



POLICY MAKING

AND THE LEBANESE
PARLIAMENT



WESTMINSTER
FOUNDATION FOR
DEMOCRACY

Zeinab Mirza

ACKNOWLEDGEMENTS

This present publication has been realised through the institutional endorsement by the Westminster Foundation for Democracy and the American University of Beirut, and this initiative has been officially facilitated by the Bureau of the Lebanese Parliament and its archives.

Thanks are due in this regard to the Chair of the International Affairs Committee at the Lebanese Parliament and the Headship of the Parliamentary Bureau, with deep gratitude also to the Presidency of the American University of Beirut through its General Education program, and to the Westminster Foundation for Democracy.

This is intended to serve as a user-friendly soft-copy educational book for the purposes of curricular needs at AUB. The contents would be of interest to other students in comparative political studies and public administrations, legislators, active representatives of civil society, and academicians.

The contents of this publication are based on Arabic primary sources that I compiled, edited, and translated to English.

Zeinab Mirza (Dr)

TABLE OF CONTENTS

16	Constitutional function (AMENDING THE CONSTITUTION)
17	Financial function
17	Electoral function
18	Political function and oversight
19	Judicial function
19	Legislative function

21	Legislation initiative
21	Regular Project law
21	Urgent bills
22	Bills related to treaties, conventions and loans
22	Ordinary proposed laws
23	Urgent repeated law proposals
23	The validation process of the proposed laws -‘draft laws’ by the parliamentary committees
24	The validation process of the proposed laws -‘draft laws’ by the general authority
24	Issuing and publishing (OF A LAW)
25	Reverting a law back to parliament
25	Contesting a law in front of the constitutional council
25	The organizing laws of the parliamentarian management
26	Secretary general of the parliament
26	Directorates and departments of the general secretariat
27	Directorate general of administrative and financial affairs
27	Directorate general for presidential affairs
28	Directorate-general meetings and committees
28	Directorate general for research and information

30	General Inspectorate
30	Monitoring of expenses
31	Directorate general of foreign affairs
31	Informatics department
32	Departments not affiliated to the Secretariat

34	The nature of parliamentary administration
34	Duties of employees (ADMINISTRATIVE DECREE N° 59/112)
35	Duties of employees (PENAL CODE AND OTHER LAWS)
35	Actions prohibited for employees
36	Requirements of the parliamentary duty
36	The obligations of parliamentary function
37	The difficulties an employee faces when dealing with a deputy

39	Parliamentarian committees: their formation, duties, and functions
39	The purpose of establishing parliamentary committees
40	Creating the Parliamentary Committees
41	The mechanism of holding committee meetings
42	Research within committees
43	Example of establishment of an Advisory Unit
43	Role of the advisory unit of parliamentary committees
43	The advisory unit for assisting parliamentary committees
44	Reference texts
44	The purpose of establishing an advisory unit
45	The assessment of the unit’s experience
45	Sample of Studies developed by the Advisory Unit

47 Preparation and approval of international treaties and conventions in Lebanon
47 The valid reference of ratifying treaties
48 The powers of the president of the republic
48 Powers of the council of ministers
49 The role of government supporting bodies
49 The Role of the Ministry of Foreign Affairs and Emigrants
50 The practical procedure of those provisions
50 The ratification of treaties by the legislative branch
51 The primacy of treaties over internal law in the hierarchy of legal provisions
51 Reservations on treaties
52 The limitations of reservation to treaties
52 Examples of registering reservations
53 Examples of lifting reservations
53 The role of the constitutional council in international conventions

55 The constitutional text
55 Article 66/Article 67/Article 68/Article 69, paragraph 2
56 The nature of the minister's duties
56 Jurisdictions of the minister in the council of ministers
57 Jurisdictions of the minister in His Ministry
59 Bureaucratic powers of ministers
59 Financial powers of ministers
60 Privileges of the minister with regards to guardianship

62 Legal texts
62 Parliamentary texts
62 Trade unions organized by law (ORDRE)
63 Economic and social council
63 National bodies duties
64 National Bodies
64 The mechanism of civil society participation in legislation
64 The growing role of civil society
65 Contribution in preparation
65 Contribution in approval
65 Participation in following up of implementation
66 Suggestions for a more effective civil society participation

71 Relationship between parliament and media
71 Responsibilities of media working inside parliament
71 Responsibilities of parliament towards media
71 Regulatory texts
72 Characteristics of parliamentary media personnel
73 Problems with the Field of Media in Lebanon

75	The concept of parliamentary oversight
75	The purpose of parliamentary oversight
76	Reference texts - the lebanese constitution
76	Reference texts - internal regime
77	Types of parliamentary oversight
77	Political oversight
78	Legislative oversight
78	Budgetary oversight
79	Judicial oversight
79	The framework of exercising oversight
79	Oversight in the general assembly
80	Oversight in parliamentary committees
80	Oversight on the individual level of a member of parliament
81	Parliamentary investigation
81	Fact finding committee
82	Interrogation
83	The difference between questioning and interrogation
83	Examples of harmony and contradictions in Laws
83	Constitution and rules of procedure
83	Article 34 of the constitution
83	Rule 36 of the rules of procedure
83	Parliamentary immunity
83	Article 39 of the constitution
83	Article 40 of the constitution
84	Rule 97 of the rules of procedure
84	Article 92
84	Penal laws

87	Under the 1930 Rules of Procedure
87	Under the Rules of Procedure of 1953
88	Under the Rules of Procedure of 1994
88	General budget law
89	Units at the Ministry of Finance
90	The general budget laws

93	Texts in the rules of procedure highlighting the role of the committee rapporteur
93	Texts in the rules of procedure highlighting the role of the committee clerk
93	Article 23 from the rules of procedure
93	Routine administrative tasks
94	Preparation of committee meetings
94	The functional duties of committee secretaries
94	The nature of a committee secretary's job
95	Preparation for committee meetings
95	The duties of a committee secretary during committee meetings
95	The duties of a committee secretary following committee meetings
96	The additional duties of a committee secretary
96	The duties of a committee secretary's assistant

A HISTORICAL OVERVIEW OF THE LEBANESE PARLIAMENT

A HISTORICAL OVERVIEW OF THE LEBANESE PARLIAMENT

THE MAIN BUILDING OF PARLIAMENT

The Armenian architect Mardiros Altounian, who is specialised in Byzantine architecture, designed the current Parliament building in Nejme Square and supervised its construction in 1933. He had also designed and executed several religious edifices such as al-Imam Abu Bakr mosque in Foch Street in 1932. He designed Saint Gregarious Church for the Armenians and the Orthodox population in Antelias in 1937, Mar Bolous Cathedral for Roman Catholic in Harissa in 1949, and sculpted the Independence figure in Nahr al-Kalb at the request of President Bechara al-Khoury. The Interior designer was Saad-Deen Khaled. Following the last renovation in 2011, interior designer Serge Bronze, renovated the hall and the indoor lobby.

Parliament moved to Nejme Square in March 1934. Parliamentary meetings before that used to take place in the smaller palace in Bourj Square in the city center (PREVIOUSLY RIVOLI CINEMA CENTER). The news of this change was published in "Al Nahar" newspaper exactly as follows:

The House of Representatives moves to the new library
The invitation of the Parliament to March session.

"The Parliament will be moved from the smaller palace to the new national library in the Parliament building in Nejme Square next Wednesday morning (7/3/1934) and Mister Saad-Deen Khaled was assigned to arrange and organise the Parliamentary Hall in the library. As for the developer of the Parliament building, he had stated that the building will be ready at the beginning of September of 1934, so as that Parliament would be able to assemble for November's session. A decree is expected to be issued next Monday to invite Parliament to meet on 20/3/1934".

The Parliamentary Hall has witnessed several speeches by many Presidents and leaders, among them: Général Gouraud, Général Weygand, Jacques Chirac – FRANCE, Oscar Scalfaro – ITALY, Mohammad Khatami – IRAN, Carlos Menem – ARGENTINA, Ban Ki-moon – Secretary-General of the United Nations, Lula da Silva – BRAZIL, in addition to numerous Heads of Parliaments and Councils which have visited the assembly.

Parliament has elected seven Presidents prior to independence, and 13 following independence; all of whom have been sworn-in except Presidents: Habib Basha as-Sa'ad (1934), Émile Eddé (1936) and Bachir Gemayel (1982). Presidents: Elias Sarkis and Elias Hrawi were elected in Chtaura Park Hotel, and President René Mouwvaad in al-Qulay' at Military Airport. Between 1922 and 2009, Parliament elected 17 of its Speakers, some of whom were elected for several rounds.

THE NEW BUILDING FOR THE OFFICES OF MEMBERS OF PARLIAMENT, THE COMMITTEE ROOMS AND THE MICHEL EL-'ABD CLOCK

The architect Nabeel Fawzi Azar designed and supervised the construction of the building that contains the offices of Members of Parliament, next to the Parliament building (NEJMEH SQUARE) from 1994 till 1997. Furthermore, The Clock of Michel el-'Abd was constructed in the early 1940s; it is 15 meters tall. It was a gift from the Lebanese expatriate Michel el-'Abd to the Municipality of Beirut, which placed it in Nejme Square and named it "el-'Abd Clock". However, it was moved from Nejme Square to the "River Road" because of the war in early 1975 and was returned to the square on 22 October 1996.

PARLIAMENTARY LIFE IN LEBANON DURING THE FRENCH MANDATE

The French High Commissioner, Général Henri Gouraud, issued Decree N° 299 on 12 July 1920, in which four districts were annexed to Lebanon. On 31 August, Decree N° 318 was issued, which established the "State of Greater Lebanon" with the same borders that exist today. Several resolutions were issued, including Resolution N° 336, which defined the administrative system of the state, dividing Lebanon into four districts and two cities (BEIRUT AND TRIPOLI).

Parliament was called the Administrative Committee of Greater Lebanon, which had 15 Members, a number that was later increased to 17 Members, all appointed by the High Commissioner to represent their sects. It provided an advisory opinion on issues related to legislative matters and regulations, the establishment of the state budget and the determination of new taxes, fees or monopolies (ARTICLE 16 OF THE LAW).

On March 8, 1922, the French Deputy High Commissioner, Robert de Caix, issued Resolution 1304 bis, which stated the establishment of an elected body called the "Representative Council of Greater Lebanon". At the same time, Resolution N° 137 bis was issued, this resolution is considered the first complete law for Parliamentary elections in Lebanon.

After that, a decree was issued by the Governor of the State of Greater Lebanon, Albert Trabaud, according to which 10 seats were allocated to the sects in the following way; 10 Maronites, six Sunnis and Shias, four Orthodox, two Druze, and one Deputy of Roman Catholics and Minorities (A TOTAL OF 30 MEMBERS). This situation continued even after establishment of the Lebanese Constitution on 23 May 1926 and the replacement of the Representative Council with the "House of Representatives".

Prior to independence, the Representative Council had what are commonly called "Appointed Deputies". This began after the promulgation of the Lebanese Constitution on 23 May 1926, according to which the "Senate" was established. However, the first amendment of the Constitution on 17 October 1927 abolished this "Senate" which consisted of 16 appointed Members. Thus, these members joined the "House of Representatives" and constituted what were then called "Appointed Deputies"; this continued until the independence era, i.e. the end of the mandate system in 1943.

THE ELECTORAL CYCLES WHICH CONSTITUTE THE COUNCIL SINCE THE DECLARATION OF THE STATE OF GREATER LEBANON UNTIL THE PRESENT DAY

› The administrative committee in 1920 had 17 members.

