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PUBLIC PERSONNEL ADMINISTRATION

IN LEBANON

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"submitted in partial fulfillment for the requirements
of the degree Master of Arts
in the Department of Political Studies
and Public Administration of the
American University of Beirut
Beirut, Lebanon"

1959

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PREFACE

The aim of this study is to make a survey of existing governmental organization and practices in the field of personnel administration in Lebanon up to 1958, to determine the problems affecting the present civil service and to make recommendations for its improvement.

There is a general awareness among many high officials in the government and among civil servants, businessmen, parliament members and the press of the problem of public personnel administration in Lebanon. Several attempts have been made by the government to reform the present civil service conditions. However, such attempts did not result in any significant improvement. It is hoped that this study will fill an existing gap in the literature in this field and might possibly serve as a stimulating guide for introducing badly needed changes and reforms in the Lebanese civil service.

The material included in this study has been primarily based on personal observations, direct personal contacts, and on the laws and regulations in force. The writer has had the opportunity to work with the Lebanese government for the last three years and this has allowed him to observe closely the operations of the Lebanese administration.

The writer has followed the system of footnoting approved by the Department of Political Studies and Public Administration which provides for including both a transliteration and a translation of the title of any Arabic book when it is cited in a footnote. The bibliography, on the other hand, will include an English translation of the title and the Arabic script in full.

ABSTRACT

Born in 1943, the young independent government of Lebanon inherited a public administration from the old Ottoman Empire and the French Mandate. The new independent government and the citizens of the country recognized from the beginning the incompetence of such a body to run an independent state. On the grounds that there were much more important matters to be treated first, the inherited body was left to operate under rules and regulations established in the past regimes until 1953 when a new law was issued which unified the regulations governing the civil service in one single code.

Since the declaration of Lebanon's independence in 1943, the country has witnessed a dynamic and significant development of private enterprise in all its economic and social aspects which revealed the incapacity of the present public personnel system to function properly under a progressive and expanding economy. Hence, the problem is acute and constitutes a challenge to all students of administration.

In approaching the problem of analyzing the civil service of the government of Lebanon, attention is given to the various historical, political, economic and social aspects, government structure and organization and to the

general characteristics of the Lebanese administration. All of these aspects affect the shaping of the civil service. Questions of recruitment, examination, appointment, training, classification of positions and pay policy, movement of personnel and employee conduct, and the machinery which presently handles personnel work are examined.

Analysis of the fundamental problems of the civil service in Lebanon leads to the inescapable conclusion that the creation of an adequate machinery to handle civil service matters is essential. For this purpose, the establishment of an independent separate central department to be known as the Central Personnel Agency is recommended to be responsible for maintaining an adequately positive and government-wide personnel program encompassing recruitment, promotion, position classification, training, organization and methods and supervision of the application of civil service regulations as a whole. It is believed that the creation of such an agency will contribute greatly towards improving the administration of Lebanon and the services which it provides the citizens.

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CHAPTER ONE

HISTORICAL PERSPECTIVE

The present chapter attempts to give a historical perspective of the governmental and administrative organization of Lebanon as it evolved during four and a quarter centuries, from the Ottoman conquest in 1516 until the realization of independence in 1943. It was, therefore, found necessary to draw the designed historical picture in terms of major phases and of the more salient features of the administrative organization in Lebanon as they changed from one period to the other.

Ottoman rule in Lebanon lasted from 1516 until 1918. The Ottomans took over the country and kept it in practically the same condition as it was under their predecessors the Mamlūks. "The Mamlūk administrative divisions of the area", professor Hitti points out, "were preserved with but a slight modification"¹. It appears also that those divisions of Lebanon, as of the rest of the area, were mostly intended "to discourage attempts at independence"² and for similar purposes evidently conceived

1. Philip K. Hitti, Lebanon in History
(London: MacMillan Co., 1957), p.359.

2. Ibid., p.327.

with a view mainly to the interests and convenience of the rulers and little regard was given to the welfare of the subject territory and its population. Moreover, the Ottomans, as a matter of course, retained the Mamlūk "procedure of farming out (talzīm) tax collection to the highest bidder"³. Thus, when the Ottoman rule started in Lebanon, it was subject to the absolute governor system and remained influenced by it until about the middle of the nineteenth century. The country was divided into districts; each district was governed by a national governor or Amīr. The districts were subdivided into smaller sections called Khitat, governed by local governors appointed by the Amīr. Governors of Lebanon were appointed by the Sultan direct from Constantinople. Their assistants and the governors of Khitat continued to be appointed by the Amīr.⁴

The Amīr and his Dīwān (secretariat), composed of national advisors, clerks, treasurers and soldiers were the highest executive and legal power in the country.

The civil service of those times was the executive tool of the Amīr who either inherited his position or

3. Ibid., p.359.

4. Salīm Butrus Usabīus, Dalīl Marāhil Lubnān 'Abr at-Tārīkh /translation of Arabic title, Guide to Historical Developments in Lebanon through the Ages/(Beirut: ad-Dar al-'Alamiyyah lil-Tiba'ah wan-Nashr, 1955), p.12.

purchased it with money. The jurisdiction of the local governors was not restricted, but expanded and contracted in proportion with their relations to the absolute governor, their master.

The Amīrs used to apply the Islamic Sharī'a (Law) in handling their state affairs. For this reason they used to delegate this function to Shaykhs who had studied law in Damascus or in Beirut.

The Qā'imaqāmatayn period. The government structure continued as it was until 1842, when the Qā'imaqāmatayn in Lebanon proper, and the Wilāyat system in other parts of present Lebanon, were established. A Wālī (or Pasha) was appointed by Istanbul for each of the following districts: Aleppo, Damascus, Tripoli, Saida, 'Akka and Beirut. Lebanon proper was divided into two districts called Qā'imaqāmatayn. The governor (Qā'imaqām) of the northern district reported to the Wālī of Tripoli and the governor of the southern district reported to the Wālī of Saida and later to the Wālī of 'Akka.⁵

There are two historical documents which constitute the legal basis of the civil service of that time. The first is the document known as the "Instructions of Shakīb Effendi", the Special Delegate of the Sublime Porte, dated October 31, 1845. This document specified

5. Ibid., p.24.

the powers of every Qā'imaqām and provided for the appointment of his local representatives and the formation of a council to assist him in his office. It further defined the powers of the council and the method to be utilized in the election of its members, i.e., their dismissal and replacement, the procedures for their meetings and decisions, and the salaries they were to be given. It forbade officials from occupying themselves with any other work. This document further limited the powers of the regional governors to collecting taxes.⁶

The second document is in the nature of a "decision" of the Amir Haīdar Ismaīl Abī Lama', the first Christian Qā'imaqām. This decision was divided into two parts: the first defined the powers of the ruler over his assistants, and the second defined the rights of the latter.

