future Lebanese system of government and administration.

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In spite of all the shortcomings that characterized the rule and the administration during the mandate period, we cannot disregard some reforms that the mandate achieved.

During the mandate period, Greater Lebanon was administered by a French official who was the chief executive and head of the administration appointed by the High Commissioner. He was helped by a special French advisory body called the "Administrative Commission of Lebanon" composed of seventeen members nominated by the Governor and appointed by the High Commissioner. Internal administration was in Lebanese hands. Officials were appointed by the Governor. While Defence and Foreign Affairs were held by mandatory power. ¹⁰ Perhaps the major contribution of the mandate was its efforts in adopting a constitution for the country. The Lebanese Republic, although still under French mandate, was born on May 1926, when a ready made Constitution was presented by the High Commissioner and approved by the Representative Council. This Constitution came to resemble, in principle, that of the French Third Republic. Originally, the Constitution provided for a parliamentary form of government with a bicameral legislature. Since its adoption in 1926, the Lebanese Constitution has undergone a number of major amendments. In October 1927, the Upper House was abolished, and the number of Deputies

¹⁰ Shereen Khairallah, op. cit., pp. 70-71.
in the Lower House was raised from thirty to forty-five. Another amendment took place in 1929, which was intended to strengthen the powers of the president. The President received further powers concerning the budget and urgent projects. The gradual strengthening of the executive power on the account of the legislature was not without resentment by the Lebanese. Moreover, economic difficulties of the early 1930's and dissatisfaction with the administration; all this led to strikes and demonstrations. The French, as a result, suspended the Constitution for the first time in 1932, but unconstitutionally kept the President of the Republic in office. The ban on the Constitution was lifted in 1936 when a Franco-Lebanese treaty of friendship and alliance, promising full independence by 1939, was signed. The outbreak of the Second World War in 1939 led to the declaration that the country is in a state of siege. The Constitution was suspended and the Parliament was dissolved for the second time. In November 1941 the Free French Commander formally proclaimed Lebanon as a sovereign independent state. In September 1943, a new parliament with a strong nationalist majority came into conflict with the French authorities over the transfer of the administrative services. When in November 1943, the Lebanese Government insisted on passing legislation which removed from the Constitution all provisions considered to be inconsistent with the independence of Lebanon, the
French High Commissioner arrested the President and suspended the Constitution. The Arab states together with Britain and America, supported the Lebanese demands. The French were finally forced to give way and recognized the independence of Lebanon on November 22, 1943.11

From the standpoint of administration, the French achievements are significant. The economic crises of the 1930's necessitated an expansion of the administration to cope with the new social and economic needs. Furthermore, the French High Commissioner, in order to satisfy local and international pressures for reform, created new courts, and standardized judicial codes and procedures. The French mandatory authorities regularized already existing judicial practices and reformed the existing judicial organization. In the year 1924, they established the Council of state which was patterned after its French Counterpart. The French put much effort to develop new techniques of administration. Advanced European practices were applied on a limited scale in Lebanon. In the middle twenties, two decrees were issued to organize the personnel affairs. Decree No. 3021 of March March 7, 1925, and No. 3195 of July 6, 1925 laid the foundation of a Lebanese Civil Service. According to these two Decrees, personnel affairs like appointments, promotion, discipline,

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and dismissals were organized and documented for the first time in Lebanon.

The mandate period was characterized by imposing French institutions and regulations upon a society with primitive and traditional institutions and administrative practices. The significance of the mandate system would thus appear to be that it bridged over a period of development.

B. The Independence Period 1943-1964

1. Reforms During The Regime of President Bishara al-Khoury 1943-1951

Although some fundamental reforms in the administration were achieved during the French mandate period, the country was preoccupied with the struggle for independence as an end by itself. As soon as the Lebanese achieved their independence, they recognized that independence is the starting point for achieving the needs and goals for the new state which are now different from those struggled for during the Colonial period. The Lebanese at this stage, were fully aware that independence is a means for raising the standard of living and maintaining better life for all citizens.

Unfortunately, the regime of President Bishara al-Khoury, during the first decade of independence, did not give much effort for the necessary reform. This can be justified on the bases that the newly independent state was faced
with fundamental political and economic problems.

Between 1943 and 1946 the mandatory prerogatives were transferred to the Lebanese Republic gradually. The transfer of these prerogatives gave the Lebanese authorities full control over customs, concessionary companies and public security. The clearance of administrative and financial matters between Lebanon and France continued until the late forties.

The reform of President Khoury, in the internal affairs, was limited to the implementation of the National Pact. After 1943, as Lebanon developed firm relations with neighbouring Arab States, pan-Arab unity ceased to be a serious issue among the Moslems. The Christians, on the other hand, agreed not to seek the protection of Western powers. Confessional distribution of government offices would be affirmed. This was in brief the formula around which the future of Lebanon's political and administrative affairs would revolve.

The National Pact failed in developing national consciousness and social coherance, because it gave priority to sectarian or religious affiliation over the creation of true citizenship. Thus, the National Pact which succeeded

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13 Iskandar E. Bashir, Planned Administrative Change in Lebanon (Beirut: American University of Beirut, n.d.), p. 27.
in achieving the direct and temporary purpose in 1943, became the underlying philosophy of the Lebanese political and administrative system.

The shortcomings of the Khoury regime were mostly on the administrative side, as might be expected in a country where sectarian and family interests predominated. The political client system, which was developed prior to the independence period, was encouraged during President Khoury's regime. The client system became the major source of corruption in the Lebanese administration. Public criticism and resentment of President Khoury weak administrative policy and corruption in state departments was widespread. Hitti describes this situation as follows: "President Khoury's regime, however, began to show signs of desire for self-perpetuation and became the subject of mounting charges of favouritism, nepotism, corruption, and laxity in the administration and execution of justice." Finally, a bloodless civilian uprising on 18 September, 1952, led President Khoury to give up to the people's will and resign.

2. Reform During the Regime of President Camille Shamo'oun 1952-1958

On September, 1952, Camille Shamo'oun was elected President by the Parliament. The Shamo'oun regime began with great

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14 Kamal E. Salibi, op. cit., p. 192.
15 Philip Hitti, op. cit., pp. 505-506.
expectations. The newly elected President, made an honest attempt for governmental reforms. Women were granted political rights in 1953. The parliament was reduced from seventy-seven to forty-four members. The liberal economic policy which was adopted and maintained by the Khoury regime, was further encouraged and guaranteed by bank secrecy under the Shamo' un regime, a factor which made Beirut an important Banking Center.

Reform in the governmental departments, among other things, was a major task of the regime. For this purpose, a cabinet of four under Khalid Chihaab was granted emergency powers for a period of six months. This cabinet was expected to draft laws to re-define the various administrative functions, to reform the electoral system, and to revise judicial procedures.\(^{16}\)

As a result, ninety legislative decrees were issued which almost touched on every aspect of Lebanese administration. New organizations were created like the Council for Economic Planning and Development, accounting and auditing procedures were revised, a new personnel law was issued to replace the personnel law issued by the French in the middle twenties. In addition, structures and functions of the various ministries were defined and improved.\(^ {17}\)

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\(^{16}\) The Law Vesting Legislative Decree Powers for Six Months, issued 15 October, 1952.

\(^{17}\) Compilation of Legislative Decrees, (Beirut: Sadir Press, 1953).
This reorganization movement did not achieve the expected reform. The task was tremendous and the time was short. Moreover, the reform program was not well studied and planned. A group of top government officials were asked to submit proposals and recommendations as to what should be done.

Two years later, in 1954, another cabinet headed by Sami al-Sulh, was granted emergency powers for a period of three months. The purpose of the emergency powers this time was to complete and adjust the reform which was implemented by the previous cabinet. This attempt came to show that the previous reorganization movement was not fully studied. Again, in this second attempt the previous mistakes were repeated. The cabinet did not create a separate board of experts or well qualified people for this serious and important task. The cabinet, instead, again asked a number of top government officials to submit to the Council of Ministers drafts of their revisions on the previously issued legislative decrees. Those top officials did not have any unified and comprehensive plan for their task showing clearly the goals and standards and means for cooperation and coordination among the various ministries. So, we find out that these half-hearted

18 The Law Vesting Legislative Decree Powers for Three Months to The Cabinet, issued on October 1954.
attempts did not bring about the expected reform. The Shamo'un regime, like its predecessor, failed to introduce the promised administrative, judicial and political reform. "In spite of all these efforts, the main administrative problem in Lebanon remained unsolved. While family and secterian interests remained predominant, and while politicians sought above everything else to serve their clients, there was little hope of improvement in the efficiency of the governmental machine, no matter what laws were enacted." The Shamo'un reorganization movement could be praised on the bases that it focused the attention on the problems and weaknesses of the Lebanese administration. It also determined the scope and raised interest in administrative reform.  

3. Reforms During The Regime of President Fu'ad Chahab 1958-1964

The 1958 political crisis in Lebanon led to a relative collapse of the whole political and administrative system. General Fu'ad Chehab was elected President of the Republic on September 1958, after seven months of internal troubles. The public felt the need for, and in fact, encouraged drastic changes in the Lebanese political and administrative systems. "The successful achievement of some degree of administrative improvement under adverse political

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19 Kamal E. Salibi, op. cit., p. 196.
circumstances may in itself contribute to an increase of public interest and establish the beginning of great political stability and administrative impartiality... Public order, stability and justice are not only indispensable to, but also fundamental objectives of an effective system of public administration." The Chehab regime was, from the very beginning challenged with the public high expectations. The newly elected President himself felt that a strong and efficient public administration would reduce the country's sharp political and religious differences.

In December 1958, the Cabinet, headed by Rashid Karami, requested and secured from parliament emergency powers for a period of six months to issue legislative decrees in a number of fields including public administration. The Cabinet was granted wide powers to make drastic changes in the field of public administration, like reorganization of ministries, establishment of new institutions, amendment of personnel law, revision of all laws and regulations, and several other administrative areas. 21

The Cabinet soon established a Board of 24 persons for this purpose called 'The Central Committee for Administrative


Reform and was attached to the Office of the Prime Minister. Some members of this Committee were top government officials and the rest were chosen from the various professions. This Committee was asked to make studies and submit proposals for reform. An executive decree issued on 6 December 1958, stated that the Central Committee is to be aided by "Work Committees" in the various ministries. The Work Committees were composed of some foreign experts and prominent government officials. These Committees were supposed to collect facts, prepare studies and submit proposals for the Central Committee.

The duties and responsibilities of the Central Committee, which was to undertake the whole process of administrative reform were spelled out in legislative decree No. 193, which specified the areas subject to reform as follows:

First - Duties and Responsibilities: Definition of duties and responsibilities of each position and administrative unit, to reallocate work and to reassign authority in order to eliminate overlapping and conflict between various administrative units, and to decentralize authority in order to relieve top officials of simple and routine tasks.

Second - Work Methods and Procedures: To simplify methods and procedures, establishment of deadlines for

22 Decree No. 193 issued on 6 December, 1958.
completion of work transactions, to decentralize authority to the fields, to introduce machinery and improve filing and archive systems.

Third - Executive Control: To establish and insure continuous inspection on all phases of work execution, to impose very strict control over independent Boards and agencies, and to strengthen inspection on all government departments.

Fourth - Personnel: To abolish all unnecessary jobs, to eliminate political interference or any kind of pressure on civil servants - to establish a National Institute of Public Administration for training civil servants, and to establish a Civil Service Commission to be responsible for all personnel matters in the government.\(^\text{23}\)

The above mentioned areas are limited to the administrative field only. It is to be clear that the Central Committee was charged with wider responsibilities to include more pervasive goals. The six months period which was the time limit for the extraordinary powers was a very short time period for such a tremendous job that the Central Committee was charged with. Nevertheless, we can say that it was the first time in which the Lebanese government tried to reform the administration in such a systematic and comprehensive manner.

\(^{23}\) Iskander E. Hashir, op. cit., pp. 64-65.
In June, 1959, when the period of the extraordinary powers was over, a total of 126 legislative decrees were issued by the Cabinet. Some of these decrees brought about fundamental changes in the Lebanese governmental pattern. Some other decrees introduced new organizations, and still some other decrees introduced changes in ministerial structure and procedures and the establishment of new cadres. Thus the administrative reform program came to the stage of execution. For the implementation of these decrees, the Council of Ministers appointed on July 1959, a Central Committee for Implementing Administrative Reform. The Council of Ministers used to receive reports from the Central Committee which in turn receives reports from Work Committees for the purpose of issuing regulatory decrees which were based on the previously issued legislative decrees. As a result, a number of regulatory decrees were issued by the Council of Ministers. Some of these decrees dealt with structural changes like the transfer of the statistics Board from the Ministry of National Economy to the Ministry of General Planning. The Bureau of Accounts was also transferred from the Ministry of Finance and was attached to the Prime Minister's Office. Some other regulatory decrees

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24 Executive Decree No. 1732, issued on 13 July, 1959.
fixed the organizational set up of various ministries and public organizations. 25

In June 1960, Prime Minister Sa'ab Salam appointed in his cabinet a minister for administrative reform. But in May 1961, the portfolio for minister of administrative reform was abolished. 26 Between 1961 and 1964, the administrative reform program was coordinated and executed by the minister for administrative reform between 1960 and 1961, and later by the Director General of the Prime Minister's Office helped by the Chairman of the Civil Service Commission. The Central Inspection Council, and some prominent government officials and foreign experts. Between 1960 and 1964, some of the previously issued legislative and regulatory decrees were amended to do away with conflicts that are inevitable when new institutions are introduced to an old system.

Perhaps the most remarkable achievements of the Chehab reform movement were in the areas of personnel and executive control over the civil service.

In the field of personnel, the most important contribution was the creation of a Civil Service Commission and a National Institute of Public Administration and Development

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26 Iskander E. Bashir, op. cit., pp. 76-79.
within it. Prior to the establishment of the Civil Service Commission, all civil servants' affairs were handled by each Ministry independently which caused much corruption and duplication of governmental business. The newly established Commission came to unify all civil servants' affairs like appointment, transfer, promotions, training and dismissals. Moreover, the establishment of the Civil Service Commission put an end to political interference in government administration, a factor which will gradually raise the esteem of the public post in the eyes of the public through the application of the merit principle.

The establishment of the National Institute of Public Administration and Development attached to the Civil Service Commission, was intended to improve the standard of civil servants by conducting pre and post entry training programs. The institute was divided into a training section and a preparatory section. The training section started since 1960 and has conducted training sessions for employees from various grades. The preparatory section is annually preparing ambitious candidates for Grade three jobs in the following fields: Economic and Financial Affairs, Cultural and Social Affairs, and Public Administration. The adoption of the principle of training by the Lebanese government, as a response to the felt need for training civil servants, and the establishment of the Training Institute is by
itself encouraging and represents a significant improvement.

Another significant contribution of the 1959 reform movement was the Creation of a Research and Guidance Directorate within the Central Inspection Council. The Research and Guidance Directorate is supposed to study administrative methods and procedures continuously, and make work simplification according to systematic studies. This Directorate can play a very effective role in reforming and improving work methods and procedures if it is supplied with well-trained and qualified employees. Unfortunately, this Directorate has not received much emphasis up till now from the government. If we have a look into the annual activities of this Directorate we notice that they are centered around the following general subjects: Organizational studies, personnel affairs, supplying public organizations with machinery, furnishing government buildings, rents, making better use of government buildings and some other minor activities. From this list we notice that the major activities performed by this Directorate are in renting, furnishing, and making use of government buildings which does not need any specialized knowledge. The Research and Guidance Directorate must be supplied with more competent personnel and devote its efforts toward simplifying work.

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methods and procedures in order to minimize delays in the dispatch of governmental business. Problems of bribery, corruption, carelessness, and lack of responsibility which plagued Lebanese administration in the past received careful attention by the reformers. The reformers attempted to remedy such diseases by strengthening the Control system. For this purpose the Central Inspection Council was created with wide responsibilities over all civil servants including those of municipalities and independent agencies. The achievements of this Council has been primarily centered around the negative aspect by preventing or punishing transgression of rules. It is hoped in the future that this Council will be a motivating source for civil servants by awarding competent and deserving elements among them, in addition to the negative aspect exercised by it at the present time. Another important problem that the Chehab reform movement dealt with was the problem of decentralization, or to be more accurate, deconcentration of authority. The centralization of authority in the hands of top officials and ministers was the main cause of the delays in concluding governmental business, and has for long paralyzed the Lebanese administration. While the Director General or Minister are supposed to draw the over-all policy of his ministry and to coordinate its work, we notice that most of the time they are busy in reviewing simple and
routine problems that could be decided upon at lower echelons of the administrative hierarchy. "Excessive centralization causes ministers and high officials to be over burdened with detail to the neglect of policy formulation and planning. Inadequate use is made of such talent and knowledge as is available in the government, including the local administration." This centralization of authority is an Ottoman attribute which characterized the administration of the Ottoman Empire, and was further tightened by the French during the mandate who tried to concentrate authority in the hands of few officials whom they trust for executing their policy. The 1959 reform movement achieved little progress in deconcentrating authority. Chiefs of services were granted some responsibilities which were already in the hands of Ministers and Director Generals, but the problem of centralization was not solved. Ministers and Directors General are still handling many of the above mentioned routine problems. This state of affairs led Deputy Albert Mukhaiber in 1965 to declare in the Lebanese Parliament: "In the past we demanded decentralization and meant not to centralize all government business in the Capital, but now, according to the "Arabic" meaning of the word! Centralization, we meant Centralization at the Qa'im-maghamiyah level to enable

each citizen conclude his business with the government at the local level." The only significant achievement in this concern was the transfer of some of the powers to the Muhafiz and the Qa'im-maqam in respect to local administration, which were originally concentrated in the hands of the central government.  

