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SOME LEGAL AND ORGANIZATIONAL ASPECTS
OF THE MUNICIPALITY OF BEIRUT
PRIOR TO DECEMBER 1954

By

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ORGANIZATION OF THE MUNICIPALITY OF BEIRUT

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PREFACE

Situated at the gate-way of old caravan routes and modern air and maritime transport, the city of Beirut owes its importance to its being a centre of education boasting three universities, a free money market, an important sea port, a busy airport, a tourist and summer resort and a home of manifold sects and divergent religious beliefs.

A study of a growing important city like Beirut may lead one to inquire, especially if he is a student of political science or public administration, how the city is governed and administered. This interest will eventually lead one to a study of the municipality of Beirut, which is the responsible local governing power of the city of Beirut.

Very little has been written on the municipality of Beirut and there is not one book devoted exclusively to the subject. Very few writings exist which deal generally with municipalities in the Middle East. This lack of source material together with the scarcity of statistics and proper research is a handicap in the writing of this thesis.

For a proper understanding of the present muni-

cipality of Beirut it is helpful and enlightening to delve into the late Ottoman history wherein lies the corner stone of the Beirut municipality of today. The basic framework of the present municipal government of Lebanon was set by the municipal Code of 1877, which applied to all the Ottoman Empire of which the city of Beirut was a part.

The municipality as an organ of local government under the Ottoman was responsible for road construction, the water supply of the city, public health activities, the inspection of public places such as restaurants and theatres. To achieve the above functions the 1877 Code set up a highly centralized organization under the Wali. The Wali was an administrator appointed by the Sultan of Turkey as his direct representative empowered with ultimate executive and legislative functions. of the Wilayat or province of which the municipal district was a part.

The Wali had ultimate sanction over important municipal affairs which were directed by the Mayor and municipal council. The Wilayat of Beirut had a Wali who had final sanction over the important decisions of the municipality, e.g., the approval of the municipal budget. Thus the actual locus of power and authority of the municipality depended on the relationship of the Mayor

and the municipal council with the Wali.

An elected municipal council composed of Ottoman subjects directed the affairs of the municipality. The council discussed and decided all issues which fell under the jurisdiction of the municipality subject to the consent of the Wali.

A perusal of the 1877 Code will show that the municipality of some eighty years ago was supposed to perform the essential municipal functions of today. It should, however, be emphasized that we have little available data on the actual conditions of Beirut and for this reason we will be dealing with Ottoman laws which have greatly influenced the laws and decrees establishing the Beirut municipality of today.

We have, however, records and history books dealing with the political, social and historical aspects of Lebanon in a general manner and which prove helpful in giving an idea of Beirut under the Ottomans. This part is dealt with in Chapter I of the thesis.

Chapter II deals with the municipalities after World War I, the French Mandate and Lebanese independence up to 1952. World War I brought about the defeat of Turkey and Lebanon became a French mandate. The Ottoman 1877 Code continued to be applied in the Lebanon until it was

replaced by the French Municipal Code of 1922. The main skeleton of the new law remained similar to that of 1877 and applied to all Lebanon. No drastic change was necessary because both Turkey and France were of the opinion that the best system for effective control from abroad was that which centralized power in an appointed person at the top of the hierarchy of the administrative system. Both the French Governor and the Turkish Wali who preceded him had ultimate power over the more important functions of the municipality and could thus direct the affairs of the state in accordance with the general instructions of France and Turkey.

In 1924 the French decided that the city of Beirut, like the capital of France, should be governed by a special code different from that of the other municipalities of Lebanon. The idea was to make Beirut the centre of French influence and to provide for the representation of the heterogenous cultural and religious sects which composed the city.

Under the French mandate municipal services became more functionalized than at the time of the Ottomans and distinct departments grew up, e.g., the Health Department, the Department of Revenue, the Engineering Department.

The municipal laws under the French like that of the Ottomans provided for an elected municipal council. In actual practice from 1924 until 1952 the municipal council was always appointed by the Ministry of Interior, the elections being continuously postponed from one year to another.

Chapter III of this thesis deals with Decree Number Five¹ of 1952, which is still in application today. The new municipal law embraces all Lebanese municipalities although some provisions apply only to Beirut. The new law abolished the special status of Beirut, provided for women suffrage and eliminated legal sectarian representation in the municipal council.

The municipality of Beirut consists of an ordinance-making body and an executive body. The head of the ordinance-making body is the Mayor, who with the council is responsible for formulating municipal policy. The executive body is headed by the Muhafiz, who represents the Ministry of Interior, and consists of the bureaus, departments and sections of the municipality. This body is responsible for executing the decisions and plans of the Mayor and the council.

Thus the municipality of Beirut has two heads: the Muhafiz and the Mayor. The Muhafiz by virtue of his

1 - Ministry of Interior, Kahun al-Baladiat, Decree No.5 (Beirut: Sader Rihani Press, 1952)

being the representative of the Ministry of Interior, which has final sanction over the important functions of the municipality, is more powerful and influential than the Mayor. This chapter also deals briefly with the budget of the municipality.

The final chapter deals with the services performed by the municipality. The municipal functions are allotted to six bureaus and an inspectorate each of which is dealt with separately. This chapter can be regarded as a functional organizational chart indicating who is supposed to perform what function. At the end of this chapter a brief survey is made of Beirut public utilities and of the personnel law applicable to municipal employees.

The conclusion contains a critical study of the organization of the municipality and offers a few suggestions which are meant to help provide for more efficient and extensive services to the citizens of Beirut.

The approach of this thesis, as the title indicates, is legal and organizational. The historical aspect attempts to show how the existing laws came to be and how Turkish and French influence infiltrated into the present municipal system. This work starts with 1877 which marks the

genesis of the Ottoman municipal code which was in application in Beirut and 1954 brings the thesis up to modern time. In December 1954, the 1952 decree was abolished and replaced by a new decree, number five, which embodied a few changes. The changes are dealt with in the Appendix.

In the case of Beirut the municipal law, being largely an adaptation of Turkish and French systems, is on the whole of a higher standard than the actual de-facto situation. The formal organization is superior to the informal organization. The laws and decrees act as a goal to which the administrative unit aspires to.

A study of the actual performance of the municipality is beyond the scope of this thesis. This is in a sense unfortunate as the administration of Beirut would seem to the layman to leave room for vast improvement and only the most general criticisms and suggestions can be made on the basis of the administration's formal organization. The scarcity of information and the secrecy of the Municipal Council meetings were among the factors that made this unfortunate limitation an inevitable one. It is hoped another scholar with time and enthusiasm to spare, starting on the basis of the information collected herein, will undertake an analysis of the operation of the municipality of Beirut.

AN ABSTRACT OF THE LEGAL AND
ADMINISTRATIVE ASPECTS OF THE MUNICIPALITY
OF BEIRUT

For an understanding of the present form and duties of the municipality of Beirut it is helpful to delve into Ottoman history thus tracing the origin of the Beirut municipality of 1955. The basic framework of the present municipal government of Lebanon was set by the Municipal Code of 1877 which applied to all the Ottoman Empire of which the city of Beirut, with its present-day limits, was a part.

A perusal of the 1877 Code will indicate that the municipalities of some three score years ago performed the essential municipal functions, judged even according to our modern standards. The municipality of yore was mainly responsible for road construction, the water supply of the city, public health, the inspection of public places e.g. restaurants, theatres.

The affairs of the municipality were run by an elected Municipal Council consisting of Ottoman subjects. The Council discussed and decided all issues that fell under the jurisdiction of the municipality.

The representative of the Sultan of Turkey in the provinces was a Wali in whom ultimate executive and legislative functions resided. Lebanon too had a Wali who had final sanction over the important decisions of the municipality. Thus the actual power and authority of the municipalities depended on the relationship of the Municipal Council and the Wali.

In general the 1877 Code provided for a system of administrative centralization at the apex in the person of the Wali and wide local powers at the base.

It should be noted that the 1877 Code did not specifically apply to Beirut or even Lebanon, but to the Ottoman Empire in general. It should also be pointed out that we have no available records of the existing conditions of the municipality of 1877, and thus we will be dealing only with the prevailing laws which have greatly influenced the Beirut municipality of today.

Turkey was defeated in World War I and Lebanon became a French mandate. The municipal structure and organization was, on the whole, maintained and legalized by the Municipal Law of 1924 which applied exclusively to the municipality of Beirut. No drastic change was required to be made in the new municipal law of 1924 because both Turkey and France considered the system of centralizing power in one person at the top of the administrative system best suited for effective control

from abroad. The Turkish Wali was replaced by a French Governor. Both the Wali and the Governor had ultimate power over the more important functions of the municipality and could thus direct the affairs of local government in the manner which they pleased.

Organizational changes were introduced by the French and the municipality began to have departments to fulfill the necessary municipal services e.g. the Health Department, the Department of Revenue, the Technical and City Improvement Department.

It should be noted that both the Ottoman and the French municipal laws provided for the election of a Municipal Council, but in point of fact up till 1952 the Beirut Municipal Council was continuously appointed.

In 1952 Decree No. 5 established a new legal basis for the municipality of Lebanon without being exclusive for Beirut though some provisions of the decree apply only to Beirut. Through the years the functions and responsibilities of the municipality became more various and extensive; this was provided for in the new law.

Since 1952 the Municipal Council of Beirut consists of twenty-four members of which half are elected by the men and women of Beirut and the other half being appointed by the President of the Republic.

The municipality of Beirut is divided into an

ordinance-making body and an executive body. The ordinance-making body is headed by the Mayor who is elected by the Municipal Council; it consists of the Mayor and the Municipal Council and is responsible for formulating municipal policy. The executive body is headed by the Muhafiz, who represents the Ministry of Interior, and consists of the bureaus, departments and sections of the municipality. This body is responsible for executing the decisions and plans of the Mayor and the Municipal Council.

Thus the municipality of Beirut has virtually two heads; the Muhafiz and the Mayor. The Muhafiz by virtue of his being the representative of the Ministry of Interior, which has final sanction over the important functions of the municipality, is more powerful and influential than the Mayor.

Turning now to the budget of the municipality we perceive that for 1954 the total revenue amounts to around ten and a half million pounds thus allowing for a per capita expenditure of thirty-three pounds. Between 1949 and 1951 Beirut incurred a budgetary deficit of around two and a half million pounds. Between 1952 and 1953 the municipality had a surplus of around six million. The main criticism of the fiscal aspect of the municipality is that allocations are being made in the budget but are not actually being expended.

The personnel system applied by the municipality

is exactly the same as that of the government. There are five general classes with various grades for each class. The highest salary in the scale is that of Director General amounting to one thousand three hundred and sixty pounds while the lowest is that of a simple servant amounting to ninety-five pounds. The municipal personnel are expected to strictly adhere to the concept of political neutrality.

For an understanding of the nature of the duties and functions of the municipality it is advisable to view the bureaus from the point of view of the services rendered by each. The municipality consists of the following six bureaus;

1. The Administrative Affairs Bureau
2. The Finance Bureau
3. The Secretariat of the Municipal Council Bureau
4. The Engineering Bureau
5. The Health Bureau
6. The Inspection Bureau and General Inspectorate

1. The Administrative Affairs Bureau acts as the general secretariat of the municipality. It is in charge of the law suits of the municipality, the Municipal Police and the Fire Brigade Squad.

2. The Finance Bureau is in charge of assessment, the collection of revenue, the registration of contracts, treasury and accounting functions, the management of municipal property.

3. The Secretariat of the Municipal Council Bureau

acts as the coordinating agent between the Municipal Council and the Municipal Committees on one side and the executive body on the other side. It performs secretariat functions for the Municipal Council and the Municipal Committees.

4. The Engineering Bureau is responsible for expropriation, granting concessions on building projects, the maintenance of public gardens and the municipal stadium, city planning and zoning, city cleaning.

5. The Health Bureau performs preventive and curative measures, inspects the general health standard of the city, fulfills public health function and is in charge of veterinary activities of Beirut.

6. The Inspection Bureau and General Inspectorate performs a pre-credit check over the financial matters of the municipality checking on the legality of the transactions.

In conclusion as an organization the municipality requires the introduction of administrative principles and techniques of modern public administration to provide for more efficient services of the bureaus. More public health services, old age assistance and other welfare schemes such as aid to the blind, deaf, dumb and crippled, and the recreation of the Beirut citizen should be taken up by the municipality.

The general defects of the municipality can be

classified under the following headings: Political Interference, Lack of City Planning and Zoning, the Non-civic-mindedness of Citizens, and the Lack of Poor Relief.

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CHAPTER I

THE MUNICIPALITY UNDER THE OTTOMANS

THE MUNICIPAL CODE OF 1877

The present municipality owes its legal existence to a 1952 decree, which in turn was based on a 1924 law promulgated by the French mandatory power and itself greatly influenced by the Ottoman Municipal Code of 1877. The extent of influence of these codes, laws and decrees will be perceived as each is dealt with separately, systematically and chronologically in the following chapters. This chapter will be devoted to the Municipal Code of 1877.

In 1877 a municipal code was drafted and subsequently applied to the Ottoman Empire of which Beirut was a part. The Municipal Code of 1877 is a detailed set of regulations governing the municipal mechanism of the Ottoman Empire. The code provided for an elected municipal council, a municipal engineer, a treasury and a police force known as municipal sergeants;¹ these are the essential staff of a modern municipality.