This "decision" is the essence of the civil service system instituted a century ago and which constituted by virtue of its eloquence and strength of spirit the first written law for the civil servants in this country. Here are some of its statements: "Civil servants shall not be bribed or receive gifts. No one shall allow himself to receive any gratuity, neither direct nor through his

6. Tufīq Awād, "Al-Wazīfah fī Lubnān"
 [translation of Arabic title, "Public
 Office in Lebanon"] / Conférences du
 Cénacle, Vol.III (1949), p.120.

relatives, family, children, servants nor from alien hands, neither internally nor externally, secretly nor openly. Otherwise the servant is subjected to penalty."⁷ The "decision" specifies the official hours to start one and a half hours after sunrise and end two hours before sunset except on Sundays and holidays. "If necessary, work shall also be done at night. There shall be always one official on duty until sunset, and officials shall change turns."⁸

The Mutaşarifiyah period. This state of affairs continued until 1860, the year when the Druze and Christian conflict broke out and brought to the country the influence of many European states. The European interference led to the introduction of a new system of government in Lebanon. This system was established by the Sultan Abdul Majīd and was approved by the European states on June 9, 1861 in the form of a Protocol.⁹

7. Mīlād Rizqallah, "Min Tārīkh Lubnān al-Mu'āsir" [translation of Arabic title, "From Contemporary Lebanese History"] Majalat al-Mashriq, Vol.35 (1937), p.564.

8. Ibid., p.566.

9. A.H. Hourani, Syria and Lebanon (London: Oxford University Press, 1946), p.32.

The new government constitution was made up of 18 articles which may be summarized as follows:

Mount Lebanon shall be governed by a Christian Mutasarif who will be appointed by the Sultan, and approved by the European states, for a period of five years, renewable. An administrative council made up of twelve members from the different sects of the Mountain shall assist the Mutasarif. This council shall be responsible for pricing commodities and supervising the Lebanese imports and exports. Lebanon shall be divided into seven Qadā's (districts), and each Qadā shall be divided in turn into a number of Nāhiyahs (sections). A Court shall be established in each Qadā, aside from the supreme court in Ba'abda, the capital of Lebanon.¹⁰

This constitution provided also for the cancellation of former privileges and of the rule of Feudal Amīrs and Sheīkhs.

The Mutaşarif was the chief of the administrative system and the representative of the state. He used to interfere in all state activities. But his powers were limited to internal affairs, because the external affairs, such as, treaties, and the like, remained the responsibility of the Sultan. The Mutaşarif used to appoint and discharge all employees such as judges, Qā'imaqāms and directors of the Nāhiyahs. He also controlled the appointments of soldiers. All of these employees were Lebanese and were paid from the Lebanese treasury. Their number was smaller

10. Usabīus, op.cit., pp.62-64.

than the present number and their salaries were higher taking into consideration the purchasing powers of the two currencies.¹¹

Sectarianism had a prominent influence during and before the Mutaṣarifyah period; but the government positions were carefully organized so that positions were distributed equally among the sects, eliminating causes for any sect to complain of injustice. The Administrative Council of Lebanon, which corresponds to the Chamber of Deputies today, was made up of twelve members distributed among the six sects; three of which were Christian sects, and three Muhammadan sects. The employees of the courts, directorates, Qā'imaqāms, lieutenants and soldiers were also proportionately distributed among the sects without any prejudice; but favoritism played its role in the appointment of employees.¹²

The Ottoman State adopted a large number of the western civil, judicial, and military laws, among which were regulations for public employees. Unfortunately these laws were not enforced in all cases neither in Lebanon nor in the other Wilāyats. Disciplinary councils were also known but the government did not resort to them except in important cases, such as, national treason, embezzlement, and other serious violations. Security

11. Ibid., p.66.

12. Awād, op.cit., p.125.

functions were in the hands of the Lebanese soldiers, whose number was small; but they were well disciplined. Their uniform was different from that of the Ottoman soldiers.¹³

Hence, the civil service during that time lacked the important element of security. Favoritism played its role in the appointment, discharge and promotion of employees. Moreover, all civil servants were subject to the jurisdiction and mercy of the Mutasarif who used to discharge or appoint with the mere uttering of a word.

The Mandate period. The privileged position of Lebanon ended when the Turks entered the War of 1914. By 1918 the coastal areas of the Lebanon were occupied by British and French forces. The French government after occupying Lebanon, resuscitated the old Administrative Council, which operated down to July, 1920.¹⁴

In September, 1920, the State of Greater Lebanon was proclaimed which included not only the former autonomous province, but also Tripoli, Sidon, Tyre and Beirut. The Mandate over Syria and Lebanon which was entrusted to France

13. Interview with Colonel Rachid Mer'i, a retired personnel officer in the Turkish Army.

14. Nicola A. Ziadeh, Syria and Lebanon (New York: Frederick A. Praeger, 1957), p.50.

in 1920 was approved by the League of Nations in 1923. In 1922 a Representative Council came into existence and in 1926 a Constitution was promulgated and the Council became the Chamber of Deputies.¹⁵ Thus a parliamentary republic was established in Lebanon.

In spite of the declaration of the Lebanese Republic, power remained actually in the hands of the French. The French High Commissioner was assisted by a group of French employees who formed the High Commissariat which had departments and services bigger than the departments and services of the Lebanese Republic. The French Commissariat laid its hands on all the revenues from the joint services such as: the customs, tobacco regie, and the various other state utilities.¹⁶ In addition to that, it had representatives in the Lebanese government, and a French advisor in each department of the Lebanese government. Thus the national government system was under another government system of advisors distributed throughout all the government departments of Beirut and the Muhāfazāte. The advisors dictated their will to all the Lebanese employees who were obedient instruments in their hands. Hence the civil service at the time of the French Mandate was suddenly transferred from simplicity

15. Ibid., p.51.

16. Interview with Mr. Subhi Abu Nasr, a former Director General of the Ministry of Interior.

to complexity, "making the civil servant a part of a river with a number of tributaries and great chaos. The civil servant became a fish in a huge net, the high French authority holding it from its mouth by a strong centralized system."¹⁷

The French authorities did not organize the civil service in accordance with the needs of the state and the circumstances originating from the development of the country. Much of French administrative systems were incorporated in the Lebanese system of administration both in text and in spirit, without giving sufficient consideration to their applicability to the environment.¹⁸

A review of the actual administration during the Mandate period draws the attention to many errors and drawbacks. Little effort was made by the Mandatory power to prepare and train responsible Lebanese civil servants for the task of self government. Consequently, the Lebanese official too often remained, as in the old Turkish days, slow, lazy and corrupt. This situation, Mr. Fedden points out, "led to corruption in certain branches of the administration, which, though less widespread than that to which the country had long been accustomed, was a very bad advertisement both for France and western methods."¹⁹

17. Awād, op.cit., p.124.

18. Hourani, op.cit., p.176.

19. Robin Fedden, Syria, An Historical Appreciation (London: Robert Hale Limited, 1946), p.264.

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Prior to the declaration of the Lebanese Republic, two "Arretes"²⁰ were issued, the first, No.3021, dated March 9, 1925, and the second, No.3195 dated July 6, 1925.²¹ Both were concerned with state employees, i.e., with their appointment, promotion, discharge, and discipline. These two decisions are considered the first personnel regulation established since the termination of the Ottoman rule. They remained effective until 1952, but every now and then minor changes were made in them.

In accordance with Decision No.3021, dated March 9, 1925, relating to the State employees and their appointment, promotion, discharge, and discipline, it was not permissible to appoint anyone to a permanent position unless he was a Lebanese,²² at least 18 years of age, of good character, and could prove that he has enough general knowledge by submitting documents or by sitting for an examination in either the Arabic or French language. Hence, we see that the examination was not compulsory except for persons who

20. Decisions of the French High Commissioner which had the force of law.

21. Lebanon, Ministry of Justice, Majmū'at al-Qawanīn / translation of Arabic title, Collection of Laws / (Beirut: Al-Jamhuriyyah al-Jadidah Press, 1928-1954).