The administrative reform movement of 1959 neglected certain important aspects of Lebanese administration. Among these was the problem of low salaries and an overall job classification plan. The salaries of employees are still low if we take into consideration the rising standard of living and the maintenance of the principle of equal pay for equal work. The government could not compete with the private sector and attract well qualified people to the civil service. In order to have an equitable pay policy, the government should draw an overall classification plan based on job definition, stating duties and responsibilities as a pre-requisite for an equitable compensation policy.

Another problem which has not been given due consideration in the various reform movements up till now is that of coordination. Much duplication of efforts is still exercised by a number of ministries and public organizations because of...

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30 Legislative Decree No. 116, issued on 12 June 1959.
of lack of coordination among them. "Administrative coordination is badly needed within certain ministries, yet no consideration was given to this problem. This is especially true in the cases of certain ministries which have more than one Directorate General." The more the Lebanese administration expands in structure, the more the problem of coordination will become acute and serious.

In the economic field, the Chehab regime is praised for its achievements and for creating interest in economic planning and in development programs. In 1953, a Planning and Development Board was created. After 1959, the Ministry of General Planning was reorganized several times. At the present time it is composed of the Planning and Development Board, and the Central Statistics Directorate. The achievements of the Chehab regime in the field of development were expressed by Deputy Kamal Jumblat in Parliament as follows: the Chehab regime formulated over-all plans for the country's resources and for its various productive capacities. Previous studies showed that before the Chehab reform movement, there were 615 villages in Lebanon not supplied with drinking water, 735 villages without schools. Construction development plans were formulated for this purpose. Technical and professional schools were established.

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31 Iskander E. Bashir, op. cit., p. 131.
The Central Bank was created with plans for a Development Bank, and loans were increased for existing agricultural and industrial Bank. Generous aid was granted for philanthropic and religious societies and private schools.  

It is actually to the credit of the Chehab regime that it succeeded in introducing elements necessary for modernization. In concluding, "the legacy of Chehabism still live with the majority of the Lebanese. The term Chehabism was first coined in 1960 by George Naccash who wrote in his paper L'Orient "the issue is whether the Lebanese have the will to educate their administrators and accept the self-discipline without which a modern state cannot operate". Mr. Naccash has since then led an admirable campaign for a more honest and efficient civil service for economic planning and investment in infrastructure. These are the ingredients of Chehabism... While Chehabism meant social justice and reform, it also meant centralization. It meant that the army took a closer interest in politics. This for some other Lebanese was the central meaning of Chehabism."  


CHAPTER II

RELATED POLITICAL AND ADMINISTRATIVE PROBLEMS

A. The Political Environment

In order to understand properly the Lebanese administrative system, it should be viewed in light of the political environment within which this system is functioning.

After independence, Lebanon has been ruled by a feudal oligarchy that incorporates all the evils of previous colonial systems like sectarian feudalism, tribalism, powerful economic and feudal families etc. This oligarchy, after the downfall of the Ottoman rule, was the front of political life because it was the only powerful group prepared for political action at a time when the masses of the population were illiterate, poor and traditional.

The French relied on this oligarchy and consecrated it in our political life. All national and secular movements were quenched, while confessional and regional groupings were encouraged and allowed to develop. When the French left the country, the Lebanese ruling oligarchy has been successfully completed its control over all sectors of the state. They got special privileges, applied customs in place of laws, and an unwritten constitution to which they stuck carefully. Some of the tools that the ruling oligarchy
use for controlling the state are:

1. Governmental organizations,
2. Rural and regional groupings moved by inherited religious motives,
3. Foreign embassies with strong influence in the region,
4. The electoral law formulated in such a way as to serve their interests and constituencies measured according to their advantage,
5. Pressing down all dynamic and secular movements.

Another factor that should be emphasized about the Lebanese political environment is that Lebanon, being a collection of minorities, the fundamental reference group is still largely the religious community rather than the state. The citizen does not feel any obligation toward the state as a sovereign legal entity. His first obligation is to his religious community recognized by the state, and then to the political feudalists that represent his sect in the ruling class. Michael Hudson has best summed up the basic characteristics of the Lebanese political environment as follows:¹

1. A particularistic "mosaic" society;

2. An authoritarian and hierarchical family structure;
3. Religious institutions that are politically influential;
4. Power dispersed in religious sects, regional groupings, economic pressure groups, and ideologically oriented political movements;
5. Foreign influence in politics;
6. A distinct entrepreneurial habit which has produced both a small class of "merchant princes", and a large stable party bourgeoisie;
7. A cult of leadership, historically the result of feudalism, which has produced factions of notables, each with local clientele.

This commands us to say that the ruling body of politicians is not the proper organ for reform, because reform affects it directly. Politics in Lebanon is still largely a field for social services. "The deputy plays the role of a middle-man or a broker between the citizen and the state. He is the assistant of the teacher, the mayor, the gendarmerie etc. He looks after the needs of his district to insure work, food and dress. He is the one who revenges from his political enemies by distributing jobs on his supporters. He distributes the shares of people in roads, schools, and electricity etc."² All these functions do not need a political-

legislative mind. If true reform is to be achieved, the state has to take the initiative and reclaim its obligations and responsibilities from deputies and insure the citizens' needs. Then the environment for political reform, which is indispensable from administrative reform will be insured. Parliamentary representation will then become limited to a selective and devoted group of mobile, faithful, and courageous people. "Any attempt at administrative reform in Lebanon should be undertaken only as part of a wider and more comprehensive political reform." Political reform should start by reforming the mentality which is embodied in representatives of the legislative authority. On the other hand, the mentality of the elector should be reformed in such a way as to free him from the bondages of the necessities of life and through education if his vote is to be true, effective and independent. This is the most difficult stage of reform, because it needs double effort in a long and systematic plan to be executed by the cooperation of the public and the state. It is not true that parliamentary representation becomes ideal if the state could stop political pressures, bribery, and insures a peaceful atmosphere for the election process. This is because the moral, social, and economic forces on the electors are handicapping a democratic and free

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choice. The citizens' needs are directly articulated to the politician through a system of clientage.

On the other hand, no political reform could come to be real as long as sectarian representation continues to be part of the electoral system. The electoral system in Lebanon provides for sectarian distribution of sects in the Lebanese Chamber of Deputies. The following table illustrates the manner in which the various religious communities are represented in the Chamber since independence.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Maronites</th>
<th>Sunni</th>
<th>Greek Orth.</th>
<th>Shi'ah</th>
<th>Greek Cath.</th>
<th>Druze</th>
<th>Minorities</th>
<th>Armenian Orth.</th>
<th>Armenian Cath.</th>
<th>Protestants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1943-47</td>
<td>55</td>
<td>18</td>
<td>11</td>
<td>6</td>
<td>10</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1947-51</td>
<td>55</td>
<td>18</td>
<td>11</td>
<td>6</td>
<td>10</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1951-53</td>
<td>77</td>
<td>23</td>
<td>16</td>
<td>8</td>
<td>14</td>
<td>5</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1953-57</td>
<td>44</td>
<td>13</td>
<td>9</td>
<td>5</td>
<td>8</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>1957-60</td>
<td>66</td>
<td>20</td>
<td>14</td>
<td>7</td>
<td>12</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>1960-64</td>
<td>99</td>
<td>30</td>
<td>20</td>
<td>11</td>
<td>19</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1964-68</td>
<td>99</td>
<td>30</td>
<td>20</td>
<td>11</td>
<td>19</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

The result was a lack of political and social integration which causes a serious challenge to political life in Lebanon. The most serious repercussion of sectarian representation in Lebanon, according to Professor Iskander is that it has undermined national unity and has up till now prevented the development of the country into a homogeneous, cohesive political entity. Time will cause the people of Lebanon to grow further apart rather than to become more closely integrated, unless some force destroys the existing power structure. This force may be an effective bureaucracy or a faithful, devoted and powerful president. The numerical increase of a modern and educated middle class is expected to play a more effective role in the future and helps in the solution of the crises of integration.

B. The Governmental System

The Lebanese governmental system was originally provided for in the constitution that was promulgated on May 23, 1926, under direct supervision of the mandatory power. According to the original text, the Lebanese legislature was to consist of two houses; an elected Chamber of Deputies which sat for four years, and a Senate in which the President appointed seven out of sixteen members, and which sat for six years. The President, elected by both houses in joint session, was

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4Adnan Iskander, op. cit., p. 31.
to hold office for a renewable term of three years."\(^5\) This Constitutional framework was amended several times.

In October 1927, a first Constitutional amendment abolished the Senate. A second amendment in May 1929, extended the presidential term to six years and made it non renewable. In November 1943, provisions in the Lebanese Constitution regarding the mandatory prerogatives were abolished. The last amendment to the Lebanese Constitution was issued by the Constitutional law of January 1947, which abolished the provisions according to which a certain number of deputies were appointed rather than elected.\(^6\)

Constitutionally, the Lebanese state as it stands today is described as independent, indivisible, and sovereign; the legislative power is vested in a single body, the Chamber of Deputies, while the executive power is entrusted to the President of the Republic who shall exercise it, assisted by the Ministers; the judicial power is exercised by independent judges.\(^7\)

The powers of the legislative branch can be divided into three main categories. First, regular legislation which it


\(^6\)The Lebanese Constitution, prepared by The Department of Political Studies and Public Administration, American University of Beirut, (Beirut: Khayat, 1960), Article 24.

\(^7\)Ibid., Articles 1, 16, 17, and 20.
shares with the executive. Second, financial functions: the Parliament examines, approves, and supervises the execution of the public budget. In addition, it approves public loans and tax legislation. Third, control over the executive: the Parliament elects the President of the Republic and has the right to impeach him and his Ministers for high treason or violation of the Constitution. The Parliament can also bring down a government by a vote of no confidence.  

The executive powers are exercised by the President of the Republic assisted by his Ministers. The formal powers that are exercised by the President are: the promulgation of laws after they have been approved by the Chamber and to insure their execution. He negotiates and ratifies treaties; appoints and dismisses ministers, designates the Prime Minister, presides over cabinet meetings, and can adjourn the Chamber for a period not to exceed one month. The Constitution exempts the President from any responsibility while performing his functions, except when he violates the Constitution or in case of high treason.  

Some executive powers are exercised by the President and his cabinet collectively. The decisions of the President

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8 Ibid., Articles 13, 19, 37, 49, 68, 73, 77, 80, 81, 82.

9 Ibid., Articles 51, 52, 59, and 60.
must be countersigned by the Minister or Ministers concerned, except those of appointments and lawful dismissals of Ministers. The President, after the approval of the Cabinet, has the right to effectuate any bill declared as urgent and on which the Chamber has not given a decision within forty days of its communication to the Chamber. Finally, the President, with the Cabinet's approval, can issue the budget in a decree law if the Chamber failed to approve it by the end of January.\(^{10}\)

C. Executive-Legislative Relationship

The political system in Lebanon lacks a balance between the executive branch and the legislative branch, and is distinguished by the domination of the first over the second.

"The political history of Lebanon since 1926 reveals a consistent trend of executive ascendancy at the expense of parliament."\(^{11}\) To begin with, although all pre-requisites for the parliamentary form of government are constitutionally guaranteed in Lebanon, it is improper to call the system parliamentary in a definite way. The parliamentary theory necessitates the principle of separation of powers. It presupposes a cabinet responsible to the parliament and political irresponsibility of the President. Moreover, in a parliamentary system, the President is granted the right

\(^{10}\text{Ibid., Articles, 54, 58, and 86.}\)

\(^{11}\text{Adnan Iskander, op. cit., p. 49.}\)
to dissolve the Parliament. All these principles are theoretically guaranteed in the Lebanese Constitution, but theory is far from practice. Ministers in Lebanon consider themselves responsible toward the President as much as they are responsible toward the Chamber. Almost all the cabinets in Lebanon had resigned because they lost the confidence of the President rather than the Chamber. "In nearly forty years no more than one government has fallen (as long as 1930) because of the loss of the legislature's confidence." \(^{12}\) The Lebanese Parliament has abdicated a number of its constitutional rights to the executive. While the Lebanese Constitution provides for individual and collective responsibility of the Cabinet to Parliament, the right to impeach, question and interpellate ministers, and the right to bring down a government by a vote of no confidence, the Lebanese Parliament on very rare occasions made use of these constitutional provisions and lived up to the responsibilities expected from it. The Lebanese Constitution grants the President of the Republic limited formal powers, but informally the President has tremendous powers. "In practice, the President dominates the Cabinet and the legislature. The Cabinet has no independent opinion or policy but rather 'an office' that executes the will of the President. On the

during the previous regimes. Earlier efforts for handling the problems of the administration failed to achieve the desired reform, but such efforts made the country a little more aware of its administrative, judicial, and political problems.

Perhaps the most outstanding and unique problem of Lebanese administration is the problem of religious sectarianism. Sectarianism in Lebanon has been officially recognized, and is applied in both political and administrative fields. Article 95 of the Lebanese Constitution states: "As a provisional measure and for the sake of justice and amity, the sects shall be equitably represented in public employment and in the composition of the Ministry, provided such measures will not harm the general welfare of the state."\(^{16}\) After independence all provisions in the Constitution that are related to the French mandate were abolished, but article 95 was kept without any effort to abolish it. On the contrary successive regimes used to stress and emphasize this article until it grows to be a very serious symptom that threatens the existence of the society itself. "In spite of the sincere desire of many intellectuals to free themselves from the throes of confessionalism, the Lebanese is almost automatically pigeon-holed according to the religious communities to which

\(^{16}\) Lebanese Constitution, op. cit., Article 95.
he belongs... Within this mosaic of religious communities every person must fit. He who chooses not to belong is an outcast... It is not unusual for the government to hold a post vacant until the right person from the right community is made available or to withhold the appointment to several offices because one confessional group is not represented among the candidates to these offices." The following Table shows the number and distribution of the religious communities in Lebanon.

Table III

Lebanese Religious Communities

<table>
<thead>
<tr>
<th>Community</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maronites</td>
<td>30%</td>
</tr>
<tr>
<td>Sunni</td>
<td>20%</td>
</tr>
<tr>
<td>Shi'ite</td>
<td>18%</td>
</tr>
<tr>
<td>Greek Orthodox</td>
<td>10%</td>
</tr>
<tr>
<td>Greek Catholic</td>
<td>6%</td>
</tr>
<tr>
<td>Druze</td>
<td>6%</td>
</tr>
<tr>
<td>Armenian Orthodox</td>
<td>5%</td>
</tr>
<tr>
<td>Armenian Catholic</td>
<td>1%</td>
</tr>
<tr>
<td>Protestants</td>
<td></td>
</tr>
<tr>
<td>Jews</td>
<td></td>
</tr>
<tr>
<td>Syrian Orthodox</td>
<td></td>
</tr>
<tr>
<td>Latin (Roman Catholic)</td>
<td>4%</td>
</tr>
<tr>
<td>Chaldeans</td>
<td></td>
</tr>
<tr>
<td>Syrian Catholic</td>
<td></td>
</tr>
<tr>
<td>Others (Alawi, Bahai, Nestorians etc.)</td>
<td></td>
</tr>
</tbody>
</table>


The electoral law also provided that parliamentary representation is according to the principle of sectarian distribution. While in the social field, sectarianism is responsible for the lack of social and national unity in Lebanon. It has prevented the growth of a cohesive and solid national unity in the country. The Lebanese, at present, do not agree on the basic issue of Lebanon identity as an independent country that should exist and continue or not. In the administrative field, sectarianism is responsible for a great part of corruption, lack of control, inefficiency, nepotism, and favouritism. Sectarianism intrudes into almost every aspect of Lebanese administration and becomes particularly important in the fields of recruitment and promotion.

At present, sectarianism, in addition to being a social and cultural force, is implicit in every policy and action of government. "Two things keep the Lebanese far from enjoying the progress their country has achieved - the persisting bribery, corruption and exploitation in the state administration. The citizens are still viewing national life from the viewpoint of sectarianism rather than from the national viewpoint." 18 Moreover, the Lebanese administration came to be overstaffed with unqualified civil servants who gained entry through sectarian pressures and influence. As a result,

18Daily Star - Beirut, September 25, 1965, p. 3.
some civil servants, after appointment continue in their attitude and behavior to view themselves as servants of their sect and not of the state.

The sectarian problem is growing in complexity and gaining impetus since the basic ideals and values of individuals are transmitted from generation to generation. The remedy cannot come by a legislative or governmental action. It is only possible through a revolutionary reform which touches upon the bases of the society. The traditional oligarchy in power now does not want to change this system because it is their main source of power. Therefore, it is to their advantage to give priority to religious affiliation and support those who will support them in elections or when their position is on stake. It is not uncommon in Lebanon when deputies go personally to government offices and give a push to transactions belonging to their clients. This state of affairs created a complete divorce between the state and the citizens. Thus a new educated and enlightened generation, with a revolutionary program for reform could be the only promising element for the future.