1 - George Young, Corps de droit ottoman (Oxford: Clarendon Press, 1905), p.70.

General Functions of the Municipality

According to the Code of 1877 the municipality undertook to construct and maintain roads and demolish buildings deemed dangerous to public security. The municipality was supposed to see that when ditches were dug they were immediately closed upon the termination of the project. Building material was to be deposited within the compound of private property and not left lying in the streets. The municipality was responsible for keeping the streets clean from rubbish and murky pools and it was in charge of protecting the municipal area from fire.

The municipality of yore was concerned with public health. It was supposed to inspect restaurants, coffee houses, theatres, circuses and other premises used for public entertainment and also those places which supplied food, e.g., groceries, butcher shops.

The municipality was responsible for maintaining a standard of public morality that in general was consonant with the traditions and practices of Islam, which was the religion of the majority in the Ottoman Empire. The Code prohibited gambling and forbade bathing in the nude. It made the municipality responsible for inspecting weights and measures and the municipality also was to prevent fraudulent dealings.¹

1 - Ibid.,

Furthermore the municipality was in charge of establishing industrial schools, schools for the blind, orphanages and hospitals. Few municipalities today in the Middle East are responsible for such functions.

Today the state through its various ministries and departments is responsible for many more functions and activities that were ever set down in the Code to be assumed by the municipality. The point to be stressed here is that the state is responsible for all the cities lying within its territorial domain; thus when it assumes the responsibility of, shall we say, establishing hospitals, it is bound to overlook certain areas and cities in favour of others viewing the national need rather than the local requirements. Because of its span of control and because it is concerned with the national and international implications the state cannot adequately deal with the needs of all its cities with equanimity. Thus it delegates some powers to the local authorities.

The 1877 code takes cognizance of this point and sets about to make the various municipalities responsible for determining and solving their various local needs, e.g., establishing hospitals. The Wali of Beirut was in general more concerned in collecting taxes and in maintaining the allegiance of the residents of Beirut to

the Sultan of Turkey than in trying to meet the individual needs of the cities within his Wilayat; this function in theory at least was left to the municipalities rather than to the government.

The Municipal Council

We now move from the general functions of the municipality to the more specific. The municipal council was composed of members who were Ottoman subjects. In every council six to twelve members were elected for a period of four years. Half the members of the council were replaced every two years. When the very first council was elected it was decided by lot as to which half of the council should remain. No person could be a member of two different councils at the same time.¹

The municipal council could discuss, propose and act on all issues which fell under the jurisdiction of the municipality. It studied and gave its approval of the annual budget and all contracts made in the name of the municipality. Once a month it examined all municipal receipts and expenditures. It also supervised the execution of municipal functions.²

1 - Ibid., p. 72.

2 - Ibid., pp.77-78,

Council members were elected by universal male suffrage. Female suffrage was not to be introduced for another seventy-five years after the promulgation of the 1877 Code. All electors were to be of Ottoman nationality, not under twenty-five years of age, to have paid on a property tax of at least fifty piasters (1), to possess their civil and personal rights, and not to have been convicted of a crime.

To be eligible for election persons were to be at least thirty years old, to pay a property tax of a hundred piasters, to reside in the area in which they were candidates, to speak Turkish, to possess civil and personal rights, and not to have a criminal record. Physicians, municipal officials, persons on active military service and those having a concession granted by the municipality were disqualified as candidates.(2) On the present municipal council of Beirut there are quite a number of physicians and one may wonder why they were specifically excluded under the Code of 1877. The reason for this exclusion is probably due to the fact that physicians in the Ottoman Empire during the late 19th Century were scarce and thus they were not allowed to partake in activities that diverted their attention, time and energy from their medical practise.

(1) a hundred piasters made a gold pound, which today is a bit less than a pound sterling.

(2) Young, op.cit.,p.73.

The first step towards the election of the council consisted of having the electors ask their religious leaders to nominate two persons to serve on the Electoral College, the names submitted were to be at least twenty in number of which ten were chosen by lot. The Electoral College then drew up a list of all who were eligible for election in that district and those who had the right to vote. Appeal as to the validity of the list could be made to the courts.(1) It should be kept in mind that the Electoral College was not in a position to influence municipal elections as it merely performed clerical work in preparing the election list.

Municipal elections lasted for ten days while today elections are carried on in one day. In case of death or resignation a council member was replaced by the candidate who got the highest vote among those who were not elected. Members of the municipal council that absented themselves from three consecutive meetings without a valid excuse were considered as having resigned.

Aiding the municipal council were a municipal engineer, a registration bureau, officials responsible for municipal contracts and a municipal treasury, who were nominated by the President of the council and approved by the municipal council. The Code of 1877 goes to some detail in describing a somewhat less important agent(2), the municipal sergeant.

(1) Young, op.cit., p.74.

(2) Young op. cit., pp.78-79.

The municipal sergeants followed the instructions of the President of the council and supervised the actual application of the municipal regulations. When a fire broke out they were supposed to immediately contact the nearest police station and personally take measures to combat the conflagration. They had regular beats which they covered and they were forbidden to smoke, to carry an umbrella or a stick, and to converse with people in the streets if not in the line of duty.

President of the Municipal Council.

The President of the municipal council was primus inter pares vis-à-vis the rest of the council members. He was appointed by the Wali (1) from among the elected council members. He presided over meetings of the council and he could call for extra sessions over and above the regular twice a week meeting. He was paid a salary which was deducted from the municipal revenue, while the rest of the council members received no remuneration for their services. Today council members do not receive a salary and neither does the mayor, though he has an entertainment allowance.

The President of the Council summarised the decisions of the Council that were to be forwarded to the local administrative council. He was responsible

(1)The Wali was the representative of the Sultan of Turkey in whom was vested ultimate executive and legislative authority.

for the collection of all authorized revenues.

The Local Administrative Council

The Local Administrative Council was not a direct part of the municipal mechanism yet it exercised a certain control over municipal affairs. It acted as an advisory body to the Wali on any matter which he wished to discuss pertaining to the administration of the area in general, which would thus include municipal problems. The Local Council was hierarchically superior to the Municipal Council and it performed a monthly post audit check on the expenditure of the municipality.¹ Furthermore, it was in charge of approving municipal budget.

Due to the fiscal control of the Local Administrative Council over the municipality, the Council could make decisions binding on the municipality and it could also resolve disputes arising from municipal decisions.²

The Local Administrative Council consisted of twelve indirectly elected members; the council was elected for a period of six years with four members being replaced by a new group every two years.

The Municipal Budget

The municipal revenue consisted of funds autho-

1- Young, op.cit., p.77.

2- Michel Abicarius, Notes on comparative administrative Law (Beirut-March 21, 1951), p.139.

rised by imperial wish (Iradah), the produce of municipal property, taxes and donations to the municipality¹. A yearly municipal budget indicating revenue and expenditure was drawn up, approved first by the Municipal Council and then by the Local Administrative Council. It would have been interesting to peruse an actual budget of the municipality of Beirut under the Ottomans but no such budget is available in English, French or Arabic.

A General Analysis of the 1877 Code.

The functions and activities performed by the municipality of some seventy years ago were indeed various as set down by the Code of 1877. Today the municipality of Beirut does not provide for orphanages and schools for the blind, though the 1877 Code listed such functions as the responsibility of the municipality.

The supposedly tidy uniformed sergeant of 1877, who was allowed to talk with people on the street, only if he did so within the limits of his job is really impressive.

It is of course probable that not all sergeants were spick and span nor were all the game laws thoroughly enforced. We have few available records as to what actual conditions prevailed in the city of Beirut in the late Nineteenth Century. It will have to suffice our purposes

1- Young, op.cit., p.78.

in this work to note that municipal game laws did actually exist, at least on paper, but are not present today.

Another point that should be mentioned is that though the municipality had wide local powers with regard to the administration of the city, its actual power depended ultimately on the whims and fancies of the Wali. The Wali could revoke decisions taken by the Municipal Council. Thus the actual authority of the municipality depended on its relationship with the Wali.

The Local Administrative Council as we have seen was hierarchically superior to the Municipal Council in that it made decisions binding on it and finally approved the Municipal budget. Yet its power in relation to the Wali was simply an advisory one, and he actually presided over its meetings.¹

Thus though there were wide local powers at the base there existed a long controlling arm at the top that could enforce the policy of the High Porte (i.e., The Sultan) to whom the Wali was directly responsible.

On the whole the Walis in the Ottoman Empire were mostly concerned with squeezing out the fat of the land in order to pay the required taxes to Constantinople

1 - Gabriel Menassa, Les Mandats A (Paris: Jouvre et cie., 1924), p.29.

and to make enough personal profit to offset the expense they probably incurred in attaining their position as Wali.¹

The indications and historical records on the late Ottoman period tend to show that the administrative organisation that existed was inefficient. As an indication of the internal conditions in Syria in general it would be worthwhile to quote an extract of a letter sent on October 23, 1878 by Midhat Pasha, who was appointed Governor of Syria in 1878, to Ali Fuad Bey, His Majesty's First Secretary.²

Excellency....All the services of the vilayat are in disorder; the localities, as well as the population on the coast are almost entirely under foreign influences, and the interior of the country, ever since the war has been undermined by insurrections, which paralyse all the efforts of the State to bear on the abolition of the dissensions and revolts, in order to secure to the population a measure of repose and justice under the aegis of the State, by taking into consideration the exigencies of the localities and the requirements of the inhabitants..... There exists only one means to effect the improvements of the state of the Province, and that is the appointment of a capable and honest Wali.....

In another letter dated March 29, 1879, Midhat wrote to the Grand Vizier, Said Pasha, saying³:

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- 1- George Haddad, Fifty Years of Modern Syria and Lebanon (Beirut: Dar Al-Hayat, 1950), p. 29.
 - 2- Ali Haydar Midhat, The Life of Midhat Pasha (London: John Murray, Albemarle Street, 1903), pp. 179-180.
 - 3- Ibid., pp.181-182.

Your highness.... The state of things has opened the door to every abuse under the sun, and both law and order have been completely neglected. The Officials of every rank, with some few exceptions, only seek their personal interests, and the result of this, on the manners of the inhabitants, is so disastrous that murders and robbery are the order of the day, and there is no security to property.... As to the financial state of the province, it is most deplorable.....

It should be remembered that Midhat Pasha was rather severe with his criticism of existing conditions as he wanted to impress on the Sultan of Turkey the need for constitutional and administrative reform. It should be kept in mind that the glory that was Turkey under Suleiman the Magnificent was no more during the times of Midhat. Turkey had had her day and the pendulum was swinging away from prosperity, efficiency and good administration, which were not to be regained until after World War I.

It should be noted that Midhat Pasha lived during the period of the Genesis of the Municipal Code of 1877 and that Turkey then was suffering by internal instability coupled by a glamouring demand for reform. Conditions constantly deteriorated as Turkey gradually fought and lost the war against the Allies.

In a general manner one can summarize Ottoman Administration by saying that it had had its glory but

that in the late nineteenth century and early twentieth century:

"The corruption in the financial, judicial and the whole administrative system and the indifference of the central authorities resulted in economic decline, negligence of public works, and in poverty, ignorance, demoralization among the subjects of the (Ottoman) Empire".¹

1- Haddad, op. cit., p. 29 .

CHAPTER II

THE MUNICIPALITY OF BEIRUT FROM 1918 TO 1952

From Ottoman Rule to French Mandateship

Turkey lost World War I and a general withdrawal of Turkish troops and government officials from geographical Syria was effected in the face of the advancing allied armies. The Arab inhabitants of Syria, who had been dominated by Turkish rule for over ^{four} three centuries looked to the allies for a change in the status quo. The Arabs had been promised independence for having aided the allies, especially in Hejaz, during the war.

Amir Faysal of the Hashemite family, son of King Hussein of Hejaz, who had greatly aided the allies in their eastern campaign against the Turks, entered Damascus with the allied armies on October 1, 1918. From Damascus, Faysal sent a telegram to the municipality of Beirut asking them to hoist the Hejazi Flag over the city. A Hejazi officer, delegated by Faysal, arrived in Beirut with a small military detachment and under the auspices of the municipality moved into the Government House. Four days later the British and French troops ordered the Hejazi detachment to leave for Damascus and a French colonel was appointed Governor of Beirut.¹ This incident

1- Philippe David, Un Gouvernement Arabe a Damas
(Paris: Marcel Giord, 1923), p.14

indicates that during the period of transition between Turkish rule and French mandateship, the municipality of Beirut acted as an interim government.

The Sykes-Picot agreement of 1916 was the basis of the dissection of natural Syria into four sections which became known as Syria, Lebanon, Palestine and Trans-Jordan. This entire area was divided into zones for purposes of military administration. The city of Beirut and what were formerly the Sanjaks of Lebanon, Tripoli and Lattaquiah comprised one zone and went to France. This administration was legalised by article 22 of the Covenant of the League of Nations, and France became the mandatory power over Lebanon and Syria.¹

A provisional civil government with a French Governor replaced the military occupation in 1920. An administration council of seventeen members, who had consultative powers, was appointed by the High Commissioner. The Ottoman administrative system was retained and the city of Beirut kept its autonomous municipality.²

1 - Abdallah Sfeir, Le Mandate Francais (Paris: Librarie Plon, 1922) p. 31

2 - Menassa, op.cit., p. 178

The Municipality of Beirut

The municipal council of Beirut, whose term of office had legally expired in 1919, was dissolved on July 23, 1920.¹ A municipal commission of twelve members was appointed by the Governor to elect a President and municipal council members.