22. In exceptional cases, certain public positions may be occupied by citizens of the Mandatory State, France.

did not have the certificates required by the law.

Decision No.3021 provided that the relatives of the President of the Republic, ministers or deputies, such as, the brother, uncle on the father's side, uncle on the mother's side, cousin, nephew, father-in-law, or borther-in-law, and the different degrees of marriage relations, cannot be appointed except after they pass an examination. This indicates that nepotism and favoritism were to a large extent widespread before that time in the employment policy, and despite this regulation it remained dominant during the Mandatory period and after.

As to the promotion of employees, Decision No.3021 provided that it shall not be permissible to promote an employee to a higher class or grade unless his name is included in the promotion list. This list was prepared and approved by the Prime Minister in association with the Employees Promotion Committee which was composed of all the directors and the chairmen of the independent administrative departments. This committee used to meet once or twice every year to draw up a promotion list.

The employees' disciplinary systems, on the other hand, provided that the penalties to which employees of the various departments are subjected to were: reprimand, deduction of salary, cancellation of the name from the promotion list, suspension without pay for a maximum period of one year, demotion and discharge. The Disciplinary

wrong!
this
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3021

Council was composed of the High Commissioner as Chairman, and all the directors and the chairmen of the independent administrative departments as members.

Decision No.3195, dated July 6, 1925, contained provisions with regard to leaves, salaries, and the transfer of employees and labourers. It gave every employee the right to take fifteen days annual leave; this leave may be extended to thirty days for efficient employees. The employee had also the right to a leave which was called leave for personal work, that is, a permission given to employees to carry on their private business. This leave was granted for a maximum period of three months.

With regard to wages, the employee used to receive, in addition to his basic salary, a cost of living allowance intended to cover the losses resulting from the fluctuations in the cost of living.

The employee had the right to transportation allowances and transportation expenses. It is noticeable in this respect that every employee in the state had an allowance and a salary book the purpose of which was to record the financial status of the employee. This book contained the employee's name and his photograph, number of his children, place and date of birth, change of positions, leave permissions, salaries, allowances, and debits to the treasury. These books were renewed whenever the pages were filled.

The personnel regulations, however, were not strictly applied but the decisions of the High Commissioner and of the French advisors were the final word. Appointment, discharge, promotion and likewise, were subject to sectarian balance and favoritism.²³

23. Interview with Mr. Subhi Abu Naṣr, a former Director General of the Ministry of Interior.

CHAPTER II

GENERAL BACKGROUND

A. ECONOMIC AND GEOGRAPHICAL CHARACTERISTICS

It is a generally accepted view nowadays that government organization is closely related to the geographical and economic environment in which it operates and develops. This view is well expressed by a statement by Fainsod and Gordon that "governments function in an economic context. They adopt policies which both reflect and shape the economic context in which they function."²⁴

In order to assess the quality of the Lebanese civil service and depict its deficiencies, the socio-economic environment in which the service operates should be analyzed. The following describes briefly the salient features of this environment.

Lebanon is a small mountainous country on the eastern rim of the Mediterranean. It is bounded by Syria in the east and north, and by Palestine in the south. It has an area of about 4,000 square miles consisting of a narrow coastal plain and two chains of mountains running parallel to the sea and divided by the Beka' (Valley Plateau).

24. M. Fainsod & L. Gordon, Government and the American Economy (New York: W. Norton & Company, Inc., 1947), p.3.

one of the richest soils in the world. About 40 percent of Lebanon's area is cultivable, 27 percent of which is cultivated and one percent meadows and pastures.²⁵ The main agricultural crops are wheat, barley, olives, tobacco, fruits and vegetables.

The population of Lebanon is at present about one million and a half, composed of fifty-two percent Christians, forty percent Moslems, seven percent Druze and one percent miscellaneous.²⁶ The rate of literacy in Lebanon is approximately eighty percent of the total population. The population density is three hundred seventy-five per square mile and the annual population growth is 2.5 percent. The estimated number of wage earners excluding agricultural was about 175,000 in 1956.²⁷ There are no estimates of the labor force engaged normally in agriculture, but it is

25. Lebanon, Ministry of Agriculture, Department of Statistics, Taqdīrāt Tharwat Lubnān az-Zirā'iyah / translation of Arabic title, Estimate of Lebanon's Agricultural Wealth / (Unpublished Report, 1950).
26. There are no official estimates of the population of Lebanon. Estimates given here above are taken from Deadline Data on Foreign Affairs (New York: Deadline Data Inc., 1957).
27. United States Operations Mission to Lebanon, 1957 USOM Report on Lebanon (Beirut: Catholic Press, 1958), p.96.

generally believed that about fifty percent of Lebanon's population derive their income from agriculture either directly or indirectly.

On the other hand, industry employs some 35,000 of which 27,000 are males and the remaining 8,000 are females. In addition, there is a constant average of some 30,000 workers who are chronically unemployed.²⁸

Lebanon possesses a limited industry composed of 1,900 plants under 22 groupings of industry. During the last five years, Lebanon's industry increased by 87 new plants which produce 28 new articles which were previously imported. Its main industries today are textile, fats and oils, soap, leather tanning and portland cement.²⁹

The country has one national and two foreign universities, 1028 private secondary and primary schools and 1107 government secondary and primary schools.³⁰ Education in the latter schools is free. Professional education, such as, medicine, law, pharmacy, chemistry, civil engineering, electrical and mechanical engineering,

28. Lebanon, Ministry of National Economy, Industrial Census 1955, Table 2, p.8.

29. This information was given by USOM/L Industry Division.

30. Lebanon, Ministry of National Education, Official List of Schools, Teachers and Students for the Year 1955-56, (Unpublished Report).

biology, etc.. is being taught in the two foreign universities only. Vocational schools, private and governmental do not exceed ten in number. There are 579 primary teachers per 100,000 population and one physician per 1,250 persons and 640 hospital beds per 100,000 persons.³¹

With respect to transportation, the country possesses a relatively large number of modern cars, 2,500 miles of roads, 363 miles of railroads,³² a fine international airport and a modern and well equipped seaport. Lebanese capital has been invested in three commercial passenger air companies and one airfreight company. Practically all important international air companies have offices in Beirut and operate through its airport.

In finance, about 33 banks service Lebanon. Twelve of them are Lebanese, five are joint Lebanese and foreign and sixteen are foreign. Most of them are engaged in financing short term business transactions.³³ An Agricultural, Industrial and Real Estate Credit Bank was established in 1956 by the government of Lebanon with a capital of thirty million Lebanese Pounds, twenty-five million of

31. USOM/L Report, op.cit., p.96.

32. Ibid., p.96.

33. La Chambre de Commerce et d'Industrie de Beyrouth, L'Economie Libanaise Et Arabe, No.62 (February 1958), p.19.

which have been borrowed from the Banque de Syrie et du Liban. This is the only financial organization which gives long term credit at a reasonable rate of interest.