Another problem of Lebanese administration can be found in the persisting tendency of a legalistic approach to public administration. This characteristic is in part of the French influence in the Lebanese administrative behavior. It is on the other hand, a universal characteristic
of developing nations. The civil servants do not try, as a result, to use their initiative and personal evaluation when implementing the laws. The legislature issues detailed laws which do not leave much room for the civil servant to make use of his personal evaluation of the specific situation. As a result, civil servants have to apply the letter of the law instead of the spirit. This tendency stresses the knowledge of administrative law that keeps the civil servant, in the fulfillment of his job, within the provisions of the law. In such cases, the civil servant tries to avoid penalties rather than executing the law according to the requirements of the situation and to the advantage of good administration. As Riggs remarked, "Ironically, the legal profession receives even more emphasis in a formalistic system, where the law is divorced from practice, than it does in a society where law provides an effective lever for social control. Perhaps the more formalistic the law becomes, the more it seems an end by itself rather than a means to other ends. Yet this emphasis on legalism is self-defeating, for it reinforces formalism."\(^\text{19}\) The Lebanese government should give more consideration to personal initiative in the application process of laws and allow some decision making on the grass roots level. This will encourage the public agents by

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\(^{19}\) Fred W. Riggs, \textit{op. cit.}, p. 182.
sharing in the development process of their society.

As a result of the stress on the legalistic orientation in the execution of laws, the Lebanese administration is subject to a number of administrative and financial controls which create another more serious problem of the administration.

The Lebanese citizen suffers from delays in the dispatch of official governmental business. Citizens have to wait weeks and months, and sometimes years to complete a simple transaction or reach a final verdict in court. Part of this problem is a result of a lengthy and complicated government procedures, and it is in part a result of centralization of authority at top levels of the administrative hierarchy. The centralized financial controls complicate the situation even more. The Ministry of Finance exercises pre audit control on every single item of expenditures. This has led to continuous delays in transactions. In addition to the Ministry of Finance, the Bureau of Accounts also exercises post audit control on all government expenditures and pre audit control on the major part of such expenditures. This stress on financial controls in Lebanon resulted in duplication of functions and led to delays in expenditures which a developing country like Lebanon needs urgently in order to overcome the economic problems of transition. We notice that every year, in Lebanon, large sums of appropriations that appear in the expenditure section of the budget are not spent
as estimated, instead, are transferred to the next year's budget which is an indication that strict financial controls make the system rigid and self-defeating. Surpluses transferred from the year 1966 budget to the budget of 1967 for instance has totalled 270 million pounds. This process is repeated each year. The remedy for the problem of delays should come by simplifying work methods and procedures, and by the application of a more flexible financial control system.

Another basic problem of Lebanese administration is related to personnel. In fact, "most of the problems confronting administration in Lebanon are problems of personnel rather than problems of organization and structure." The Lebanese administration came to be overstaffed with employees, the majority of them lack the qualification and specialization necessary for the job which they perform. The quality of any state administration is to a very great extent determined by the devotion, ability, and honesty of its public civil servants. No administrative system can be better than the people who man it. Thus, the raising of personnel standards is often the most essential factor for achieving sound public administration.

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Another factor that is adversely affecting the quality of personnel is the low salaries which do not insure for them a reasonable standard of living. The low salaries have greatly contributed to the low standard of morality in the public service. During the debate on the 1965 reform law, Deputy Suleiman Franjejah, commenting on this problem said in the Parliament: "Our civil servants lack administrative morality. The employees does not feel that the public post is to serve the public interest and that to this goal he must devote his time and effort. Instead, he still considers the government job as a means for personal illegal profit, a situation which cannot be neglected any more." He concludes, the low standard of Lebanese officials is due to many factors. The most important are political intervention, sectarianism, favouritism, the absence of cultural institute, and the reluctance of competent people to join the governmental service because the government has been unable to compete with private industry in its pay policy."\(^{21}\) The low salaries in the Lebanese public service compelled many employees to take outside employment on the expense of their main job. Perhaps a much more serious aspect of the problem of salaries is the fact that salaries are not based on any careful study of the duties and responsibilities of each position.

\(^{21}\) The Lebanese Republic, Chamber of Deputies, Minutes, August 31, 1965, p. 1379.
reform in the administration will achieve good results without giving due regard to a rational classification of positions and an equitable compensation plan. In addition, stringent penalties should be provided and enforced against any employee who disregards the ethical principles of government administration. "The efficiency of the civil service depends on a proper system of post grading allied to promotion policies which rest on adequate methods for evaluating performance. Without such tools of management the value of competent men and women will be impaired and the advantages of staff selection and staff training, however well conducted will be lost." 22

Finally, the official channels in the Lebanese administration are usually avoided because they are slow. Citizens try most of the time to depend on informal relations in their contacts with the civil servants which fulfill their demands more satisfactorily and usually in a shorter period of time. The poor social and economic condition in Lebanon encourage such personal relations. The citizens on one hand, lack the civic education, and the state on the other hand, failed to insure justice and equality among the citizens. This situation strengthened the individuality of the Lebanese and created

an ego-centric type of citizens with main loyalties to family or religious community. It is not uncommon when we see offenders of state or society asking and securing the protection of powerful politicians who are supposed to preserve the rule of law. Citizens as a result, distrust government and view it as a weak organ unable to execute the laws it initiates.
CHAPTER III

THE REFORM MOVEMENT OF PRESIDENT CHARLES HELOU

A. Introduction

It is not easy to give a clear scientific and comprehensive definition for administrative reform. But if the term administrative reform is looked at from the viewpoint of the purposes it serves, we can define it, in general, as that process which aims at the improvement of the structures and human resources of a country's public administration. According to Mariani, "aims at equipping the country with a governmental machinery that provides for maximum effectiveness of the administrative system with minimum of expenditures." Similarly, administrative reform according to Professor Bashir, "aims at greater efficiency, economy, or better results in the operations of the public sector." These purposes, however, cannot be achieved unless the reform measures are based on an over-all systematic plan to include the social, economic, and political aspects of the society. Administrative reform is a continuous process and an ever-present slogan of modern life. From the poorest

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2Iskander E. Bashir, op. cit., p. 53.
to the richest nations of the world, administrative reform is deemed as a necessity. "MOTIVES CAN BE DIFFERENT (improving the services received by the citizens; reducing the cost of government operations, therefore the financial load to the taxpayers; creating an effective machinery for the implementation of specific party policies, etc.), but the wish for improvement is almost universal."\(^3\)

Movements of administrative reorganization are recorded as having been influenced by any one of the following factors:

1. The obvious malfunctioning of much of the governmental machinery, due to strain of war, occupation and independence;

2. The rapid growth of the functions undertaken by the government, and the associated growth in the number and complexity of governmental activities;

3. The growing interest in the betterment of administration both public and private, and the modernizing of public administration; and

4. The coming to power (of a new) administration pledged to governmental reform and modernization.\(^4\)

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\(^3\)Mimtaz Soysal, "Political Pre-requisite for An Effective Administrative Reform in a Transitional Society," A paper prepared for the Fifth International Congress of Political Science of The Lebanese Association of Political Science (Beirut, 22-25 April 1968), p. 2.

The effort to improve public administration is an important aspect of attempts by developing countries to catch up with more advanced countries. "Improvements in the public administration seems to be one of the primary means through which the adverse conditions of the underdeveloped countries might be overcome." The social and technological developments of the past century led to a basic change of the traditional role of the state from preserving law and order to the modern welfare state whose activities almost touch on every aspect of human life. Public administration, as a major instrument of government, came to have additional responsibilities and a more essential role to perform. "Meanwhile, the role of government has changed. As it has become a major factor in development, it has come to need new kinds of personnel. It requires not only administrators who will execute the laws honestly and efficiently, but also managers who will fulfill them with imagination."6

In Lebanon, there has been a number of administrative reorganization movements during the post independence period. These attempts were undergone mainly because of personal interest of chief executives to maintain the adequacy of the

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administration they head. The first major systematic reform movement in Lebanon was initiated during the regime of President Fuad Chehab. President Chehab's administration was characterized with expansion in structure. New organizations were created and modern laws and regulations were initiated to adjust these organizations. But the Chehab reform movement did not receive equal stress on the personnel element in the administration. At the same time, no specialists were prevalent to manage these newly created organizations. Thus, "the Chehab regime ended, in many respects, in frustration. The administrative reorganization which it brought about did not succeed in giving Lebanon a truly honest and efficient administration."7

On 18 September 1964, the Lebanese Chamber of Deputies elected President Charles Helou to succeed President Fuad Chehab. Prior to his election, President Helou, as a lawyer, a journalist and later a Minister became familiar and aware of the problems and weaknesses of the Lebanese administration. He told his Cabinet during a weekly meeting that the situation in the departments ought to be improved upon the extreme. Government departments are in a "pitiable state" with some civil servants not fully cognizant of public service.8


the very beginning, President Helou tried to identify his regime with modernization through a comprehensive reform program. In his frank speech addressed to the Lebanese, President Helou, stating the purpose of his reform program said: Reform does not mean the dismissal of a number of employees, it is rather a continuous process through which new standards are imposed on both, the state officials and the citizens. We want civil servants who know their rights and obligations. The way in which government employees come in contact with citizens will determine the awareness of the people of their rights and obligations. It was necessary to replace some persons in order to change the negative image of the public post in Lebanon.9

President Helou took personal interest in reforming the Lebanese administration. Like President Chehab, he was aware that a sound system of public administration is indispensable from the economic and social development of the Country, and for insuring a higher level of economic security and social welfare of the population. During a Cabinet meeting, President Helou said: After spending fourteen months of analyzing the situation, I found out that an urgent administrative and judicial reform is necessary if we want to save the state from complete collapse. He discovered that administrative

corruption is handicapping the natural development of the Country. The lack of control in government departments resulted in double expenditures and tax revenues are cut to half. Thus, the state was obliged to turn to foreign loans in order to be able to launch development programs. The tendency that could be concluded from President Helou's speech is that administrative reform is a prerequisite for accelerating social and economic growth. The theory of economic development stresses the fact that a defective public administration hampers and even prevents the attainment of economic development goals. In Lebanon, the causes of the decline in administration, like many developing countries, are mainly of personnel nature. It was felt that the self-interest of many civil servants had become incompatible with the objectives they are supposed to achieve. These symptoms of self-interest of civil servants in the Lebanese administration have their deep roots in cultural and historical factors. While no attempt in the past tried to remedy this situation, the self-interests of those employees become institutionalized in many respects to the extent that they adversely affect organizational objectives.

President Charles Helou reform movement dealt mainly with this problem of institutionalized self-interest of high

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officials in the administration which have plagued the Lebanese administration in the past. The best organizational structures and laws will be of no use if not staffed with efficient, honest, and devoted civil servants.

Past experience, in Lebanon, has shown that political governments did not succeed in initiating reform, because each minister used to sympathize with his political clients. President Helou, took personal interest in his reform program, and followed personally each step of the reform, supporting extreme measures without any considerations for personal interests. While President Chehab was reluctant to dismiss any civil servant, although he was fully aware that hundreds of employees are careless, irresponsible, and morally corrupted, President Helou has chosen the most unpleasant aspect of reform and decided to purge the administration from undesirable elements.

B. The Extra-Ordinary Powers

The granting of extra-ordinary powers by the legislature to the executive authority is not a Lebanese innovation. We can find examples of this tendency in both ancient and modern states. It could also be traced in the Lebanese Political history.

Although it is still a controversial issue in constitutional theory, as to whether the legislative branch has the right to delegate its main function of legislation to the
executive, and while the Lebanese Constitution does not explicitly provide for such a measure, the Lebanese Parliament has granted the Cabinet authority to rule by decree laws six times.\footnote{Emergency powers were granted during the years 1929, 1952, 1954, 1958, 1965 and 1967. These powers were mainly granted for reform purposes. For reliable information about the emergency powers see Anwar al-Khatib, \textit{Parliamentary Techniques in Lebanon and Various Arab States} (al-'Usul al-Barlamaniyah Fi Lubnan wa Sa'ir al-Silad al-'Arabia) (Beirut: 1961).} In spite of the fact that the extra-ordinary powers were granted for a definite period of time and in specific designated fields, we notice that most of the organic and important laws have been passed by the executive within the period of emergency powers. "Cabinets so empowered have taken the opportunity to promulgate a large number (sometimes amounting to 60 or 70) measures of a fundamental nature reorganizing municipal government, the structure of the administration, the judiciary, the press, tax structure, and even a purge of the civil service."\footnote{Ralph E. Crow, \textit{op. cit.}, p. 27.} In sum, the Lebanese Parliament had, on several occasions, and for reform purposes, delegated its legislative authority to the executive to deal with fundamental issues and controversial problems in which the Parliament did not express any significant or independent opinion. Our major concern in this work will
be the extra-ordinary powers granted to the executive on September 1965 and the administrative achievements of this measure. In 21 June 1965, the Cabinet of Prime Minister Husein el-'Oweini submitted a draft bill to the Parliament requesting emergency powers for a period of three months for the purpose of reorganizing the High Judicial Council, and purging the judiciary of undesirable judges. But in August 1965, the Cabinet of el-'Oweini, before implementing his reform program, resigned in the face of strong pressures, and obstacles confronting the intended reform. A new cabinet was formed under the leadership of Prime Minister Rashid Karami.

In 8 September 1965, the Parliament approved the Cabinet request for emergency powers for an undesignated period, and to deal with the following areas: Purging the administration of undesirable elements, establish a General Disciplinary Council, amend the organization of the High Judicial Council, reorganize independent agencies, and several other areas outside the purpose of this study. The reform law was criticized by a number of prominent Lebanese and in particular by the dismissed civil servants. These criticisms will be discussed later in details when we deal with the Unitary Committee. It

14 Ibid., August 12, 1965, p. 1275.
is suffice here to mention briefly some of the major criticisms:

1. The Lebanese Parliament has misused the basic liberties and rights which the Constitution guarantees by admitting the provision in the reform law which prevents the dismissed employee from self defence.

2. The Parliament exceeded its constitutional authority by delegating the legislative functions, entrusted by the people to the Parliament only.

3. The promulgation of a law which is unconstitutional.

The various provisions of the 1965 reform law conflict with articles 16, and 19, of the Lebanese Constitution. Article 16 vests legislative power in a single body, the Chamber of Deputies, and article 19 states that "no law may be promulgated until it has been adopted by the Chamber of Deputies." When the Cabinet of Sami al-Sulh was granted emergency powers in the year 1954, the Chamber specified that legislative decrees that are issued by the Cabinet under the granted mandate shall be approved by the Chamber. Emergency powers that were granted in successive periods, particularly in 1965, did not include such a provision. The Legislative Cabinet decrees were presented to the Chamber's office, and then promulgated without any consideration or debate by the Chamber.

15 The Lebanese Constitution, op. cit., Articles 16 and 19.
A number of writers, on Constitutional theory, reject the delegation of the legislative functions to any authority under all circumstances. Others justify the granting of emergency powers for legislation by decrees under special circumstances, for a definite period of time, and in designated areas, on the bases that these decrees would be discussed and approved by the Chamber before promulgation. 16

In Lebanon, a number of Deputies justified the promulgation of legislative decrees under emergency powers on the bases of a custom which came to have the influence of Constitutional provisions. Moreover, the urgent need for reform in a short period of time necessitates such measures. Again this shows the weakness and the passive role played by the Lebanese Chamber of Deputies in exercising its Constitutional functions.

The final word in such controversies, in many modern nations is for the Constitutional Courts to spell out. Constitutional Courts are established to decide on the Constitutionality of laws passed by the legislative authority. But in Lebanon, unfortunately, no such court exists. Although the Council of State, 17 which is the highest Administrative

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16 Abdullah Lahoud, "The Legislative decrees" a lecture in Arabic delivered at the Arab Cultural Club, on Friday, January 19, 1967.

17 In fact the Council of State has nullified 5 decrees in 1952 concerning the organization of The Moslem Religious Endowments. The Provisions for nullification were based on the Chamber's disapproval of these decrees.
Court in Lebanon, has the right to nullify legislative decrees on the bases of their unconstitutionality, or if not approved by the Chamber before promulgation, but no such measure has been taken up till now.

As soon as the Cabinet of Rashid Karami secured emergency powers in September, 1965, a feeling of unrest spread in the ranks of judges and civil servants. But continuous assurances by the President of the Republic and Cabinet members that no injustice will be incurred on any civil servant were welcomed from time to time.

The Minister of Finance expressing the government's intention in this sense said: "The government is not threatening the civil servants with the sword of Democles. The aim of the government is to reform the administration and to place each civil servant in the position suitable for him, so as to avoid carelessness and irresponsibility. The planned reform will be carried about without consideration to personal interests. There will be no haphazard dismissal or recruitment of civil servants."\(^\text{18}\)

\(\text{\textbullet\ No doubt, administrative reform is a primary obligation of the sovereign power in the state, and President Helou from the beginning recognized that reform cannot be undertaken by the Parliament through regular legislative procedures.}\)

\(^\text{18 Daily-Star, Beirut, June 29, 1965, p. 3.}\)
He was fully aware that the Parliament is fragmented and represents many sectional and narrow interests. Thus, the granting of emergency powers to a strong government, is indispensable if reform is to be a reality. Only under a strong government are reformers able to break through the legislative barrier. "All past experience has shown that the National Assembly was incapable of initiating a purge against corruption; that, instead, it would stifle it at birth in a feather-pillow of bartering. The Assembly's usefulness in the present reforms began and ended last September when it granted the President special powers and lifted the immunity of civil servants."19 Thus, the Parliament expressed its inability and weakness by granting the executive a free hand to legislate in basic organic laws.