› Article 22 of Constitution

With the election of the first Chamber of Deputies on a national, non-confessional basis, a Senate shall be established in which all the religious communities shall be represented. Its authority shall be limited to major national issues.

› First Representative Council

Elected on 25 May, 1922, continued until July 1925 and had 30 Members. The administrative committee in 1920 had 17 members.

› Second Representative Council

Elected on July 16, 1925, continued until May 1926, and included 30 members. With the approval of the constitution on May 23, 1926, it became the House of Representatives and led to the creation of a Senate of 16 members. After that, the two houses of Representatives and Senate merged, meaning the number 46.

› First Parliament

When the Lebanese Constitution was promulgated on 23 May, 1926 and the Council of Elders was established, there were two Houses, with the Council of Elders having 15 Members. In 1927, the Senate was abolished, and its Members merged in 23 May, 1929, to become the first Lebanese Parliament, Unicameral with 46 members.

› Second Parliament

From 15 July, 1929 until 10 May, 1932, with 45 Members and 15 were appointed, - one Member less than the previous parliament.

› Third Parliament

From 30 January, 1934, until 1 October, 1937 with 25 Members and 7 were appointed, - 20 Members less than the previous parliament.

› Fourth Parliament

From 29 October, 1937, until 21 September, 1939, with 62 Members and 21 were appointed, - 37 Members more than the previous Parliament. To date, all the House of Parliament have been mixed, so that a number of deputies were elected, and the other members were appointed.

› Fifth Parliament

From 21 September, 1943, until 7 April, 1947, the number of Members was 55, which was the first time with no appointments. Before 1943, we had appointed members in our parliament. In 1947, the 55 Members followed the rule of the number "11", where for every six Christian Members, Muslims were allocated five Members. For the first time with no appointments, this ratio continued until the Ta'if Conference after which Members became equally allocated among Christians and Muslims.

› **Sixth Parliament**

From 25 May, 1947, until 30 March, 1951, with 55 Members, matching the previous Parliament.

› **Seventh Parliament**

From 5 June, 1951, until 30 May, 1953, where the number of Members increased to 77.

› **Eighth Parliament**

From 13 August 1953 until 20 August 1957, where the number of Members decreased to 44.

› **The Ninth House of Representatives**

From 1957, included 66 Members.

› **The Tenth House of Representatives**

From April 1960, included 99 Members. The same number of Members continued in the elections of 1964, 1968 and 1972 throughout the war.

› **Eleventh, Twelves, and Thirteenth**

In 1991 the number became 108 Members; in 1992 until today the number reached 128 Members.

FUNCTIONS OF THE DEPUTY IN THE LEBANESE PARLIAMENT

FUNCTIONS OF THE DEPUTY IN THE LEBANESE PARLIAMENT

The Lebanese Constitution has granted MPs many jurisdictions and functions which he or she exercises as a representative of the nation:

- › An MP enjoys the following functions:
 1. Constitutional assembly function
 2. Financial function
 3. Electoral function
 4. Political and scrutinising function
 5. Judicial function
 6. Legislative function

CONSTITUTIONAL FUNCTION (Amending the Constitution)

“The Parliament is the sole legal platform for issuing Amendments to the Constitution” (ARTICLES 76-79)

An amendment to the Constitution can be presented to the Parliament via the following procedure:

- › At least 10 deputies should be willing to propose an amendment during a regular session.
- › More than two thirds of the 128 MPs should approve the proposal.
- › The head of Parliament presents the bill to the Cabinet (GOVERNMENT) to put it into motion once it gets approved, which is then presented to the MPs within four months.
- › In case the Cabinet does not approve of the bill, the latter is sent back to Parliament for a second examination.
- › If a three quarter majority of Members of Parliament insist on filing the amendment, the Head of State will either have to fulfill the wish of Parliament or request the Council of Ministers (GOVERNMENT) to dissolve Parliament and proceed to new elections.

- › The procedure for filing an Amendment Bill to the Head of State is as follows:
 1. During a regular or a special session.
 2. The Amendment Bill is first submitted to the Council of Ministers for approval to become a law, to then be referred to Parliament.
 3. MPs are required to discuss the Amendment closely and the Bill must be treated as the highest priority before any other bill.
 4. The Parliament can only discuss or vote on the amendments that have been proposed by the Government.

FINANCIAL FUNCTION

The financial function of the Members of Parliament includes:

- › Financial and taxation legislation.
- › Parliamentary oversight on all taxes, loans, and benefits.
- › The implementation of a tax and its collection only through a law.
- › The amendment of a tax or its cancellation only through a law or with the approval/consultation of Parliament.
- › Voting on the drafted Budget Bill, article by article.
- › MPs are not able to increase benefits without governmental approval.
- › After voting on the budget, Parliament can make room for new expenses according to a new Bill.

ELECTORAL FUNCTION

There are several electoral processes stipulated in the constitution or in some laws, and they include the following:

- › The elections of the Head of State takes place through a secret ballot. The Head of State would gain their position if they got a two-thirds majority in the first voting session, and an absolute majority in subsequent sessions.
- › The Prime Minister is appointed by the Head of State following the necessary Parliamentary consultations and it is imperative for the latter to choose the person who received the most of votes.

- › The Head of Parliament and their deputy are elected for a full term of office.
- › The Parliamentary bureau members consisting of two secretaries and three deputies are elected yearly.
- › The election of the Committees' members occur annually.
- › Seven MPs are elected to take part in the Higher Council to prosecute Presidents and Ministers should the need arise, and three additional MPs lend support as backup.
- › The election of half of the Constitutional Council Members (FIVE MEMBERS).
- › The election of half of the Members of the National Council of Media (FIVE MEMBERS).

POLITICAL FUNCTION AND OVERSIGHT

The MPs enjoy the following functions:

- › Evaluation of the ministerial statement of the Government in order to either grant or strip it of confidence.
- › Discussion of the Government's general policy: combined or separate.
- › File a "no-confidence" motion for one Minister or all of Government.
- › Provide oral and written questions.
- › Making interrogations, either directly or when the MP is not convinced by the Government's response to their question.
- › Parliament can file a no-confidence motion in a Minister or in Cabinet if they are not satisfied with the results of the investigation.
- › Parliamentary investigation is led by a Parliamentary Committee which handles judicial inspections of a determined subject.
- › Parliament can appoint the investigation committees, judicial investigation bodies (THEY OVERSEE PAPERS OF THE DIFFERENT CONSTITUENCIES, MAKE COPIES OF THEM, PERFORM WITNESS HEARINGS AND REQUEST CLARIFICATIONS THAT WOULD ASSIST WITH THE INVESTIGATION) and the fact-finding committees among the Parliamentary ones.

JUDICIAL FUNCTION

An MP can practice political justice through:

- › Bringing the Head of State to trial in court following a constitutional breach or treason.
- › Bringing Ministers to trial following treason or failing to fulfil their constitutional duties.
- › Both trials are conducted by the Higher Council.
- › Defendants are deemed guilty following a majority vote of 10 out of 15.
- › Court assets are determined before the Higher Council according to special decree N° 13/90.

LEGISLATIVE FUNCTION

- › According to ARTICLE 16 of the Lebanese Constitution, Parliament oversees the legislative authority.
- › According to ARTICLE 18, no law bill is passed without Parliamentary approval.
- › MPs can present bills or project laws relating to different fields without exceptions (AS IN NO FIELD SHOULD BE MARGINALISED WHEN IT COMES TO POTENTIAL LAW BILLS CONCERNING IT).
- › MPs have the right to present an urgent repeated bill as long as it involves only one article and is supported by valid reasons and a warrant that justifies its pressing status.
- › MPs do not have the right to a bill that was voted out during the same session.

LEGISLATION PROCESS IN THE LEBANESE PARLIAMENT

LEGISLATION PROCESS IN THE LEBANESE PARLIAMENT

LEGISLATION INITIATIVE

From the Council of Ministers:

- Ordinary Project law or bill
- Urgent project law

From the House of Representatives, Lebanese Parliament:

- Ordinary proposed law
- Repeated urgent proposed law

REGULAR PROJECT LAW

- Approval of the draft law in the Council of Ministers.
- Referral to the House of Representatives (THE PARLIAMENT) by decree signed by the President of the Republic, the Prime Minister, and the respective Ministers.
- The proposal must be listed in the Parliament's registry (QALAM).
- Referral to the specialised or joint committees.
- Adoption at the General Assembly.
- Issuing and publication.

URGENT DRAFT BILLS

- Declaration of the urgency status by the Government (THE COUNCIL CANNOT REMOVE THIS FEATURE ACCORDING TO ARTICLE 58 OF THE CONSTITUTION).
- The law can be published within 40 days provided that it gets the approval of the Council of Ministers.
- Should these conditions all be met:
 - › The law will be registered in the Parliament's Pen-Office.
 - › It will be added to the agenda of Parliament.
 - › It will be declared at the General Assembly.

- › If 40 days pass without deciding on the law at Parliament (THIS PERIOD OF TIME IS ONLY GRANTED IF ALL AFOREMENTIONED CONDITIONS ARE MET), the Speaker of the Parliament has the right to present the bill to the General Assembly or the committees, granting them a 15-day probation period after which they are required to provide them with feedback.

BILLS RELATED TO TREATIES, CONVENTIONS AND LOANS

- According to Article 52 of the Lebanese constitution, Parliament can approve such bills in two cases:
 - › Conventions which cannot be cancelled from year to year.
 - › Trade conventions that involve financial burdens.
- Parliament does not have the right to interfere with the articles of the treaty nor amend them.
- It is possible to vote on the bills that authorise the treaty, without discussing its articles one by one.
- It is up to the Government to implement the treaty or decline it upon the approval of Parliament.
- Parliament may register abstentions from certain articles of the conventions should the treaty authorise it.

ORDINARY PROPOSED LAWS

- The proposed law is usually submitted by a Member of Parliament, along with the reasons for that proposal.
- No more than 10 Members of Parliament should sign the proposal.
- The proposal should be registered in the Parliament's Pen-Office.
- That proposal will be referred to the specialised committees.
- The proposal is then sent to the Government to be reviewed.
- The final decision is to be taken by the General Assembly regarding that proposal.
- The proposal is now considered as a law, and the law is issued and published.

URGENT REPEATED LAW PROPOSALS

- The proposed law is usually submitted by a Member of Parliament, along with the reasons for that proposal and its urgency.
- The proposal is directly presented to the general authority of Parliament.
- The General Assembly first approves the "urgent status", then the proposal's approval is discussed.
- In the case that the "urgent status" is rejected by the general authority, the proposal is presented to the specialised committees with regular status.
- Only the cabinet has the right to delay the review of an urgent proposal until the next session and the Head of State has to approve this.

THE VALIDATION PROCESS OF THE PROPOSED LAWS/'DRAFT LAWS' BY THE PARLIAMENTARY COMMITTEES

- The topic is studied by the specialised or joint committees.
- Members of Parliament (AND THE MEMBERS WHO ARE RESPONSIBLE FOR THAT PROPOSAL), and the specialised Ministers are invited to discuss the proposal
- The interest groups (SYNDICATES, EXPERTS, CIVIL SOCIETY BODIES) are also invited to join the discussion board.
- Discussion and endorsement of the proposal:
 - › By consensus or majority.
 - › In its default form or edited.
- The committee writes a report and delivers it to the office.
- Addition of the proposal to the agenda of the General Assembly.