The Ottoman Code of 1877 was still applied to the municipalities till 1922 when it was replaced by the French promulgated municipal code of March 12, 1922² which applied to all the municipalities of Lebanon. The main skeleton of the law remained similar to that of the 1877 Code.

In 1922 the indirectly elected municipal council was dissolved and replaced by a directly elected council. Badr Dimeshkieh was elected to the municipal council and then appointed by the Governor as President of the Council with George Rizkallah acting as Vice-President.³

In 1924 the French decided that the City of Beirut as capital of Lebanon, like the capital of France,

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- 1 - Arrêté No. 1450, Recueil des Arrêtés et Décisions de la Zone Ouest, 1918-1920 (Beirut: Imprimerie des Lettres, 1924), p. 26
 - 2 - Majmouat Mukararat Liban Al-Kabir 1920-1923 (Beirut: Al-Adab Press, 1925).
 - 3 - Arrêté No. 1317, Journal Officiel du Grand Liban (Beirut: Imprimerie des Lettres, May 9, 1922), No. 1555.

Should be governed by a special code different from that of the other municipalities of Lebanon. The idea was to give Beirut more autonomy and to represent the heterogenous sectarian composition of the city.

The Beirut Municipal Law of 1924 was prepared by a special commission and presented for discussion to the Council of Representatives, a consultative body of thirty persons indirectly elected for four years and representing the different sects of Beirut. The Council of Representatives did nothing more than suggest the alteration of a few minor details. It will be interesting and elucidating to note the speech of the Director of Interior to the Representative Council dealing with municipalities just before the promulgation of the 1924 arrete.¹

The Director began by saying that municipalities have a privileged situation in the state. They are the source of all legal reform springing from the Central Government, thus their composition should be approved by the government. Their discussions and decisions should be in conformity with the principles of the state. The government should reserve the right of control over the municipality to avoid having a state within a state.

1 - Journal Officiel de grand Liban (Beirut: Imprimerie des Lettres, June 10, 1924), No. 1772.

The Director went on to say that the head of the municipality should be a representative of the central government and the municipality of Beirut should be a branch of the central government with government supervision and control over its expenditure.

Continuing, the Director said that the municipal council of Beirut would be allowed to say what it pleased but would not be free to act as it wished. The executive functions of the council would be under the tutelage of the central authority, concluded the Director of Interior as he presented the law of the municipality of Beirut to the Representative Council, who meekly nodded in assent to what was said.

The law was promulgated on July 30, 1924.¹ The letter and spirit of the law appeared as described by the Director of Interior; this will become apparent from the following study of the law.

The Form of the Municipal Council.

The Beirut Municipal Law of 1924 provided for a municipal council to be elected once every four years and a President to be appointed by the Governor.

1 - Arrete 2671, Al-Jarida Al-Rasmiyah (Beirut:Al-Adab Press, 1924-1926), September 26, 1924, No.1803, pp.1-8

The municipal council was to be composed of fifteen elected male members and an appointed President. In 1926 arrete 3627, specified that the council would consist of an appointed President and sixteen elected members representing the sects in the following manner:¹

- 5 Sunnites
- 1 Shiite or Druze
- 2 Maronites
- 2 Greek Orthodox
- 1 Greek Catholic
- 1 Minority sect representative
- 4 Seats to members of the League of Nations and to the United States.

The list system of election was introduced. A list of electors was to be prepared for the city of Beirut based on the national electoral law of March 10, 1922. All male voters regardless of sect were to vote for the twelve members of the council. The foreign community were to elect the four foreign members;² members of the consular service were not to be elected nor could they elect.³

This is what the law ordained but in practise the municipal elections were continuously postponed from one year to another, until 1952 and in the meantime the council members were appointed by the Governor.

1 - Arrêté 3627, Journal Officiel du Grand Liban (Beirut: Imprimerie des Lettres, April 21, 1926), No.1970.

2 - The idea of having foreign representatives on the Municipal Council was taken from the Municipality of Alexandria, which was governed by the law of October 5, 1890. See Journal Officiel de Grand Liban, op.cit., No.177, May 7, 1924. The practise was part of the capitulation system which prevailed in Egypt until recently.

3 - Arrêté 2671, op.cit., Article 9.

The Authority of the Municipal Council.

The Council was empowered to deal with all matters falling under the jurisdiction of the municipality, subject to the approval of the Governor. He received copies of the minutes of all council meetings and he had the power to annul any municipal law.¹

The meetings of the Municipal Council were in camera, that is, not open to the public. Members of the government were authorized to attend the meetings if they so desired. Arabic and French were the two official languages of the Council. A quorum consisted of eight members. The President of the Council could ask any number to resign for having absented himself from three consecutive meetings without a valid excuse. These procedural aspects are reminiscent of the 1877 Code.

The Mayor of Beirut.

The law provided for an appointed President of the Council who until 1930 was known as the Administrator of Beirut, after which the title was changed to that of Muhafiz. This figure bears strong resemblance to the French Prefect. Thus the Muhafiz as President of the Council was Mayor of Beirut till 1952.

1 - Ibid., Article 44

The Mayor was responsible for the administrative functions of the municipality. He appointed, dismissed and promoted municipal office holders. He was legally responsible for calling for a council meeting at least once a fortnight and then presiding over the meeting. He could call for extra sessions on the request of four council members.

He prepared and presented the budget. He authorized expenditures as provided for by law. He was in charge of all municipal transactions. He legally represented the municipality in civil cases and officially represented it in meetings and ceremonies. He was in charge of executing municipal council decisions, municipal laws and regulations. He was responsible for public security wherever the state police was not in charge.¹

He had the power to pass regulations concerning public safety and public health, traffic laws, street cleaning orders; he ordered the demolition of houses and supervised the sale of food supplies. He was responsible for the prevention of fires, floods, epidemics; he was temporarily in charge of lunatics until they were confined to an asylum. He was responsible for the safety of all persons and property. In the execution of his duties which were indeed numerous, he could ask for the aid and assistance of the **government** .

1 - Ibid., article 54

All decisions that were taken by the Mayor were to be forwarded to the governor. All decisions in the form of permanent regulations did not become effective until approved by the Governor. We have seen how the Governor could annul any of the Mayor's decisions and he could also order that the decisions be immediately implemented.

Suspension and Dissolution of the Council

The Governor had the power to suspend the municipal council after issuing a report stating his reasons for doing so. Suspension could be enforced for a period of one month only and could not be applied more than twice to the same council. The Governor with the consent of the Conseil des Directeurs, which consisted of the heads of all government departments,¹ could also dissolve the council.

If the council was dissolved or the members resigned the Governor through a decree could appoint a temporary council of five, of which not more than one member could be a foreigner. The temporary council would assume all the authority of the previous council except that it could not discuss or alter the Municipal

1 - Ibid., article 18.

Budget and loan agreements; these functions were to be performed by the Governor. New elections were to be held within three months of the dissolution or resignation of the council.¹

The Budgetary Structure of the Municipality

The municipal council had to pass the proposed budget before the sixteenth of November of every year. The budget did not become effective until approved by the Governor. The budget was then published in the Official Journal. If by the thirtyfirst of December the council had not obtained the approval of the Governor on the proposed budget, then the budget of the previous year applied.

Every February the council would go over the actual budget of the previous year to check on the activities and accomplishments of the Mayor. The council could also go over the accounts of the municipal Treasurer. The municipal accounts would then be submitted for checking to the State Accountant, who would authorize their publication in the Official Journal. The budgetary structure and procedure was organised and supervised by the Governor who could at any time appoint a staff to audit the municipal accounts.²

1-In actual practice municipal elections were never held between 1924 and 1952 and the council was continuously appointed. See Walter Ritsher, Municipal Government in the Lebanon. (Beirut: American Press, 1932) p.25, Footnote 3.

2-Arrêté 2671, op.cit., articles 66-69

Turning to the actual structure of the budget as provided for by the 1924 law, we perceive the expenditure was two-fold: obligatory and optional. The obligatory part was appropriated and enforceable by the government and consisted of:¹

- 1 - Maintenance of the municipal building.
- 2 - Payment of the municipal debt.
- 3 - Disbursement of salaries to municipal officials and employees.
- 4 - Street cleaning and maintenance expenditure.
- 5 - Cost of street repairs.
- 6 - Subscriptions to the official journal.
- 7 - Salaries of police assigned to the municipality by the government.
- 8 - Maintenance of police stations.
- 9 - Cost of law suits.
- 10 - All municipal expenditure incurred in the application of any law, ordinance or regulation.

All expenditure not listed under compulsory was considered as optional, e.g., subscribing to news papers, purchasing new office furniture, dressing all servants and ushers of the municipality in uniforms.

One can notice that the essential functions of the municipality are taken care of by the obligatory expenditure which was directly executed by the Governor. The government could thus rest assured that the municipality was fulfilling its main obligations as set down in the compulsory expenditure. This system provided

1 - Ibid., Article 64.

for direct governmental control whether the municipal council was active or not. All the optional expenditure being lesser of importance was left to the council, which had the discretionary power of providing for that particular function or not without having the Governor absolutely insist on its being enforced. The Governor could always veto any optional expenditure.

Changes from 1924 to 1952

With the exception of Decree 79/L.R. of April 9, 1941¹ there were few changes introduced into the 1924 Beirut municipal Law until 1952. In point of fact Decree 79/L.R. did not alter the basic functions of the municipality, nor did it increase or decrease the municipal powers vis-à-vis the government. The Decree brought about an administrative reorganisation of the municipality; the functions and powers of the municipality remained unchanged while a new internal structure was introduced.

The Decree, for purposes of administration divided the municipality into two sections: an executive body and an ordinance-making body.

1 - Ministry of Justice, Majmouat Al-Kawanin (Dar Al-Fan Press, 1948). Decree 79/L.R.

The executive body was composed of the departments of the municipality and the newly created Commission of the Privileged City. The ordinance-making body consisted of the Municipal Council. Both the ordinance-making body and the executive body were headed by the President of the Council who was the Muhafiz. This new organisation attempted to distinguish between planning and administrative functions.

The planning functions were fulfilled by the ordinance-making body, which through the Muhafiz and the municipal council deliberated and passed laws and regulations on all matters which fell within the jurisdiction of the municipality. The decisions of the council were subject to the sanction of the Ministry of Interior.

The Municipal Council was composed of the Muhafiz and eighteen members, of whom four were foreigners. The law provided that the council members were to be appointed by decree.¹

The previous municipal law had provided that the council would be elected, but since 1924 all the

1 - Ibid., article 7.

municipal councils had actually been appointed. Thus Decree 79.L.R. took cognizance of and legalized a de facto situation.

The administrative functions of the municipality were performed by the executive body which consisted of the municipality departments and the commission of the Privileged City. The municipality departments were five in number:

- 1 - The Department of Administrative affairs, e.g., municipal police, night watchmen, fire brigade.
- 2 - The Department of Accounts, e.g., disbursement and treasury functions.
- 3 - The Department of Revenue
- 4 - The Technical and City Improvement Department, e.g., maintaining, repairing and cleaning streets.
- 5 - The Health Department.

The Muhafiz was responsible for all the departments of the municipality and he was also in charge of the Commission of the Privileged City which consisted of three members elected by the council either from the council itself or from among municipal officials. The commission met once a week. It deliberated on many problems concerning the city of Beirut referred to it by the Muhafiz. The Commission, during the time when the

1 - Ibid., Article 50

council was not in session, decided on municipal affairs that required the immediate attention of the municipality, after receiving the authorization of the Ministry of Interior and the approval of the Muhafez.¹

With the exception of the aforementioned structural changes, Decree 79/L.R. left the basic municipal organization and powers intact until 1952.

A summary comparison between the 1877 & 1924 Laws.

The basic pattern of municipal government of the Ottoman was retained by the French and legally incorporated in the 1924 law governing the municipality of Beirut. Yet there were some differences between the two laws.

The Ottoman law provided for the carrying out of certain functions which were not specifically mentioned in the 1924 law. The 1877 law placed the municipality in charge of maintaining orphanages and schools for the blind and inspecting weights and measures.

The Ottoman Code described in great detail the mode of election, the terms of eligibility and the actual procedure of elections while the 1924 law does not linger on this point but relies on the national electoral laws for the process of election.

1 - Ibid., Article 56

Under the 1924 law the President of the Council is much more of an active figure than that of the 1877 Code. The reason for this is that the President of 1924 and onwards was a representative of the government while the President under the Ottoman Code was only the first among equals of members of the council.

Budgeting was little known in the 19th century and it only began to evolve into a specialized function in the second quarter of the 20th century. Thus it is not surprising to find that much more stress is laid on the budgetary structure of the municipality in the 1924 law than in the Ottoman Code.