The Lebanese economy suffers from a considerable and chronic deficit in its trade balance, the ratio being about one to four. Fortunately, this deficit is being covered by invisible income, mostly from services. By virtue of these services which usually bring in about two thirds of its national income, Lebanon has attained one of the highest per capita income in the Arab Middle East. In 1955 per capita income was estimated at \$327 annually.³⁴

Endowed with a colorful history, a good climate and incomparable scenery, Lebanon earns a large percentage of its national income from tourism. Annual income from tourism is almost equal to the total value of the annual exports of Lebanon. Tourism is an important source of foreign exchange. It gives employment to about 15,000 persons.³⁵

Its geographical position, athwart trade routes between East and West, has developed in its people a skill and passion for trade. It possesses now one of the most intelligent international trade units.

34. USOM/L Report, op.cit., p.96.

35. L. Trevor Christie, Tourism in Lebanon (Unpublished Report Dated December 22, 1952), p.1.

The proficiency of its people in many walks of life such as medicine, engineering, construction, hospitalization, schooling, teaching, nursing, tailoring, fashioning, repairing, catering, etc.. has been recognized by the people of the neighbouring states. This is manifested by the thousands of comers every year to seek advice and service in these fields.

During the last five years Lebanon has seen a state of prosperity in part due to United States and Government of Lebanon embarking on a joint development program and to an inflow of regional and foreign private capital.

The government works have been mainly in expansion of roads, airport, seaport, housing projects, sport city, city lighting, boulevards, public gardens, gambling casino, presidential palace, justice palace, etc.. Aside from the Litani project where construction is still in the initial stages and which will contribute considerably to the development of a productive economy, most of the remaining government and private accomplishments will not create permanent jobs for the presently unemployed and for the annual increase in the population.³⁶

Hence, the biggest portion of the Lebanese national income is derived from services, and the country's economy is a service economy. However, the service economy is

36. Interview with Mr. Mohamed Ra'ad, Head of the Development Department for Buildings and Communications in Lebanon.

generally conceived as being vulnerable in critical times. Therefore, to embark Lebanon on a sound economic basis, the private activity and capital investment should be directed to the promotion of material welfare.

B. SOCIAL AND POLITICAL CHARACTERISTICS

Many of the problems which have a bearing on the present public service stem from the relations of the people with the government and from some other social and political characteristics. The most important of these problems are the following:

Lack of understanding of the concept of administration.

Since the time of the Phoenicians, Lebanon has seen a variety of conquerors of different races and cultures. The inscriptions on the rocks of the banks of the Dog River are indications of the people suffering for thousands of years of foreign domination. It is natural that a foreign power does not run a conquered country in the interest of its people. The material and human wealth of a conquered country become more or less legitimate property of the dominating power. Therefore, the policies established by the conqueror tend to deprive the natives of a considerable part of their own wealth. Resistance on the side of the natives to protect and conceal their wealth is met by oppression from the dominating power until the country yields.

The domination of the country for long centuries by foreign rule has created in the Lebanese a complex which they could not eliminate in the last 15 years of independence. With this complex they view their present government, as they did in the past, from two angles; as their enemy, and as their master. The attitude of the people has encouraged successive governments to practice mastership. The result is the wide gap existing between the government and its subjects. There is no cooperation between the two. The people remain unaware of the fact that they are responsible for the establishment of such a government and the government forgets that it is there to work for the people.³⁷

Political interference and favoritism. It is generally acknowledged that there is no effective merit system in Lebanon through which the best qualified candidates for government positions are being selected, employed and promoted through competitive examinations based upon knowledge and abilities required to perform the duties and responsibilities of the government. Although personnel laws of 1953 and 1955 and the reform movements which followed attempted to establish a merit system, it appears

37. See Morroe Berger, Bureaucracy and Society in Modern Egypt, A Study of the Higher Civil Service (Princeton, N.J.: Princeton University Press, 1957), pp.14 to 18.

that these attempts were not successful and there are still indications of favoritism and interference on the part of politicians and especially deputies which strongly influence the selection and functioning of the civil service.

Deputies and politicians build their popularity and prestige on the personal interests of their electoral clients through the administration. The effects of this situation on the public service is that more or less qualified elements are being selected on the basis of political friendship or family relationship instead of their technical knowledge and competence which normally should be taken into consideration in determining their qualifications for employment; and secondly, we find that the formal organization of the government which is established by law is weakened and the authority and morale are affected.

Sectarian balance. In order to give a clear concept of the whole issue of sectarianism in the Lebanese administration, something should be mentioned about the religious communities and sects in the country. Approximately half of the population are Christians. The principal Christian denominations are Maronites, Greek Orthodox and Greek Catholics. There is a small number of Latins, Protestants and Christians of the Armenian Church. Most of the remaining are Mohammedans, chiefly Sunnis, Shi'is and Druze.

Before dealing with sectarianism and its effects on the Lebanese administration, it is also necessary to mention briefly the historical causes that led to the present situation of sectarianism. Since the middle of the last century, France and other European powers pursued a policy of protection and favoritism towards the Christians of Lebanon. France tried to establish a Lebanese Republic dominated by a Christian majority.³⁸

After the first world war, France was given Mandate over Lebanon. Maronites who favoured French rule and who were mostly educated in French schools were preferred to others in government jobs. Consequently, Moslems showed little enthusiasm for government jobs. However, in 1943 when Lebanon became independent, this tendency was decreased among the Moslems who since that time have shown a great desire to secure government jobs.

The concept of sectarianism manifests itself nowadays in article ninety-five of the Lebanese Constitution which states that:

As a provisional measure and for the sake of justice and concord, the communities shall be equitably represented in public employment and in the composition of the Cabinet, such measure, however, not to cause prejudice to the general welfare of the state.³⁹

38. See Hourani, op.cit., pp.127-129.

39. Helen Miller Davis, Constitutions, Electoral Laws, Treaties of States in the Near and Middle East (Durham, N.C.: Duke University Press, 1953), p.304.

In spite of the fact that article twelve of the Lebanese Constitution provides that selection to government posts should be made on the basis of merit, yet the government has adhered more to the provisions of article ninety-five of the Constitution.

Consequently, ministerial posts, parliament seats and government positions are all divided among sects. The traditional policy is that the President of the Republic should be a Christian Maronite, the Prime Minister a Moslem Sunnite and the Speaker of Parliament a Moslem Shi'ite. Ministerial posts and parliament seats are divided proportionally among sects. This system has complicated the government process. Forming a cabinet entails a great effort and is a tiring job, since equitable distribution of seats among sects is considered a rule. This is in addition to the fact that other factors, such as, parliament groupings and regionalism should also be considered in the formation of a cabinet. Moreover, the traditional question of distributing ministerial portfolios among sects, and the fact that certain cabinet seats are always the share of certain sects, add to the difficulties in forming cabinets and limit and restrict the choice of ministers.

With regard to the question of selection of personnel in the government service, we find that sectarianism has been a great factor in eliminating merit considerations and has had unfavourable effects on the quality of civil

servants on the whole. Recruitment of personnel is not made through a competitive examination system but through a qualifying system and candidates who obtain the highest grades are not necessarily chosen to fill vacant posts. The adoption of a recruitment system based on the qualifying examination and not on the competitive examination is due to the sectarian factor which should be considered in all appointments in government. To illustrate this, let us say a position is open in one of the ministries and for which an examination is to take place. The successful candidates who have passed the examination are classified as follows: Moslem first grade, Druze second grade and Christian third grade. If the position is designated to a Christian, the Christian who comes third is appointed. Hence, this policy of recruitment based on sectarianism and not on the best qualified, will inevitably produce employees of an inferior quality.