THE VALIDATION PROCESS OF THE PROPOSED LAWS/‘DRAFT LAWS’ BY THE GENERAL AUTHORITY

- The general authority of Parliament discusses only one formula:
 - › Either the formula of the joint committees (IN CASE OF CONFLICT OF REPORTS).
 - › Or the formula of the specialised committee.
- The formula either gets:
 - › Approval: As edited by the committee–the original text–or they suggest further editing, or:
 - › Disapproval: Rejection of the proposal.
- The proposal can be retrieved by a decree before a final vote is cast.
- The proposal can be retrieved by the MP who proposed it through a written statement before it is discussed by the general authority. Otherwise, Parliament should approve the proposal, and it would be revised later if it was adopted by one Member of Parliament.

ISSUING AND PUBLISHING (of a Law)

- Referring the law to the Government once it is signed by the Head of Parliament.
- Direct signature of the law by the Prime Minister, then referring it to the Head of state.
- Constitutional options for the Head of State in this case are:
 - › Either signing the law and requesting that it is published within a month from the date of its referral to them.
 - › Or refusing to sign it and reverting it back to Parliament for a second reading (AS PER A DECREE INCLUDING THE REASONS BEHIND THE REVERTING)
 - › Or not signing nor responding; herein the law becomes legitimately executed after a period of one month, and it ought to be published without any signature.

REVERTING A LAW BACK TO PARLIAMENT

- In case the law is reverted back to Parliament by the Head of State for an additional review, the head of Parliament has two options:
 - › Reverting it back to the Committees for a second review.
 - › Referring it directly to the general authority and looking into the reason why it was reverted back.
- The general body then has two options:
 - › Insisting on the law as it was voted upon.
 - › Adopting the Head of State’s point of view (AMENDING THE LAW).
- The voting, in both cases, occurs on the basis of an absolute majority (ONE HALF PLUS ONE).

CONTESTING A LAW IN FRONT OF THE CONSTITUTIONAL COUNCIL

- Within 15 days of publishing a law in the Official Gazette, the Heads of State and Parliament, the Prime Minister or ten MPs have the right to administer a law cancellation review for its unconstitutionality to the Constitutional Council.
- The heads of recognised sects also have the right to administer a cancellation review of the laws regarding personal statuses, freedom of belief and conducting religious rites, and freedom of religious education.

THE ORGANISING LAWS OF THE PARLIAMENTARIAN MANAGEMENT

- Internal regulation system of the Parliament published on 13/11/2003. Law published on 14/10/1943 (SECTION 4): “it is the responsibility of the Speaker of Parliament of Lebanon to hire all Parliamentary employees, in addition to set their number, stipends, rank, and promotion. All decisions taken by the Speaker of Parliament become legal and legitimate the moment they are declared.”
- Decree N° 934 in 8/12/2005 (ORGANISATION OF PARLIAMENT).
- Staff system (EDICT N° 1959/112) and its amendment.
- The Speaker of the Parliament’s decisions.
- Circulars of the Secretary General of Parliament.

SECRETARY GENERAL OF THE PARLIAMENT

- All administrative, financial, and technical work required for the proper functioning of Parliament.
- Overseeing all administrative units comprising the General Secretariat.
- Coordinating the work of the Directorates of Parliament.
- Setting regular meetings of the general managers and heads of units.
- Participating in meetings of the Bureau of Parliament and making suggestions for its agenda.
- Supervising the preparation of the draft budget of the Parliament

DIRECTORATES AND DEPARTMENTS OF THE GENERAL SECRETARIAT

The bureaucracy of the Lebanese Parliament contains nine departments falling under one larger Secretary General. This includes six general directors from the following departments:

1. Directorate General of Administrative and Financial Affairs
2. Directorate General of Presidential Affairs
3. Directorate General of Meetings and Committees
4. Directorate General of Research and Information
5. Directorate General of Foreign Affairs
6. General Inspector

In addition, there are three divisions of the bureaucracy which do not have general directors, and instead fall directly under the Secretary-General:

1. The Division of Expense Monitoring
2. Joint Administrative Services
3. Information Department

It is worth noting that advisors do not fall under the Secretary-General.

DIRECTORATE GENERAL OF ADMINISTRATIVE AND FINANCIAL AFFAIRS

Which handles:

The administrative work pertaining to both former and current Members of Parliament. Just because they are former MPs, it does not necessarily mean that their work with the Parliament has ended, hence they are accounted for:

- All administrative work related to staff.
- Provision of all administrative and office supplies.
- Securing all the work and financial procedures of Parliament.
- Preparation of a draft budget for Parliament.
- Paying specific attention to all accounts and business decisions of a financial nature.
- The maintenance and cleaning of all public services.

DIRECTORATE GENERAL FOR PRESIDENTIAL AFFAIRS

Following the Ta'if agreement, the Speaker of Parliament is elected for four-year periods, resulting in the expansion and increased importance of this department.

The department handles:

- All work belonging to the Speaker of Parliament, their headquarters and advisory office. Due to safety concerns, their headquarters was moved to 'Ain el-Teeneh. It is up to the Speaker to decide when they want to meet in their headquarters and when they want to meet in Parliament.
- Administrative affairs
- Protocol affairs
- Media and communication
- Guests
- All matter pertaining to the organisation and proper functioning of the headquarters of the Speaker.

DIRECTORATE-GENERAL MEETINGS AND COMMITTEES

Which holds:

- All matters related to the legislative process
- All subjects related to governmental lawmaking course of action/procedure.
- Administrative meetings of the plenary
- Parliamentary Committees
- Monitoring all stages of projects and proposals of laws since receiving of the administrative joint department until final publication of Parliamentary committees and public Assembly.
- Supervising plenary records and records of Committees and its archiving.
- Responsibility for the precision of legal texts that are voted upon.

DIRECTORATE GENERAL FOR RESEARCH AND INFORMATION

Which handles:

- Preparation of studies and research in fields that serve the requirements of the legislative process and oversight for the Council.
- Managing the Parliament's library.
- Providing the studies for the research and statistics to smoothen the legislative process.
- Publication of magazines, periodical journals, research and Parliamentary statistics as well as monitoring their design, editing, printing and distribution.
- Local seminars held at Parliament in collaboration with the relevant general directorate's general institutions.

STRUCTURE OF PARLIAMENT

STRUCTURE OF PARLIAMENT

GENERAL INSPECTORATE

- › This oversees:
 - Periodically inspecting the administrative units in the Parliament.
 - Execution of written and verbal duties assigned by the Speaker of Parliament or the General Secretary.
 - Ensuring the execution of laws, systems and decisions by the Parliament's employees.
 - Providing opinions, suggestions and studies to the Secretary General concerning:
 - › Amending the regulations relating to the organisation of Parliament
 - › Staff's work calendars
 - › Suggested methods of work
 - Submitting monthly reports and a full annual report on inspections to the Secretary-General.

MONITORING OF EXPENSES

- › A department headed by a second-level employee called a "Contractual Expenditure":
 - Controlling and overseeing the expenses under the direct supervision of the Secretary-General.
 - Receiving requests for the "expenses contract" in writing from the Public Department.
 - Explaining the elements of the expenses, their total value and their justification.
 - The designation of each transaction leading to an expenses contract and returning it to the Chief Financial Officer after signing it.
 - Checking the availability and validity of allocated expenses.
 - Checking the applicability of the transaction to the appropriate laws and regulations

DIRECTORATE GENERAL OF FOREIGN AFFAIRS

- › Which oversees:
 - All work related to International and Arab relations of Parliament and their Administration.
 - Bilateral and multilateral cooperation program.
 - The affairs of Arab and International Parliamentary associations held in Lebanon.
 - Reception of Arab and foreign delegations visiting Parliament.
 - Securing the transactions and travel procedures necessary for the deputies and Parliamentary delegations responsible for travelling to international conferences.

INFORMATICS DEPARTMENT

- › This oversees:
 - Management and expansion of the information network in Parliament and the linking of staff to it.
 - Safeguarding confidential information and user rights.
 - Preparing the necessary studies to develop the automation of the administrative and legislative work of Parliament, in addition to office and legislative documentation.
 - Storing, formatting and retrieving various types of information.
 - Application of modern technological means in the field of legislation and administration.
 - Administering Parliament's website on the Internet.
 - Securing necessary software programs for the exchange of information with governmental departments.
 - Coordinating and preparing training courses for staff with the Directorate General for Administrative and Financial Affairs.

DEPARTMENTS NOT AFFILIATED TO THE SECRETARIAT

- Consultation Office:
 - › Reports directly to the Speaker of Parliament
 - › Includes advisers of special expertise, chosen by the Speaker of Parliament, or from Presidents and members of social, economic, media and educational institutions.
 - › This office is in charge of following up Lebanese developments and events and analysing them.
 - › Offering advice to the Speaker of Parliament, either voluntarily or based on their request, regarding all political, legislative, social, economic and financial issues.
 - › Offering suggestions to deal with and solve these issues.
- Parliament's Security Apparatus:
 - › Related directly to the Speaker of Parliament and falls under his authority.

PARLIAMENTARY ADMINISTRATION

PARLIAMENTARY ADMINISTRATION

THE NATURE OF PARLIAMENTARY ADMINISTRATION

- It is a public administration (TECHNICAL, ADMINISTRATIVE) and not a political one.
- The Parliamentary employee follows the staff system and is not subject to a special system.
- Their job is uniquely characterised by the nature of the tasks they perform.
- Section I of the staff has a direct relationship with the MPs.
- Section II exercises purely administrative functions unrelated to Parliamentary functions.

DUTIES OF EMPLOYEES (Administrative Decree N° 59/112)

The Employee:

- Acts in accordance with the public interest and the rule of law and regulations.
- Works in subjugation to Presidential and hierarchical power.
- Endures the responsibility of the orders that he gives to his subordinates.
- Performs the work of the job accurately, quickly and faithfully.
- Gives up any task or party responsibility.

DUTIES OF EMPLOYEES (Penal Code and Other Laws)

The Employee:

- Acts as Secretary of the funds under his own custody (ARTICLE 359 OF THE PENAL CODE).
- Works actively to achieve and preserve the benefits and revenues allocated to the State (ARTICLE 362 OF THE PENAL CODE).
- Preserves State Documents (ARTICLE 396-397 OF THE PENAL CODE).
- Works on the implementation of decisions, memoranda and any order issued by a competent authority, and does not use his influence to impede or delay implementation (ARTICLE 371 OF THE PENAL CODE).
- Adheres to the principle of administrative hierarchy (ARTICLE 9 OF ADMINISTRATIVE DECREE N° 59/111).

ACTIONS PROHIBITED FOR EMPLOYEES

- › Parliamentary employees are not permitted to:
 - Share or publish statements or publications without written permission from their superior.
 - Join professional syndicates, with only minor exceptions such as the syndicates for professors, doctors and engineers.
 - Engage in a strike or call for one.
 - Have supplementary profession unless it is a teaching one.
 - Combine public duty and electoral duty.
 - Engage in actions that would bring disgrace to the Parliamentary job.
 - Ask for bribery or recommendations or accept them.
 - Reveal official information which has been shared with them.