The differences between the 1877 Code and the 1924 law are not great and there is great similarity in the basic structure of municipal government. Actually no drastic change was required to be made in the new municipal law of 1924 because both Turkey and France considered the system of centralizing power in one person at the apex of the administrative system best suited for effective control from abroad. Remote control of one person is easier than the control of a whole board or council. Both the Wali under the Ottomans and the Governor under the French had ultimate power over

the more important functions of the municipality. Thus by appointing a dependable Wali and Governor, Turkey and France could direct the affairs of local government in the manner in which they pleased.

A Survey of the Municipality till 1952

Prior to 1952 the municipality of Beirut was called a privileged one. In actual fact this title meant very little. It is true that the Mayor exercised more authority than any other Mayor of Lebanon. Also Beirut, being the seat of the government, provided its municipality with formal and informal modes of contact with the central authority that were not available to other municipalities situated outside Beirut and thus facilitated its work. This was all that the title (Privileged) entailed. Actually Beirut was termed Privileged to enhance its prestige and single it out from amongst other municipalities because it was the capital of Lebanon

In a brief survey of the municipality, we have seen how the 1924 law maintained the skeleton of the Ottoman Code of 1877. Gradually Lebanon began to gain its national independence. The highly centralized system of government was retained with the only change that the representatives of central authority became Lebanese

The Mayor of the municipality of Beirut was the Muhafiz, who was appointed by the Council of Ministers and who was "the direct representative of central authority".¹ This is an indication that the municipality was a branch of the central government and that the wishes of the Director of Interior in 1924 were fulfilled in providing for the municipality to be devoid of any important local autonomy to avoid having a state within a state.

What is more indicative of the control of the municipality by the government was the control exercised by the Governor and later by the Minister of Interior over the more important functions of the municipality. The Governor and the Minister of Interior could annul any municipal law, suspend the municipal council and finally sanction all permanent regulations and the budget of the municipality. This relationship between the Governor and the Minister of Interior on one side and the municipality on the other brought the municipality under the direct control of the government.

This method of government control over the municipality is an adaptation of the French principle of tutelage. We have already seen how the Director of

1 - Legislative Decree No.5 of 1930, article 6. Majmouat Kawanin Wa Marasim 1929-1930 (Beirut: Dabour Press, 1933); p. 24

Interior in 1924 envisaged the municipalities as being controlled by the government.¹

Municipalities owe their existence and authority to powers conferred upon them and conceded to them by the state. Viewing municipalities in this perspective tutelage consists of the sum total of powers granted by law to a superior body over the activities of municipalities in order to safeguard the general interest.

Tutelage is thus state supervision and control over the personnel, the decisions and the finances of the municipality. This control in France and Lebanon could take the form of dismissing or suspending municipal personnel and the assumption of municipal functions by state officials.

In France the Prefect may suspend what he considers as ultra vires municipal decisions until the competent authorities decide on the legality of that particular decision. This concept was specifically embodied in the 1952 municipal law as will be seen in Chapter III.

Furthermore financial tutelage is exercised by having the state approve the municipal budget and audit

1 - Supra p. 17

the accounts of the municipality through the Cour des Comptes.

We have seen an example of financial tutelage as applied in Beirut¹ when dealing with the expenditure of the municipality. Expenditure was of two types: obligatory and optional.

For the obligatory functions adequate sums had to be allowed in the municipal budget. These expenditures are obligatory as they are meant to comprise the elementary provision for the basic needs of the municipal community. The municipality must absolutely meet the obligatory expenditures under pain of state compulsion.

Obligatory services are in general clearly defined and so framed to meet the basic communal needs. In both France and Lebanon, the obligatory services included the maintenance of the municipal buildings, the maintenance of communal roads, the disbursement of salaries to municipal officials and employees.

Optional services on the other hand are loosely defined and the state rests assured that at least the basic municipal requirements are being met.

1 - Supra p. 23

CHAPTER III

THE MUNICIPAL LAW OF 1952

Genesis of the 1952 Municipal Law.

We have so far reviewed the laws that had previously established the pattern of the municipal government of Beirut. This historical survey was presented to serve as a background for the present existing municipal organisation.

In 1952 a series of decrees were issued re-organising the administration of Lebanon. Decree number five¹, which was issued on October 31, 1952 is the basic law for municipal governments in Lebanon today. This new law does not deal with the municipality of Beirut specifically but with the municipalities of Lebanon in general, though some provisions in the law apply exclusively to Beirut. Previously, as we have seen, Beirut had a special municipal law and Beirut was considered as a privileged municipality. The 1952 law did away with the special status of Beirut.

It should be remembered that though the Beirut municipal law had previously provided for regular municipal elections, no elections had taken place since 1923.

1 - Ministry of Interior, Kanun al-Baladiat, Decree No.5 (Beirut: Sader Rihani Press, October 31, 1952)

The new municipal law provided for elections, and in 1952 municipal councilmen were actually elected in Beirut.

Three main innovations were introduced in the new municipal law. Female suffrage was introduced in Lebanon for the first time; only half the councillors were to be elected; and the executive power in the municipality was divided between an appointed Muhafiz and an elected Mayor with the greater part of the actual power given to the former. The first two of these changes affected all Lebanon, but the last one referred only to Beirut. In the other municipalities of Lebanon, with the exception of Beirut, there exists an executive body consisting of the mayor and an ordinance-making body composed of the municipal council. This general structure does not apply to Beirut. In Beirut the Muhafiz is the head of the executive body while the Mayor and the Council form the ordinance-making body.¹ We will now deal specifically with the municipality of Beirut.

The Municipal Council

For local election purposes Beirut is divided into five electoral districts. All other municipalities

1 - Decree No.70, April 10, 1953, Article 1, amending Article 129 of Decree No.5, Op.cit.

are comprised of a single election district. The present size of Beirut calls for this special arrangement. Previously, according to the 1924 municipal law, Beirut consisted of one electoral district. This new arrangement encourages sectarianism as a single sect predominates in each district; thus although sectarianism is not directly provided for in the new law, sectarian interests are protected by the inherent composition of the districts. The present districts and seats of Beirut are:

District	Number of Seats	Area included
One	2	Al-Mudawar
Two	3	Al-Ramail, Al-Ashrafieh, Al-Sayfi
Three	3	Al-Mazraa, Al-Musaytbi
Four	2	Zikak Al-Balat, Al-Bashoura
Five	2	Ras Beirut, Dar-Al-Muraysi, Minat Al-Husan, Al-Marfak

The above table accounts for twelve seats in the municipal council which are contested by election. Twelve other members are appointed by Presidential decree,¹ thus bringing the total number of council members to twentyfour.

The twelve elected council members are elected

1 - Decree No.5, op.cit., article 128

by direct universal suffrage on the basis of proportional representation.¹ The qualifications for municipal elections are the same as those applied to Lebanese parliamentary elections. No person may be elected to the municipal council unless he is entitled to vote and can read and write; no person holding public office is eligible for municipal election.

All persons wishing to nominate themselves as candidates for municipal elections should submit a written statement to the Muhafiz indicating their intention to run for office at least ten days before election day. Upon so doing potential candidates will immediately receive a preliminary receipt of confirmation of candidacy and a final acknowledgement within the next five days. Appeal on the Muhafiz's decision may be made to the Court of Administrative Affairs. This Court consists of one judge who deals with administrative cases of secondary importance, the judge's decision is final.

Elections are held in one day starting at 8 a.m. and ending at 4 p.m. The Municipal Council is elected for a period of ^{one} ~~four~~ years and new elections are held on a Sunday, one month before the termination of the term. The appointed members of the Council also serve for a

1 - Ibid., article 12

period of ^{one} ~~four~~ years. In case a vacancy occurs in the Council, new elections or appointments take place within two months.

No one person may be a member of two different councils at the same time. The Minister of Interior is empowered to dismiss any council member due to legal incompatibility or for treason or any criminal act. The decision of dismissal of the Minister of Interior may be contested in the Court of Administrative Affairs.

The Municipal Council may be dissolved by decree for having grossly exceeded its jurisdiction, the Muhafiz then authorizes a special committee to take over the functions of the council for two months until the new council is elected and appointed.¹ Since the promulgation of the 1952 law the Municipal Council of Beirut has never been dissolved.

The Council, in its first meeting, elects from among its members a Mayor and an Assistant Mayor. The Council including the Mayor and his assistant receive no salary, though the Mayor has an entertainment allowance. If the personal interest of the Mayor is involved, the Assistant Mayor or any other council member presides over the meeting until the problem under consideration is resolved.

1 - Ibid., Article 38

The Municipal Council is required to hold ^{SIX} four regular sessions, one in February, one in ^{April} ~~May~~, one in ^{June} August and the last in ^{Oct. & Dec.} November. No session may last for more than one month except the November session, which may be extended till the end of December in order that the municipal budget be passed before the end of the year. If by the end of December the budget has not yet been approved by the council, then the Mayor is authorized to present his own budget, which is submitted for the approval of the Minister of Interior.

The date of a beginning of a session is fixed by the Mayor, who must call for a council meeting before the eleventh of the month when a regular session is required. The Mayor on his own initiative, on demand of the Muhafiz, or on request of half the members of the Council, may call for a special session which may last for not more than fifteen days.

All the meetings of the Council are closed to the public; the Muhafiz may attend council meetings and he may advise the council on any issue though he has no vote.

A council member who misses three consecutive meetings without presenting a valid excuse to the council and to the Muhafiz may be asked to resign by the Muhafiz;

the council member in question may appeal his case to the Court of Administrative Affairs within ten days of his having received the decision of the Muhafiz.

The Composition of the Municipal Council

The incumbent Municipal Council of 1952 consists of twentyfour members of whom half are elected, the rest being appointed. The following table will show the composition of the council in relation to the various sects that are represented:

<u>Sect</u>	<u>Appointed</u>	<u>Elected</u>	<u>Total</u>
Sunnite	4	6	10
Greek Orthodox	3	2	5
Armenian Orthodox	1	1	2
Maronite	1	1	2
Catholic	0	1	1
Armenian Catholic	1	0	1
Shiite	0	1	1
Druze	1	0	1
Protestant	1	0	1
	<u>12</u>	<u>12</u>	<u>24</u>

The non-elected members are appointed by Presidential decree upon the recommendation of the Minister of Interior.

It can be noticed from the table that had it not been for the appointing power of the President of the Republic there would have been no Protestant, Druze or Armenian Catholic members on the council. Furthermore,

though female suffrage has been introduced into the new municipal law, no woman succeeded in being elected to the council; the President appointed three women members, however, of whom one is a Sunnite, one a Protestant and the third a Greek Orthodox, thus including representatives of the more important sects.

Turning to the council as a whole, we find that the Sunnites have the greatest number of representatives and are followed by the Greek Orthodox. It is interesting to note that the general pattern of sectarian representation has not changed since the 1926 Council which also had a similar majority of Sunnites followed by Greek Orthodox.

It should be kept in mind that in 1926 the whole Council was to be elected on a sectarian basis having a certain number of representatives from each sect, while today the Council members are elected on the basis of electoral areas regardless of sect. Yet the average voter still thinks in terms of religious sects, and the President is influenced by religious considerations when he appoints members to the Council.

It is of interest to note that there are six physicians on the council of whom three were appointed. It is also interesting to point out that the present Mayor of Beirut though elected by the Council was originally appointed to the council.

The Jurisdiction and Authority of
the Municipal Council.

Though the scope of the activities of the Municipal Council are wide, it has no final authority in important matters. Council decisions in the following matters become effective one month after being submitted to the Minister of Interior.¹

1. All matters relating to the administration of municipal property.
2. Rent contracts for a period of not exceeding three years.
3. The purchase of property, so long as the total expended for that purpose does not exceed ten percent of the budgetary appropriation for that year.
4. Plans related to the maintenance and improvement of streets and municipal property, on condition that the total expenditure for that year on such plans does not exceed ten percent of the authorized allotment.
5. The insurance of municipal buildings.
6. Determining the fares to be charged for all public carts and wagons.

1 - Decree No.11, Article 3 of December 2, 1952, amending Article 65 of Decree No.5 In all the other municipalities of Lebanon the consent of the Muhafiz is sufficient.

7. The welfare of the poor and the needy.
8. All projects related to the constructing, repairing and demolishing that are referred to the Council for purposes of checking on public health and safety.
9. The acceptance of gifts and donations that are not to be used for specific purposes.

The Minister of Interior is authorized to revoke any of the above Council decisions within one month on the ground that the decision is not in keeping with the national and municipal laws and regulations. The Minister of Interior may also postpone the execution of the Council's decisions for a period of fifteen days after the required month, or he may call for the immediate implementation of the council's decisions before the lapse of the required thirty days.¹

The following decisions of the council also become effective only on the approval of the Minister of Interior.²

1. Decisions that constitute a permanent regulation, e.g., personnel regulations.
2. The municipal budget.
3. Municipal taxes and fees.

1 - Decree No.5, op.cit., Article 65.

2 - Ibid., Article 66. In all the municipalities of Lebanon the consent of the Minister of Interior is required before decisions become effective.