CHAPTER IV

REFORM IN THE JUDICIAL SYSTEM

A. The System

Under the Ottoman regime, the Lebanese judicial system constituted part of the general Ottoman judicial organization; with a semi-independent status during the Mutasarifiyyah period. Foreigners used to have special privileges with Consular Courts like all Ottoman provinces. The Consular Courts dealt with all cases - civil, commercial, or panel - between two foreigners, and derived their authority from that of the foreign state concerned. In addition, there were mixed courts which were Turkish Courts, dealt with commercial and all civil suits between a Turk and a foreigner. The Courts - other than these Capitulatory Courts were of two types. The Shari'a Courts and the Regular Courts. The Shari'a Courts were concerned with personal status matters like marriage, divorce, alimony etc. Each community was granted full discretion to administer its own personal status affairs, and the state will execute such decisions upon demand. Cases of normal civil, commercial or criminal type were within the competence of ordinary courts. These were Courts of Peace, of First Instance, and of Appeal all under the direct Control of the High Court of Cassation located in Istanbul.¹

The rounding-off and completion of the important legal tasks, already introduced in Ottoman times, as well as the continuous effort to reform and adapt the judicial system to modern standards, were among the major tasks of the Mandatory administration.\textsuperscript{2} Article 5 of the Mandate for Syria and Lebanon stipulates that, "The privileges and immunities of foreigners, including the benefits of Consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Syria and Lebanon."\textsuperscript{3} Article 6, provides that "The Mandatory shall establish in Syria and Lebanon a judicial system which shall ensure to natives as well as to foreigners a complete guarantee of their rights... Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed."\textsuperscript{4}

During the early mandate period, the French High Commissioner issued on November 1921, a decision establishing mixed courts on three levels. Courts of First Instance, a Court of Appeal, and a Court of Cassation all located in the City of Beirut. Mixed Courts were to be headed by a French


\textsuperscript{3} As quoted by Longrigg, \textit{op. cit.}, p. 377.

\textsuperscript{4} \textit{Ibid.}, p. 377.
judge and to be concerned with suits arising among foreigners. The Prosecutor General would, or could be French, and either party could claim a majority of French judges.\textsuperscript{5}

On March 1925, these courts were merged with the ordinary Lebanese courts. After several amendments of the law of Mixed Courts - these were abolished after independence by a special law of December 1946.\textsuperscript{6}

Regarding the Ordinary Courts, the French authorities lost no time in confirming existing courts and creating new courts. Courts of Appeal and of Cassation were created. The premises and equipment, records and subordinate staff of the courts were also improved.

In the year 1954, Courts of Peace and of First Instance were abolished and replaced by Single Judge Court.\textsuperscript{7} The Ordinary Courts since that time are organized on three levels: The Single Judge Courts, which are Courts of First Instance; Courts of Appeal, which serve also as Courts of First Instance in cases of serious crimes; and finally The Court of Cassation which is the highest Court of Appeal in the Country.

The Single Judge Courts have authority of final decisions over civil suits not exceeding 300 L.P. and on minor civil suits.


\textsuperscript{6} \textit{Ibid.}, p. 226.

\textsuperscript{7} \textit{Ibid.}, p. 227.
Courts of Appeal are five in number distributed over the five provinces (Muhafazat) of Lebanon respectively. Courts of Appeal are composed of several Chambers each with a minimum of three judges and a maximum of eight in each Chamber. They have appellate jurisdiction over all cases issued by Courts of First Instance, and on criminal cases within the boundaries of the Muhafaza.

The Court of Cassation is located in Beirut, and is the highest Court of Civil and Criminal Appeal in Lebanon. In addition, it scrutinizes all decisions of lower courts as to their correct interpretation and application of the laws. It is composed of many Chambers, and decisions are issued by three judges. 

Judges in Lebanon have immunity and special guarantees to ensure their independence and neutrality. Article 20 of the Lebanese Constitution states that, "The Judicial Power shall be exercised by the tribunals of various degrees and jurisdiction. It shall function within the limits of an order /Nizam/ established by the law and offering accordingly the necessary guarantees to the judges and to litigates. As for the limits and the conditions for the safeguard of the judges, they shall be fixed by law. The judges shall be independent in the exercise of their functions."  

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8 Ibid., pp. 227-228.
9 Lebanese Constitution, op. cit., Article 20.
Judges have constitutional immunity and guarantees in ordinary times, but this immunity is usually threatened during judicial reorganization movements. Judges in such circumstances are left under the mercy of the government and emergency powers as was the case in 1965 which is discussed later in this Chapter.

In Lebanon, side by side with the hierarchy of ordinary Civil and Criminal Courts another hierarchy of Administrative Courts exist. There are also a few other special courts which could not be properly classified under either of these two categories. Judges are classified according to the court system and are consequently divided into two categories. First, ordinary courts' judges, associated with them are personal status judges. Second, administrative judges attached to them are judges of the Council of State, the Special Administrative Court, and the Bureau of Accounts.

Thus, we notice that although the Lebanese judicial system has deep roots in the Ottoman regime, one can readily see the influence of the French who are mainly responsible for organizing the Lebanese judicial system.

Since 1930, several laws were issued amending previous laws, creating new organizations or reorganizing existing ones. The majority of these laws dealt with recruitment, promotion, transfer, discipline, and control of judges.
As we mentioned earlier, the French authorities established, in Lebanon, side by side with the ordinary courts another hierarchy of Administrative Courts to be concerned with suits raised by civil servants against the government or by the government against state officials. During the early mandate period such suits were raised to the Court of Cassation which was established in 1920, but in 1924 a Council of State was created as a real Administrative Court. This Council was first abolished between the years 1928-1941, and another time in 1950. Finally, the Council of State was reestablished by legislative decree No. 14 issued on January 1953.  

This law stipulates that "the Council of State serves as a Court of Appeal from the Special Administrative Court, and as a Court of First Instance of all cases which involve the annulment of administrative acts and decisions on the bases of illegality. It also considers cases involving the tortuous actions of civil servants in their capacity as public agents."  

The 'Special Administrative Court' is an administrative tribunal of first instance which was established in November 1954. This court is located in Beirut and attached to the Ministry of Justice. It is entitled to look into cases of

10 Compilation of Legislative decrees, (Beirut: Sadir Press, 1953).

11 Adnan Iskander, op. cit., p. 51.
damages incurred upon citizens by government and in administrative suits connected with government contracts in purchasing equipments for government agencies. This Court is composed of a presiding judge, an engineer and a finance investigator as members. The government is not represented by a Prosecutor General. 12 There is a proposed law for abolishing this Court and establishing a special section at the Council of State to perform its functions.

On January 1951, a bureau of Accounts was established. The Bureau was reorganized several times since then. In 1954, it was attached to the Ministry of Finance. During the 1959 reform movement, legislative decree No. 118, re-organized the Bureau of Accounts and attached it to the Office of the Prime Minister, thus adding to its prestige. According to article 223, the Bureau is to supervise the administration of the Public Finance by scrutinizing the state and municipalities accounts, and to decide upon its accuracy and legality. The Bureau has also authority to supervise the execution of the budget. It performs both judicial and administrative functions. The administrative functions of the Bureau are carried out through its exercise of pre and post audit of public expenditures. The judicial functions are performed through scrutinizing financial

12 Subhi Mahmasani, op. cit., p. 230.
irregularities committed by civil servants in the fulfillment of governmental business.\textsuperscript{13}

From the above mentioned functions of the Bureau of Accounts, it is clear that the Bureau has tremendous authority and prestige. Concerning the control of the Bureau judges and auditors, a law issued on September 1965, establishing the High Judicial Council as a Special Board to look into the conditions of the judges as to their professional and moral competence as well as to their health conditions. This Council was intended to exercise continuous control over all the judicial body and to look into any deviation from laws and regulations in effect.\textsuperscript{14}

\textit{During President Chehab reform movement, two legislative decrees were issued to organize the judiciary. Legislative decree No. 21 of June 1959 which dealt with the amendment of certain provisions of the previous law concerning appointment and promotion of judges, and legislative decree No. 7855 of October 1961 which is still in effect until present time with some minor amendments in 1965.} According to article one of this law, judges are divided into two categories:

\textsuperscript{13} Collections of Legislative Decrees (Beirut: Sadir Press, 1953-1959).

\textsuperscript{14} Republic of Lebanon, Chamber of Deputies, Minutes, September 1965.
Professional judges and interns. The law also established a Training Institute for judges. Those who join this Institute are the interns. The High Judicial Council determines the number of trainees needed, proposes the examinations and conducts them according to the merit principle. Those who pass the exam are appointed by the Minister of Justice as interns and then, they undergo a training course at the Training Institute for a period of three years.

Professional judges, according to this law, are appointed from among graduates of the Training Institute and who pass the second competitive exam. Professional judges may be also appointed without undergoing the training course, from among lawyers, assistant judges, University Professors in the faculty of law or civil servants on condition that they have a degree in law and a minimum of five years service in their respective jobs, and after the approval of the High Judicial Council.¹⁵

Concerning the promotion of judges, the law provides for the same procedures provided for in the personnel law, with the exception that the High Judicial Council performs the functions of the Civil Service Commission.

Control over interns is exercised by the High Judicial Council, while control over professionals is exercised by

¹⁵Legislative Decree No. 7855, October 16, 1961.
the Judicial Investigation Board. The Judicial Investigation Board, established by this same law, is composed of a Chairman, three general Investigators, and three Investigators. The Chairman is granted tremendous administrative and financial powers. He personally should investigate the Court of Cassation, the Council of State, the Bureau of Accounts, and the General Directorate of the Ministry of Justice, in addition to his authority of control with his colleagues in the Board over regular courts. With the exception of constitutional authorities, the Chairman of the Investigation Board has the authorities entitled for a Minister.  

Finally, a few words about the Religious Courts will conclude this background about the judicial system in Lebanon. Religious Courts, as we mentioned earlier, are concerned with personal status problems. Each religious community in Lebanon is allowed to regulate its own affairs of personal status. The state has no control over such problems, except in executing decisions passed by these independent church courts. This state of affair contributes to an uneveness of administration and application... The effectiveness with

15 Ibid., pp. 43-45.

17 These are: marriage, divorce, nullity, alimony, affiliation, guardianship, succession, and allied matters.
which each community carries out these functions varies considerably."^{18}

The personal status affairs of Moslem communities in Lebanon are administered by Shari'a Courts. The Shari'a Courts are of three types: The Sunni Shari'a Courts, the Ja'afari Shari'a Courts, and the Druze Shari'a Courts. Each one of these courts is organized on two levels; First Instance and Appeal. The non Moslem communities have also their church courts which are also organized on two levels; First Instance and Appeal.

Thus in spite of the efforts made during the Mandate and early independence periods to reform and improve the judicial system, the most serious attempt for reform started during the Chehab regime. The 1965 reform measures continued and supplemented earlier efforts.

B. Purpose of the 1965 Reform

The Lebanese public and press tend to share a negative image of the Judiciary. The main sources of complaint are the delays in trials, dishonesty and incompetence of some judges. If the personal law requires sufficient guarantees and qualifications in selecting civil servants for the proper performance of their duties, such requirements become

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fundamental for the staffing process in the judicial branch if we take into consideration the important role that the judiciary play for achieving stability, peace, and continuity of independence in any country. The judiciary, in Lebanon, is theoretically independent of any interference from the other organs of government, and cannot be indiscriminately removed from office. But this independence is not true in practice. The executive authority, in practice, dominates both the legislative and the judicial authorities. Executive domination, contrary to the Lebanese Constitution, is practiced through extra-ordinary powers, easily granted by the weak legislature to the Cabinet, for reform purposes, particularly during large reorganization movements. On the other hand, the Ministry of Justice in Lebanon is entitled with wide formal and informal powers of control and domination over the judiciary. Thus, during major reorganization movements, as the one under discussion, the independence of the judiciary, comes to naught, and the judiciary becomes under the mercy of government and the extra-ordinary powers. The independence of the judiciary should be institutionalized by constitutional and ordinary laws. If we expect the judicial body to be honest and neutral, they must be secure in their offices.

The selection of judges, during the early past independence period was not based on the merit principles. In addition to the sectarian principle that is applied in the
judicial appointments, political appointments were not uncommon. Thus, the seeds of corruption originated in such practices. The following defects have been considered to be the main causes of corruption and dishonesty of some judges:

1. Carelessness and lack of responsibility;

2. Giving priority to their work as heads of temporary specialized committees for which they are appointed with additional salaries over their main job, a factor which creates friction and envy among judges;

3. Teaching, publishing, selling lectures and books in a commercial way all this on the account of their official posts in the cadre;

4. Over burden of work on both ordinary and administrative judges led to delays in trials;

5. Judicial assistants are not well qualified for the work they perform;

6. Lawyers are not cooperating with the courts; usually intentionally and for personal profit reasons, a factor which contributed to the delays in the dispatch of official legal business.¹⁹

We notice, from the above mentioned defects that the main emphasis on the 1965 reform movement was on the human

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The reformers intention was primarily for minimizing the defects in the Judiciary caused by incompetent and corrupted elements. According to the Parliamentary Committee on Budget and Finance, the main purpose of the reform was to have the High Judicial Council acting as a permanent Board, for looking up the situation of judges and proposing the dismissal of those who show lack of moral and professional competence or those who are in bad health conditions.\footnote{Republic of Lebanon, \textit{Chamber of Deputies, Minutes}, July 15, 1965, p. 1219.}

Moreover, the Government intended to reorganize the Judicial Disciplinary Council in such a way as to have the president and members of this council selected from among the Judicial Cadre judges.

The Lebanese Judicial system does not lack the most modern organizational setup, laws and regulations. Perhaps over legislation is one of the serious defects of the judicial system. What we need more at this stage of our development is qualified, neutral and competent judges who will honestly and efficiently apply the laws that we have. The reformers, upon the advice and leadership of President Helou himself, were quite aware, after the half-hearted previous reform movements, that manpower is the most essential and even the decisive factor in any organization.
C. Organization

Legislative decree No. 7855 issued on October, 1961, in its first part sets up the judicial organization in Lebanon. The second part of this same decree reorganized the High Judicial Council.

The reorganization of the High Judicial Council was undertaken another time in June, 1965 as a major part of President Charles Helou Judicial reform movement. Legislative Decree No. 2006 which reorganized the High Judicial Council was approved by the Lebanese Chamber on 19 July, 1965. 21

Article one of this decree provides for the composition of the High Judicial Council as follows:

The President of the Court of Cassation, The Public Prosecutor of the Court of Cassation, President of the Judicial Inspection Council, and Inspector General from the Judicial Inspection Council, and three judges whose ranks are not specified and who are appointed by a decree for two years. The meetings of the Council are presided by the President of the Court of Cassation.

Article two, states that, in addition to its regular functions, the Council is empowered, as a permanent special

Board, to look up the conditions of judges concerning their moral, and professional competence as well as those with poor health conditions.

The President of the Council of State and the President of the Bureau of Accounts would join the Council's meetings respectively, when a judge belonging to either of these two Councils is under scrutiny. A minimum of five members is required to constitute a quorum. Decisions are taken by an absolute majority of the members of the Council by the secret ballot method. The Council, in its decisions should consider all judges' good points.

The Council is empowered to consider the status of each judge and recommend to the Cabinet his dismissal. On the other hand, the Cabinet also has the right to ask the Council for a secret report on the situation of any judge prior to taking action against him. The report is then presented to the Cabinet which has a period of ten days to discuss it and decide on whether the judge is to be dismissed or pensioned. In the event no Cabinet decision is taken within ten days, the Council's decision will become operative and binding on the Cabinet. On the other hand, if a Cabinet request is not considered by the High Judicial Council within a period of ten days, the Cabinet will have the right to dismiss the judge or pension him. All decisions taken by the Cabinet will be considered final and not subject to any appeal.
Article three dealt with the composition of the Judicial Disciplinary Council concerned with the judges of Ordinary Courts, as follows: The Judicial Disciplinary Council is presided over by the President of the Court of Cassation - President of the High Judicial Council, and the membership of two candidates from the High Judicial Council appointed by a Cabinet decree after consulting the opinion of the High Judicial Council. The Chairman of the Judicial Investigation Board acts as Prosecutor General in the Judicial Disciplinary Council.

Article four was a temporary provision, and provides for the right of any judge, within a period of ten days, to ask for his dismissal from the service. The Council of Ministers has the right to accept or reject the request. The Council of Ministers has to decide on resignation requests within ten days. If a period of one month elapsed since the resignation request has been registered in the secretariat of the Ministry of Justice without action taken by the Council of Ministers, the request is considered accepted. 22

This law raised three major controversial issues.

First, the law does not provide for self defence in front of the High Judicial Council. This provision violates

22Law No. 49, September 6, 1965.
article 20 of the Lebanese Constitution which grants the judiciary the necessary guarantees, independence, and immunity. It is nonsense to suppose that the High Judicial Council is taking disciplinary action against a wrong committed during the service. The action of the High Judicial Council meant a number of individuals which naturally necessitates the application of the principle of self-defence.

Second, final authority was vested in the Cabinet rather than in the High Judicial Council. It is true that the Cabinet cannot take any decision prior to the High Judicial Council's decision, but the Cabinet has the right to reject the Council's decisions. This means that the destiny of the judiciary is left completely under the authority of the executive. The judge in this case feels that he is subject to an invisible, but strong and continuous political authority.