REQUIREMENTS OF PARLIAMENTARY DUTY

- Total neutrality
The Parliamentary employee, no matter what their political affiliation is, shall serve the MPs, no matter what their political or sectarian affiliations and their party memberships are, and deliver the designated service or fulfill the assigned duty with complete neutrality.
- Never to show any sign of taking sides
They are also tasked with performing their duties with complete objectivity, be it with an MP, a party or any Parliamentary entity.
- High level of professionalism:
The Parliamentary employee should be highly professional in accomplishing their designated tasks while avoiding errors as much as possible to ensure the quality of service delivered to any MP.

THE OBLIGATIONS OF PARLIAMENTARY FUNCTION

- The service of the employee, whether public or private, should not favor a deputy close to him or his constituency at the expense of other deputies.
- The Parliamentary employee must have a great deal of honesty, calm composure and a good attitude while dealing with the deputies, as well as with their colleagues or the public.
- Develop their own network in their field or in the institution itself and its systems, especially the Constitution of the State, the functions of the authorities and their relationships with each other.
- Not to interfere in any work of the committees or Members except when requested to do so, and to maintain discussions ongoing in a smooth manner among Members of the Committee.
- The employee may intervene should they need to remind the Members of a legal provision: They must report it separately to the Speaker of the Parliament or the Chair of the Committee with respect to their position.
- Preserve the confidentiality of their work and the documents in their possession.
- Return to their superiors when faced with a pressing position of obtaining documents contrary to laws and regulations from a lawmaker.

THE DIFFICULTIES AN EMPLOYEE FACES WHEN DEALING WITH A DEPUTY

- Employees face difficulties when dealing with deputies, because of their superior social standing in the community, which presents challenges for administrative staff, especially those with extensive experience in their field, to train the MPs by teaching them skills they are supposed to know.
- The dual orders some employees are subjected to, especially those who have a direct relationship with the Speaker or his deputy, or the deputies, the chairmen of the committees and their rapporteurs, or the chairmen of the subcommittees, etc. They are obliged to abide by the directives and requests of the Parliamentarians; while on the other hand, having to follow the rules according to the employees' system.
- The MP is an elected political official who can be known to feel they have significant political power that permits them to act in a dictatorial manner or in a way that does not take into account the existing rules and regulations.
- Pressure from some deputies who attempt to secure their demands and desires through concessions and the provision of services that the Parliamentary administration does not have the capacity or the possibility to provide them with.

PARLIAMENTARY COMMITTEES AND ADVISORY UNIT

PARLIAMENTARY COMMITTEES AND ADVISORY UNIT

PARLIAMENTARIAN COMMITTEES: THEIR FORMATION, DUTIES, AND FUNCTIONS

Articles 19 to 44 of the Rules of Procedure of the House of Representatives determine:

- Provisions governing the formation of committees
- Number of committees
- Terms of membership
- Method of holding meetings
- The majority imposed in the meetings
- The mechanism of research and discussion
- Voting
- Documents issued by committees

THE PURPOSE OF ESTABLISHING PARLIAMENTARY COMMITTEES

- The agenda of the General Assembly has several documents (PROJECTS AND SUGGESTIONS) and not enough time to analyse the details of the texts comprehensively.
- The main tasks of the committees are to research issues in depth and come up with specific and informed solutions, with the help of respective Ministers, experts and other stakeholders pertaining to specific issues.
- The General Assembly can only study one document, which has been approved by specific committees, or joint committees

CREATING THE PARLIAMENTARY COMMITTEES

- The Rules of Procedure limits the number of committees to 16.
- The number of Members of committees fluctuates between 17 (5 COMMITTEES), 12 (10 COMMITTEES) and 9 (ONE COMMITTEE).
- The committees are elected once per year in the first meeting of the second parliamentary session.
- Each committee elects its own president.
- Committees are usually formed following agreement between the Parliamentary parties
- Usually the staff at the Office prepare drafts for the committees in cooperation with the Parliamentary parties and the Parliamentary administration.
- They must take into consideration several aspects: the sectarian, geographic and occupational distribution of the Members in the committee.
- In addition, forming a committee must make account for the professional and potential side of each MP, and where he or she finds themselves working.
- The MP should not participate in more than two permanent Parliamentary committees except for: The Human Rights Committee, The Woman and Child Committee, and The Information and Technology Committee.

THE MECHANISM OF HOLDING COMMITTEE MEETINGS

- Committee meetings are held.
- In case a Minister declines the request of the committees, the matter is elevated to the Speaker of the parliament and they present it to the Members during the next available session, granting it a high order of priority over other agenda items.
- Every MP has the right to assist the sessions of any committee even if they are not a Member of them, and they have the right to discuss and suggest Amendment Bills. However, they do not have the right to vote with the rest of the committee Members, except under one condition stated by the article 43 of bylaws: when the Budgeting Committee is studying the budget of the ministry related to the work of that MP's committee.
- The sessions of the committees, their work and discussions are classified unless the majority of the committee decides otherwise.

RESEARCH WITHIN COMMITTEES

- The Speaker of the Parliament presents the project or bill to the relevant committee according to its/their specialty or to the joint committees unless the by laws demand that they be presented to the Council first, for example, in the case of an urgent repeated bill.
- The bills are submitted to the Government at the same time to obtain its opinion on them.
- It is up to the Head of the Committee to organise the work schedule.
- The committees must study the bills according to their dates of suggestion (WITH THE EXCEPTION OF URGENT ONES) and what the committee chooses to prioritise over another.
- Following the discussion of the projects and the bills presented to the committee, the Members vote on them by a majority rule. In case of an equal number of votes for and against, the vote of the Head of the Committee will be the deciding one.
- The committees must complete their research and file reports on the projects, bills and the other topics under consideration within a deadline of a month of their submission at the latest.
- As for the urgent bills, they must finish analysing them and file a report on them within two weeks of their submission at the latest. By the end of this period, the Speaker presents the bill to the joint committees or to the Council itself, regardless of whether the committee has completed its analysis or not.
- The assigned deadlines attributed to looking into the bills in the previous paragraphs are discretionary, meaning that neither the committees nor their members are subject to sanctions if they do not meet the deadlines.
- The committees are responsible for the issuance of credentials such as committee reports, the modified script, recommendations, records and the informative statement.

EXAMPLE OF ESTABLISHMENT OF AN ADVISORY UNIT

THE ROLE OF THE ADVISORY UNIT

- The primary role of the Parliamentary administration is to assist the Members of Parliament with their legislative and monitoring duties.
- There are several directorates that are directly related to the Member of Parliament's functions, notably:
 - › The general directorate of meetings and committees
 - › The general directorate of research and information
 - › Information technology service
 - › Media and communication services
 - › Secretaries of committees
- In order to enhance the role of the Parliamentary administration and improve the services provided to Members of Parliament, His Excellency, the Speaker of the Parliament, established an advisory unit to assist Parliamentary committees. Its duties are:
 - Providing all studies requested by the committees.

REFERENCE TEXTS

- Decree N° 1311 dated 1/8/2013: The organisational structure of the advisory unit for Parliamentary committees' assistance.
- Decree N° 1312 dated 1/8/2013: The working system of the advisory unit for Parliamentary committees' assistance. The unit should be made up of a number of administrators working in the different units of the Parliament, each with several years experience in various fields.

THE PURPOSE OF ESTABLISHING AN ADVISORY UNIT

- Providing better service for Members of Parliament as well as Parliamentary committees through a harmonious task force that they already know.
- The benefit of the accumulated experience of the unit members and providing it to Members and committees.
- Providing support and technical advice.
- Preparing studies regarding draft laws.
- Preparing the requested technical reports.
- Carrying out the necessary research and comparisons.

THE ASSESSMENT OF THE UNIT'S EXPERIENCE

The experience proved to have succeeded due to several reasons, including:

- The focus on the personal relationship with Members of Parliament and especially heads of committees.
- The preparation of necessary summaries and reports that contributed to clarifying the proposed topics to members of committees particularly those relating to suggested legislations.
- Assisting the members in formulating the questions and interrogations they seek to submit.
- Providing all information relating to the topic of question or interrogation so that MPs can effectively perform their oversight duties.
- Assisting members in formulating claims which constitute a transfer of citizens' complaints through the Parliament to the Government.

SAMPLE OF STUDIES DEVELOPED BY THE ADVISORY UNIT

- A study about the right of Parliament police officers to participate in Parliamentary elections.
- A study about the standards of laws that regulate careers and unions which are organised by (ORDER LAW).
- A study about proposing a law to regulate the job of real estate agents.
- A study about the draft law related to integrated management of solid waste.
- A schedule detailing time limits for submitting ministerial statements to governments established since independence.
- A schedule of Parliamentary sessions dedicated to discussing ministerial statements of governments established after independence.

PREPARATION AND APPROVAL OF INTERNATIONAL TREATIES IN LEBANON

PREPARATION AND APPROVAL OF INTERNATIONAL TREATIES IN LEBANON

PREPARATION AND APPROVAL OF INTERNATIONAL TREATIES AND CONVENTIONS IN LEBANON (Article 52 of the Lebanese Constitution)

- The President of the Republic takes over negotiations regarding contraction and ratification of international treaties in accordance with the head of Government.
- A treaty is not officially ratified until it is approved by the head of Government.
- The Government informs the Parliament about a treaty when the national interest and State sovereignty allows that.
- As for treaties containing conditions related to State finances, trade treaties, and all treaties that can't be terminated year by year, they can be officially ratified only following the approval of Parliament.

THE VALID REFERENCE OF RATIFYING TREATIES

- The Council of Ministers is the valid reference for ratifying treaties, except for the following two cases which require ratification from Parliament:
 - › Treaties that contain conditions related to the State's finances - trade treaties.
 - › All treaties that can't be terminated year by year.
- Parliament has the authority to grant or not grant the Government a ratification of a treaty.
- Parliament has the right of reservation concerning some of the provisions included if the treaty allows for that.
- Parliament does not get into the details of the articles of a treaty.
- Voting could be held on proposals to grant ratification to a treaty without presenting each of its articles.

THE POWERS OF THE PRESIDENT OF THE REPUBLIC

- Solely the President of the Republic has the right to negotiate.
- This authority is reflected in all stages of contracting treaties; negotiation, signature and ratification.
- The President does not take over negotiation themselves and usually delegates this to the Foreign Minister or another diplomat, giving them the full authority to negotiate, sign and ratify.

POWERS OF THE COUNCIL OF MINISTERS

- After being initiated, a treaty is presented to the Council of Ministers to be approved.
- The treaty is issued by decree, unless it is subject to the provisions of article 52 of the constitution.
- In that case it would be referred by a decree to Parliament to revise and issue.
- In all cases the voting of the Council of Ministers on international treaties and conventions should happen according to the provisions of article 65 of the constitution, which means a majority of two thirds of the number of Members of the Council which is specified in its decree of formation.

THE ROLE OF GOVERNMENT SUPPORTING BODIES

- The executive branch can refer to bodies to revise and draft texts of international treaties and conventions.
- The State Consultative Council which functions in administrative and legislative matters and so could be consulted regarding draft treaties, draft circulars or any important issue the Council of Ministers decides to ask for consultancy on.
- The legal department of the Ministry of Justice, which functions in response to the request of specialised administrations, takes over:
 - › Preparing and drafting draft laws, decrees, circulars, regulations and draft treaties that it is requested to oversee.
 - › Rendering opinions on draft laws, decrees, regulations, circulars and draft international treaties and conventions and suggesting any necessary alterations.