4. Extraordinary expenditure and loans.
5. Rent contracts that exceeded a period of three years.
6. The sale and exchange of municipal property that is utilized for public use and all sums that exceed the amount set down in points three and four of Article 65.
7. The purchase of immovable property, the constructing of new buildings or the repairing of old buildings, the drawing of plans for repairs and maintenance that exceed ten percent of the appropriation.
8. Settling cases of dispute.
9. The utilization of municipal property for a specific purpose.
10. Constructing, demolishing, repairing, and naming of streets, public squares, parks and race tracks.
11. The acceptance of grants and donations for specific purposes.
12. All matters related to municipal public services e.g., night watchmen, fire brigade, public health, municipal police, orphanages, hospitals, schools, public transportation, main market places, grave yards, slaughter houses, theatres, cinema houses, public baths, shooting galleries, sewage system, water supply and electricity.

The consent of the Minister of Interior may be tacitly implied as all Council decisions that constitute a permanent regulation become effective if the Minister within a month of receiving a copy of the decision does not formally indicate his approval or disapproval. The Minister of Interior may veto the action of the council and all decisions that have not been rejected within a month are considered executory.¹ The decisions of the Minister of Interior with regard to Council decisions may be contested in the Court of Administrative Affairs.²

The municipality may not bring a case to court without the consent of the Muhafiz; if the Muhafiz, within one month, does not act on the request of the municipality, the council may then take the case to the courts.³

With the exception of seizures no one may sue the municipality without first submitting to the Muhafiz a detailed report about the case, which is referred to the Mayor who is asked to call for a Council meeting to discuss the case.⁴

The Council should be summoned to discuss the following matters.⁵

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- 1 - Ibid., Article 67
 - 2 - Ibid., Article 70
 - 3 - Ibid., Article 73
 - 4 - Ibid., Article 74
 - 5 - Ibid., Article 75

1. Projects dealing with repairs and extension of main roads within the municipal boundary.
2. All activities related to public health.
3. The establishment of philanthropic societies.
4. The budgets and accounts of public health activities and philanthropic societies which are operating in the municipal area and which are endowed with a legal personality, and all their activities related to selling, buying, leasing, and accepting of donations. The Council is concerned with this problem because the municipality may be donating to such activities and this provides for a check on the finances of the welfare organizations. This does not apply to the budgets of Point IV and the Ford Foundation, whose functions are scrutinized by the government.
5. All matters that according to the laws and regulations have to be forwarded to the council for council members to air their views upon them and all matters which are sent to the council by the Muhafiz and the Minister of Interior.

The Minister of Interior may nullify decisions taken by the council members who had personal vested interests involved and who had participated in the decisions.

We thus see that in the municipality of Beirut, the important decisions are determined by the Minister of Interior rather than by the Council or the Mayor, e.g., the municipal budget becomes effective only upon the approval of the Minister of Interior, who is usually guided and advised by the Muhafiz.

The Power and Authority of the Muhafiz

It will be recalled that decree number 5 deals with municipalities in general and not specifically with Beirut. But Beirut, ever since 1924, had had a special administration of its own. This special administration is presently introduced through amendments to the decree and manifested in the peculiar relationship of the Muhafiz vis-a-vis the Council. Except in Beirut the Mayor heads the executive body in all the municipalities of Lebanon. In the case of Beirut the Muhafiz is the head of the executive body¹ and thus assumes most of the powers that are usually assigned to the Mayor in all the municipalities, of Lebanon.

In Beirut the Mayor is head of the Municipal Council and in this capacity presides over council meetings and with the help of the members of the Council, supervises the executory functions of the Muhafiz.² The Mayor is thus head of the Council supervising all

1 - Ibid., Article 129

2 - Decree No.70, Article 1, October 31st, 1952 amending a section of article 129 of Decree No.5, op.cit.

municipal committees and formulating policy, while the Muhafiz is head of all the bureaus and departments and executes the policy of the municipality, enjoying the backing of the Minister of Interior.

If the Mayor either wilfully or through negligence fails to perform his duties, the Muhafiz upon notifying the Mayor and with the consent of the Minister of Interior may perform the required task himself or appoint a person to fulfill the required obligation.¹ We thus notice that there is a check and balance relationship between the Muhafiz and the Mayor in Beirut, with the Muhafiz performing the more important functions of the municipality.

The Muhafiz thus plays an active role in the administration of the municipality of Beirut. He is in charge of the property and finances of the municipality and he is the executor of the rights of the municipality.

At the beginning of each session he presents the Council with a report on the activities of the municipality since its last session. At the beginning of the November session he submits to the Council the municipal budget and the agenda.

1 - Decree No.5, Op.cit., Article 44

The Muhafiz authorizes the spending of the revenue, he checks and expenditure, concludes the contracts of sale, lease the purchase; he is also responsible for municipal purchasing and for all municipal contracts.

The Muhafiz is the person who represents the municipality before the courts.

He is responsible for public safety and the maintenance of peace and order on condition that he does not encroach on the domain of the government. By advising the Council and through his power of enforcing laws, decrees and arretes, the Muhafiz is responsible for the following:

1. All that is connected with traffic, the safety of pedestrians, the cleaning and illumination of streets, the removal of dirt and debris from the streets and the repairing or demolition of unsafe buildings.
2. The maintenance of peace.
3. The transportation of the dead, and the organization of funerals and burials.
4. All that is concerned with individual and public health such as the regular inspection of hotels, coffee houses, the red-light district, restaurants, bakeries, butcher shops, barbers and hairdressers.

5. Taking all precautionary measures to prevent fires and floods.
6. The enforcement of all measures which deal with the safety, comfort, and cleanliness of public transport.
7. All that is connected with public morality.
8. The elimination of fraudulent dealings in the market especially with regards to weights and measures.
9. All that is concerned with the protection of natural scenery, historical ruins, and forests and parks.
10. The supervision of the water supply of Beirut.

All decisions that are taken by the Muhafiz are immediately submitted to the Minister of Interior and all decisions of a permanent nature become effective only with the approval of the Minister. If the Muhafiz does not receive a reply from the Minister of Interior within fifteen days the consent of the Minister is implied.¹

The Muhafiz, as the alter-ego of the Minister of Interior and representative of the central government, exercises a perceptible sway over the municipality and regulates the municipal mechanism in accordance with the policy of the central government. The independence of

1 - Decree No.5, op.cit., Article 84

the Beirut municipality is weakened by the fact that the Muhafiz is at the head of the executive body, but this does not mean that the Council stands helpless before the orders and wishes of the Ministry of Interior. An alert and active Council is in a position to accomplish a great deal. If the Muhafiz does not execute the decisions of the Municipal Council, one month after receiving a copy of the decisions of the Council, it has the right to remind the Muhafiz of his obligation as head of the executive branch, to enforce the Council's decisions; ten days afterwards if the decisions of the Council have not yet been executed the Mayor may then be asked by the Minister of Interior to perform the job himself.¹

The Municipal Committees

Over and above the council meetings a great deal of planning, research and debating occurs on the committee level. Municipal standing committees meet before the regular sessions and prepare the various plans and projects that are to be submitted to the council.

The municipal Council in its first meeting elects the following commission and five committees:

1 - Decree No.11, Article 4, December 2, 1952 an amendment to Article 130 of Decree No.5

1. The Municipal Commission of Eight, previously known as the commission of the Privileged City, consisting of four members of the council including the Mayor, the assistant mayor and four secretaries. This commission meets once a week and studies the administrative problems of the municipality that are presented to it by the Mayor or the Council. When the Council is not in session the commission, by request of the Mayor and with the authorization of the Minister of Interior, may take action on municipal activities and functions that require immediate attention. The Commission may take decisions that are binding on the Council if they are authorized to do so by the Minister of Interior. The main purpose of this Commission is to give continuity to the work of the municipality when the Council is not in session.
2. The Committee of the Budget and Financial Affairs, consisting of nine members.
3. The Committee responsible for the agenda of Council meetings, consisting of nine members.
4. The Assessment Committee of the revenue of the municipality, consisting of nine members.
5. The Health and Social Affairs Committee, composed of nine members.

6. The judicial and Administrative Affairs Committee, consisting of eight members.

The committees over and above doing research and planning for the council as a whole, each in its specialized field, also act in an advisory capacity to the various bureaus and departments of the municipality.

The Budget and Finances of the Municipality.

One of the important functions of the Municipal Committees is to carry on research and studies on the proposed budget of Beirut. The budget is drawn by the Muhafiz,¹ approved by the Council after being scrutinized in the municipal committees and is finally submitted to the Minister of Interior for approval, who may alter the budget as he chooses.²

If the Minister of Interior has not approved the proposed budget before December thirtyfirst, then the budget of the preceeding year is applied until the Minister applies the new budget³. Supplementary budgets may be submitted for approval to the Minister of Interior during the year. The Council has the right to transfer funds from one heading to another on condition that the transfer does not conflict with any of the municipal

1 - In the rest of the municipalities of Lebanon the budget is drawn by the Mayor.

2 - Decree No.5, op.cit., Article 110

3 - Ibid., Article 119

laws or regulations and that the Minister of Interior approves the transfer.

The budget contains an estimate of revenue and expenditure that is planned for the new fiscal year. The revenue consists of all taxes, fines, charges, rents and any other source of income that is set down in the budget.

The expenditure of the municipality is twofold: obligatory and optional. The Minister of Interior should see to it that appropriations necessary to cover all obligatory expenditures are included in the budget. These expenditures consist of:¹

1. The maintenance or rent of the city hall.
2. The payment of all due debts.
3. The administrative aspects of the municipality and the disbursement of salaries to its employees.
4. The expenditure needed for the maintenance, lighting and cleaning of the streets.
5. The cost of drawing plans for improving the streets.
6. The subscription to the Official Journal.
7. All expenditure for which the municipality is obligated by law.

1 - Ibid., Article 42

The obligatory expenditure deals with the more important aspects of the municipality thus guaranteeing the carrying out of the essential functions by the Muhafiz in case the council is ineffective and indolent.

Expenditure other than those listed above, such as financial aid to the needy, is considered as optional and is left to the decision of the council.

A detailed study of the budget would be most interesting. One could trace the steps followed in formulating the budget, one could compare the proposed budget with the actual, one could point out how the expenditure is allotted and one could study the different sources of revenue and discuss methods of increasing the revenue side and discuss the existing weakness in the present system. All this though interesting is beyond the scope of this work.

It should be sufficient for our purpose here to note the lump sum allocation in the budget. In 1931, for instance, the budget of the municipality amounted to 925,000 pounds and the population of Beirut was around 150,000, which is less than half what is today. By 1945 the budget had increased more than sixfold. However, one should keep in mind that the Lebanese currency has depreciated considerably since the post war period.

The following is a condensed version of the budget for the year 1954:¹

Estimated Revenue:

Direct Taxes	3,830,500
Indirect Taxes	6,325,500
Income from Municipal property	90,000
Income from services rendered and from Petrol companies	94,000
Miscellaneous income	<u>130,000</u>
	10,470,500

Allotted expenditure:

Municipal council	86,700
Bureau of Administrative affairs	2,454,100
The Finance Bureau	743,900
Engineering Bureau	4,567,100
Health Bureau	989,100
General Inspectorate and Bureau of Inspection	61,100
Grants	954,000
Debts to be paid	75,000
Reserve Fund	<u>539,000</u>
	10,470,500

We perceive that the total estimated revenue for 1954 was 10,470,500 Lebanese Pounds. The population of Beirut is estimated at 330,000. Thus municipal expenditure per annum per capita amounted to around

1 - 1954 Budget, Order (Karar) No.18

Al Jumhuriyah Al-Lubnaniyah, January 26, 1954.

thirtytwo pounds. In comparison to the year 1931 where the per capita expenditure was a little over six pounds, the 1954 budget is an indication of increased municipal costs.

The twenty-four Million Pounds Loan

The budget of the municipality does not include a loan of twenty-four million pounds credited to the municipality.¹ For the past few years the municipality has been complaining to the government about the lack of sufficient funds with which to carry out certain much-needed projects. In 1954 the government of Lebanon finally guaranteed the municipality a loan of twenty-four million pounds to be drawn from the Bank of Syria and Lebanon. A specially low interest of two and a half percent is charged by the Bank on the loan. The loan is paid out over a period of four years starting on December thirty-first, 1953.

The government has offered to pay to the Bank half the amount of the loan plus the accruing interest, and also bears the legal responsibility of payment on behalf of the municipality. In case the municipality fails to pay the Bank the government reserves the right to confiscate all the yearly revenue of the municipality until payment is effected. Payment to the Bank is due to be settled by June thirty, 1972.

1 - See Law of June 16, 1954, Official Journal, op.cit.

It is worthwhile noting that the Bank reserves the right to withdraw the loan at any time within one year's notice by which time the municipality should have paid back the full amount of the loan plus the required interest. The agreement between the Bank and the Government is that the former will not resort to such measures unless an unseen catastrophe occurs and both contracting parties agree upon the necessity of such action.

The loan has long been awaited by the municipality and will prove instrumental in bringing about many schemes that have been put aside due to the lack of funds.