Third, the dismissed judges were not allowed to appeal to any authority. This provision of the law violates the Lebanese Constitution which provides for the principles of separation of powers and the rule of law. The law as well denies basic rights similarly guaranteed by the Constitution.23

The Chairman of the Council of State believes that the reform law was also violated by the High Judicial Council. The law states that the Chairman of the Council of State is

23 Interview with Mr. Khalil Jrai, former head of Chamber - Court of Cassation, May 3, 1968.
a member of the Unitary Committee and shares in its activities when a judge belonging to the Council of State is under scrutiny. Thus the same law which appoints him as a reformer charged him as guilty. On the other hand, members of the High Judicial Council were appointed by the executive authority and were subject to its control. The names of the judges to be dismissed were studied and prepared by the executive and imposed on the High Judicial Council regardless of any other considerations.24

Unfortunately, the minutes of the High Judicial Council's meetings were secret. But journalistic charges of conflicts and disagreements of the Council members were not uncommon.

D. Achievements

The High Judicial Council exercised the powers granted to it by the 1965 reform law, and in a number of successive meetings, dismissed a number of judges; only one of them was dismissed because of health reasons.

On January 1965, the first group of purges was publicized and included 13 judges. Among these were the Chairman of the Bureau of Accounts and the Chairman of the Council of State.

On February 1966, the second group of purges was issued and this time it included four judges.25 Thus a total of 17

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24 Interview with Mr. John Baz, former Chairman of the Council of State, April 30, 1968.

judges were dismissed and received their indemnities according to laws in operations. A number of lawyers and top government officials believe that a number of other judges were subject to the same penalty and were voted down by the High Judicial Council, but upon the government request they were not publicized.

In spite of the clear text of the reform law, that no kind of appeal is possible, a number of the dismissed judges, and later, civil servants, appealed to the Council of State. The Council of State has already rejected these appeals. Some believe that the decisions of the High Judicial Council are administrative in nature and therefore are subject to nullification by regular appeal procedures to the Council of State. Others believe that the decisions of the High Judicial Council are judicial in nature and therefore are not subject to any appeal, since they are spelled out by the highest judicial authority in the country.
### Table IV

**Names and Official Posts of The Dismissed Judges**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Ahmed al-Ahjadab</td>
<td>Chairman - Bureau of Accounts</td>
</tr>
<tr>
<td>2.</td>
<td>John Baz</td>
<td>Chairman - Council of State</td>
</tr>
<tr>
<td>3.</td>
<td>Zahid Haider</td>
<td>Public Lawyer - Court of Cassation</td>
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<tr>
<td>4.</td>
<td>Henry Shaghoury</td>
<td>&quot;</td>
</tr>
<tr>
<td>5.</td>
<td>Adel Hamra</td>
<td>&quot;</td>
</tr>
<tr>
<td>6.</td>
<td>Adel Taqey-Eddin</td>
<td>&quot;</td>
</tr>
<tr>
<td>7.</td>
<td>Habib Karam</td>
<td>1st Investigator - South Lebanon</td>
</tr>
<tr>
<td>8.</td>
<td>Michael Lahoud</td>
<td>Consultant - Court of Appeal, Beirut</td>
</tr>
<tr>
<td>9.</td>
<td>Khalid al-Hasan</td>
<td>&quot;</td>
</tr>
<tr>
<td>10.</td>
<td>Mahmoud N‘man</td>
<td>1st President - Court of Appeal, South Lebanon</td>
</tr>
<tr>
<td>11.</td>
<td>Mohammad Zureiq</td>
<td>Member - Court of First Instance, Zahleh</td>
</tr>
<tr>
<td>12.</td>
<td>Michel Khoury</td>
<td>Land Registration Department, Beirut</td>
</tr>
<tr>
<td>13.</td>
<td>Emile Abu Samra</td>
<td>Consultant - Council of State (dismissed for health reasons)</td>
</tr>
<tr>
<td>14.</td>
<td>Khalil Jreij</td>
<td>Head of Chamber - Court of Cassation</td>
</tr>
<tr>
<td>15.</td>
<td>Wafic al-Husami</td>
<td>Head of Chamber - Court of Appeal, Beirut</td>
</tr>
<tr>
<td>16.</td>
<td>Salim al-Turk</td>
<td>Single Judge, Beirut</td>
</tr>
<tr>
<td>17.</td>
<td>Jamil Abu Khater</td>
<td>&quot;</td>
</tr>
</tbody>
</table>

In addition to the 17 dismissed judges, three submitted their resignation willingly within the 10 days limit provided for in the law. Out of those three resignations, one was accepted, and the other two were rejected by the Council of Ministers.
Another achievement of the 1965 judicial reform movement came about by the reorganization of the High Judicial Council and the separation of the Judicial Disciplinary Council from it. The purpose behind this separation was to give the Judicial Disciplinary Council an independent character instead of having both Councils merged together without distinction and clear separation of functions. This can be explained on the bases that the regime wanted to emphasize the efficiency and proper performance of the Judiciary and to have each judge cling to his duties and responsibilities provided for in the law. This state of affair requires continuous and strict supervision which the High Judicial Council, according to its previous organization, cannot fulfill, in addition to its main responsibilities as a Highest Court of Appeal in the Country. There is a proposed law studied at the present time for a new reorganization of the High Judicial Council.

On February 1966, a new law was issued reorganizing the Council of State. According to this law, appointments and promotions of assessors and assistant assessors are allowed from among public officials in the administrative Cadre with a degree in law. Another law was issued, at the same time, to enable the transfer of the judges of the Bureau of Accounts and the Council of State to the Cadre of Ordinary Courts' judges without any change in their rank.
or salary, and after the approval of the High Judicial Council.  

The High Judicial Council became a permanent internal instrument of control over the whole judicial system and was given authority to dismiss any judge who fails to live up to the State's expectations of professional and ethical standards. This in itself is a worthwhile contribution.  

One should not over estimate the achievements of the judicial reform movement. The movement had a number of shortcomings.  

First, the reform was hasty and not well planned and studied. A reform achieves good results when it is well studied and when a clear analysis of the causes of corruption and weaknesses is satforth in a systematic way. The desired reform could not be achieved by sending some people home or by a process of reshufflings among judges. Reforming the mentality is more important then reforming laws and procedures applied by the system.  

Second, the problem of low salaries of judges was not given due regard. The government should insure a decent life for the judge if we expect complete honesty and neutrality from the judicial body. The problem of low salaries is common to all state officials, a factor which does not encourage competent elements to seek the government service. In  

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December 1967, the judiciary submitted a collective resignation from their offices in protest for their low salaries. Table V shows the ranks and salaries of the judiciary in Lebanon. This Table reveals that the salaries ranges between 2225 and 800 pounds. The highest three ranks only receive a salary above 2000 L.P. while the remaining thirteen ranks are below 2000 L.P.

Third, the problem of understaffing in the judicial system was not solved. While the Administration is overstaffed, we find out that the total number of judges in Lebanon is 275 including administrative judges. The insufficient number of judges led to overburden of business in the courts and delays in concluding such official business.

Fourth, nothing has been done to improve the Judicial Control system. Up till now, investigation has been concerned with the police negative aspect of control by pointing out irregularities and transgressions of law. The Investigation Board should, in addition to this negative aspect of control revert also to the positive aspect and report an efficient and qualified judges. Such reports could be the best documents depended upon for promotion and transfer purposes.

27 The last official number of civil servants as published by the Civil Service Commission reached 23,250.

Table V

Ranks and Salaries in L.P. of the Judiciary in Lebanon

<table>
<thead>
<tr>
<th>Rank</th>
<th>New Salary as of 1965</th>
<th>Old Salary as of 1961</th>
<th>Fixed Monthly Increment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2225</td>
<td>1875</td>
<td>200</td>
</tr>
<tr>
<td>2</td>
<td>2125</td>
<td>1775</td>
<td>200</td>
</tr>
<tr>
<td>3</td>
<td>2025</td>
<td>1675</td>
<td>200</td>
</tr>
<tr>
<td>4</td>
<td>1925</td>
<td>1575</td>
<td>200</td>
</tr>
<tr>
<td>5</td>
<td>1825</td>
<td>1475</td>
<td>200</td>
</tr>
<tr>
<td>6</td>
<td>1725</td>
<td>1375</td>
<td>150</td>
</tr>
<tr>
<td>7</td>
<td>1625</td>
<td>1300</td>
<td>150</td>
</tr>
<tr>
<td>8</td>
<td>1525</td>
<td>1225</td>
<td>150</td>
</tr>
<tr>
<td>9</td>
<td>1425</td>
<td>1150</td>
<td>150</td>
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<tr>
<td>10</td>
<td>1325</td>
<td>1075</td>
<td>150</td>
</tr>
<tr>
<td>11</td>
<td>1225</td>
<td>1000</td>
<td>150</td>
</tr>
<tr>
<td>12</td>
<td>1125</td>
<td>930</td>
<td>150</td>
</tr>
<tr>
<td>13</td>
<td>1025</td>
<td>860</td>
<td>150</td>
</tr>
<tr>
<td>14</td>
<td>950</td>
<td>790</td>
<td>100</td>
</tr>
<tr>
<td>15</td>
<td>875</td>
<td>720</td>
<td>100</td>
</tr>
<tr>
<td>16</td>
<td>800</td>
<td>650</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Legislative Decree No. 7855, October 16, 1961.

Judges were divided into three grades, but legislative decree No. 7855 abolished these grades, and unified the judiciary in one grade. The 16 ranks established by this same decree were for the purpose of determining the salaries and monthly increments of the judges only.
A. The Unitary Committee

When the cabinet of Hussein El-'Oweini in July 1965 submitted the draft bills for judicial and administrative reform to the Chamber of Deputies, a Parliamentary Sub-Committee of thirteen deputies was formed to draft these bills in their final text before referring them to the House Committees of Justice and Administration and Budget and Finance. The Cabinet, at that time, exerted much pressure on House Committees, on Parliamentary Sub-Committee, and on Parliament later on for not to change the essence of the draft bills. The government threatened by a vote of confidence if such a change is to take place. However, Parliamentary Sub-Committee and House Committees introduced amendments to Cabinet draft bills which the government considered as minor.1

A new cabinet from outside the Parliament under the leadership of Rashid Karami meant, among other things, the determination of the regime to undergo the task of reform on a stronger and more solid basis. The new Cabinet,

however, adopted the bills No. 1830 of May 22, 1965 and
No. 2008 of June 21, 1965 concerned with dismissal of civil
servants, filling the vacated posts by reform dismissals,
and establishing a General Disciplinary Council for civil
servants, which were introduced by the previous cabinet
and unified these two bills upon the recommendation of
the House Committees of Justice and Administration and
Budget and Finance.

The draft bills, as originally submitted by the Cabinet
to the Parliament, included provisions to the effect that the
Cabinet has an unconditioned authority to dismiss any employee
by a decree without stating the causes of such an action.
"To save the domination of politics over ethical and adminis-
trative measures, a number of deputies proposed, and the
government agreed that a Unitary Committee will take over
this task."\(^2\)

As soon as the bill was approved by the Chamber, the
Unitary Committee was formed according to the text of the
law. This Committee is to be concerned with civil servants
only. Meanwhile, the same law provides for the formation
of two special Boards to be concerned with looking at the
situation of the Internal Security Forces and the Public
Security Forces respectively for the same reform purposes.

\(^2\)Republic of Lebanon, Chamber of Deputies, Minutes,
September 1965, p. 1437.
Articles 3, 4, 5, 6 and 7 of this law are concerned with the Unitary Committee: its organization, regulation, and investigation procedures.³

Article 3 provides for the formation of a Unitary Committee from among the Board members of the Civil Service Commission and the Central Inspection Council, to look into the situation of civil servants to probe for incompetence, unethical conduct, and poor health among them.⁴ Article 4, states that the Chairman of the Civil Service Commission shall preside over the committee meetings. Meetings of the Unitary Committee are not legal if not attended by a minimum of five members to include the Chairman of the Civil Service Commission and the Chairman of the Central Inspection Council, or the Chairman of the Judicial Investigation Board when concerned. Decisions are taken by a minimum of four votes, by the secret ballot method. Article 5 states, that the Unitary Committee shall take into consideration all elements of evaluation in studying the personal files of employees.

Article 6 determines the procedures of investigation into employee conditions, and grants the Unitary Committee the right of taking the initiative in putting its hands on

³Law No. 54, October 2, 1965.

⁴The Unitary Committee was composed as follows: 3 members from The Civil Service Commission, 3 members from The Central Inspection Council.
the special service conditions of any civil servant. Judges, army officers, Internal Security and Public Security officers, and all civil servants belonging to these two departments are to be excluded from the authority of the Unitary Committee.\footnote{Officers of the Internal Security and Public Security, as well as judges were subject to the authority of Special Committees which are discussed separately in this work.} This article also granted the Cabinet, or any Minister, after the approval of the Cabinet, the right to refer any employee for investigation. The decisions of the Unitary Committee are presented to the Cabinet, which has a period of ten days to approve or reject them. In the event no cabinet decision is taken within ten days, the Unitary Committee's decision will become operative and binding on the Cabinet. If the Unitary Committee's report to the Cabinet is concerned with the termination of the services of an employee, and the Cabinet did not take action within the ten days limit, the employee is considered as dismissed and will be pensioned or paid his indemnity according to operative rules and regulations.

Article 7 states that if the Unitary Committee fails to come to a decision about an issue within ten days of receiving it from the Cabinet, the matter must be left to the Cabinet which has the right to dismiss the employee in question and issue a decree to that effect.
Article 8 dealt with the formation and organization of two special Boards to look into the situation of the Internal Security Forces and the Public Security Forces as well as the civil employees at these two departments respectively. The first was to include the Director General of the Internal Security Forces as President, and the membership of the General Investigator of the Internal Security Forces, the Commander of the unit concerned, and the two army officers - members of the Internal Security Command Council. The second was to include the Director General of the Public Security Forces as President, and the membership of the Gendarmerie Commander, the Police Commander, and the Judicial Police Commander.

These two Boards were granted the same authorities and functions, within their respective departments, as those granted to the Unitary Committee and which were specified in articles 4, 5, 6 and 7 of this law with noticing the following:

Meetings of both Boards are illegal if not attended by their respective presidents and a minimum of three member candidates from each Board. Decisions are to be taken by a four votes majority by the secret ballot method.

These two Boards exercised their authorities and purged a number of officers and civil employees who were thought to
be professionally incompetent, or with unethical conduct, or with poor health. Evaluation of the reform undertaken within these two departments is outside the scope of this study. Our concern will be focused on the Unitary Committee and its achievements in the Public Civil Service.

The minutes of the Unitary Committee meetings were surrounded with complete secrecy. Actually, the committee members took an oath for not revealing such information to the public or the press. The Unitary Committee was also bound to secrecy in its investigations and therefore cannot reveal the reasons for its judgement of any employee. "The employee is left ignorant of the factors that led to his dismissal, and with his name slurred, he is not given the chance to defend himself."\(^6\)

The composition of the Unitary Committee, and the excessive powers conferred upon it were subject to mounting charges and criticisms by a number of deputies and by people from various professions, particularly the dismissed civil servants. These criticisms were around the following points:

First, the sectarian composition of the Unitary Committee. The members of the Unitary Committee were half Moslems and half Christians. This was criticized by a number of deputies

\(^6\) *Daily Star* - Beirut, September 8, 1965,
in Parliament during the debate on the reform program on the bases that no reform could be real and achieve good results if the reformers are appointed on sectarian principles, knowing that sectarianism is the most pressing problem that needs reform. "The composition of the committee on sectarian principles led to compromises in the dismissal process."⁷ Those who were dismissed fulfill exactly the sectarian balance which is followed in the appointment process.

Second, excessive powers granted to the Unitary Committee. While the Lebanese Constitution provides for the principles of separation of power and the rule of law, we notice from the provisions of the reform law that the Unitary Committee was granted both judicial and executive powers. Moreover, the decisions of the Committee were not to be appealed to any authority; a situation which is against the Lebanese Constitution and the declaration of human rights. "The Council of Ministers had already agreed with the President of the Republic not to reject any name which is voted down by the Committee."⁸

Dr. Salim Haider, who was dismissed by the reform measures, declared that the Cabinet according to the reform

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⁷ Interview with Dr. Zaki Mazboudi, former Chief of Revenue Service, Ministry of Finance, April 11, 1968.

⁸ Ibid.
law has the authority of approving or rejecting the decisions of the Unitary Committee, but after the protests against the first group of purges among the judiciary closed this door of exercising its constitutional authority and decided to approve any decision of the Unitary Committee without modification except when the execution of such decisions threatens the public security and order in the country. The state thus gave up the democratic parliamentary responsibility in reforming the administration. Moreover, the law was not limited to a definite period of time, but rather it was permanent.\textsuperscript{9} In fact, the Unitary Committee has not been dissolved up till now. This means that the reform measures are still in effect and civil servants are still subject to the emergency powers granted to the Cabinet in September 1965. According to the Chairman of The Research and Guidance Directorate, the reform program was abortive and that the Unitary Committee was asked by the Council of Ministers to hold its activities temporarily. It is expected that at any time, the Unitary Committee will be asked to resume its activities in accordance with the reform law.\textsuperscript{10}


\textsuperscript{10}Interview with Mr. Michel Abu Sha'ar, Chairman of Research and Guidance Directorate - Member of the Unitary Committee, February 28, 1968.
Third, lack of complete personal files for civil servants. Unfortunately, up till now the Civil Service Council has no complete personal files for all civil servants. There are files that provide information about the personal and family status of the employee and about his grade and salary, but nothing about his performance or his efficiency and honesty. The Chairman of the Civil Service Council, who was at the same time the Chairman of the Unitary Committee said that the reports of the Central Inspection Council were taken into consideration during the dismissal process, and that he is fully convinced that no injustice was done against anybody.