Other than being a factor in producing poorly qualified personnel, sectarianism has also been a means in strengthening political and religious interference in the appointment, promotion and transfer of civil servants. The race between various sects in bringing to the civil service as many people as possible, makes politicians and parliament members do their best to satisfy the desires of their respective sects. The same can be said about the promotion and transfer to sensitive positions of employees

who are already working in government. The result is that it becomes a very difficult and complicated job to promote or to transfer employees whenever such an action is required.

On the other hand, we find that sectarianism has been an important factor in weakening internal control in the Lebanese administration. Superiors can hardly exercise command over subordinates chosen on the basis of political and sectarian pressures.⁴⁰

40. Substantiation of the contents of this problem in the last few paragraphs is not easy to do on the basis of any available written sources. Personal observation and private discussions with sincere and frank government officials are the only available sources.

CHAPTER III

GOVERNMENT STRUCTURE AND ORGANIZATION

A. CONSTITUTIONAL SET-UP OF THE GOVERNMENT

The previous two chapters attempted to give a review of the historical, geographical and socio-economic conditions in Lebanon. It is of primary importance also to consider the legal or constitutional structure upon which the administrative system stands and in accordance with which it functions. If as Professor L.D. White writes: "Law provides the immediate framework within which public administration operates,"⁴¹ then a review of the constitutional structure is necessary while studying the Lebanese administrative system.

The State of Greater Lebanon described at the outset of this study is a Republic with the city of Beirut as its capital. The legislative power is vested in a single assembly, the Chamber of Deputies. The executive power is entrusted to the President of the Republic, by whom it is exercised with the assistance of ministers.⁴²

41. L.D. White, Introduction to the Study of Public Administration (New York: MacMillan Co., 1947), p.13.

42. Davis, op.cit., p.300, Article 17.

The judicial power is exercised by the courts of various classes and levels. The limits of the judges' powers, the conditions governing the exercise of those powers and the irremovability of judges is fixed by law. Judges are independent in the exercise of their functions.⁴³

The country is divided into electoral constituencies. Each constituency elects its representatives to the Chamber of Deputies. The Chamber elects the President of the Republic. It holds two ordinary sessions during the year. The President of the Republic can, however, convene the Chamber in extraordinary sessions.

The right to propose laws is vested in the President of the Republic and the Chamber of Deputies.⁴⁴

The President of the Republic is elected for a term of six years and is not immediately re-eligible. He and his ministers deal with the promulgation and execution of laws passed by the Chamber of Deputies. The Ministers and the Prime Minister are chosen by the President of the Republic. They are not necessarily members of the Chamber of Deputies although they are responsible to it and have access to its debates.⁴⁵

With the approval of the Council of Ministers, the President can decree the dissolution of the Chamber of

43. Ibid., Article 20.

44. Ibid., Article 18.

45. Ibid., Article 53.

Deputies before the legal expiry of its mandate.⁴⁶ On the other hand, the Cabinet can be forced to resign by a vote of no confidence in the Chamber of Deputies.⁴⁷

The Constitution assures the Lebanese of equality in the eyes of the law; protects their civil and political rights; guarantees and protects the personal freedom; respects all creeds and safeguards the free exercise of all forms of worship; opens all forms of public employment to all Lebanese, preference to be given to merit and capacity; guarantees and protects freedom of speech and writing, freedom of press, freedom to assemble, and freedom of association. Dwellings are inviolable and rights of ownership protected.⁴⁸

B. ORGANIZATION OF THE ADMINISTRATION

The administration is composed of the following Ministries: Justice - Foreign Affairs and Emigrants - Interior - Finance - Public Works - National Defense - National Education and Fine Arts - Public Health - National Economy and Tourism - Agriculture - Post, Telegraph and Telephone - Social Affairs - Planning - Information.⁴⁹

46. Ibid., Article 55.

47. Ibid., Article 68.

48. Ibid., Articles 7 to 15.

49. Lebanon, Ministry of Justice, al-Majmū'at al-Hadīthah lil-Qawānīn al-Lubnāniyyah /translation of Arabic title, Modern Collection of Lebanese Laws/ (Beirut: Sader Press, 1954), "Legislative Decree No.12, dated January 5, 1955," Article 1.

The Lebanese government follows a departmentalized system which is a heritage from the French Mandate. Such a system makes coordination between different state ministries difficult. Every Minister runs the work of his department independently of his colleagues. It often happens that one Ministry is unable to get rid of some surplus employees and at the same time another Ministry is recruiting new employees.

On the one hand, it is the opinion of many administrators in Lebanon that the Council of Ministers, which is the coordinating body of the state, has proved to be an unsatisfactory element of administrative coordination. This is due to the fact that matters of internal politics absorb the major efforts of the Council of Ministers, and thus, it is in no position to attend to the problems of administration and to bring the necessary and desired coordination of activities of the state. Moreover, neither the Prime Minister nor individual Ministers are in most cases properly assisted by adequate technical staff and advisory committees and boards.

A Ministry is formed of one Directorate General or more. The Directorate General is subdivided into Directorates and Services and the Directorates and Services into Departments and Sections.⁵⁰

50. Ibid., Article 3.

The Minister who is a political figure is responsible for the administration of his ministry and for the application of laws and regulations relative to his Ministry.⁵¹ He is assisted by a Director General, a permanent career administrator, whose responsibilities are to study the general outline of the policy of his Ministry and submit suggestions and recommendations to the Minister and insure the continuity of the work of the Ministry. The Director General supervises the work of his subordinates to insure that the work is done properly. He reviews all the proposed decrees and the decisions made by the Ministry and all the applications and transactions submitted to the Minister and submits his recommendations in writing. The Minister may delegate some of his responsibilities to the Director General, except those prohibited by the Constitution, and the Director General may as well delegate responsibilities to his immediate subordinates after the approval of the Minister. The Director and Chiefs of Units in one Ministry may exchange ordinary correspondence among themselves.⁵²

Each Ministry has a secretariat directly connected with the Director General. The functions of the secretariat are the supervision of office correspondence and provision of office supplies and equipment; preparation of texts of

51. Ibid., Article 6.

52. Ibid., Articles 7 to 16.

decrees, contracts and other Ministry documents; handling all personnel affairs of the Ministry, such as, recruitment, personnel records, promotions, transfers, leave, discharge, payroll, etc.⁵³

Each Ministry has an inspector who inspects the conduct of its personnel and their work. He can effect inspection without prior permission and he is directly responsible to the Director General.