By the end of September 1954 a report was being submitted to the Municipal Council dealing with how the twenty-four million pounds should be utilized. The report prepared by the Engineering Bureau awaits the approval of the Municipal Council. The report suggests that:

16,900,000	be spent on road construction and city planning to improve the traffic situation.
1,700,000	for building a new slaughter house
2,000,000	for public gardens.
1,900,000	for the expropriation of slums
960,000	as an administrative expenditure
<u>540,000</u>	as a reserve
24,000,000	

We have seen how the municipal budget has been continuously increasing from year to year and now for the first time since the first world war Beirut is granted a considerable loan. From a financial point of view Beirut is in a better position than it was ever before, during the last fifty years, to offer extensive municipal services and to meet the municipal requirements of the citizens of Beirut.

Comparison with French Local Government

The underlying influence of French municipal practise is easily perceivable in the present municipality government of Beirut.

The basic characteristic feature of centralization is common to both French and Beirut municipal systems.

Centralization, for the purposes of this study, means the subordination of local decisions to the consent of state officials at the apex of which lies the Minister of Interior.

In France the Prefect, the French equivalent to the Lebanese Muhafiz, is subordinate to the Minister of Interior. The Minister in France is usually concerned with enforcing a uniform policy throughout the country; this uniformity is maintained by having the minister

issue central directives which on the whole are not detailed. In practise much discretion is left to the Prefect, who is in a better position to evaluate the local political, economic and social needs of the locality. The Minister of Interior has full jurisdiction to accept, reverse or amend any of the Prefect's decisions, or if need be, to dismiss the Prefect.

The same general concept applies to the municipality of Beirut. A study of the Beirut Municipal system will reveal certain specific French principles which are being applied in Beirut. Examples of such are:

1. Revocation par decret motive.¹
2. Approbation Prealable.²
3. Recours Hierarchique et Recours Jurisdique.³
4. Tacit and implied consent of the Minister of Interior.⁴
5. Obligatory and optional expenditure.⁵

These are only some of the French principles which are being applied in Beirut and of course there are differences between both systems, but the discrepancies do not seriously involve concepts of basic principles.

1 - For the application of this principle in Beirut turn to P.43.

2 - Turn to P.45

3 - Turn to P.45

4 - Turn to P.45

5 - Turn to P.54

One example where the French and Beirut system slightly differ is that in Beirut the Minister of Interior is free to alter the budget as he pleases. In France the power of alteration exists but is more restricted than it is in Beirut.

In France the Minister of Interior may alter the revenue side of the budget because an item is contrary to law, or because a source of revenue has been omitted in the budget, or because he considers the item to be contrary to public interest. On the expenditure side the Minister of Interior may insert in the budget any item which is listed as obligatory expenditure and which was not provided for.

Any alteration of the budget has to be revoted by the local authorities. The Minister of Interior has it in his power to dissolve the local authority and this power of his can be used as effective threat to have any of his alterations approved by the local authorities. In practise the Minister rarely has to recourse to dissolution of the local body on account of a conflict over a budget. Conflicts and differences are usually ironed out amicably and informally.

A more distinct difference between the French and Beirut municipal systems is with regard to the

sessions of the Municipal Council. In France all Council Meetings are open to the public. The Council may hold a secret session if the Mayor so desires or if more than a third of the Council members vote for a closed meeting.

In Beirut all Council Meetings are barred to the public. The minutes of the Council Meetings are also not available to the public. There is an air of secrecy pervading all Council Meetings which is meant to allow Council members to meet, debate and resolve their problems without being conscious of an attending public.

This system, in our belief is wrong. Council sessions should be made open to the public as are meetings of the Parliament. By making Council Meetings open to public the Council member is able to justify his decision publicly. This places municipal affairs under the scrutiny of the public and also stimulates public interest in local affairs. If the need arises for a secret session the French system can be applied whereby the Mayor or more than a third of the Council members may ask for the holding of a secret meeting. Committee meetings on the other hand as is the case in France, should always be barred to the public and provide all the privacy which the Council requires.

Another difference between the French and Beirut system of municipal government is that in France all Council members are elected.

In Beirut half the Council is elected while the rest is appointed by the President of the Republic. This system is a compromise of the de facto situation between the years 1924 and 1952, when the municipal law called for an elected Council but when the actual practise was to have a fully appointed Council.

Perhaps the real reason that half the Council members are appointed is to permit the President of the Republic to appoint certain members on the Council, who would have not got there in any other way. A certain sectarian balance is expected and this can only be maintained through appointment of the necessary members. We have also seen how though the municipal law provides for women to be Council member not one woman member was elected. The President thus saw it fit to appoint three women to the Council. Furthermore, when there is a lack of specialists on the Council such as engineers, doctors and statisticians, appointment can remedy the deficiency.

We have compared in a general fashion the French and Beirut municipal systems. It is worthwhile comparing the Beirut municipal system with that of Paris which

has somewhat special municipal organization of its own.

Paris is located in the department of the Seine and has two appointed Prefects that can be compared to the Mayor and Muhafiz in Beirut - the Prefect of the Police and Prefect of the Seine. They are appointed by the Ministry of Interior and are the virtual Mayors of Paris; the municipal functions are divided among them one being in charge of police activities and the other in charge of administration.

The city of Paris is divided into twenty arrondissements each having an appointed Maire. Paris has a special administration in that it alone, among the cities of France has two Prefects and appointed Maires.

Though by the new municipal regulations of 1952 Beirut ceased to have a separate set of laws of its own, yet in the general municipal law special reference is made to Beirut and certain specific items apply exclusively to Beirut.

The idea of having the Muhafiz as head of the executive body in the municipality can be traced back to the days prior to 1952 when in actual practise there was no Mayor or elected Council for Beirut but instead an appointed Muhafiz as head of the municipality and an

appointed council. Today Beirut has both a Muhafiz and a Mayor as heads of the municipality with the former as a representative of the Ministry of Interior being more influential and exercises a much more perceptible sway over the affairs of the municipality than the latter.

This is also reminiscent of the municipal government of Paris with power being unevenly split between the Prefect of the Seine and the Prefect of the Police, the former being much more important than the latter.

In Paris the Prefect of the Police is in charge of police affairs while the rest of the municipal functions are carried on by the Prefect of the Seine. Both Prefects are nominated by decree upon the recommendation of the Minister of Interior.

In Beirut the Muhafiz is also nominated by decree upon the recommendation of the Ministry of Interior. The Mayor on the other hand is elected from and by the Municipal Council irrespective of whether he is an elected or appointed Council member.

The Mayor as head of the ordinance-making body is responsible for formulating policy and laying down plans while the Muhafiz as head of the executive body is responsible for the enforcement of and application of council decisions and policy.

It is obvious that smooth coordination is required between the ordinance-making body and the executive body or else policy will be formulated and may never be executed. The municipal law provides for coordination in case the Mayor or the Muhafiz attempt to disrupt or delay the normal proceedings of municipal affairs either through negligence or wilfully.

The Muhafiz upon notifying the Mayor and with the consent of the Minister of Interior may perform the task himself which the Mayor failed to perform.

On the other hand the Mayor, in the belief that a Council decision is not being executed, may first remind the Muhafiz to execute that particular decision and if ten days after the decision has not yet been enforced the Mayor may appeal to the Minister of Interior, who may authorize him to execute the decision.

Thus we see that the Minister of Interior is the sole arbitrator on whether the Mayor and the Muhafiz are respectively discharging their duties. He is furthermore a coordinator between policy formation and execution.

In practise Council members complain that there is delay in the execution of their decisions. The muhafiz in reply to the Council's complaint says that

the executive body is trying to attend to the more important municipal needs of Beirut which for some years have been somewhat neglected such as city planning, sanitation, road repairing and building.

CHAPTER IV

THE BUREAUS, DEPARTMENTS, AND SECTIONS OF THE MUNICIPALITY

Organization and Source of Reference of this Chapter.

The purpose of this chapter is to describe the functions and responsibilities of the bureaus,¹ departments, sections and personnel of the municipality of Beirut. Up till January 1955 there was no set of regulations organizing the structure and responsibilities of the bureaus, departments and sections of the municipality. Decree number 5, which sets the legal basis for the municipalities of Lebanon simply enumerates the various departments of all big municipalities stating that municipalities may have more or less departments than those enumerated.² The municipality of Beirut actually has one department more than those enumerated in Decree number 5 and that it is the secretariat of the Council Bureau.^{3/}

1 - Maslaha is the Arabic word for Bureau, while Service is the French word. A bureau is hierarchally higher than a department. Beirut is the only municipality that has bureaus.

2 - Decree number 5, op. cit., Article 86

3 - Decree number 78 of December 13, 1953 amending article 86 of Decree number 5 with reference to Beirut only.

Other than the listing of the departments in Decree number 5 there exists no official or non-official source describing the functions and responsibilities of the various bureaus, departments and sections. The material presented in this chapter is based on interviews with municipal personnel.¹

It should be pointed out that the municipality has just finished preparing a draft project which sets out in detail the duties and functions of the bureaus and the other subdivisions of the municipality. To a considerable extent the draft project would legalise the actual practice of the municipal bureaus, departments and sections. The draft project is expected to be presented for approval to the Municipal Council in the near future. This chapter does not deal with the draft project but only with the existing organization of the municipality.

The municipality of Beirut consists of the following six bureaus:

1. The Administrative Affairs Bureau
2. The Finance Bureau
3. The Secretariat of the Council Bureau
4. The Engineering Bureau
5. The Health Bureau
6. The Inspection Bureau and the General Inspectorate.

1 - These interviews totalled about nine in number. They were held between February 1953 and October 1954.

The heads of the bureaus are appointed by the Minister of Interior, on the suggestion of the Mayor, and after consulting the Muhafiz.¹ The head of the Administrative Affairs Bureau acts as a coordinator of the work of all the bureaus.²

The Administrative Affairs Bureau

The Bureau of Administrative Affairs had a budget of 2,454,100 pounds³ and is primarily concerned with administrative, legal and police matters pertaining to the municipality.

The Bureau consists of:

1. The Secretariat of the Muhafiz
2. The Administrative Section
3. The Municipal Court Department
- ✓ 4. The Administrative Section of Municipal Lawsuits.
- ✓ 5. The Accounting and Personnel Section.
- ✓ 6. The Fire Brigade Squad
- ✗ 7. The Municipal Police.
8. The Employment Office.

1. The Secretariat of the Muhafiz is responsible for reading the local newspapers and preparing a report on what was written concerning the bureaus. The Secretariat arranges for appointments with the Muhafiz and in

1 - Decree number 5, op.cit., Article 87

2 - Ibid., Article 88

3 - 1954 Municipal Budget, op. cit., p. 29

general performs the functions normally performed by a private secretary.

2. The Administrative Section studies and reports on matters pertaining to the administrative affairs of the municipality. This section acts as the general secretariat of the Bureau; it receives, registers and distributes all correspondence addressed to the municipality. It classifies and files municipal documents, and it registers all hunting licences. Furthermore, it prepares the municipal election list of eligible voters.

3. The Municipal Court Department is not a court in the usual sense of the term. Its job is to register all legal decisions of the single judge pertaining to all municipal contraventions, e.g., smoking in the cinema, and throwing rubbish in the streets. This department is also responsible for executing the legal decisions, e.g., collecting the fines.

4. The Administrative Section of Municipal Law suits receives and registers all correspondence and official notifications regarding legal cases involving the municipality. It prepares the files of cases that are presented to the advisor of the municipality. It gives its opinion on administrative matters.

5. The Accounting and Personnel Section is in charge of preparing the budget of the Bureau, supervising its expenditure in compliance with the general accounting law of the government. It keeps all financial records required by law and prepares vouchers for the general expenditure of the Bureau. It also maintains a record of the furniture and equipment of the Bureau. Furthermore, it keeps the files of all municipal employees and checks on their attendance.

6. The Fire Brigade Squad is responsible for preventing and extinguishing fires and for making itself useful in emergency cases, e.g., aiding the police in preventing students from demonstrating. The Squad consists of a hundred and ten members.

7. The Municipal Police is in charge of maintaining law and order in the city and of executing the regulations and decisions of the Council. In its 1953 report the municipality called for the reestablishment of an independent municipal police force and an increase in the number of policemen. For 1954 the police have a budget of 1,519,500 pounds and a force of 650 men, including traffic control men, night watchmen as well as ordinary police.

8. The Employment Office receives, registers and classifies applications for work and helps provide

jobs for the unemployed. It also prepares regional and functional unemployment statistics.

The Finance Bureau

The Finance Bureau has a budget of 734,900 pounds and is responsible for collecting the taxes, rates, dues and all other forms of municipal revenue as set down in the budget. It is also required to organize the accounting system of municipal finances. It manages municipal property, and it also serves as a central supply agency for the municipality, providing the different bureaus with stationery, office equipment and uniforms.

The Finance Bureau consists of:

1. The Administrative Section
2. The Treasury and Accounting Department
3. The Assessment Department
4. The Revenue and Collection Department
5. The Expenditure Department
6. The Municipal Property Section
7. The Supply Section
8. The Contract Registration Section.

1. The Administrative Section receives and distributes all mail addressed to the Bureau. It prepares all correspondence and communications that are presented to the head of the Bureau and all instructions that emanate

from the Bureau. This section keeps the files of the Bureau and prepares its budget. It keeps accounts of all expenditure incurred by the Bureau and prepares the accounts that are to be presented to the Cour des Comptes.