Fourth, the secret ballot method used by the Unitary Committee in the Voting Process. As we mentioned earlier, the last section of article 3 of the reform law provides that the decisions of the Unitary Committee are to be taken by the secret ballot method. This provision was criticized by Deputy Anwar al-Khatib in the Parliament on the bases that this method prohibits straightforward public debate.

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11 Interview with Dr. Zaki Mazboudi, op. cit.

12 Interview with Mr. Farid Dahdah, Chairman of the Civil Service Council - Chairman of the Unitary Committee, December 12, 1967.

13 Republic of Lebanon, Chamber of Deputies, Minutes, speech by Deputy Anwar al-Khatib, September, 1965.
Members of the Unitary Committee will try to avoid committing themselves publicly with or against employees under scrutiny. This process minimizes the usefulness of public debate and opens the possibility for members of the Committee to have their votes not based on a logical and honest debate. "Members of the Committee used black and white papers to mean 'with' or 'against' as symbols in the voting process in order to avoid committing themselves in writing."\textsuperscript{14} It was enough for an employee to have his name suggested by two members of the Committee to have his case discussed. This means that only those employees whose names were suggested by two or more members of the Committee have only been subject to the reform measures and not all employees.\textsuperscript{15}

Fifth, doubt in the impartiality and harmony among the Unitary Committee members. Although the meetings of the Unitary Committee were secret, journalistic charges of schisms and conflicts among the Committee members were not uncommon. A number of the dismissed employees mentioned personal conflicts among the Unitary Committee members, and believe that this had to do with their dismissal from the service rather than their dishonesty and lack of

\textsuperscript{14} Interview with Dr. Zaki Mazboudi, op. cit.

\textsuperscript{15} Ibid.
competence. The reasons that led to the dismissal of some employees was revealed as being administrative rather than lack of honesty or competence. Such employees were becoming very powerful and influential in the administration to the extent of threatening central policy. This group was also dismissed under the maxim of dishonesty and incompetence.\textsuperscript{16}

B. \textbf{Foreign Service}

Lebanon's foreign policy is based on principles directly related to the social, cultural and political composition of the country; implied in the National Pact and inspired from Lebanon's existence as an independent sovereign state. In the Arab world, Lebanon's traditional policy is neutrality and an active role in coordinating conflicts that might arise among Arab states. Since the establishment of the League of Arab Nations, Lebanon has been an active member trying always to preserve and respect its Charter. On the international sphere, Lebanon follows a policy of friendship with all nations on the bases of common interests and cooperation for preserving world peace and public security. As a member of the United Nations, Lebanon respects its Charter, and shares in its economic and social development programs.

As soon as Lebanon achieved independence and became a sovereign and active member in the international community,
her new status required that the Ministry of Foreign Affairs maintain additional services and activities. The foreign service with its modern implications, became the mirror of the state and the people that it represents among other nations. The quality, competence and behaviour of the foreign service officials reveals the ideals, values and ambition of the people they represent. At present, "The Ministry of Foreign Affairs and Emigrants is in charge of foreign policy affairs - of international political, economic, social and cultural affairs, generally speaking, and of the protection of the interests of Lebanese citizens in foreign countries."17

Appointments to the foreign service, during the early independence period were subject to serious limitations. Sectarian and political considerations prevented, to a great extent, the selection of the best elements to the foreign service. Moreover, carelessness, and irresponsible behavior of some foreign service officials, in addition to the absence of a training institute were among the major causes of weakness and corruption in the service.

Under the Chehab regime, the Ministry of Foreign Affairs was reorganized and its activities were broadened. Special emphasis was placed on Lebanese emigrants who return on

17 George Grassmuck and Kamal Salibi, op. cit., p. 43.
occasions and on retirement to Lebanon. New cadre for the foreign service officials was established. New recruits were required to join courses in the public administration and foreign affairs section of the National Institute for Public Administration and Development. It was probably in the foreign service that the Chehab regime was most successful. But, the Chehab reorganization movement was limited to improvements in the structural and organizational aspect of the foreign service. This attempt was not matched with equal stress on the personnel aspect.

The 1965 reform movement aimed at correcting adverse practices of certain officials and minimizing the defects caused by inferior personnel behavior. This movement should be viewed as another aspect of the Chehab reform movement because it completes and supplements it.

Immunity was lifted from foreign service officials by the same reform law of September, 1965 which granted the Cabinet of Rashid Karami emergency powers to purge the administration from undesirable elements.

The Parliamentary Committee on Foreign Affairs revealed the following defects in the system, which in fact stimulated the reform in the foreign service:

1. Some officials are conducting commercial business transactions protected by their diplomatic privileges and immunity.
2. A number of officials, in their dealings with Lebanese emigrants abroad, are influenced by sectarian and political attitudes.

3. Lebanon's representation abroad is weak, and a number of ambassadors are careless, and irresponsible.

4. The Lebanese Ministry of Foreign Affairs and Emigrants lacks a unified policy toward its Consulates and Missions abroad which results in a fragmented policy.\textsuperscript{18}

In fact, problems of this sort hinders the maintenance and promotion of proper Lebanese relationships abroad. They also adversely effect the strengthening of connections between Lebanese emigrants and their homeland. It was realized that some foreign service officials are exercising inferior administrative practices and behave improperly in the performance of their duties, a situation which degrades the dignity and status of Lebanon in the world community. Thus, the main objective of the foreign service reform was to correct these adverse practices.

1. \textbf{Organization}

Again, the Unitary Committee in cooperation with the Council of Ministers, were the two organs authorized by the legislative mandate to them to undertake the reform process in the Foreign Service. The Unitary Committee

\textsuperscript{18} \textit{al-Hayat} - Beirut, October 22, 1965.
was supposed to go over all the personal files of employees and propose the termination of all employees whose files reveal professional incompetence, unethical behavior or poor health evidence. This by itself was a tremendous job which, taking the political environment within which the reform had taken place into consideration, has to be completed in a short period of time. According to the Chairman of the Unitary Committee, all the files and records of Foreign Service employees were studied carefully and scrutinized with complete honesty and neutrality. In a number of cases, the Committee sent delegates abroad to investigate about certain questionable issues under discussion, so that no injustice is inflicted upon any employee.  

According to the provisions of the law, those names which are voted down by a majority of four votes, through the secret ballot method, should be reported to the Council of Ministers. The Council of Ministers, in turn, has to approve or reject the Committee's proposals within a period of two weeks. The Council of Ministers also has the right to terminate the services of any employee if the Unitary Committee failed to take a decision within ten days.

19 Interview with Mr. Farid Dahdah, op. cit.
In fact, the Unitary Committee did the major task of this reform process. They used to have open meetings most of the time so that they can meet the pressure from the Cabinet to have the job done as soon as possible, and on the other hand, to put an end to the feeling of unrest that spread among the ranks of the Foreign Service officials.

The reform procedures were criticized by a number of prominent people, as well as by the dismissed officials. It is thought that the reformers were subject to strong foreign pressures, at least against some of the dismissed foreign service officials. Later on, internal political and sectarian pressure on the President of the Republic and on Cabinet members could stop the reform dismissals, which if it had to continue, would affect many other foreign service employees.\(^20\)

Reports of the Central Investigation Council were also criticized on the bases of their accuracy. Foreign service inspectors usually depend, for collecting their information, on uninformed Lebanese emigrants who are usually influenced by personal, sectarian and political motives. On the other hand, many inspectors lack the vision and knowledge about the nature of the foreign

\(^{20}\) Interview with Mr. Ilias Rababi, former Ambassador, April 25, 1968.
service activities. The Unitary Committee members, in a number of cases, were misled by such inaccurate reports.21

The Central Investigation point of view rejects any prejudice against inspectors neutrality and independence. The Central Investigation Council has the character of a court, and inspectors fulfill the moral requirements necessary for a judge. We have to trust our government institutions, otherwise the whole governmental system will break down.22

2. Achievements and Evaluation

The Unitary Committee, after several meetings, reported fourteen names of the condemned Foreign Service Officials to the Council of Ministers. The Council of Ministers, before approving the dismissal of those employees and publicizing their names gave them a chance to submit a voluntary resignation. The purpose was not to injure the status of the Lebanese Foreign Service abroad. Finally, the fourteen officials were dismissed and granted their indemnities. Out of those fourteen officials, eight were ambassadors and six consultants.

21 Ibid.

22 Interview with Mr. Zafer Bustani, Central Inspection Council, Chief of Service - Administrative Reform Section - Ministry of Justice, April 28, 1968.
Only two submitted their resignation willingly. "The ousted ambassadors had been posted in the Soviet Union, Iran, Cyprus, Pakistan, Saudi Arabia, Japan, Senegal, and Argentina. The ambassadors in Britain and the United Arab Republic anticipating the purge resigned last month. This is considered the first serious shake-up of the country's inefficient administration since Lebanon gained her independence from the French in 1943." 23

It is believed that there was another group of names on the list of purges, but this was not effectuated because it does not fulfill the sectarian balance and thus will cause a political issue in the country. 24

Past experience gives us evidence of similar examples where the sectarian problem hindered basic and true reform. This shortcoming is not a characteristic of the Foreign Service reform only, but it is also applicable to the whole governmental system in Lebanon.

A major weakness of Lebanese representation abroad is a result of the understaffing of the Ministry of Foreign Affairs. When the issue of reform in the Foreign

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24 Interview with Mr. Mohammad Ali Himadeh, former Ambassador, April 29, 1968.
Service was under discussion, the Minister of Foreign Affairs declared the following facts to the Parliamentary Committee for Foreign Affairs:

1. The number of all Foreign Service employees is 248, and this number includes ambassadors, executive officers, consultants, secretaries, attachés, clerks and janitors.

2. The number of all our officials in embassies abroad is 141, while the remaining 107 employees are in the central administration section of the Ministry.

3. Lebanon has 63 resident diplomatic missions abroad divided into 50 diplomatic missions and 13 Consulate missions. In addition, there are 114 honorary commissions distributed among the major foreign countries. The Ministry of Foreign Affairs should keep in touch with all these branches daily.

4. Out of the 63 resident diplomatic missions, 14 have only one official who does all the necessary work by himself.  

From the above, we can conclude that the Ministry of Foreign Affairs, in addition to its lack of a well qualified Foreign Service Corps, is also understaffed. The number of the United States employees in their

Embassy in Beirut for instance, is more than all the Lebanese Foreign Service employees. This is true, while we notice that most other ministries and public organizations are overstaffed with unnecessary employees.

Recently, there has been a serious attempt for increasing the corps and activities of the Ministry of Foreign Affairs by appointing new elements from among University graduates. But unfortunately, all such appointments are based on sectarianism which greatly hinders the efforts to get the most capable people into the Foreign Service.

Dismissals from the Foreign Service, in the manner it took place, under the dictum of dishonesty and unsatisfactory performance, have severely injured the reputation of Lebanon abroad. It left a negative impact on the international confidence in the Lebanese political and economic position. The Ministry of Foreign Affairs, on the other hand, contradicted itself when a number of the dismissed ambassadors requested a letter, stating the reasons for their dismissal, to enable them join the lawyers syndicate. The Ministry of Foreign Affairs sent official letters signed by the Minister himself that their dismissal has nothing to do with their honesty, dignity or competence.26

26 Interview with Mr. Mohammad Ali Himadeh, op. cit.
Generally speaking, the 1965 reform movement was not systematically planned and well studied. The reform came hasty and partial. No effort was paid for a better training of the Foreign Service employees.

C. Ministries and Public Organizations

The same law No. 54/65 of October 1965, lifted the immunity from all civil servants belonging to the various ministries and public organizations, and authorized the Unitary Committee to deal with the reform stipulated by the legislative Mandate to the Cabinet.

According to article one of this law, all civil servants, accept army officers and employees, to whichever cadre they belong, will have the right to resign from their posts or demand pension and benefit from their indemnity for years of service within a period of ten days from the date this law becomes effective.

Any civil servant who wants to resign should submit his resignation to the Minister concerned, who in turn passes it to the Cabinet. The Cabinet however, will have the right either to accept or reject the employee's demand, within forty days from the date the resignation is submitted, failing that, the resignation will be considered as having been accepted, without special legislation and all rights of pension and/or indemnity are paid according to effective legislation.
In the case an employee is dismissed from service or pensioned according to this article, he is paid an additional sum of money equal to four months of his basic salary, taken from salaries appropriations.

Article 2 gives the government the right to dismiss or impose retirement on all employees including employees of the public organizations and independent agencies, with the exception of Military officers and employees, and employees in the Central Bank.\(^27\)

Article 9 states that the employee dismissed for reform purposes has the right to claim indemnity, or pension, as the case may be according to laws in operation.

Article 10 states that the government has the right to fill the posts vacated by reform dismissals, after the approval of the Civil Service Commission, or the Board concerned in the case of internal and public security forces and the civil employees belonging to them, from among candidates who fulfill the required conditions for such appointments, exception is made to grade one appointments. In addition, appointments to the independent agencies are exempted from the condition of age limit. Appointments should not take place from among retired independent agencies' employees.

\(^{27}\)Articles 3-7 of this law deal with the establishment of the Unitary Committee, article 8 deals with the establishment of two Special Boards to deal with the Military forces. Articles 3-8 were discussed earlier in this work.
Article 11 states that all measures taken by the government in the dismissal of employees cannot be questioned in any way, for any reason, even if the government is thought to have exceeded its authority.

Article 12 abolished article 69 of the legislative decree No. 112 of June 1959 and replaced it by the following text:
The government has the right, within a period of one year from the date this law becomes effective, to terminate the service of any employee who has completed his fifty-fifth year of age and whose effective period of service is thirty years. After consulting the opinion of the Unitary Committee.
- All decrees of imposed retirement issued according to this article cannot be questioned or appealed to neither administrative nor judicial courts. Protests against financial mistakes can only be accepted.
- Employees who are fifty-five years old or more and have served thirty years have the right to request their dismissal or retirement, and the government can accept or reject such requests.

Article 13 is concerned with the establishment of the General Disciplinary Council.

First - A General Disciplinary Council for civil servants is established and attached to the Council of Ministers
to have permanent disciplinary authority over civil servants. The mandate of this Council covers:

A. All the civil servants belonging to the Ministries and the various administrative units, except the following categories, which by the nature of their functions, are subject to special disciplinary agencies.

1. The Board members of the Civil Service Commission and the Central Inspection Council.


3. Army officers, Internal Security officers, Surete General and the civil employees belonging to them respectively.

B. All the employees of independent agencies and public organizations.

C. All employees of municipalities which are audited by the Bureau of Accounts, and all municipalities that are subject to the provisions of this law by cabinet decrees.

Second - The General Disciplinary Council is composed of a chairman and two members appointed by a cabinet decree, and two other reserve members to complete the Board in case any of the effective members is absent.
- The government is represented at the General Disciplinary Council by an officer from the Central Investigation Council.

- Half the salary of the employee is cut when referred to the Council, and is not refundable unless the employee is declared innocent or is convicted by grade one punishments at most.

- Decisions of the Council are not excused or appealed to any authority, even if the Council is thought to have exceeded its authority.

Third - The government, by issuing cabinet decrees, decides on the period of time within which the Council has to take its decisions and the procedures of transferring the functions of the present Disciplinary Councils to the General Disciplinary Council, and to fix the ranks and salaries of the Board members of the Council.

Fourth - Provisions of this law are not applied to the decisions of the Present Disciplinary Councils prior to the date when this law is made effective.