THE ROLE OF THE MINISTRY OF FOREIGN AFFAIRS AND IMMIGRANTS

The legal department of the Ministry of Foreign Affairs and Emigrants handles:

- Rendering opinions regarding all legal matters that have an international focus in the Ministry of Foreign Affairs.
- Participating with specialised entities in preparing international treaties and all national legal documents.
- Revising requests for explanation of international treaties and conventions.
- Performing the work assigned to the Ministry of Foreign Affairs and Immigrants that is related to the national interest according to international courts and in collaboration with the Ministry of Justice.

THE PRACTICAL PROCEDURE OF THOSE PROVISIONS

- The issuing of a decree by the Council of Ministers requesting all public administrations to present proposed treaties to the legal department to provide their opinion before signature:
 - › The issuing of a circular by the Prime Minister in 2012 regarding the same matter.
- The State Consultative Council's consideration in many of its decisions that anything related to international treaties (NEGOTIATION, RATIFICATION, PUBLISHING OR EXPLANATION), and anything that is related to implementation of international commitments, conventions or decisions, is categorised as government business that is not open to appeal before the State Consultative Council.

THE RATIFICATION OF TREATIES BY THE LEGISLATIVE BRANCH

- The treaties that fall under Article 52 of the Constitution are referred to the Parliament just like other draft laws.
- They are returned to the Council by a decree signed by the President of the Republic, the Prime Minister and the relevant Ministers.
- The Speaker of the Parliament refers the proposal to the relevant Parliamentary committees to revise and approve it.
- The Chamber of Deputies has the final say in approving it or not.
- The role of Parliament is limited to licensing the Government to ratify a treaty or convention.
- The Parliament's authority is restricted to this area, since it does not have the right to make any alterations to a treaty or convention.
- The articles of a treaty or convention are not presented for voting one by one.

THE PRIMACY OF TREATIES OVER INTERNAL LAW IN THE HIERARCHY OF LEGAL PROVISIONS

- The law of civil procedure follows a hierarchical principle of the rules of law in Article N°2: "Courts have to abide by the hierarchical principle of rules, if the provisions of an international treaty conflict with the provisions of law, the former has priority over the latter."
- Unlike any other text, no legal reference other than the Constitutional Council should have oversight of the constitutionality of laws directly through appealing, or indirectly through pushing to break the Constitution or the hierarchical principle of rules and provisions.

RESERVATIONS ON TREATIES

- Reservation is an available instrument to all countries that are part of a treaty, which allows them to exclude one or more sections of the treaty, or to interpret a section in a way that serves their interest.
- It is a unilateral declaration, regardless of its formulation or name issued by a country when it signs, approves or joins a treaty.
- The exclusion or alteration of the legal effect of some of the treaty's provisions with regards to its applicability to that country.
- The purpose of reservation: the exemption of the country with a reservation about the legal impact of one or more of the treaty's requirements, the alteration of that impact or its interpretation for the country with the reservation.

THE LIMITATIONS OF RESERVATION TO TREATIES

- The right of reservation is not always an absolute right.
- It could be limited by the requirements of acceptance.
- The treaty could state its approval completely before taking it into consideration.
- Some international treaties do not allow for reservation at all.
- Article 19 of the Vienna Treaty: for a country to sign a treaty, join it or approve it to make a reservation, unless:
 - › That reservation is banned by the treaty.
 - › The treaty states that only specified reservations could be made.
 - › The reservation in cases other than those stated in sub-sections (A) and (B) is contrary to the subject of the treaty.
 - › The country with a reservation could lift its reservation at any time without the approval of the country that accepted that reservation. (ARTICLE 20)

EXAMPLES OF REGISTERING RESERVATIONS

- The granted government law for Lebanon to join the Convention on the Elimination of all forms of Discrimination Against Women
LAW N° 572 DATED 24 JULY 1996
 - › Lebanon reserved on the subject of offering women rights equal to those of a man's regarding her children's nationality, equal rights in marriage, rights of a mother in matters related to her children, and rights related to guardianship and custody of children and their adoption.
- The granted government law for ratifying the Arab Charter for Human Rights
LAW N° 1 DATED 5-9-2008
 - › Lebanon expressed reservation in ratifying "reserving their right in implementing their internal laws or provisions of international conventions for human rights which proved to be better rights and do not contradict the aforementioned laws and provisions."

EXAMPLES OF LIFTING RESERVATIONS

- Article 15 of the law against money laundering and financing terrorism
EXPEDITED LAW N° 44 DATED 24 NOVEMBER 2015
 - › Whereby its Article N°15 lifted reservations listed in sections 2-3-4 from the first Article of law N° 426 dated 15 May 1995, related to ratifying the United Nations Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

THE ROLE OF THE CONSTITUTIONAL COUNCIL IN INTERNATIONAL CONVENTIONS

- The main task of the Constitutional Council is to monitor the constitutionality of laws and other provisions that have the impact of a law (INTERNATIONAL TREATIES THAT LEBANON MAKES WITH OTHER COUNTRIES OR INTERNATIONAL ORGANISATIONS).
- No legal reference has the right to perform that monitoring whether directly or indirectly through appealing or pushing a lawsuit with the claim of breaking the provisions of the Constitution or the hierarchical principles of laws and provisions.
- Limiting the oversight and monitoring of the constitutionality of laws to the Constitutional Council only.
- The Constitutional Council considered international treaties and conventions an integral part of the Constitution and have constitutional power, meaning part of the Council's prerogatives is to overlook the appealed laws' compliance with international treaties and conventions and to check their constitutionality.

JURISDICTIONS OF THE MINISTER IN THE LEBANESE SYSTEM

JURISDICTIONS OF THE MINISTER IN THE LEBANESE SYSTEM

THE CONSTITUTIONAL TEXT

Article 66

- › The Ministry may not be appointed except to those who have the conditions allowing them to be Parliamentarians.
- › The Ministers shall administer the interests of the State and shall be responsible for the application of the laws and regulations in relation to matters pertaining to their administration and the provisions thereof.
- › Ministers in general shall bear the political responsibility of the Government and shall individually bear their personal acts.

Article 67

Ministers may attend the Parliament whenever they wish and be heard when they ask to speak and may use those who work in their institution, if they fit the requirements of a minister.

Article 68

When Parliament does not have confidence in one of the Ministers in accordance with Articles 37 and 30, this Minister shall resign.

Article 69 paragraph 2

The Minister shall be dismissed by a decree signed by the President of the Republic and the Prime Minister following the approval of two thirds of the members of the Government.

THE NATURE OF THE MINISTER'S DUTIES

- The Minister is the head of the political and administrative pyramid in the central administration called the Ministry.
- The Minister has political status as a member of the Government and has an administrative capacity as the head of the public administration.
- The Minister shall be either a Minister with a ministerial portfolio who shall manage its affairs, or a Minister of State without a portfolio and acquire full political missions as a Member of the Council of Ministers, having the right to discuss the projects submitted by the Ministers who do have portfolios.

JURISDICTIONS OF THE MINISTER IN THE COUNCIL OF MINISTERS

- Participates in the development of the general policy of the State as a Member of the Council of Ministers.
- Discusses and participates in the development of solutions and expresses their opinion in the internal and external situations and highlights to the Council of Ministers the problems faced by citizens in the facilities under their administration and supervision.
- Helps supervise the work of all State agencies including civil, military and security departments without exception.
- Shall ensure the proper implementation of the laws and regulations applicable to the facilities under their authority.
- The file shall be in full documentation and documents on the issue or project relating to their ministry, which they wish to submit to the Council of Ministers.
- They shall defend the projects they wish to present and answer the Ministers' questions about ambiguous or unclear points.

- Discusses projects and issues that Ministers propose, expressing their support or objection to it, according to the extent of their compatibility with the public interest.
- Participates in voting on decisions taken by the Council of Ministers (CONSENSUALLY OR OTHERWISE BY VOTING). The project submitted to the vote shall be considered in conjunction with the approval of the Council of Ministers in case of approval of the majority of Ministers present, subject to the provisions of paragraph (5) of Article (65) of the Constitution, which requires two-thirds of the members of the Council of Ministers to approve the core subjects exclusively defined in the said paragraph.
- The Minister shall undertake any internal or external task assigned to him or her by the Council of Ministers. The Government expresses its attitudes and policies and does not speak of its personal character.
- The Minister shall, through the Council of Ministers, answer the questions raised by the deputies, they defend the Government's policy before the House of Representatives, and prepares it for analysis by the committees.

JURISDICTIONS OF THE MINISTER IN HIS MINISTRY

They are the sole authority within the jurisdiction of their ministry exercised in the rest of the country by their representatives. These representatives have no independence in the conduct of matters outside those conferred by laws and regulation and work to implement the Minister's instructions.

- He or she shall have the right to issue orders and instructions to the subordinates that are intended to regulate the work of these facilities and improve their performance.
- He or she has the right to amend and cancel the decisions of subordinates, and this indicates the extent of the coverage of the presidential power and breadth, which is imposed by the unity of the Central Administrative Authority and the interconnection of its threads in the hands of the Minister. This authority remains restricted by the rules of administrative law
- The Minister can impose a First-Class Penalty on any employee (REPRIMAND - SALARY DEDUCTION FOR A MAXIMUM OF 15 DAYS AND/OR DELAYED

PROMOTION FOR SIX MONTHS AT MOST), where the third penalty is imposed only after two consecutive reprimands of the employee within one year.

- The Minister offers the Central Inspectorate the responsibility to monitor one of the administrative units of his or her ministry to determine the extent of its establishment.
- The Minister shall have the right to regulate the organs of his or her ministry and to issue their internal regulations within the limits and controls prescribed by the law, as well as the development of the organisation of the association and the employees' career situation, if the law does not expressly extend this power to another reference.
- The Minister is entitled to take regulatory measures relating to the beneficiaries of the General Facility he or she heads.
- The Minister shall be entitled to appoint the employees or to transfer some of the employees in his or her administration, such as the head of the department (A THIRD-CLASS EMPLOYEE) from one post to another within the same administration following a service board survey.
- The Minister shall represent the State vis-a-vis others in all matters related to the relationship of their ministry with third parties.
- The Minister does not have the right to make decisions pertaining to the effective administration of the House; ones which bind the State to others, such as those that establish rights for individuals. This general rule is distinguished only by an explicit legislative text.

BUREAUCRATIC POWERS OF MINISTERS

Ministers have the right to participate in regulatory decrees through:

- Participation in signing:
 - › The signature of the relevant Minister for the decree is the constitutional method by which they manage the interests of the State and the application of laws and regulations in matters related to their administration
 - › The signature of the relevant Minister of the decree is not a formality, but one of the essential elements for the composition of the decree issued, and therefore the absence of a decree for this signature renders this administrative work void.
 - › Article 54 of the Constitution stipulates:
The decisions of the President of the Republic must be signed, accompanied by their own signature, by the Minister or relevant Ministers, except for the appointment of Ministers and their replacement by law.
- Organise the private facilities of the ministry's authority:
 - › The Minister shall have the right to regulate the facilities under their ministry and to give orders to employees.
 - › As well as to establish rules governing the use of those facilities and within the limits of these powers.
 - › Can make regulatory decisions.
 - › Article 66 of the Constitution entrusts the Minister with the administration of the interests of the State and the application of laws and regulations belonging to their administration. This regulatory authority is derived from the head of the General Facility, which is one of the constitutional rules relating to the organisation of public authorities.

FINANCIAL POWERS OF MINISTERS

Under the Public Accounting Law

- The Minister has the right to oversee the preparation of the draft budget belonging to their ministry.
- They shall also implement the budget through the disposal of the funds allocated for this purpose in accordance with the provisions of the Budget Law.