2. The Treasury and Accounting Department is responsible for keeping all revenue collected by the responsible bureaus and departments. This department is in charge of seeing that the municipality has enough cash available to meet the expenses set down in the budget. It is required to pay out authorized loans and to see to it that the loans are repaid within the set time.

This department is responsible for keeping municipal vouchers and archives. It also keeps the monthly municipal accounts of income and revenue and post audits the accounts of all the accountants in the various bureaus and departments. Furthermore, it acts as a coordinating agency between the Municipality and the Cour des Comptes.

3. The Assessment Department is required to assess the direct taxes and rates. It receives and studies all objections that are raised concerning taxes and rates. It is in charge of suggesting ways and means to improve and increase the revenue side of the budget.

4. The Revenue and Collection Department is responsible for collecting direct and indirect taxes and

rates imposed by the municipality and depositing them with the Treasury and Accounting Department. It is also in charge of executing confiscation orders on those who have refused to pay their municipal rates and dues.

5. The Expenditure Department is responsible for verifying the legality and authenticity of municipal expenditure. It also authorizes vouchers and disbursement orders.

6. The Municipal Property Section is responsible for the management, maintenance and registration of all municipal property. This section checks on whether municipal tenants are fulfilling their contractual obligations.

7. The Supply Section prepares the conditions that are to be fulfilled by bidders for uniforms, stationery and office equipment, and it registers all the purchases that are made. It orders and supervises the use of stationery and office equipment purchased by the municipality. It is in charge of insuring municipal property and possessions.

8. The Contract Registration Section registers all rents within the municipal area and sends copies to the Ministry of Finance and to the Assessment Department in the municipality.

The Secretariat.of the Council Bureau.

The Secretariat of the Council Bureau performs secretarial work, had a budget of 86,700¹ pounds and consists of:

1. The Office of the Head of the Bureau
2. The Administrative and Accounting Section
3. The Council and Committee Section

1. The Office of the Head of the Bureau is headed by the Administrative Secretary of the Municipal Council, who is directly responsible to the Mayor and acts as Secretary to the Committees of the municipality. The office of the Head of the Bureau is the coordinating agency between the Municipal Council and Committees on one side and the executive body of the municipality on the other side. It is also responsible for all the expenditure of the Council and of the Bureau.

2. The Administrative and Accounting Section receives and distributes all mail addressed to the Bureau. It dispatches all summons to meetings of the Council and of the Committees and takes down the minutes of the meetings. It registers the decisions of the Council, of the Committees and of the Mayor.

1 - Municipal Budget of 1954, op.cit., p.6

This section is in charge of the accounts and prepares the budgetary estimate of the Municipal Council and the Bureau. It supervises and issues orders on the use of stationery and office equipment by the Bureau. It registers all the newspapers received making special note of all articles dealing with the Municipality of Beirut. It keeps the complete collection of the Official Journal and is also responsible for the Council Library.

The Administrative and Accounting Section is in charge of preserving and filing all documents of the Council and the Committees, e.g., minutes of the meetings of the Council. This section types all the decisions of the Council and of the Committees. It types and makes copies of the budget and all important orders and regulations and distributes them to Council and Committee members.

3. The Council and Committee Section is responsible for filing all documents that are presented to the Council and to the Committees. It checks all decisions of the Council and of the Committees before they are presented to publication. It prepares notices for contractual biddings and summons to meetings of the Council and of the Committees. It keeps an indexed file of all the decisions of the Council and takes down the minutes of the meetings of the Council and the Committees.

The Engineering Bureau

The Engineering Bureau has a budget of 4,567,000 pounds¹ and consists of:

1. The office of the Head of the Bureau
2. The Technical Department
3. The Works Department
4. The Building Department
5. The Garages, Workshops and City Cleaning Department.

1. The Office of the Head of the Bureau is composed of:

- A. The Administrative Section
- B. The Supervision Section
- C. The Expropriation Section
- D. The Concession Work Section
- E. The Special Assessment and Statistics Sections.

A. The Administrative Section receives the mail of the Bureau, registers it and then distributes it to the rest of the departments and sections. It also acts as the secretariat of the Bureau.

B. The Supervision Section is in charge of preparing contracts and vouchers, checking their legality, and keeping records of wages and salaries for the whole Bureau.

1 - Municipal Budget of 1954, op.cit. p.29

C. The Expropriation Section is in charge of executing the Expropriation Law of October 13, 1952. It draws plans and charts of all property that is to be expropriated and it keeps land registry documents. Members of the Section with the head of the Bureau attend meetings of the Evaluation of Expropriation Land Committee. It arranges meetings of municipal officials and owners of the expropriated property. Furthermore it studies all protests raised against the terms of expropriation and keeps all documents and information concerning the expropriation of private property for public use.

D. The Concession Work Section is responsible for executing the terms of concessions between companies and the municipality. It supervises the electric lighting system of all public streets. It considers applications of companies for installing pipes and lines in the streets. It is responsible for drawing maps of Beirut showing all the main water pipes, high voltage electric lines, street lighting facilities, and telephone lines that are installed in all the main streets. It acts as the depository of all concessions and agreements between the municipality and companies.

E. The Special Assessment and Statistics Section prepares maps showing private property that is to share in

the expenses of pavements and sewage systems. It considers all protests raised against private sharing of public expenditure. It is also responsible for collecting figures, data and statistics that concern the engineering Bureau.

2. The Technical Department consists of:

A. The Study Section

B. The City Planning and Zoning Section

A. The study section prepares all technical information and maps which are necessary for maintaining and constructing streets, pavements and sewage pipes. It prepares the conditions of work concerning work concessions.

B. The City Planning and Zoning Section in cooperation with the head of the Bureau prepares the legal documents necessary for city planning within the boundary of Beirut. It prepares studies and plans which may lead to the improvement of public property, streets, public squares and gardens. Special emphasis is placed on street planning. It suggests zoning alterations and keeps files of zoning plans and issues zoning orders and regulations. It considers all complaints raised by citizens on the existing zoning and city planning regulations.

3. The Works Department consists of:

A. The Cost-plus Section

- B. The Contract Work Section
- C. The Construction Supply Section
- D. The Public Gardens and Municipal Field Sections.

A. The Cost-plus Section is in charge of certain municipal works that do not involve large sums and are thus not subject to contractual bidding. The municipality assigns a job to a company or a contractor who agrees to perform the task and charge the municipality with what it costs to do the work plus a certain amount of profit.

B. The Contract Work Section in conjunction with the responsible surveyors grants contracts for work concerning the municipality. It is also responsible for checking on the execution of the terms of the contracts and for considering all matters of conflict arising between contractors and the municipality.

C. The Constructions Supply Section is responsible for providing construction material for any construction project undertaken by the municipality. It also prepares a uniform set of specifications and prices for the sale of construction material to municipal contractors.

D. The Public Gardens and Municipal Field Section is responsible for managing all public gardens and taking

care of trees growing on the side-walk. It is also responsible for maintaining the Municipal Stadium.

4. The Building Department is responsible for enforcing building regulations. It grants licences for the construction of new buildings, and makes reports of all buildings that are constructed without the proper licences or in violation of the terms of the licence. Furthermore, it issues and executes condemnation orders against buildings that do not meet the required building regulations. This Department inspects buildings whose structure is suspected of being unsound. It carries out demolition and reinforcement orders at the expense of the owners.

5. The Garage, Workshop, and City Cleaning Department is responsible for the maintenance of municipal vehicles and all equipment used for construction and street repairing. It is responsible for sweeping and cleaning all streets.

The Health Bureau.

The Health Bureau had a budget of 989,100 pounds¹ and consists of :

1. The Administrative Department.
2. The Preventive and Curative Department.
3. The Pharmacy Department.

1 - Municipal Budget of 1954, op.cit.,p.25

4. The Health Inspection Department.
5. The Public Health Engineering Department
6. The veterinary Section.

1. The Administrative Department consists of:

- A. The Secretariat Section
- B. The Accounting Section
- C. The Statistics Section
- D. The Supply Section
- E. The First Aid Section
- F. The Archives Section.

A. The Secretariat Section receives and registers all mail addressed to the Bureau and then distributes it to the responsible departments and sections. It keeps a complete record of all personnel matters and personnel attendance. It keeps the important Bureau records and is in charge of the Bureau Library.

B. The Accounting Section is in charge of all financial matters of the Bureau; this includes preparing the draft budget of the Bureau, registering financial transactions, checking vouchers, spending authorized expenditures, and keeping records of all salaries paid, stationery and medical supplies used.

C. The Statistics Section is required to keep

records of deaths and epidemics occurring in Beirut. It is also responsible for collecting statistical material from the other departments and sections of the Bureau.

D. The Supply Section is responsible for receiving, registering and distributing all purchases of the Health Bureau and it receives food stuffs from the head of the Bureau and distributes it to welfare societies.

E. The First Aid Section is in charge of the ambulances of the municipality and is responsible for arranging for the transportation of persons in need of medical treatment and for providing them with the necessary first aid assistance.

F. The Archives Section acts as the central depository of all documented material and information of the entire Bureau.

2. The Prevention and Curative Department is divided into:

- A. The Chest Disease Section
- B. The Communicable Disease Section
- C. The Venereal Disease Section
- D. The Mother and Child Section
- E. The Municipality Clinics
- F. The Dental Section

- G. The Personnel Health Section
- H. The Eye, Ear, Nose and Throat Section
- I. The Skin Disease Section
- J. The Mental Case Section

A. The Chest Disease Section is responsible for all that is related to chest maladies in Beirut and it is in constant contact with chest specialists to find out about the general situation in the city thus enabling it to take the necessary precautions. The Section is in charge of examining suspected cases in the municipal clinics. It also prepares statistics on chest diseases.

B. The Communicable Disease Section is in charge of preventing the spreading of epidemics and endemics by isolating sick cases, arriving at the cause of the malady, and taking measures for inoculations and injections. It prepares statistics and reports on the cases that are under treatment on the deaths that occur.

C. The Venereal Disease Section has its headquarters in the red-light district. Its function is to examine and control licenced prostitutes. It also collects the required dues and pays them daily to the municipal treasury. It is responsible for inspecting brothels and is consulted on the granting of licences.

D. The Mother and Child Section is in charge of examining and advising mothers and aiding delivery. After the birth of the child it is responsible for examining his home and instructing the mother with regard to modern hygienic methods of caring for the child. It tries to provide pasteurized milk from certain welfare institutions. This Section prepares statistics on the diseases of expectant mothers and infants, and it issues the necessary instructions to reduce the incidence of the disease.

E. The Municipality Clinics are headed by qualified nurses who are responsible for running the clinic and preparing patients for the doctor. There is a central clinic with a head nurse who is responsible for coordinating the work of all the clinics.

F. The Dental Section is responsible for treating free of charge, all municipal employees and all citizens that cannot afford to pay.

G. The Personnel Health Section is situated in the central municipal clinic and is responsible for treating all municipal employees, members of the fire-brigade, municipal police and municipal workers upon their presenting written reports from the respective bureau heads. The Municipal doctors are also authorized to visit sick

personnel who cannot come to the clinic. A complete record is maintained of all cases that were treated with a description of the treatment and indicating how long the treatment lasted.

H. The Eye, Ear, Nose and Throat Section is responsible for complementing the work of the Personnel Health Section. It also treats people who cannot afford to go to regular doctors.

I. The Skin Disease Section performs the same function as the previous section within the field of skin disease.

J. The Mental Case Section is in charge of examining suspected mental cases among the poor and deciding whether they have to be kept in an assylum and recommends the period for which they are to be interned. The Section keeps case records of all patients.

3. The Pharmacy Department consists of:

A. The Laboratory Section

B. The Pharmacy Section.

A. The Laboratory Section is in charge of carrying out ordinary laboratory tests for the clinics and food analysis tests.

B. The Pharmacy Department is in charge of supplying the municipal doctors and clinics with the required

medicines and prescriptions.

4. The Health Inspection Department consists of:

- A. The Zone Health Section
- B. The Bath Section
- C. The Food Supervision Section
- D. The Living Quarter Supervision Section
- E. The Pest Combating Section
- F. The Water Supervision Section

A. The Zone Health Section is responsible for caring for the health conditions in the schools, welfare organizations and public baths. The city of Beirut is divided into six health zones each of which is headed by a doctor. This Section is in constant contact with the municipal clinics and with the city hospitals and is always well informed with regard to general health conditions and the possibility of the spreading of epidemics.

B. The Bath Section is responsible to the doctor in the health zone in which it is situated. Each bath is allocated a supervisor who is in charge of the employees, the accounts and the general cleanliness of the bath. The Section keeps a record of all persons making use of the bath facilities.

C. The Food Supervision Section inspects all restaurants, coffee houses and all public places that

serve food and drink. It examines waiters, cooks and other workers who are liable to get in contact with victuals that are sold to the public. It keeps a record of its daily work and a list of the places it inspects.

D. The Living Quarter Supervision Section checks for sanitary living conditions. When an unhygienic abode is located, the proprietor is given a time limit to improve the condition of the house, and if he does not then the municipality takes over and introduces the necessary changes charging the proprietor with the expenses incurred. It also passes its opinion on the health conditions of proposed new buildings.