Also the government has a State Inspection Service directly attached to the Prime Minister. It is formed of a chief, inspectors, and secretariat. The Inspection Board can effect inspection in all the administrations including municipalities and public utilities and services with the exception of the Ministry of Justice and the Army. The Inspection Board has also a direct control over the inspectors of the various ministries.⁵⁴

Field administration. Lebanon is divided into five administrative districts (Muḥāfazāte): North Lebanon, Mount Lebanon, the Beka', South Lebanon and Beirut. These districts are subdivided into 24 Qadas. The administration of the districts is handled by the Muḥāfiz in the Muḥāfazah (district) and the Qā'imaqām in the Qadā (sub-district). The Muḥāfiz is the chief executive officer in the district and he in certain cases acts upon the orders given by the

53. Ibid., Article 17.

54. Ibid., Articles 25 and 26.

central authorities and in few others in accordance with powers delegated to him. The power of the Qā'imaqām extends over the subdivisions of the Muhāfazah, the Qadā.⁵⁵

C. THE SIZE OF THE CIVIL SERVICE

From about twelve civil servants during the "Absolute Governor Era" to double that number in the Qā'imaqāmatayn Era to 262 in the Mutaṣarifayah (plus 999 Turks), the number of civil servants reached 3023 in 1926. By 1943, it was increased to 5696 and in 1949 rose again to 8808 including the police and excluding the employees of the "joint service"⁵⁶ and the army.⁵⁷

The growth of the civil service as mentioned before was the consequence of many factors, primarily the continuous expansion in the responsibilities of the state resulting from technical progress and from the development of public needs. Factors such as favoritism, nepotism and patronage are also among the reasons for the expansion in number of the present civil servants beyond the requirements of the civil service.⁵⁸

55. Lebanon, Ministry of Justice, op.cit., Legislative Decree No.11 dated December 29, 1954, Articles 1 to 41.

56. By joint services is meant the combined Lebanon-Syrian service.

57. Awād, op.cit., p.127.

58. This opinion has been expressed by various members of Reform Committees who are presently in the process of studying the Lebanese Administrative machinery.

To give an accurate figure of the actual number of public employees in Lebanon is unfortunately difficult mainly for two reasons: First, all through the history of Lebanon a census of public employees has never been made and no official and accurate numbers were published. Secondly, budget estimates, which seem to be the only practical source to trace such figures, have never given the complete and comprehensive figure as to the number of "recipients of remuneration from public fund" since it includes the number of allowed positions which are not necessarily all filled. Although some efforts have been made in the budgets of 1954 to 1956 to be comprehensive, yet some state services are still not shown in the text.

The statistical information shown below, based on the Lebanese budget for the year 1958, gives a general estimate of the number of civil servants, whether administrative or technical, in the various state ministries.

TABLE I

THE NUMBER OF CIVIL SERVANTS
IN THE LEBANESE GOVERNMENT
(1958)

	<u>No. of Permanent Employees</u>	<u>No. of Temporary Employees</u>	<u>Total No.</u>
1. <u>Presidency of the Republic</u>	11	1	12

.../...

	<u>No. of Permanent Employees</u>	<u>No. of Temporary Employees</u>	<u>Total No.</u>
2. <u>Chamber of Deputies</u>	54	5	59
3. <u>Prime Minister's Office</u>			
a. The Directorate	18	8	
b. The Inspectorate	15	-	
	<hr/>	<hr/>	
Total	33	8	41
4. <u>Ministry of Justice</u>			
a. The Administrative Offices	21	9	
b. The Courts	721	8	
	<hr/>	<hr/>	
Total	742	17	759
5. <u>Ministry of Foreign Affairs</u>			
a. The Administrative Offices	74	6	
b. The Diplomatic Service	75	-	
c. The Consular Service	20	-	
	<hr/>	<hr/>	
Total	169	6	175
6. <u>Ministry of Interior</u>			
a. The Administrative Offices	191	3	
b. The Gendarmerie and Prisons	2457	11	
c. The Police	935	12	

.../...

	<u>No. of Permanent Employees</u>	<u>No. of Temporary Employees</u>	<u>Total No.</u>
d. The Surete Generale	250	4	
e. The Directorate General of Census and Domestic Relations	67	3	
	<hr/>	<hr/>	
Total	3900	33	3933

7. Ministry of Finance

a. The Directorate of Finance	548	32	
b. The Bureau of Accounts	55	9	
c. The Study Center	--	33	
d. Superior Council of Customs	25	--	
e. The Customs Department	989	6	
f. The Estates Department	97	--	
g. Technical Survey Department	288	14	
	<hr/>	<hr/>	
Total	2002	94	2096

8. Ministry of National
Education

a. The Central Adminis- trative Offices	114	12	
b. The Lebanese Army	28	82	
c. Elementary and High School Education	4700	35	
d. The Directorate of Vocational Training	171	24	

.../...

	<u>No. of Permanent Employees</u>	<u>No. of Temporary Employees</u>	<u>Total No.</u>
e. Secondary Education	189	--	
f. Teacher's Training College	23	--	
g. The Athletics Department	80	7	
h. The Directorate of Archaeology	54	10	
i. Conservatory of Music	4	3	
j. The National Library	16	--	
	<hr/>	<hr/>	
Total	5379	173	5552

9. Ministry of Public
Health

a. The Admission and Technical Affairs Services	202	52	
b. The Medical Attention Service	366	28	
c. Central Public Health Laboratory	58	4	
	<hr/>	<hr/>	
Total	626	84	710

10. Ministry of Social
Affairs

a. The Directorate of the Ministry	84	3	
b. Juvenile Reform School	10	1	
	<hr/>	<hr/>	
Total	94	4	98

.../...

	<u>No. of Permanent Employees</u>	<u>No. of Temporary Employees</u>	<u>Total No.</u>
11. <u>Ministry of Information</u>	60	3	63
12. <u>Ministry of Public Works and Communications</u>			
a. The Directorate of the Ministry	105	16	
b. Technical Studies and Works Departments	169	16	
c. Communications Departments	100	19	
d. Civil Aviation Departments	620	23	
e. Control of Companies Department	25	--	
f. Electric and Water Works Department	69	9	
Total	1088	83	1171
13. <u>Ministry of Agriculture</u>			
a. The Directorate of the Ministry	510	14	
b. The Agriculture Education Service	67	--	
Total	577	14	591
14. <u>Ministry of National Economy</u>			
a. The Directorate of the Ministry	155	8	
b. The Bureau of Tourism	41	44	
Total	196	52	248

.../...

	<u>No. of Permanent Employees</u>	<u>No. of Temporary Employees</u>	<u>Total No.</u>
15. <u>Ministry of Post and Telegraph</u>	886	866	1752
16. <u>Ministry of Planning</u>	54	19	73
17. <u>Ministry of Defence</u>	53	--	53
	<u>Subtotal</u>	15924	1462
	<u>Grand Total</u>		<u>17386</u>

Source: Lebanon, Ministry of Finance,
The Budget for 1958 (Beirut, Dār
el-Funun Press, 1958).

D. SOME PROBLEMS OF THE LEBANESE ADMINISTRATION

The Lebanese administration, like any newly born administration, suffers from many problems, most of which have been inherited from outmoded Ottoman and French administrative practices. "The administrative system," Emir Jamil Chehab points out, "has not reached the stage of completeness yet and is still behind its counterparts in the western countries."⁵⁹

One of the main problems of the Lebanese administration is the lack of efficient methods and procedures.

59. American University of Beirut, Department of Public Administration, Arab Public Administration Conference, 1954 (Beirut: Kashef Press, 1955), p.24.

Inefficiency of administration is a topic on which most divergent circles meet. It is in Lebanon as Mr. Suleiman Zein (member of the Central Committee for Administrative Reform) points out "a subject of unanimous complaint."⁶⁰ The press attacks, which are more or less continuous, aim mostly at the reorganization of the administration in such a manner as to increase its efficiency and to enable it to undertake the responsibilities laid on it.