- The minister is the dedicated reference to the maintenance contract, although it is not held unless it is approved in the budget and does not summarise the use of the accreditation for the purpose for which it was monitored.
- Which sets out a draft general book for tenders issued by a decree based on its proposal. It shall also decide on tenders and consensual transactions exceeding 35 million LBP.
- They are also entitled to transfer credits from a paragraph within the same item.
- They are generally the supervisor of all financial issues associated with their ministry.

PRIVILEGES OF THE MINISTER WITH REGARDS TO GUARDIANSHIP

- The Minister assumes central control over decentralised authorities.
- The Minister of Guardianship, under whose control falls all public bodies to whom the law vested the authority of guardianship, shall be appointed. The Minister of Interior and Municipalities of the Trusteeship Authority shall oversee all Municipalities of Lebanon.
- This control, which the Minister applies to decentralised bodies, includes various forms, such as the right to propose the appointment of the Chairman of the Board of Directors of the General Establishment and its employees and their dismissal, as well as the appointment of the Government Commissioner. It also approves the decisions of the Board of Directors.
- The Minister of the Interior is also entitled to suspend or dissolve the elected local council with new elections as well as appointing workers in the municipalities.

TEXTS GOVERNING THE PARTICIPATION OF BODIES OF CIVIL SOCIETY IN LEGISLATION

TEXTS GOVERNING THE PARTICIPATION OF BODIES OF CIVIL SOCIETY IN LEGISLATION

LEGAL TEXTS

Bodies to be consulted in the preparation of legislation:

- Unions organised by law (ORDRE)
- Economic and Social Council
- National bodies

PARLIAMENTARY TEXTS

- With the rules of procedure of the Council.
- The administrative organisation of the House of Representatives.
- Parliamentary committees.

TRADE UNIONS ORGANISED BY LAW (ORDRE)

- The law concerning two Associations of Doctors in Lebanon N° 313 dated 06 April 2001
 - **Articles 3 - 6 - 9**
 3. To express opinions and make the necessary proposals in the draft laws and regulations related to the medical profession and health agreements.
 6. Submission of proposals on medical curricula in medical colleges and institutes in Lebanon.
 9. To express an opinion on the organisation of auxiliary professions in the field of medicine.
- The law of the establishment of the Pharmacists Syndicate on 07 November 1950.
 - **Article 2, paragraph 3**

To express opinions on bills and regulations related to the profession of pharmacy at the request of the Ministry of Health.

ECONOMIC AND SOCIAL COUNCIL

LAW N° 389 DATED 1/12/1995

- The purpose of this Council is to provide advice, suggestions and recommendations in projects of an economic and social nature that are received from the Government.
- To give an opinion automatically on issues of reform, development and legislation that will achieve its tasks.
- About 70 people representing various economic, social, financial, productive, civil society, workers, etc.

NATIONAL BODIES DUTIES

- Bodies composed of representatives from the public and private sectors.
- Formulate public policy in any sector.
- Express an opinion on the relevant field.
- Contribute to the development of programs and operational plans for the development of the sector concerned.
- Preparation of draft laws and amendments to the development and modernisation of the sector concerned.
- Provide advice on the implementation of the said texts and propose measures to ensure their proper implementation.

NATIONAL BODIES

- National Council for the Environment
- The Higher Council for Youth
- The Higher Council for Wild Fishing
- The National Council for Audio and Visual Media
- Advisory Board for Children and Youth
- National Commission of Women's Affairs

THE MECHANISM OF CIVIL SOCIETY PARTICIPATION IN LEGISLATION

- The growing role of civil society.
- Contribution in preparation.
- Contribution in approval.
- Participation in following up of implementation.

THE GROWING ROLE OF CIVIL SOCIETY

- The growth and development of Civil Society Organisations and institutions, especially in dealing with decisions and policy makers.
- The influential role for Parliamentary life and public opinion on a given issue.
- The issuance of several rules and regulations initiated by Civil Society Organisations, for example the smoking ban or the reduction of a year in prison from 12 to 9 months.
- The responsiveness of Members of Parliament to these organisations.

CONTRIBUTION IN PREPARATION

- Draft law is presented by heads of committees to the media for getting feedback.
- Inviting stakeholders to meet the head of the committee and its members, taking into consideration their amendment suggestions.
- Asking the stakeholders to submit written statements.
- Spontaneous initiatives from civil society organisations to submit their suggestions.

CONTRIBUTION IN APPROVAL

- The involvement of representatives of certain unions to study draft laws related to their professions.
- The invitation of specialists and academics to participate in discussion of the subjects proposed.
- Requests from certain organisations to participate.
- The submission of proposals and draft laws online.

PARTICIPATION IN FOLLOWING UP OF IMPLEMENTATION

- Urging Members of Parliament to implement a legislation if it was obstructed by the executive branch.
- Submitting written notices to those involved in implementing a legislation.
- Pressuring the Government through:
 - › Asking questions and interrogations.
 - › Resorting to the media.
 - › Arranging strikes and demonstrations.

SUGGESTIONS FOR A MORE EFFECTIVE CIVIL SOCIETY PARTICIPATION

- The importance of combining the efforts of the Civil Society Organisations that work on unified topics (WOMEN, SPECIAL NEEDS, PRISONERS, HUMAN RIGHTS, ENVIRONMENT...).
- Focusing on the personal relationships with policy makers and building trust with them for goals that should be attained.
- Involving policy makers in civil activities, informing them about the work that is being done and ensuring regular contact with them.
- Submitting written notes that are summarised and clear, avoiding superfluous explanations.
- Wording the request in a way that encourages Members of Parliament to adopt the content.
- Providing policy makers with more than one choice to reach the target.
- Avoiding being uncompromising on an opinion or an idea, but being more lenient.

THE DEFINITION OF THE PARLIAMENTARY MEDIA AND ITS OBJECTIVES

THE DEFINITION OF THE PARLIAMENTARY MEDIA AND ITS OBJECTIVES

- › The Parliamentary media is a specialised media that aims to cover all Parliamentary activities, at the level of the presidency, Parliamentary committees or members of the Council.
- › It's represented through:
 - Covering the functions and role of members of the House of Representatives in legislation and control.
 - Contributing to prioritisation of political development.
 - Contributing to activate citizen participation by spreading awareness.
 - Evaluating and strengthening the performance of the House of Representatives.
 - Raising the level of popular participation in national decision-making.

THE RELATIONSHIP BETWEEN THE PARLIAMENT AND THE MEDIA

THE RELATIONSHIP BETWEEN THE PARLIAMENT AND THE MEDIA

- Requires an amicable working relationship between the Parliament and social media.
- › The Parliament should:
 - Facilitate informative procedures to ensure freedom of expression and access to information.
 - Facilitate the participation of the media (AS REPRESENTATIVES OF PUBLIC OPINION) in political deliberations.
 - Open the process of participation in decision-making, especially for voices representing the opposing parties.
 - Enlighten citizens about Parliamentary activities, ongoing work in the Council, and shedding light on the effort of Parliamentarians as individuals or in committees.
- The Parliament needs the media and the media needs Parliament: The former wishes to disseminate information and activities carried out by the House of Representatives and submit it to the public, and the latter wants to acquire information from MPs.
- Freedom of the press is a fundamental element of democracy, and the Parliament is therefore expected to be: open-minded, receptive to various opinions (WHETHER POSITIVE OR NEGATIVE) and be the first defender of media staff, even if they are political opponents.
- On the other hand, the media is not required to present MPs with the best picture, but to highlight the decisions and deliver them to the public with the highest level of objectivity, in addition to covering the positions and statements that may concern each deputy regarding any of these decisions.

RELATIONSHIP BETWEEN PARLIAMENT AND MEDIA

Responsibilities of media working inside Parliament

- Media working inside Parliament must:
 - › Reinforce and enhance their relationship with Members of Parliament.
 - › Deliver information on Parliamentary activity to citizens through broadcasting the events of “oversight sessions”.
 - › Acquainting the audience with legislative activity through covering the events of “legislative sessions” and the activity of committees.
 - › Informing citizens with the texts of legislative bills and proposals which are discussed.
 - › Criticizing any sloppiness and dereliction of Members of Parliament, if and when it occurs.

Responsibilities of Parliament towards Media

- › Providing all information about legislative texts and proposals.
- › Offering an environment of media freedom which allows for the presentation of all views.
- › Analysing the impact of legislations on the lives of citizens.
- › Facilitating the communication of media personnel to display the accomplishments achieved by Parliament.
- › Supervising the effective progress of the “Media Room”.
- › Forming media tools, targeting society, which cover Parliament’s activities.

Regulatory Texts

- Parliament’s Regulation (ORDER N° 934 DATED 08 DECEMBER 2005), Articles 27 – 31 that specify the duties of the Department of Communication and Media, which oversees:
 - › Covering the activities of the Speaker, the Parliament’s General Body, committees, Members of Parliament, and Parliamentary administration.
 - › Regulating and organising the relationship between Parliament, Media and civil society.

- › Archiving and classifying all news reports from print, audio and visual media concerning Parliament and its activities.
- It specifically oversees:
 - › Establishing media plans which target the public and supervising their application.
 - › Collaborating with other general administrations concerning the media and its activities.

Characteristics of Parliamentary Media Personnel

- › Acquiring several skills and working hard on fully achieving their objectives.
- › Punctual acquaintance with constitutional texts and internal regulations of Parliament.
- › Full understanding of the nature of Parliamentary work and the existing relationship between constitutional authorities.
- › Knowledge of the mechanisms of preparing legislative bills and proposals.
- › Forming an objective relationship with Members of Parliament regardless of their political and party affiliations.
- › Attaining seriousness which determines their relationship with Parliament (MEMBERS AND ADMINISTRATION).
- › Continuous follow-ups on everything related to Parliamentary activities.
- › Focusing on balance; communicating anything seen as beneficial on the one hand, and objectively criticizing every shortfall or sign of carelessness they witness.
- › Observing all issues of importance to society on the legislative level and following up these issues with Parliamentarians.
- › Continuous presence in Parliament, to ensure knowledge of all updates and activities.
- › Maintaining up-to-date and comprehensive general knowledge, whether legislative or political, but especially concerning Parliament's role in supervising discussions of the Budget and the Government's policies and projects.

PROBLEMS WITH THE FIELD MEDIA IN LEBANON

- The existing laws that regulate media and journalism are not up to date with the modern media and technological developments.
- The law covering publications dates back to the 1960s and the law covering audio-visual media was only declared by the beginning of the 1990s. Electronic media is not regulated by any law, including complete absence of any law that regulates the creation of websites and social media platforms and working on them.
- The currently out of date Media Syndicate media staff register.
- Failure to provide social and job security for media employees.
- Impossibility of applying certain legal scripts related to media due to conflict of interests or the fact that they are not clear enough (REGARDING THE MINISTRY OF MEDIA AND THE NATIONAL COUNCIL FOR MEDIA AND ITS INSTITUTIONS).
- There is no full and sustainable coverage of the media field; new laws regularly address matters surrounding the sector.

 [BACK TO TABLE OF CONTENTS](#)

THE OVERSIGHT ROLE OF PARLIAMENT

THE OVERSIGHT ROLE OF PARLIAMENT

THE CONCEPT OF PARLIAMENTARY OVERSIGHT

- Oversight is the second Parliamentary duty after legislation and has the same significance.
- It is the duty of a Member of Parliament to perform all types of oversight on the executive power's performance to make sure it is kept in check and to limit any misuse of power.
- This oversight duty comprises of predominantly overlooking the executive power to ensure the implementation of public policy which concerns society as a whole.
- In addition, the evaluation of the executive power's performance, holding it accountable, questioning it or even voting non-confidence to it, either for a specific Minister or for the Government as a whole.