Fifth - The Cadre of the General Disciplinary Council is fixed as follows:

- 1 Chairman of the General Disciplinary Council - Grade I
- 2 members of the General Disciplinary Council -
  Grade I
- 1 secretary of the General Disciplinary Council -
  Grade II or III
- 1 chief of Bureau
- 3 clerk
- 2 junior clerk
- 1 messenger
- 2 janitor
Total: 13

Sixth - The Cadre of the government representation at the General Disciplinary Council is fixed as follows:
- 1 general investigator (prosecutor general to the Council)
- 1 Investigator or assistant investigator
- 2 clerk
- 1 junior clerk
- 1 janitor
Total: 6

The dishonesty and inferior practices of some civil servants, particularly in the highest two grades in the administration, have been a major cause for not achieving lasting results by previous reform movements. The present reform program implies the correction of such adverse practices that limited the effectiveness of the Lebanese
administration during the past two decades. "The quality of public administration is in large measure determined by the devotion, ability and honesty of the public personnel. No administrative system can be better than the men and women who conduct, indeed it might be said, who personify it." 28 In the words of the Unitary Committee in answering a parliamentary question "the objectives of the administrative reform at this particular period is to increase the productivity of administrative work and to improve administrative standards by improving the human element in the administration." 29

Prime Minister Rashid Karami considers the legislative decrees for reform purposes have been effective as such, this is proved by the fact that a number of countries have translated them and applied their content in their respective administrative systems. Their partial failure in Lebanon, he continued, is due to the civil servant himself on one hand, and on the Civil Service Commission and the Central Investigation Council on the other hand. He then divided the civil service into four categories:

1. A group of lazy civil servants who spend most of their time reading papers;


2. An ignorant group who does not read... and if they read, they don't understand;

3. A dishonest group which is subject to the present reform law, and

4. A good, honest, and efficient group which is lost among the other three groups.30

The reform law was criticized by a member of prominent deputies as well as by the dismissed civil servants. The criticism of this law was about two major points. First, the unconstitutionality of various clauses of this law, particularly article II. Second, failing short of achieving the basic reform that the public expects and the conditions of the administration required at this period of time. Commenting on the reform law, Ambassador Salim Haider said "If there had been a High Court in this Country to study the constitutional aspects of the reform law, it would have canceled it in less than 24 hours."31 During the Parliamentary debate on the reform bill, Deputy Abdullah Ghoteimi declared that administrative reform is something which must be achieved through revolutionary measures, like independence. A limited attempt, such as the one represented by the present reform bill, could not hope to get anything done. One sector of Lebanon is connected with every other sector, and

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30 Al-Anwar - Beirut, August 28, 1965.

to limit the reform to one could achieve nothing. To get rid of corruption which is playing havoc with the administration, it is necessary to strike at the roots and change the mentality which Lebanese society has inherited from the imperialistic powers which used to control it - the powers which, to serve their own interests, encouraged the people to seek jobs at any cost and ignored the need for education. 32

Deputy Subhi el-Mahmasani commenting on article 10 of the reform law said: This law has created two innovations. First, the minimum requirements of the theory of justice necessitates the hearing of the point of view of the dismissed employee and allowing him to defend himself. Second, this law does not allow any appeal to any court, even if the government did not obey its obligations provided for in this law. Therefore, I see that the law must be either limited to a definite period of time or leave the law to be subject to ordinary regulations. This will encourage good elements to join the service with sufficient guarantees for their future. 33

Prospects for the desired reform as well as criticism of the adverse practices in the administration were emphasized by Deputy Fuad Shader during the Parliamentary debate over the reform bill. He said: Administrative reform must concern

32 Ibid., September 8, 1965.

33 Republic of Lebanon, Chamber of Deputies, Minutes, speech by Deputy Subhi Mahmasani, August 12, 1965, p. 1460.
itself with the organizational and human aspect of the administration. The Civil Service Commission and the Central Inspection Council were created by the 1959 reform movement failed in their task. The Civil Service Commission, which was supposed to be autonomous, was controlled, and its decisions were time and again contradicted by the Cabinet. The Civil Service Commission on the other hand was given tremendous authority and not enough employees to enable it to carry out its gigantic task.

Concerning the human aspect, three points must be observed: 1) punitive measures must be set for offending employees, and rewards be provided for excelling workers; 2) the salaries of employees should be sufficient; 3) new appointments to the service must be controlled in such a way as to have every new employee fulfill the sectarian and competence pre-requisites provided for by the law. 34

Prime Minister Rashid Karami replying a number of deputies' criticisms of article 11 of the reform law, and stating the objectives of the reform in general terms said: "You all know that the reform at this stage was a response from the part of the government to the increasing complaints of the public from administrative conditions you all know. We were obliged to take measures which will enable the

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34 Daily-Star - Beirut, September 8, 1965.
administration perform its duties properly and for the sake of the public interest. He admitted that article 11 would result in the wronging of some employees - but only rarely. We know that this article is highly irregular, but considering the circumstances what can we do? In the past we dismissed some employees and gave them the chance to appeal to the Council of State, what happened? They were back in their jobs in no time at all, and the government had to pay them compensation. If you omit this article from the reform bill, I can assure you that every employee dismissed in the interests of reform will be back at his post in a matter of months. 35

In the application stage of the reform law, again, the Unitary Committee in a number of successive meetings studied the files of employees of the highest two grades. The main evidence which the Unitary Committee considered against or with the employees were the reports of the Central Investigation Council.

Perhaps the outstanding achievement of the 1965 reform movement in the field of personnel was the creation of the General Disciplinary Council. The Council was attached to the Council of Ministers in order to give it prestige and influence. The establishment of this Council was intended

to be a permanent internal instrument that will centralize all civil servants' disciplinary procedures and keep them within the boundaries of the law in performing their duties and responsibilities. The Council is expected to exercise strong control over civil servants, and minimize corruption and dishonesty in the administration.

In 8 May 1967, Legislative Decree No. 7236 established the internal regulations of the General Disciplinary Council for civil servants. This decree describes the procedures of trials within the Council, the distribution of work among Council staff and line, and determines how the functions of the old Disciplinary Councils are transferred to the General Disciplinary Council.

The authority of the Council, according to this decree, includes, in addition to the authorities mentioned in article 13 of the previously discussed law No. 54/65, all the civil servants in the various municipalities.

The Chairman of the Council is granted authorities entitled for a minister with the exception of constitutional authorities. The Chairman of the Council has to submit an annual report to the Council of Ministers about the achievements of the Council, without mentioning names, and to be published in the Official Gazette.

The administrative officers of the Council are entitled
to deal with the following functions:

1. All secretarial work.
2. Personnel Affairs and Equipment.
3. Accounting business.
4. Grievances

The government Commissioner to the Council studies all cases raised by government departments against a civil servant and submits his report, with suitable suggestions, to the Council within a period of one month.

The Council’s meetings are secret and should be attended by the government Commissioner. The meetings are held upon the request of the Council’s Chairman within a week after the Commissioner’s report on the case is submitted to the Council.

The accused civil servant is allowed to have access to the Council’s report, and to have as many copies of the report as he finds necessary for defending himself. He is also allowed to ask the assistance of one lawyer or a civil servant from his rank during the trials. The Council, on the other hand, can have access to the employee's personal file and records from the department concerned, or request witnesses, or appoint specialists that might help in clarifying the case.

After completing the various steps of the trials, the
Council's Board meet at the instant, or within 15 days to spell out the verdict. Final decisions are taken unanimously or by majority. The Council has a time limit of two months from the first meeting to have a final decision on the case. Only in extra-ordinary situations, this time limit may be extended upon a decision taken by the Council's Board.

All the functions and responsibilities of previously existing Disciplinary Councils are transferred to the General Disciplinary Council for civil servants. All documents and records of cases at these councils which have not been decided upon yet should also be transferred to the Council within a period of one month after this law is put into effect. 36

The establishment of the General Disciplinary Council has filled a gap in the Lebanese Civil Service and corrected the old fragmented procedures. This Council, if properly staffed and guided, can in the long run create the honest and responsible civil servant. However, the establishment of this Council has not taken final shape. Thus it may be very difficult, as well as somewhat premature properly to appraise and evaluate its effectiveness.

Another major achievement of the 1965 reform movement was in the collective purges of the so-called corrupted employees.

As we mentioned earlier, the Unitary Committee used to study the personal records of employees and report to the Council of Ministers the names which were voted down by the Committee.

On February 1966, the Council of Ministers approved the retirement of two Directors General and the dismissal of 52 employees.

On March 1966, the second group of purges was issued, and this time it includes two Directors General and 43 employees. The two groups of purges were distributed among the various ministries and departments as follows:
Table VI

The Distribution of the Two Successive Purse in the Administration

<table>
<thead>
<tr>
<th>Ministry</th>
<th>23 February 1965</th>
<th>12 March 1966</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Finance</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- General Directory</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>- Tariffs Directory</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>- National Lottery Directorate</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>- Land Registration Directorate</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>- Topography Service</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Ministry of National Education</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Ministry of Public Health</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Ministry of National Economy</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Ministry of Public Works</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- General Directorate of Roads &amp; Buildings</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>- General Directorate of Water &amp; Electric Constructions</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>- Directorate of Civil &amp; Village Organization</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>- Joint Administrative Directorate</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>Ministry of Interior</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- General Directory</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>- Personal Status Affairs Directorate</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>Ministry of Agriculture</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Ministry of P.T.T.</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>52</td>
<td>44</td>
</tr>
</tbody>
</table>
According to legislative decree No. 3862 of 23 February 1966\textsuperscript{37} the Director General of the Ministry of Finance and the Director General of Transportation were pensioned and their services terminated.

In addition, 323 civil servants submitted their resignations within the period of 10 days provided for in article one of the reform law. The following Table shows the distribution of the resigning civil servants according to their grade and the ministries to which they belong.

\textsuperscript{37} Legislative Decree No. 3862, February 23, 1966. Legislative Decree No. 4053, March 12, 1966.
### Table VII

**Distribution of the Various Resigning Employees According to Article 1 of The Reform Law of 1965**

<table>
<thead>
<tr>
<th>Ministry</th>
<th>Grade 1</th>
<th>Grade 2</th>
<th>Grade 3</th>
<th>Grade 4</th>
<th>Grade 5</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister's Office</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>- General Directorate</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>- Civil Service Commission</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Central Investigation Council</td>
<td>- 1</td>
<td>- 2</td>
<td>- 2</td>
<td>-</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>- Bureau of Accounts</td>
<td>-</td>
<td>- 2</td>
<td>- 2</td>
<td>-</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Ministry of Justice</td>
<td>-</td>
<td>- 3</td>
<td>31</td>
<td>-</td>
<td></td>
<td>34</td>
</tr>
<tr>
<td>Ministry of Foreign Affairs</td>
<td>-</td>
<td>- 2</td>
<td>-</td>
<td>-</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Ministry of Interior</td>
<td>-</td>
<td>- 3</td>
<td>1</td>
<td>1</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Ministry of Finance</td>
<td>-</td>
<td>- 3</td>
<td>12</td>
<td>12</td>
<td>-</td>
<td>15</td>
</tr>
<tr>
<td>- General Directorate</td>
<td>-</td>
<td>- 1</td>
<td>9</td>
<td>1</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>- Topograph Department</td>
<td>-</td>
<td>- 1</td>
<td>1</td>
<td>-</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>- National Lottery</td>
<td>-</td>
<td>- 1</td>
<td>5</td>
<td>-</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>- Tarrifs Department</td>
<td>-</td>
<td>- 1</td>
<td>5</td>
<td>-</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Ministry of Public Works</td>
<td>-</td>
<td>3</td>
<td>16</td>
<td>27</td>
<td>2</td>
<td>48</td>
</tr>
<tr>
<td>Ministry of National Education</td>
<td>-</td>
<td>- 1</td>
<td>11</td>
<td>92</td>
<td>1</td>
<td>104</td>
</tr>
<tr>
<td>Ministry of Agriculture</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>Ministry of National Economy</td>
<td>-</td>
<td>- 1</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Ministry of Public Health</td>
<td>-</td>
<td>1</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td>Ministry of P.T.T.</td>
<td>-</td>
<td>1</td>
<td>32</td>
<td>2</td>
<td>-</td>
<td>35</td>
</tr>
<tr>
<td>Ministry of Social Affairs</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Ministry of Information and Tourism</td>
<td>-</td>
<td>- 4</td>
<td>10</td>
<td>2</td>
<td></td>
<td>16</td>
</tr>
<tr>
<td>Ministry of Planning</td>
<td>-</td>
<td>- 2</td>
<td>4</td>
<td>-</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>-</td>
<td>7</td>
<td>62</td>
<td>242</td>
<td>12</td>
<td>323</td>
</tr>
</tbody>
</table>

Adopted from *al-Anwar Daily Paper* in its issue of October 28, 1965
We notice that no single resignation from grade one employees was submitted, all resignations were from the lower four grades. The Council of Ministers approved only 93 resignations and rejected the rest. All civil servants whose resignations were approved by the Council of Ministers received their indemnities according to operating laws and in conformity with the text of the reform law.

The two Special Boards which were authorized by the same reform law specified in article 8, to look into the situation of the internal and public security forces and to probe for the corrupted elements among them, voted down a number of names which were approved by the Council of Ministers. Legislative decree No. 4054 issued on 12 March 1966 terminated the services of 58 officers from the Internal Security forces and 12 officers from the Public Security forces. Only one was declared dismissed for health reasons.\textsuperscript{38}

There is no doubt, that these purges constitute a positive and effective step towards improving administrative behavior and administrative practices by improving the human element in the administration. President Helou, no doubt, was sincere in his attempt to eliminate all sources of corruption and dishonesty from the administrative system. He once said that some of the dismissed officials are my sincere

\textsuperscript{38} Legislative Decree No. 4054, March 12, 1966.
friends, but I have to overcome personal and emotional demands for the interest of the society. But the question whether President Helou was able to execute his reform program fully or not is still unanswered. According to a Lebanese daily paper, "a report from the Central Investigation Council raised to President Helou provides clearly that no less than 2000 employees should be dismissed if the administration is to function properly. But it was discovered that out of them 1400 employees belonged to one particular sect. As a result, the recommendation of the Central Inspection Council were disregarded." The regime, while executing the reform program, was hindered by sectarian as well as political considerations. Both political and sectarian influences are the major obstacles that have plagued all reform movements in the past and paralyzed the 1965 reform movement. Moreover, any reform which does not include the social, economic and political aspects, according to an overall systematic plan is a failure. The 1965 reform movement was abortive because it mixed between the desire to give the state a more effective machinery and administrative reform on one hand, and between ends and means on the other hand.

A major weakness that characterized previous reform movements was the failure of the reformers to undertake a systematic position classification plan based on the duties and responsibilities of each job, and an equitable compensation policy. Moreover, the Lebanese administration lacks a proper job description and job standardization policy. An attempt was made in May 1966 to fill this gap by issuing a legislative decree that abolished from the Civil Service Commission the 'Coordination Bureau' and the establishment of a department for position classification and determining salaries.

The functions of this department are as follows:

1. Classifying public posts, according to duties and responsibilities, into grades and ranks which requires from their occupants the same requirements and qualifications;
2. job description and job standardization;
3. the application of this classification plan on the present existing public posts;
4. fixing a scale of salaries for each rank in the established classification plan, after undergoing a comparative study for similar posts in both the private and the public sectors.40

40 Legislative Decree No. 4022, May 26, 1966.
A systematic classification plan and an equitable compensation policy are pre-requisites for any reform in the administration. The Lebanese government has noticed the danger that the absence of such plans will cause in the long run. The establishment of this department at the Civil Service Council, where all personnel affairs are centrally controlled, is a successful step. A classification plan is one of the most difficult and time consuming process in administrative reform. It needs experts and people who are well acquainted with the administrative system of the country. Such a classification plan, especially in developing countries should be flexible and simple. It is still early to evaluate the achievements of this newly established department, but it is hoped that it will achieve fundamental improvement in the administrative system if it is staffed with qualified people and necessary facilities.

On the institutional level, two new ministries were created in 1966, one for water and power resources and another for tourism. The Ministry of Water and Power Resources was entrusted with the execution of the following functions:

1. To stimulate and spread water and power projects - execute or supervise the execution and investment of such projects;
2. application of the laws and regulations for preserving and making use of public waters.
3. application of the laws concerned with mines;
4. exercising administrative mandate over independent agencies with similar functions.

Some of these functions were already exercised by the Ministry of Public Works and Transportation. Since the creation of the Ministry of Water and Power Resources, these functions were transferred to it.

The Ministry was divided into two Directorate Generals:
1. The Directorate General for Water and Power reconstruction, which is subdivided into a) Water Directorate and, b) Power Directorate. Each is further subdivided into services and bureaus.
2. Directorate General for Investment.41

The Ministry of Tourism was entrusted with the execution of the following functions:
1. To develop, organize, coordinate and supervise tourism affairs, and societies, and private Boards working in the field of tourism;
2. to administer all functions related to antiquities, diggings; to preserve and protect ancient buildings; to establish museums; and to organize exhibitions;
3. to protect strategic national sceneries.

The Ministry was also divided into two General Directorates:
1. The Directorate General for Tourism affairs; and

41Law No. 20, April 4, 1966.
2. The Directorate General for Antiquities.

Similarly, each Directorate was subdivided into services and bureaus. The structure and organization of both ministries resembles those of other ministries.

The law establishing the Ministry of Tourism, abolished the General Commission for Tourism which was attached to the Ministry of Information and Guidance; it also abolished the Department of Emigration Control which was attached to the Ministry of Public Works and Transportation. The employees of these two sections were transferred to the newly established Ministry of Tourism. 42

The previously established Council for Tourism was not abolished after the creation of the Ministry of Tourism. It was thought that the experience of its employees in tourism affairs are worthwhile. To gain maximum benefit from their experience, the employees of the Council of Tourism were also allowed to be appointed on a contract basis in the Ministry of Tourism and after the approval of the Civil Service Council.

Since the establishment of these two ministries, they have been noticeably active in the execution of a number of projects and the planning for other new projects.

Unfortunately, the Lebanese government, during the past few years, have been following a policy of reforming weak

42 Law No. 21, April 4, 1966.
administrative units by creating new organizations with similar functions, within the administrative hierarchy or independent from it, and keeping the old weak units unchanged. No doubt, this policy contradicts the principles of administration and has shown its futility in actual practice in Lebanon. In the Ministry of Public Works for instance, six different Services were created to be responsible for buildings affairs and four different and independent Services to be responsible for roads. Another example could be the establishment of an "organization for Industrial Development" at the Ministry of National Economy above the "Industry Service" Unit in the official administrative hierarchy of the Ministry. Instead of trying to remedy the weakness of such units, the government leaves the old units and create other units with similar functions which came to share the responsibilities without any coordination between them. Things will get worse when similar functions are shared between units within the administrative hierarchy and independent organizations outside the Ministerial hierarchy and attached to it. This practice creates both administrative and psychological problems. In addition to duplication of functions and responsibilities. Employees of a certain unit will lose the motivation for production when employees of another unit with related function are given more prestige and emphasis by the governing authorities. This problem becomes even more serious when the employees of the newly
established organization do not have better qualifications for the work they are supposed to perform.