The most pressing problem of the Lebanese administration Mr. Adnan Iskandar points out "is probably the delay in the dispatch of official business which has paralyzed government operations and which has aroused strong public resentment and criticism."⁶¹ Although government organization provides that superiors may delegate part of their responsibilities to subordinates in order to get rid of many of the detailed and routine work, these officials do not do that but involve themselves in all the matters which pile up on their desks for long periods of time. Hence, the problem appears to be that of concentration

60. The Lebanese Association of Political Sciences, Abhāth fī at-Tanzīm al-'idārī /translation of Arabic title, Studies in Administration (Beirut:1959), p.11.

61. Adnan Iskandar, "Administrative Reform in Lebanon," (a paper presented at an international seminar on Comparative Administrative Problems held in Cairo on April 21, 1959), p.3.

of authority to make decisions at high levels in the administrative hierarchy.

Another serious aspect of this problem is that the processes leading to action are too complex. In the words of Mr. Robert Culbertson, "the present procedures call for confusing and elaborate meanderings of documents from office to office and Ministry to Ministry and back, with considerable duplication and overlapping."⁶² Methods and procedures are now long, laborious and complicated. Some minor formalities require weeks for completion while hardly more important matters consume months of time before a final action is taken.

In relation to inefficiency we should also mention the lack of good planning which characterizes many of the operations of the Lebanese administration and seriously endanger its dignity, prestige and objectives. The successive amendments, in a short period of time, of certain provisions and regulations of the administrative organization (the General Personnel Law which has been changed three times between 1953 and 1957) is a good example of this inefficiency.

62. Robert Culbertson, Report and Recommendations to the Government of Lebanon for a Program of Public Administration Improvement (Beirut: 1954), p.4. (unpublished report).

In the author's opinion, some of the causes of the inefficiency of the Lebanese administration could be traced back to the more or less unsatisfactory qualifications of a good number of civil servants, to poor selection methods, and to favoritism which dominated the appointment of these employees. This, as Mr. Iskandar points out, "has greatly hindered some efforts for deconcentrating authority."⁶³

Moreover, it is the opinion of many administrators that the failure of some employees to understand the real spirit of the law and to stick instead to its formal meaning, together with their ill will and the absence of a sense of responsibility constitute other forms of the inefficiency of administration.

Besides, the Lebanese administration has been criticized on the ground that it lacks a good public relations policy. The indifference and even disrespect with which some officials treat some timid and polite citizens who visit their departments is a clear indication of this fact. It seems that it does not occur to these officials that they are servants of the public, not their masters; and that the official authority they have should not entail negligence of public relations.

This lack of pleasant relations between the administration and the public, the author thinks, is due in part

63. Iskandar, op.cit., p.4.

to the absence of information or to the insufficient information given to the public about the procedures to be followed, the details required to introduce a certain request, or the formalities to be met. The absence of this information often makes the citizens unable to exercise their full rights. The same thing is true of the indifference with which some employees treat the public and mislead them in following their business from one department to another.

A good available analysis of the relations and atmosphere between the civil service and the public in Egypt which can be considered as a representative case in the Middle East is found in Mr. Berger's recent work "Bureaucracy in Modern Egypt." His opinion may be illustrated in the statement that "there is still ignorance and uncertainty among the citizens, while among government officials there has always been a tendency to take advantage of such latitude as the law and public apathy allow."⁶⁴

This kind of treatment, naturally, creates between the citizens and the administration a negative atmosphere not in favor of public nor private interest.

It is regrettable, on the other hand, that the Lebanese government has not given importance to the subject of human relations. The lack of a sound human relations

64. Berger, op.cit., p.16.

policy within the Lebanese administration is demonstrated on the part of many government officials by the absence of the feeling of friendship and harmonious cooperation among the chiefs and their subordinates and by the absence of a group spirit which is indispensable for the good operation of any work.

There is also a regrettable tendency among certain employees to neglect the common interest for the sake of their own personal interest. There seems to exist among the civil servants in Lebanon a large group, who are always ready to profit from their positions and to gain the greatest possible benefit from it, without giving the public honest and conscientious service in return. This tendency denotes a dangerous attitude and should be considered as most harmful and be seriously fought and eventually eliminated in so far as the civil service is concerned.

On the other hand, employees are not encouraged to attend to their work and accomplish, in the best way possible, the tasks entrusted to them. They try to do only enough not to be exposed to disciplinary measures. This opens before the administration a series of problems related to production, initiative, the psychological atmosphere of employees and their relations with the public.

CHAPTER IV

RECRUITMENT AND SELECTION PROCESSES

A. THE RECRUITMENT PROCESS

One of the most important functions of personnel work is that of choosing officials and properly placing them. In the words of Professor Torpey recruitment "is a cornerstone of personnel operations. Without a steady stream of new employees in ample numbers and of sufficient quality, government ceases to operate."⁶⁵

Since the efficiency and the effectiveness of government work depends to a great extent upon the type of personnel which operate at various levels of the administration, there is no doubt that the recruitment process should be given great care in order to avoid any unfortunate consequence of corrupt and inefficient administration. For this reason we find that most governments of the world have established principles and procedures whereby the best qualified are chosen for posts for which they are best suited.

65. William G. Torpey, Public Personnel Management (New York: D. Van Nostrand Co.: 1953), p.105.

Each country has its own problems and difficulties which stand in the way of an effective employment process. This is due to various political and socio-economic conditions. Most of the government laws and regulations aim at reducing these problems. Nevertheless, traditions and mores often make the best laws inapplicable one way or the other.

In Lebanon, as in most underdeveloped government administrations, the employment process in practice is not the employment process prescribed by law. Although the law provides for recruitment according to merit, actual selection is influenced by many political, sectarian and other considerations. The result is that incompetent people are being selected to the civil service.

Before proceeding to discuss the various procedures included in the recruitment process, it is important to mention some of the particular problems which face public personnel recruitment in this country.

One of the obstacles in recruiting well qualified candidates for the public service in Lebanon is the tendency on the part of a good number of able men and women to prefer working in private businesses, such as banks, oil companies, insurance companies and international organizations which offer them better working and salary conditions.

It is also noticed that a large sector of the Lebanese population, due to social heritage and to many

sharp memories of the earlier periods in which governments were looked upon as the symbols of oppression and misrule, prefer working on their own rather than being civil servants bound by the office limitations.

Besides the limitations mentioned above, appointment in government nowadays is also restricted by certain requirements which a candidate for a position should possess, such as, citizenship, age and certain educational attainments. This is true of most countries of the world.

Conditions for employment in the Lebanese civil service. Citizenship is a universal prerequisite. However, Lebanon requires a naturalized citizen to wait ten years before becoming eligible for employment. This is justified by the assumption that government employment is the sole prerogative of those who have assumed the obligations and privileges of citizenship.

A second requirement is that a candidate should have completed twenty years of age and not more than thirty-five, should the position be of the fourth category.⁶⁶ However, there are no age limits for persons entering the third category and above. This is a new innovation

66. Legislative Decree No.14, dated January 7, 1955, Article 7, as amended by the Law of May 7, 1957, Modern Collection of Lebanese Laws, op.cit.

introduced by Legislative Decree No.14. The previous personnel law limited new appointments to any government post to persons between the ages of eighteen and thirty-five. This provision was criticized because it prohibited older candidates to enter the government service. Hence, the new arrangement as prescribed by Legislative Decree No.14 is quite reasonable. It aims at the appointment of young people to jobs which are mainly of a clerical type, and for higher posts it opened the way for those who are more mature.