THE PURPOSE OF PARLIAMENTARY OVERSIGHT

- Detecting abuse of power, preventing it and limiting any unconstitutional or unlawful behavior by the Government to protect the rights and freedom of civilians.
- Holding the Government accountable on speeding the tax revenue.
- Contributing to improving the effectiveness and efficiency of government operations.
- Ensuring the implementation of policies provided in the ministerial statement and monitoring the achievement of goals specified by the legislations and programs provided by the Government.
- Strengthening the transparency of the Government and enhancing the people's trust in the Government.

REFERENCE TEXTS - THE LEBANESE CONSTITUTION

- The Constitution provides the limitations, mechanisms, and tools for this oversight through:

**Articles
36-37-64-69**

Debating the ministerial statement and giving the Government confidence.

**Articles
83-87**

Debating and approving The Budget and final financial statement laws.

**Articles
60-61-70-71-72-80**

Accusing and prosecuting Presidents and Ministers before the Supreme Court.

**Articles
68-69**

Offering a vote of no-confidence for a specific Minister or for the Government as a whole.

REFERENCE TEXTS - INTERNAL REGIME

- The internal regime specified (ARTICLES 124 TO 143) tools for legislative oversight that are available to the Parliament through:
 - › Questions (VERBAL OR WRITTEN)
 - › Interrogations
 - › The formation of Parliamentary investigation committees
 - › The formation of commission committees
 - › Requesting a general debate
 - › Criminal indictment

TYPES OF PARLIAMENTARY OVERSIGHT

There are four main types of Parliamentary oversight of the Government which are:

- Political oversight
- Legislative oversight
- Budgetary oversight
- Judicial oversight

Political Oversight

- Holding the Government accountable for its policy.
- Debating the ministerial statement and allocating an adequate amount of time for this (ONE HOUR FOR EACH MEMBER OF PARLIAMENT).
- Carrying out direct questioning with one Minister or the whole Government.
- Turning the questioning into an interrogation should a reply from the Government not be provided, or receipt of an answer that does not satisfy the individual posing the question.
- Requesting the General Assembly of the Parliament to form Parliamentary Investigation Committees.

Legislative Oversight

- Debating the Government on its failure to prepare the draft laws it committed to in its Ministerial Statement.
- Requesting the Government to prepare draft laws that are imposed by conventions.
- Holding the Government accountable for failure to implement a given law.
- Requesting the issuance of implementation regulations that are provided by legislations.
- Following up on the implementation of legislations and examining their effectiveness.
- Preventing poor or discretionary implementation of laws and correcting their path.

Budgetary Oversight

- Debating the draft law of the Budget in the Finance and Budget Committee.
- The only case that allows a Member of Parliament who is not a Member of the Finance and Budget Committee to vote on the Budget Draft Law.
- Debating each article of the Budget Law in the General Assembly providing an adequate amount of time, agreed to be one hour for each Member of Parliament.
- Debating the State's final financial statement.
- Debating the Government on fees and taxes draft laws.
- Following up on the implementation of what was provided by the Budget law (EXPENDITURES AND REVENUES).

Judicial Oversight

- The right of Parliament to accuse the Prime Minister and the Ministers of high treason or of not performing their duties.
- The prosecution of the Prime Minister or a Minister in front of the Supreme Court.
- Requesting the formation of the Parliamentary Investigation Committee by the General Assembly in relation to a given topic.
- Requesting the formation of a fact checking commission within Parliamentary committees.
- The right of questioning a Minister through committee meetings regarding a given topic.

The Framework of Exercising Oversight

Oversight in the General Assembly

Article 136

A monitoring session is held after each three legislative sessions (QUESTIONS, INTERROGATIONS, GENERAL DEBATES PROCEEDED BY A STATEMENT FROM THE GOVERNMENT)

Articles 45 to 48

Petitions and complaints provided in legislative sessions (ARTICLE 64).

Articles 139 to 141 & 143

The formation of the Parliamentary Investigation Committee

Oversight in Parliamentary Committees

Article 31

Questioning a Minister during committee meetings

Article 32

Committees requesting documents that it would like to be informed about

Article 142

The request of the formation of a fact checking committee within the committee

Oversight on the Individual Level of a Member of Parliament

- › Using the available tools (QUESTIONS, INTERROGATIONS, VOTES OF NO-CONFIDENCE).
- › Holding press conferences.
- › Practicing the oversight role with the relevant Minister.

PARLIAMENTARY INVESTIGATION

- The Chamber of Deputies of the General Assembly may decide to conduct a Parliamentary inquiry on a subject appointed on the basis of a proposal submitted for discussion or question a particular subject or project.
- The Commission of Inquiry shall have access to all papers in various State departments and can request that they be given copies and that they hear the statements, in addition to requesting all clarifications which it considers to be useful to the investigation.
- The Council may by its decision give Parliamentary Investigative Committees powers of judicial investigation (EXCEPT FOR THE RIGHT TO ISSUE WARRANTS).
- Investigation takes place and the commission exercises its power in accordance with the provisions of Law N° 11/72 dated 25 September 1973.

FACT FINDING COMMITTEE

The committees may appoint a sub-committee of its members to investigate the facts of an issue.

- It is often the formation of fact-finding committees in Parliamentary committees that investigate non-legislative topics.
- If the competent administration fails to provide the required information, this is raised by the latter to report to the Commission it had delegated.
- The parent committee shall request the appointment of a Parliamentary Commission of Inquiry from the General Assembly of the Council.
- In the event of approval by the Council, the assets of the Parliamentary Inquiry Committee shall be followed.

INTERROGATION

- One or more Parliamentarians have the right to question either the Government or a specific Minister on a given topic.
- The inquiry should be presented to the Speaker of the Parliament, who should transmit it to the Government.
- The Government must answer the request for questioning within a maximum duration of 15 days.
- An extension can be requested in the event of an existing investigation or if they request additional information.
- It is up to the Bureau of the Council to estimate the additional time needed.
- After this time elapses, or after the initial request is answered, interrogation will be included in the agenda of the first closed session of questioning and answering.
- The discussion on the question of interrogation shall be limited and the session may not be used for the Government's policy in general, unless with the approval of the Council by a request from the Government or at least ten Members of Parliament.
- After reading the interrogation, or interview, it is relayed to the Government.
- Both the deputy interrogator, and the Government, have the right to reply once.
- After compiling the questions and answers, the interviewee gives closing remarks at the will of the MPs, then a vote of confidence is taken.
- If the interviewee declares that they are content with the Government's decision, the head of the questioning will announce their decision, unless a Member of Parliament calls for an interrogation.
- Members of Parliament and the Government have the right to request a confidence vote after the completion of the discussion in the interrogation or in a general discussion.

THE DIFFERENCE BETWEEN QUESTIONING AND INTERROGATION

- Questioning is characterised by three elements:
 - › It leads to a general debate in the council.
 - › It carries a political penalty if it ends up retracting confidence in the Government or a Minister.
 - › Any Member of Parliament can adopt the subject of questioning if he is not satisfied with the response of the Government

EXAMPLES OF HARMONY AND CONTRADICTIONS IN LAWS

Constitution and Rules of Procedure

Article 34 of the Constitution

- *As amended by the Constitutional Law of 17 October 1927*

The Chamber shall not be recognised as complete unless the majority of the total membership is present. Decisions shall be taken by a majority vote. Should the votes be equal, the question under consideration shall be rejected.

Rule 36 of the Rules of Procedure

- After discussion of the projects and proposals before the committee, the majority shall vote on them. **Should the votes be equal, the Speaker's vote is taken into consideration.**

PARLIAMENTARY IMMUNITY

Article 39 of the Constitution

- *As amended by the Constitutional Law of October 17, 1927*

- No member of the Chamber may be prosecuted because of ideas and opinions expressed during the period of his mandate.

Article 40 of the Constitution

- *As amended by the Constitutional Law of 17 October 1927*

- No member of the Chamber may, during the sessions, be prosecuted or arrested for a criminal offense without the permission of the Chamber, except when caught in the act.

Rule 97 of the Rules of Procedure

- If the deputy is charged with offenses outside the session or before his or her appointment as a deputy, the prosecution shall continue in the sessions without having to request the permission of the House. *However, the Minister of Justice shall inform the Council at the first hearing of the session.*

Article 92

- *Suspension of the prosecution against the MP and his or her temporary release during the session if he or she is suspended until after the session.*
- Article 40 of the Constitution took the case of flagrante delicto (THE APPARENT OFFENSE) out of the scope of immunity, and therefore the judiciary could put its hand directly on the case should the offense be known. Since this immunity is constitutionally invalid, the House of Representatives may not, through a provision of the rules of procedure, intervene in the functioning of the judicial authority which has acted in accordance with the law.
- Therefore, it requires reconsideration of the last paragraph of Article 97 of the Rules of Procedure, which includes a constitutional violation as it gives the House of Representatives the possibility of preventing the prosecution (AND THEREFORE THE RELEASE OF THE ARRESTED MP) in the case of an apparent offense, and violates the provisions of Article 40 of the Constitution.

PENAL LAWS

- The last paragraph of Article 43 of the Lebanese Penal Code:
 - › Enforcement of the death sentence of a pregnant woman shall be deferred until after she has given birth.
- The last paragraph of Article 420 of the Lebanese Penal code:
 - › The death sentence of a pregnant woman is enforced 10 weeks after she has given birth.
- Article 55 of the Lebanese Penal Code:
 - › A custodial sentence shall not be enforced against a pregnant woman who is not in detention until six weeks after she has given birth.
 - › A couple who are sentenced to imprisonment for a period of less than one year and who are not in detention shall serve the sentence consecutively if they have a child under 18 years of age in their care and if they establish that they have a fixed place of residence.

- Article 384 - Defamation of the Head of State:
 - › A punishment of imprisonment from six months to two years for insulting the President, the flag or national emblem. The penalty shall be imposed publicly by one of the means mentioned in Article 209.
- › Article 473 - Blasphemy against the name of God:
 - Whoever blasphemes the name of God publicly is punished with imprisonment from one month to one year.

PRECEDENTS OF REQUESTS TO LIFT IMMUNITY IN LEBANON

PRECEDENTS OF REQUESTS TO LIFT IMMUNITY IN LEBANON

UNDER THE 1930 RULES OF PROCEDURE

- › The case of MP Rifa'at Qazun, first introduced in 1945, followed by the memorandum, raised by the Attorney-General in Beirut, in favor of lifting the immunity. It was then referred by the Minister of Justice through the Prime Minister's office directly to the Council without going through any committee to study, nor to report it.
- › The case of MP Rufayel Lahoud in 1952, where a request in favor of a waiver of immunity was submitted by a private company. It was then studied by the Committee of Petitions and Suggestions. However, the Speaker of the House rejected the recommendation in favor of a vote and acted contrary to articles 204 and 205 of the Rules of Procedure.
- › The case of MP Rifa'at Qazun II in 1952, followed by the memorandum, raised by the Attorney-General in Beqa'a, in favor of lifting the immunity. It was then referred by the Minister of Justice to the Council without going through any committee to study it.
- › It should be noted that the 1930 Rules of Procedure did not provide any specific measures on how to lift immunity.