E. The Pest Combating Section is in charge of reducing the number of flies, mosquitoes and rats. This section works in coordination with the Living Quarter Supervision Section. It issues a yearly report about its work, the methods and techniques applied and the results that have been achieved. Daily and monthly summary reports are also prepared.

F. The Water Supervision Section has the responsibility of sampling the water supply of the city and testing for impurities.

5. The Public Health Engineering Department consists of one section only, called the Shop Licencing Section.

It considers applications for licences of shops. It reports to the head of the Department stating why it has accepted or refused the application. All shops are liable to constant supervision by public health inspectors who enforce the conditions set down in the licence. The head of the Section has the power of closing down shops that do not abide by the requirements. It keeps a complete record of all shops, specifying the nature of the shop, the name of the owner, the name of the tenant and the number of the people employed in the shop.

6. The Veterinary Department consists of:

A. The Slaughter House Section

B. The Inspection Section

C. The Hydrophobia Section

A. The Slaughter House Section is in charge of the process of slaughtering animals sold as meat to the public. It is also in charge of transporting the meat to the market, keeping a record of all animals that were slaughtered and all sick animals that were exterminated. This Section is in charge of collecting the rate on meat.

B. The Inspection Section is headed directly by the head of the Veterinary Department. Its function is to check the meat on sale in the city verifying whether it has been certified by the Slaughter House. It also checks the edibility of the fish and chicken on sale.

C. The Hydrophobia Section has a special car which patrols the streets collecting dogs suspected of hydrophobia. There is a special ward in the Slaughter House reserved for dogs collected by the municipality. The American University of Beirut acquires some of the dogs caught by the municipality and uses them for purposes of vivisection. A daily report is written on the dog catching activities of the municipality.

The Inspection Bureau and the General
Inspectorate.

The Inspection Bureau and the General Inspectorate has a budget of 61,000 pounds.¹

The Inspection Bureau is responsible for carrying on an administrative and financial inspection of all bureaus of the municipality. It sees that all functions are being performed in accordance with the existing laws and regulations. It is responsible for the personal conduct of municipal personnel. This Bureau with the consent of the Muhafiz may call for the assistance of experts in the performance of its supervision.

The Inspector General is appointed by ministerial decree for a period of four years. His job is to enforce the general accounting regulations of the Cour des Comptes.²

1 - Municipal Budget of 1954, op.cit., p. 27

2 - Decree No.5, op.cit., Article 131

The General Inspectorate exercises a pre-audit function over the financial affairs of the municipality checking upon the legality of the expenditure.

The Inspector General may issue an order stopping payment of all expenditure listed in the budget, with the exception of wages and salaries, on the grounds that the meager state of the realised revenue calls for such action.

Public services in Beirut.

In most of the European and American cities municipalities maintain public services as electricity, water and transportation. We notice that none of the bureaus of the Beirut municipality deal with these functions. That is because these services are all owned and operated by the national government.

Decree 3971 of January 17, 1951 nationalized the water company of Beirut, which had been a private enterprise. This enterprise is now under the control of the Minister of National Economy and is endowed with a legal personality enjoying administrative and financial independence.

The municipality of Beirut nominates two members from the Municipal Council to the Ministry of National

Economy, on whose recommendation the five man committee operating the water enterprise of Beirut is nominated.

The electricity and tramway services of Beirut were supplied by a private concern until July 2, 1954. According to the new law the electrical company of Beirut became a public enterprise bought by the State at a cost of 23.5 million pounds. The electricity and tramway enterprise has a legal personality and enjoys financial and administrative independence. A President and Vice-President and a committee of seven all appointed by decree upon the recommendation of the Minister of Public Works manage this company.

The Personnel of Municipality

The Municipality of Beirut does not have a personnel law of its own covering wages, promotion, dismissal and pension of its employees. Rather the municipality applies in toto the government personnel law as set down by Decree number 13.¹ A brief description of the personnel system follows.

All government employees, including municipal personnel, are divided into five classes with various grades for each class. The classification is as follows:-

1 - Majmouat al-Marasim al-Ishtirayieh, Decree 13, Volume 1, pp.213-257, January 7, 1953.

1 - Class I - Director General.

With seven grades with a salary between 880 to 1360 Lebanese Pounds a month.

2 - Class II - Director.

With ten grades with salaries ranging from 580 to 920 Pounds a month.

3 - Class III:

Category A. Head of Department. It has seven grades and a salary of 435 to 615 pounds a month.

Category B. Head of Section. It also has seven grades with salaries ranging from 385 to 545 pounds a month.

4 - Class IV :

Category A. Secretary. It consists of seven grades and salaries ranging between 300 and 435 pounds a month.

Category B. Clerk, with nine grades and a salary ranging between 145 and 280 pounds a month.

5 - Class V has two categories: A & B.

Category A. Usher, with ten grades ranging from salaries between 150 and 300 pounds a month.

Category B. Servant, with eight grades with salaries ranging from 95 to 205 pounds a month.

No person may be employed permanently in Class III and IV unless he sits for a competitive examination. For Class III a university degree is required, while a

Baccalaureate serves as qualification for Class IV. Entrance into Class II is only possible through promotion from Class III, Category A, and entrance into Class I is also restricted through promotion from Class II. This system provides for stagnation of government employees at the higher levels whereas new blood from outside the service might serve to introduce new ideas and keen administrative ability.

Promotion from one grade to another is automatic once every two years unless the employee has been cited by his superiors for disorderly conduct or has been charged and proven guilty of gross negligence in the course of his duty. By the end of November of every year a list is formulated of all employees that are eligible for promotion.

On the whole the pay scale of government employees is lower than it is in private enterprise. The regulations governing entrance into the government service are also more demanding than they are in private business. All aspirants to government jobs should possess the following qualifications:

1. Lebanese citizenship of no less than ten years' standing.

2. Age between eighteen and thirty-five.
3. Physical and mental health attested to by a special medical committee.
4. Possession of civil rights and no criminal record.

CONCLUSION

The aim of this thesis is to present and comment on the laws and decrees which governed the Municipality of Beirut from the Ottoman period up to December 1954.

The present organization of the municipality, as has been pointed out is the result of Ottoman and French influences. ⁽¹⁾ The Ottoman Municipal Code of 1877, which applied to all the Ottoman Empire of which Beirut was a part, is the first collection of laws that has greatly influenced the modern municipality of Beirut. The 1877 Code set down the functions that were supposed to be performed by the municipality; these functions were indeed various and include the essential duties of a modern municipality. The Code provided for an elected municipal council, a municipal engineer, a treasury and a police force. The Sultan of Turkey, however, had representatives in the provinces known as Walis in whom resided ultimate executive and legislative functions. The Wali had final sanction over the important decisions of the municipality. In general the 1877 Code provided for a system of administrative centralization at the apex in the person of the Wali and wide local powers at the base.

World War I brought about a disintegration of the Ottoman Empire and Lebanon became a French Mandate.

2 In 1924 the French promulgated a municipal law which applied exclusively to Beirut. The 1924 law embodied the basic principles that were set down in the Ottoman Code. France saw no reason to introduce any drastic changes in the previous Municipal Code as it too, like Turkey, was essentially concerned in applying a system that provided for effective control from abroad. This system consisted of centralizing power in one reliable person at the top of the administrative hierarchy. Both the Turkish Wali and his successor, the French Governor, had authority over the important functions of the municipality and could thus direct the affairs of local government in the manner in which they pleased.

Under the French, organizational innovations were introduced and the municipality began to perform the services of a modern municipality through its Health Department, its Technical and City Improvement Department, its Department of Accounts, and its Department of Administrative affairs.

Although the 1924 Beirut Municipal law provided for periodical election of the council, it should be remembered that in point of fact the council members were continuously appointed up till 1952. /

3 The year 1952 marks a land mark in the legal evolution of the Beirut Municipality as it was in that year that a new decree was issued establishing a new legal pattern for the municipalities of Lebanon without being exclusive for Beirut though some provisions of the decree apply specifically to Beirut.

This decree brought about three changes in the new municipal law:

- 1 - For the first time in Lebanon female suffrage was introduced.
- 2 - The municipal council was to be composed of twenty-four members of which only half were to be appointed and the others elected.
- 3 - The Municipality of Beirut was to have two virtual heads: The Muhafiz and the Mayor. The first was to be head of the executive body and in charge of the execution of policy while the latter was to be head of the ordinance making body and responsible for the formulation of decisions and policy.

The institution of female suffrage was accompanied by the election and also the appointment of female councillors. It is not easy, however, to judge the significance of this innovation since the municipal council

continues to perform its functions behind closed doors. For the same reason, although the institution of municipal election, even though only for half the council members is certainly a slip, ^{even though} albeit a small one, toward the democratization of municipal government, it is again difficult to assess the impact of this step.

The powers of the Muhafiz and the Mayor and their inter-relations and interdependence has not been clearly defined in the new law and there appears to be an overlapping of functions between these persons. In the final analysis it is quite clear that the authority lies with the Muhafiz who is the hierarchical superior of the Mayor and is the representative of the Minister of Interior who is ultimately in charge of sanctioning the important decisions and actions of the Municipality.

The confusion of authority between the Muhafiz and the Mayor is similar to the situation created in both France and Italy after World War II, where one attempt was made to demonstrate local government by transferring power from the Prefect, who like the Muhafiz is the Minister of Interior's representative at the seat of the largest unit of local government, to the elected presidents of the departmental (in Italy the Provincial) councils. In both France and Italy this system has created confusion without

substantially curtailing the power of the Prefect.¹ There is no reason to believe that the Lebanese experience is any different.

¹¹¹ A certain continuity can be discovered between the various organic laws that have been the basis of Beirut's municipal government over the last seventy five years. In each case the law was either directly or indirectly influenced by French models. In each case the power was granted by a central authority to the inhabitants of a geographical unit that not only lacked a tradition for local self government but also showed little interest in understanding the arduous task of establishing an efficient and responsible municipal government. If it is true on the one hand that the various organic laws reserved so much authority to the representatives of the central government that autonomy, initiative and responsibility at the local level was given little opportunity to make itself felt; it is also true that the Beirutis have shown little desire to become, to a larger extent, a self governing community. It is commonly felt that the more politically minded Lebanese are the residents of Mount Lebanon. It is only natural that these mountain dwellers, who for centuries have lived a semi autonomous existence under their own rulers should show more political awareness than the merchants of Beirut who devoted their interest to

1 - Brian Chapman, The Prefects and Provincial France, London George Allen and Unwin, 1955, pp. 174-177

to commerce and left the question of government to the High Porte or the High Commissioner, as the occasion demanded.

The future of the Beirut Municipality depends only to a minor degree on the legal and organizational changes that may occur. A grant by the government of greater autonomy to the Municipality would have little effect if the Beirutis themselves do not learn to take a greater interest in the government of the city. As far as the author has been able to determine the present study is the first attempt that has been made to set down and analyze the basic organic laws under which the Municipality of Beirut has operated. He suggests this is a step in the right direction. Further studies, however, are very much in order. It is time the Beirutis knew about and took an interest in the actual operation of their municipal government. Studies of its fiscal policy, of its personnel system, and of its overall efficiency are urgently needed. After these studies have been completed there will be need for comparative studies of the Beirut Municipality with other units of local government in the Near East and in the West. All these steps would be preparatory to the creation of an informal electorate ready to set forth on a campaign of reform and improvement.

APPENDIX A

DECREE NUMBER FIVE OF DECEMBER 10, 1954¹

On December 10, 1954 after the research on this thesis was completed and the author had left Beirut, a decree was issued making some changes in the structure of Beirut municipal government. Amendments that had been passed up till that time and which have been dealt with in the thesis were now embodied in the above decree.

The significant changes were the following:-

- 1 - The municipal council elects from among its members a Mayor and an Assistant Mayor for a period of one year. The mode of election is by secret ballot through proportionate majority.² Previously the Mayor and the Assistant Mayor were elected for a period of four years.³
- 2 - The Beirut municipal council is required to hold six annual sessions in the months of February, April, June, August, October and December.⁴ Previously only four council meetings were required.⁵

1 - Majmouat Al-Kawanin Al-Haditha - Decree No.5 (Beirut: Sader Rihani Press, December 10, 1954)

2 - Ibid., Article 39

3 - See pp 37 - 38

4 - Decree No.5, op.cit.Article 46

5 - See p.39

- 3 - The Municipality of Beirut consists of the following seven bureaus¹: + *Police Bureau*
- a - The Secretariat of the Council Bureau
 - b - The Administrative Affairs Bureau
 - c - The Municipality Police Bureau
 - d - The Engineering Bureau
 - e - The Health Bureau
 - f - The Inspection Bureau.
 - g - *The Finance Bureau.*

It will be remembered that previously the Municipality consisted of six bureaus only.² The new addition is the Municipal Police Bureau; otherwise the bureaus remained unchanged.

- 4 - The Minister of Interior may delegate to the Director of Interior all or some powers conferred upon him by Decree number five³. Previously in the Municipal Law of 1952 no similar provision existed.

With the exception of the four aforementioned changes the Municipal Law of 1952 remained basically unaltered.

1 - Decree No.5, op.cit., Article 85

2 - See p. 69

3 - Decree No.5, op cit., Article 135

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