D. **Independent Agencies**

Lebanon, like most developing countries, has adopted the system of establishing independent agencies in order to accelerate the development process. Development programs, in order to achieve maximum results in the shortest possible period of time, need to be administered by agencies with flexible laws and free from central government routine and red tape. Such agencies were created in Lebanon whenever the nature of the work necessitated independence and specialization. The following factors should be insured, if independent agencies are to achieve good results:

1. Freedom of the organization to manage its own affairs where freedom is fundamental and tutelage is secondary.

2. To have specialists and leaders share in the Board membership without having any one claim tutelage over the organization.

3. To have the laws and regulations of these organizations flexible and compatible with the nature of the work undertaken, particularly organizations with economic orientation.

4. Coordination among organizations which perform similar work, and not establishing organizations with related
functions unless in extreme urgency. ④3

When the Lebanese authorities, at the dawn of independence, started to reclaim the granted royalties of some companies and private agencies, both national and foreign, like the royalties of power, transportation, etc., a problem was faced whether these agencies should be left with their financial and administrative independence which characterize them, or merge them with the governmental structure. Among the elements of this problem was the conditions of the employees of these agencies, which differ markedly from the conditions of state employees. It was finally accepted, at that time, to consider the employees of these agencies to be subject to the labour law rather than to the personnel law. ④4 At present independent agencies in Lebanon are under the tutelage of various ministries and their employees are subject to the personnel law, centrally administered by the Civil Service Commission. They are only distinguished from the other governmental units within the administrative hierarchy by financial and administrative independence.

④3 Majalet al-'Uloum al-Idariah (Journal of Administrative Sciences), Egyptian Section, Vol. 7 (No. 3, December 1965) p. 36. These were the recommendations of the 2nd Arab Conference for Administrative Sciences held at al-Rabat January 30 - February 4, 1965.

In modern times, the increased functions of the public sector due to the increased interference of the state in the life of citizens and the inability of the public sector to perform these increasing functions, necessitated the granting of financial and administrative independence for the independent agencies. At present, there are 23 independent agencies in Lebanon. The following Table shows the names of these independent agencies with the ministries which exercise financial and administrative tutelage over them.
<table>
<thead>
<tr>
<th>No.</th>
<th>Official Name of Independent Agency</th>
<th>Ministry Exercising Tutelage</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Lebanon Rail Road and United Beirut Transportation Service</td>
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<td>The Bureau of Silk</td>
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<td>Center for Civic Flight Safety</td>
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Independent agencies are established to serve the following functions:

1. To execute big projects for national utility, and whose execution requires administrative and technical abilities beyond the state capacity.

2. To do economic or scientific research in order to develop national resources and improve investment procedures.

3. To execute social welfare projects in the Country.\textsuperscript{45}

Each independent agency should serve either one of the above mentioned areas. Independent agencies are attached to the relevant ministries which exercise administrative tutelage over them, without interfering in their internal affairs. The law provides that independent agencies may also be created by municipalities, but none of the existing ones have been created or attached to a municipality. All independent agencies are subject to the control regulations of the Ministry of Finance, Bureau of Accounts, Civil Service Commission, and lately the General Disciplinary Council. They are administered by Boards ranging between a minimum of four members and a maximum of six members.

During the regime of President Fuad Chehab, a serious attempt was made to organize the independent agencies on a systematic basis. President Chehab was aware that the

\textsuperscript{45}Legislative Decree No. 150, December 12, 1959.
independent agencies can contribute, and in fact, greatly accelerate the economic and social development process of the Country. Heavy emphasis was placed on the organizational and regulatory aspects of these agencies. The Chehab movement was characterized by over legislation and a lack of governmental control over these agencies. Later developments necessitated a readjustment process and the correction of certain adverse practices.

In January 1966, the Cabinet of Rashid Karami was granted emergency legislative decree powers, for a period of one year for reform purposes in the area of independent agencies.

The objectives of this reform as stipulated by the same statute granting the cabinet emergency powers were as follows:

1. To reorganize the independent agencies;
2. to complete the legislation concerned with independent agencies;
3. to unite or abolish agencies as the need may be.46

The problems of corruption and incompetence in independent agencies are no less acute than in other state organizations. The main sources of complaint were the over legislation for a number of these agencies, which resulted in conflict among the various laws, and a lack of ministerial

supervision and control. The principle ministerial tutelage was not adequately observed. While the law necessitates governmental representation in each independent agency's Board, some of these agencies lacked any such representation. As a result, a number of independent agencies followed a fragmented policy, which in many cases contradicts with the policy of the state, particularly in development programs. Moreover, these agencies got so powerful to the extent of disregarding the central government policy in many instances. This state of affair was expressed by one of the Deputies in the Chamber by saying: "We have a number of independent states within the state."47

The budget of the independent agencies reached in 1964, as a result of increasing employment, to 185 million L.P., which is equivalent to about 40% of the public budget. This state of affair led to overstaffing in the independent agencies, and to complication of responsibilities with the relevant offices in the ministries and these agencies. The overstaffing process resulted with incompetent employees most of whom were political appointees.48

These problems were products of adverse practices promoted during the previous regimes, particularly the Chehab

48 Ibid., August 31, 1965, p. 1378.
regime, which for the sake of accelerating the process of economic development, could not escape certain haphazard appointments in the independent agencies.

In January 1967, the government issued decree No. 6474 which amended decree No. 150, issued during the regime of President Chehab, and which is concerned with public organizations and independent agencies. According to this law, all public organizations and independent agencies shall be attached to concerned ministries each according to the nature of the work it performs. Ministries exercise continuous administrative tutelage over them, and the minister concerned is considered as the government Commissioner at the agency's Board. The Minister attends the Board meetings and has the right to share in the debate and voting processes. At the same time, he should send reports about the activities of the agency to the Ministry he represents, to the Civil Service Commission, to the Central Inspection Council, and to the Bureau of Accounts.

In addition, public organizations and/or independent agencies are subject to the control of the Ministry of Finance and the supervision of Qalim-maqams and Muhaferizoun.

The financial control by the Ministry of Finance is exercised through finance investigators appointed by the Minister of Finance, one for each agency. The Finance
Investigator scrutinizes records, bills, and contracts of the agency and report his findings to the Ministry of Finance.

The Chairman of each agency Board appoints, after the approval of the Minister of Finance and the Civil Service Commission, an auditor who performs all the functions of auditing the agency financial transactions and is subject to the Bureau of Account's Control. The Bureau of Accounts exercises its control over public organizations and independent agencies through a special committee called "the Committee for Annual Control of Public Organizations and Independent Agencies", and which is established for this purpose. This committee is presided by the Chairman of the Bureau of Accounts and the membership of two consultants from the Bureau high staff, the Chairman of the General Auditing Service in the Ministry of Finance, and four qualified members with economic and technical experience.

Each agency is administered by a Board, consisting of a president and from two to seven members appointed by the Council of Ministers for a renewable period of three years. The Board should meet at least once per month.

The agency Board is entitled with the following functions:

a) Approves the annual budget;

b) prepares and approves the work plan;

c) determines and fixes the balance of profits and losses;
d) approves the cadre of employees and strengthens it when necessary, and
e) approves loans, work transaction and equipment purchasing up to twenty thousand pounds.

These functions are subject to the approval of the Minister concerned who exercises administrative tutelage over the relevant agency.

Big projects should be presented to the Ministry of Planning before execution for approval and in order to maintain coordination among the various projects. The Ministry of Planning should give an opinion on such plans within a period of two weeks. In case there is disagreement between the Ministry of Planning and the agency Board, the whole case is referred to the Council of Ministers for final decision.49

After the creation of the Ministry of Water and Power Resources, all independent agencies concerned with water and power services, already under the tutelage and the weak control of the Ministry of Public Works, were transferred to the tutelage of this newly created ministry. A total of fourteen independent agencies were put under the tutelage of the Ministry of Water and Power Resources.

49 Legislative Decree No. 6474, January 30, 1967.
A number of ministerial decisions were also issued to modify the cadres of various independent agencies. For instance, the ranks and salaries of the employees of Beirut Water Service, Lebanon Power Service, and Railroad and Transportation Service were basically modified and adjusted.
CHAPTER VI

EVALUATION AND CONCLUSION

The Lebanese administration, since independence, has been subjected to a number of administrative reform movements. One can notice a familiar pattern, which is typical of many developing countries, trying to overcome problems of transition from a period of colonialism to a status of independence. Once a developing nation achieves independence, it recognizes the need for reorienting its institutions to more ambitious goals. Inherited institutions of government and administration from colonial periods, are soon found inadequate to serve the needs of a modern state trying to catch up with more advanced countries.

In Lebanon, the various attempts at administrative reform in the post independence period, generally speaking, aimed at creating the efficient administration and rooting out corruption. Administrative ineffectiveness is indeed, a major problem of Lebanese civil service. In the early post independence period, appointments to the civil service were, to a very great extent, influenced by family, sectarian and regional loyalties. Civil servants, recruited on this basis, developed and institutionalized their self interests. Protected by politicians, they relied mostly on insolence,
smuggling and cheating, to satisfy their short-run private interests, disregarding all other considerations.

This administrative inferior behavior and corruption was at its worst during the regime of President Bishara el-Khoury. In September 1952, as a result of mounting charges of corruption, a civilian uprising led to the resignation of President el-Khoury.

The regime of President Camille Chamoun started with high expectations. The administrative reorganization movement undertaken during the Chamoun regime introduced improvements in administrative structure and procedure, but failed in rooting out corruption, and thus failed to create the efficient administration. This was largely because the reformers, at that early period of independence, lacked a deep insight about the problems to be encountered and the proper approaches to be used. In a sense, this is natural for a newly developing country like Lebanon, with little administrative experience and whose institutions are either borrowed or imposed. But if the Chamoun reforms are to be praised, it is on the bases of determining the scope and methods to be used for future attempts at administrative reform. Moreover, the Chamoun reforms opened the eyes of the Lebanese on the weaknesses and defects of their administration and raised the interest in administrative reform.
When President Fuad Chehab was elected in September 1958, to succeed President Camille Chamoun, the Lebanese administration was in a relative collapse due to the political crisis of 1958. The delicate internal and external position of Lebanon at that time necessitated a policy of stabilization and reform. President Chehab, from the beginning devoted himself to the social and economic development of the country. He was fully aware that the execution of his development plan requires an administration capable of its implementation and maintenance. On the other hand, a strong and efficient administration was realized that it will help in reducing the country's political and religious differences which were paramount at that time. We can safely say that the first serious and ambitious attempt at administrative reform in Lebanon was introduced during the Chehab regime. New institutions were established, and old ones were reorganized to serve the growing needs of the country. Legislation in the social and economic fields was passed for building the society on a sounder and more systematic bases.

Although the scope and objectives of the 1959 reform movement were better conceived, and more systematic approaches and techniques were used, the attempt in many respects ended in frustration. The Chehab regime was characterized with structural expansion in the administration, but this expansion
in structure was not matched with equal stress on the quality and performance of the civil servants. Professional incompetence and lack of morality in the civil service continued to be the two most serious problems that paralyzed the proper functioning of the administration. The personnel law in its article 71, gave the Civil Service Council the authority to check the performance of civil servants, and to determine the dismissal from the service of any employee whose performance is judged unsatisfactory. Unfortunately, this article was not exercised effectively by the Civil Service Council. In fact, no employee was dismissed on the Council's initiative according to this article. Thus, while the Chehab regime was successful in improving the Lebanese administration in a number of areas, it failed in creating the honest and efficient public administrator.

Perhaps the social and political atmosphere for a collective purge of the administrative and judicial system, was better prepared during the regime of President Charles Helou than it was during the regime of President Chehab. President Helou's position also helped in reducing any severe resistance for reform measures, and made possible the process of dismissals from the service. Why President Helou succeeded where President Chehab failed? In the words of "The Economist" correspondent:

"One answer is that President Helou is not a military man, another is that he is universally believed not
to want a second term. A third advantage has been his lack of sectional support. (In Lebanon a man without friends is a man without enemies)"  

This is largely true if we add that the general political and social awakening in the country during the Helou regime, was more receptive to reform than it was under the Chehab regime. President Helou, from the beginning tried to associate his regime with modernization and reform. It was realized that the process of social and economic development was greatly handicapped by the quality and performance of some civil servants who were not fully cognizant of the real duties of the public post. It was foreseen that if this problem is left to time to solve it through a slow evolutionary process, the country will pay a high price in its social and economic progress. "The reform-minded president has maintained since coming to power that it is useless to carry out a state development program without an efficient and corruption-free civil service. He said in an address to the nation that reform of the administration was a necessary first step toward fulfillment of the five year development projects."  

Thus, governmental action was inevitable in an attempt to raise the standard of performance in the administration and the execution of justice.

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1 The Economist, op. cit., p. 28.

Reform in this sense, meant the application of energy by the government at the administrative level in places where efficiency and performance have fallen below the expected level, and resulted in the deprivation of the people from services promised by the government. It was clear that reforming the human element should start with the dismissal from the service, of those employees whose personal files reveal professional incompetence, dishonesty or poor health. Special Unitary Committees were formed for this purpose. As a result, a total of 116 top officials were dismissed from the service and were paid their indemnities according to laws in operation.

In trying to evaluate the 1965 reform attempt, we should stress the impact it had on the improvement of administrative processes, and on the mentality of the Lebanese civil servant. The fact that dismissal measures started from above and affected top officials left its positive impact on lower rank employees. Civil servants, for the first time in the modern history of Lebanon, felt the seriousness and determination of the state in taking extreme measure to back up its reform policy. This by itself contributes to a change in the mentality of the Lebanese civil servant. The traditional belief that no authority could approach, with any harm, the bureaucratic interests, developed and institutionalized by a number of civil servants, and protected by professional
politicians, came to an end. Actually President Helou's "white" revolution, purging the Lebanese administration and judiciary, has largely succeeded, because the professional politicians were excluded from taking any part in it. Recent research has emphasized the fact that the more powerful officials become, the less effective they are as administrators. This is true of Lebanon where bureaucratic power, in many instances has threatened and violated all principles of good administration. It is not uncommon in Lebanon for top officials to disregard central policy or interpret laws in such a way as to serve their own interests. It is natural for such officials to rely on their power to acquire illegitimate wealth and thus increase their power. The 1965 reform measures have, indirectly reduced, to a large extent, the adverse effects of this administrative symptom over the efficiency and productivity of the administration.

The question as to what extent the 1965 reform movement was able to root out corruption in the Lebanese civil service and to create the efficient and honest public administrator is still unanswered. It would be an exaggeration to suppose that the 1965 reform attempt was successful in bringing about the drastic changes and improvements that one would have expected. While the Lebanese public and press were expecting, and in fact, encouraging reform measures to continue and
reach all levels of the civil service, the reform attempt was abortive and stopped where it should start. No one will doubt that there are more than 116 employees that are subject to the provisions of the reform law. Anyway, it is still early and premature to give a final judgement and evaluation of the 1965 reform movement, because the reform law is still effective and new dismissals might take place any time. But it seems that the establishment of the General Disciplinary Council, entitled with the authority of dismissing civil servants with inferior practices, meant the transfer of the dismissal authority from the Unitary Committee to this Council. Although it is still early and somewhat premature property to evaluate the role of the General Disciplinary Council, but if it is well staffed and given the proper attention and guidance from the government, it will have great impact in creating the efficient and honest public administrator in the future.

The Lebanese government as well as the public are both responsible for the half-hearted reform movements that were introduced during the last two decades. It seems that the Lebanese government has not realized yet that the social and cultural barriers are handicapping the fulfillment of administrative reform in a satisfactory manner, and that the overcoming of these problems is a prerequisite for any successful attempt at reform. The Lebanese public, on the other hand,
did not understand the essence and necessity for administrative reform and give the proper guidance and support. This is due to the lack of an adequate social and political awakening in the country. The social responsibility of the Lebanese is a form without a soul. This defect reveals the problems prevailing in our social culture which are manifested in citizens' clinging to sectarianism, and in their approach to human relations in the society, by giving priority to religious over national affiliations. True reform cannot be the work of one man. It is rather an organized collective effort that should be accomplished through the cooperation of the state and the citizens. The Lebanese should be more aware of the complex inter-relationships between cultural values prevailing in the Lebanese society and administrative reform.

The Lebanese public is also blamed for lack of adequate control over the government machinery. The legislative authority, political parties, journalism, and other institutions in the society are weak and disorganized, and thus are not contributing to the proper and adequate control over the public administration. It should be realized that the standard of the civil service cannot be better than that of the society within which it is functioning. The achievement of a high standard of public responsibility depends on the conscience of the civil servant as much as it depends on
the conscience and feeling of responsibility of the citizens. It is to be clear that the institutional behavior of the society is adversely affecting the behavior of the civil servant.

The government, on the other hand, should play a more active role in mobilizing the public to accelerate the social awakening and to destroy the social and cultural barriers that are delaying the natural development of the state. It is no more possible to leave to time the moral and social guidance of the country. This guidance must necessarily come from a series of positive actions on the part of the government and the representatives of the state. The government can bring about drastic changes in the social environment by accelerating education and building the society on a more reasonable bases of equality and social justice.

There is apt reason to be optimistic about the future of administrative reform in Lebanon. Since 1959, Lebanon has been living a serious "white" revolution of reforming its administrative and other institutions of the society. While such developments, in many countries were characterized by violence, in Lebanon these developments are taking a peaceful, slow but constant, process within the democratic parliamentary principles to which the Lebanese strongly adhere.
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