UNDER THE RULES OF PROCEDURE OF 1953

- › The case of MP Mustafa Alam EdDeen in 1961, in which the Administrative and Justice Committee submitted its report containing a recommendation to lift the immunity of the MP EdDeen, but the decision in the Council was postponed and received no follow-up.
- › Article 112 of the Rules of Procedure requires that the case must be referred to the Administrative and Justice Committee for consideration.
- › In addition, the required formulation of the text of the Article was lacking, as it literally says, "the Council votes with a two-thirds majority of those present after the request had been considered by the Administration and Justice Committee." It is not specified how to resolve the issue if the Council does not play its role.

- › This also occurred with the cases of Mounir Abu Fadil and Najib Salih in 1967, when the Council refrained from taking action regarding the issue that was referred to it by the Administration and Justice Committee. In addition, the council did not insist on examining the report.

UNDER THE RULES OF PROCEDURE OF 1994

- › The case of MP Najah Wakim, which was first raised on 15 May 1992, when the Speaker of the House of Representatives, Mr. Hussein al-Husseini, rejected two requests to lift the immunity of MP Najah Wakim. The first request came from the Public Prosecution Office and the second one came from the Public Prosecutions' Appeal Office in Beirut. Indeed, the request did not come through the Ministry of Justice.
- › The second case of MP Najah Wakim which was raised in 1996, when the MP had made several public statements attacking the then Minister of Justice Bahij Tabbara; that act was considered by the latter as an attack on his reputation and dignity and accused MP Wakim of slander and defamation. The request to lift immunity was then referred by the first investigating judge of Beirut. The request was refused.
- › The case of MP Habib Hakim in 1999, which was dealt with directly by the House of Representatives
- › The case of MP Yahya Chamas in 1994, which is perhaps the only one where the formal procedures were taken into account. A request to lift immunity was referred to the Joint Commission, which had it studied and then issued a recommendation to lift the immunity of MP Chamas. The matter was then extensively discussed during the General Assembly; it was then decided to lift the immunity of MP Yahya Chamas following a majority vote.

GENERAL BUDGET LAW

- The General Budget Law:
The definition of the General Budget in Article 3 of the Public Accountability Law is defined as: *"A legislative instrument in which the expenses and imports of the State are estimated for an upcoming year and under which the collection and expenditure shall be paid."*
- Article 47 of the Public Budget Law 2002 (N° 392 DATED 08 FEBRUARY 2002) *"Settlement of buildings established in accordance with the law without obtaining a license"*:
 - › The buildings established in accordance with the building laws and regulations prior to the issuance of this law, but without obtaining the legal license for the building, are permitted with a fine of ten percent of the value of the fees imposed.

UNITS AT THE MINISTRY OF FINANCE

- Article 49 of the 2003 Budget Law (LAW N^o. 497 DATED 30/01/2003)
“Continuation of work at the Financial Institute at the Ministry of Finance”.
- The Financial institute of the Ministry of Finance shall continue to operate according to the following provisions:
 - › **First**
The Financial Institute shall enjoy administrative, technical and financial autonomy, which shall be governed by modern technical rules and regulations and administrative and financial regulations issued by decision of the Minister of Finance.
 - › **Second**
The Institute’s source of financial resources consists of:
 - a. Annual contribution noted in the Budget of the Ministry of Finance.
 - b. Contributions, assistance and donations, particularly from international, regional and national institutions.
 - › **Third**
The staff of the Institute is composed of contractors only.
 - › **Fourth**
The Institute may use experts from the competent authorities, provided that the number of employees in the Institute does not exceed fifteen contractors.
 - › **Fifth**
The Financial Institute shall be subordinated to the custodian of the Minister of Finance and shall work under their supervision. It shall also be subject to the supervision of the Audit Bureau.
- Article 54 of the Budget Law of 2004 (N^o. 583 DATED 23 APRIL 2004) subjecting the appointment match in public institutions to the authority of the Civil Service Council - *“Subject to the provisions of appointment in public institutions and independent interests and the provisions of laws and regulations, including provisions relating to salaries and wages that sponsor other public institutions, councils, public bodies and funds not subject to the supervision of the Civil Service Council, recruitment and contracting in these public institutions and independent interests, and public funds - excluding the Banque du Liban (BANK OF LEBANON) - in a match conducted by the Civil Service Council in accordance with the conditions required for recruitment or use in each.”*

THE GENERAL BUDGET LAW

- **Article 59 of the Budgeting Law for 2004 (N^o. 583 23 APRIL 2004)**
Maintaining the surveyor position without modification:
 - › Unlike any other legal script, the surveyor position remains on the list of jobs without modification under the jurisdiction of the General Directorate of Real Estate Affairs within the Ministry of Finance, according to Article 8345, 30 December 1961, and its amendments (SPECIFICATION OF THE REAL ESTATE FRAMEWORK), when it comes to the category, ranks, tasks and the conditions of the appointment specified in the current and effective Law Draft N^o. 10527, 10 September 1962 and its amendments (THE MODIFICATION OF THE APPOINTMENT CONDITIONS FOR THE JOBS OF THE PRIVATE AND TECHNICAL FRAMEWORK IN THE GENERAL DIRECTORATE OF THE REAL ESTATE AFFAIRS).
- › **Settlement of building violations - Article 32 of the General Budget Law 2003: Extension of the provisions of Law 324 of 24 March 1994 -**
- The benefits from the provisions of Law N^o. 324 dated 24 March 1994 and its amendments:
 - › Any violation provided in the permit and file required for settlement within the legal deadlines, as well as any violation which occurred before 1 January 1994.
 - › The declaration and file shall be submitted for settlement within six months from the date of entry into force of this Law.
 - › Article 45 from the General Budget in 2004: The extension to working on the provisions of law 324 dated 24 March 1994.
 - › Article 40 of the General Budget Law of 2002: How the employee benefits from the Association of Government Employee:
- The third paragraph of Article 2 of Law N^o. 343, 06 August 2001 is replaced by the following text:
 - › “The employee that forms part of the Association (IRRESPECTIVE OF GENDER) receives additional benefits for their spouse and children (WHETHER THEY RECEIVE FAMILY COMPENSATION OR NOT), if the spouse does not form part of the Association and does not benefit from another financial source, through the offers of the Association of Government Employees for all but the sixth child and above”.

THE ROLE OF THE CLERK OF THE PARLIAMENTARY COMMITTEE

THE ROLE OF THE CLERK OF THE PARLIAMENTARY COMMITTEE

TEXTS IN THE RULES OF PROCEDURE HIGHLIGHTING THE ROLE OF THE COMMITTEE RAPPORTEUR

- › Articles 23, 27 and 37 of the Lebanese Rules of Procedure set out the functions of the Rapporteur of the Parliamentary Committee.
- › Articles 48 and 49 of Decree N° 934, passed on the 08 December 2005 (ORGANISATION OF THE HOUSE OF REPRESENTATIVES) define the functions of the committee secretaries.

TEXTS IN THE RULES OF PROCEDURE HIGHLIGHTING THE ROLE OF THE COMMITTEE CLERK

Article 23 from the Rules of Procedure

- › The committees shall meet up to a maximum of three days following their election at the invitation of the President of the Council and under his or her chairmanship. Each of them shall be elected by a secret ballot. The Speaker of the Parliament appoints the Committee Rapporteur from an employee in the Parliament to set the proceedings in motion.
- › The meeting of the committee to elect the Chairperson and Rapporteur shall not be considered legal unless attended by an absolute majority of its members.

ROUTINE ADMINISTRATIVE TASKS

- › Receipt of draft laws and proposals.
- › Arranging with the Chair of the Committee to place them on the agenda of the Committee in accordance with the priorities it decides.
- › Supervising the establishment of a telegram by the date of the meeting and the current agenda.
- › Inform the project stakeholders from the relevant Ministers to the founders (PROFESSIONAL AND UNPROFESSIONAL, FORMAL AND INFORMAL).
- › Be sure to send copies of the agenda, in addition to requesting information and documents that the Committee sees as necessary to completing its work.

PREPARATION OF COMMITTEE MEETINGS

- › Preparation of legal and regulatory texts related to the subject matter of the law being researched.
- › Develop comparative tables for the topics to be considered where appropriate.
- › The extent to which studies on a particular subject are carried out in relation to the new law's text.

THE FUNCTIONAL DUTIES OF COMMITTEE SECRETARIES

The Nature of a Committee Secretary's Job

- An administrative nature that is neutral and objective.
- Answering all questions and providing the information required.
- Serving the Member of Parliament and providing them with technical assistance (STUDIES, INFORMATION AND TEXTS).
- Complying with limits and boundaries that cannot be crossed and not siding with any topic on the table.
- Building a relationship of mutual trust with the Member of Parliament.
- Cooperating with ministerial staff or the staff of any organisation that is related to their job.
- Complying with the instructions of the Head of Committee, since they are primarily responsible for the committee.
- Swift action whether in following up with the amendments of the committee on legal texts or providing the Head of Committee and the Members with their requests.
- Completing work individually most of the time including its progression even outside office hours.

PREPARATION OF COMMITTEE MEETINGS

- › Preparing legal and regulatory instruments that are specialised in the law under study.
- › Preparing comparison charts of topics to be studied when necessary.
- › Performing studies on a given topic, especially if it relates to new legal statements.

THE DUTIES OF A COMMITTEE SECRETARY DURING COMMITTEE MEETINGS

- Monitoring the surveillance of the meeting's proceedings through voice recording.
- Taking summarised notes of the direction of the discussion.
- Reciting legal texts and explanatory statements.
- Capturing the amendments decided by the committee.
- Formulating drafts of the recommendations the committee decides to adopt.

THE DUTIES OF A COMMITTEE SECRETARY FOLLOWING COMMITTEE MEETINGS

- Preparing a specialised report for every proposal or recommendation that took place in the committee, signing it, and sending it to the relevant authority.
- Monitoring the printing of a draft law according to the final version.
- Supervising the record of the meeting prepared by their assistant.
- Signing the report along with the Head of the Committee and its Rapporteur, sending a hard copy of it to the committee ward, in addition to a copy sent to the secretariat.
- Providing the media with a summary that contains the topic of the meeting, the members who attend it, the direction of the discussion and the decisions that were taken after each committee meeting.

THE ADDITIONAL DUTIES OF A COMMITTEE SECRETARY

- Preparing drafts of the recommendations adopted by the committee in meetings.
- Preparing documents, studies, and research on different fields based on the request of the committee (THE HEAD OF COMMITTEE OR THE MEMBERS).
- Accompanying committee members on visits and field trips to ministries and organisations that fall within the remit of the committee.
- Occasionally participating in conferences and seminars organised by the Parliament, notably those that host foreign Parliaments.

THE DUTIES OF A COMMITTEE SECRETARY'S ASSISTANT

- Preparing transcripts of the tape-recorded committee meetings.
- Documenting and disaggregating draft laws and proposals.
- Administrative work that is related to committee meetings: reporting, invitations, and distribution of draft laws and documents.
- Recording the meetings while they are in session.
- Preserving documents, reports, proceedings, recommendations, and other documentations.
- Receiving and securing phone calls related to the committee.
- Preparing a schedule for committee meetings in coordination with the secretary.



The views expressed in the paper are those of the authors, and not necessarily those of or endorsed by Westminster Foundation for Democracy (WFD) or the UK Government, or the AUB, who do not accept responsibility for such views or information, or for any reliance placed on them.