A third requirement is that a candidate should be free from disease and infirmity that might prevent him from fulfilling the responsibilities of his position. In spite of this requirement, however, no physical examination is given for newly appointed civil servants. Moreover, the candidate must enjoy full civil rights and not have been convicted of any felony or shameful misdemeanor.⁶⁷

As regards educational requirements, generally speaking, to be eligible for entrance to the fourth category

67. Shameful misdemeanors which disqualify are: stealing, fraudulance, dishonesty, embezzlement, coercion, intimidation, forgery, use of forged currency, all moral crimes specified by the Penal Law and crimes connected with the growing of narcotics or trading in them - Legislative Decree No.14, dated January 7, 1955, op.cit., Article 7.

the candidate should have a Baccalaureate degree or its equivalent. However, a candidate for the third category or above should have a university degree. Exempted from this provision are employees who have been in active service for ten years or more and who can then participate in an examination regardless of their educational background.⁶⁸

Entrance requirements for the civil service in Lebanon lay heavy emphasis on educational background. This is justified on the ground that the civil service should be confined only to the well educated. However, it is questionable whether educational degrees and qualifications are the sole determinants of the fitness for administrative posts. Other factors, such as, administrative talent, training and experience should be taken into consideration.

According to Article thirteen of Legislative Decree No.14, no person can be appointed permanently to a position until he has passed a qualifying test for the vacant post. Each department, thereof, drafts the rules governing these entrance exams within the broad limits established by the statutes and designates the balance of special requirements which the candidates for government jobs must meet. Such rules for recruitment are specified by a decision issued by the Minister concerned. This decision usually contains

68. Legislative Decree No.14, dated
January 7, 1955, op.cit., Article 13.

the following information: the purpose of the examination; the date and place of the examination; eligibility requirements; the closing date for filing the applications; the material to be covered in the examination; and the scoring system. A sample of such decision is shown in Appendix I.

This means that the Minister, may specify any requirement for recruitment which is not in contradiction to the Legislative Decree No.14. Consequently wide variations may exist between Ministries recruiting for the same or similar jobs. Moreover, one will often see announcements that two or three qualifying exams for substantially the same type of positions are to take place a few days apart in two different Ministries and different exams might be offered.

The announcement and application processes. "The normal procedure for recruiting personnel for government," Professor Torpey points out, "necessitates the issuance of a written announcement."⁶⁹ Following the issuance of the Minister's decision for holding the examination, an announcement is publicized.

Such announcements which call upon candidates to submit applications to the concerned Ministry are publicized through four main channels: the Official Gazette, issued bi-weekly; notices placed on bulletin boards of the Ministries and administrative circulars distributed to different

69. Torpey, op.cit., p.106.

offices; daily newspapers, at least fifteen days before the examination; and the radio.⁷⁰

A typical official announcement usually contains the following information: the date and place of examination; the closing date for filing the applications; eligibility requirements; number of positions to be filled; and the category and salary. It is also a common practice to announce the summary of material to be covered in the written examination together with an explanatory note explaining the scoring system. However, such a statement is rarely published but is placed in the secretariat of the Ministry concerned. A sample of such an announcement is shown in Appendix II.

As regards the date of the examinations, it can be noted that there is no general periodicity about the matter. Practically no Ministry in the Lebanese government holds entrance examinations at regular intervals. Consequently, examinations take place at any season of the year. Therefore, no person interested in joining the government service can know when possibilities of employment might occur. Moreover, government departments do not keep files of applicants, should anybody apply for a government job. Applications are only accepted after the announcement of the examination. This means that whenever the government wishes to recruit officials, it

70. Ibid., Article 15.

is in no way able to anticipate beforehand the availability of candidates who are willing to accept a government job.

The use of application forms is almost neglected in government. A candidate simply presents a stamped application addressed to the Minister. It must include the following papers: an official copy of the candidate's identity card; a copy of police record dated not more than one month back; and school diplomas or certified copies of them.

A time limit is set for the submission of applications. Then the applications are reviewed and lists of qualified candidates are prepared and are submitted to the Minister for approval. It is significant to note that the Minister's decision upon candidacy is final. This is an evidence that this procedure can be abused since the Minister can exclude the name of the candidate and his decision cannot be appealed.⁷¹ Such a practice is regrettable since "the right of appeals from an administrative decision adversely affecting an individual," as Mosher, Kingsley and Stahl (hence Mosher) point out, "is an important adjunct of democratic government."⁷²

The successful applicants are notified by a letter and their names are published in the press. Candidates are also informed of the content of the examination and the exact date and place.

71. Ibid., Article 15.

72. Mosher, Kingsley and Stahl, Public Personnel Administration (New York: Harper and Bros., 1950), p.93.

In this connection, it might be noted that application forms are important prerequisites to any sound and well established selection process. Applications, in the first place, are necessary to identify and locate the applicant on matters, such as, marital status, age, citizenship and residence. Secondly, they can be used to evaluate the qualifications of the candidate, such as, training and experience. This is most important since it may clearly indicate his ability to fill the vacant post. The object of application procedures, Mosher points out, "should be such as to exclude obviously unqualified persons from competition at the same time that all interested persons possessing the requisite qualifications are selected for competition."⁷³

Such forms have never been used in most government departments in Lebanon, and in few departments they are poorly prepared. They are seldom considered as a tool of selection. The application form used in the Directorate General of Post and Telegraph, which is typical to other application forms used in other government departments, is simply a one sheet mimeographed paper in the form of a letter signed by the applicant requesting that he be accepted for employment. A sample of such form is shown in Appendix III.

73. Ibid., p.83.

B. THE EXAMINATION PROCESS

For each qualifying examination, a special committee is constituted by a Ministerial decision to prepare and correct the examination.⁷⁴ This committee usually consists of a number of high officials from within the Ministry, in some cases, supplemented by technical experts from outside the service. However, government officials in most cases dominate the boards. A sample of such a decision is shown in Appendix IV.

The examination committee is an ad hoc and not a permanent body. Moreover, the questions in certain cases of which the writer is aware of were prepared two or three hours before the test is given, because of the fear that the questions would be passed to the contestants. Consequently, the examinations are poorly set up.

Examinations are both oral and written. However, to be eligible for an oral test, the candidate must obtain a passing grade on the written part. Those eligible for the oral test are announced in the press and through personal letters. On the basis of these two examinations, the examining board draws up a detailed report of the results and lists the successful candidates in order of merit. This list, according to law, remains in force for one year from the date of its announcement.⁷⁵

74. Legislative Decree No.14, dated January 7, 1955, op.cit., Article 16.

75. Ibid., Article 17.

Several criticisms can be raised against the present examination system. In the first place, we find that examinations are poorly set up and can in no way serve as a useful instrument for measuring or evaluating the ability of the person taking the examination. It is of utmost importance that the examiner should be well acquainted with the kind of positions he is examining for. He should be thoroughly familiar with the duties and responsibilities of the job as well as the skills and aptitudes which are necessary to ensure the success on the job. Examiners should, therefore, carefully study the positions they are examining for and understand thoroughly the qualities they are supposed to measure.⁷⁶ Unfortunately, this is not true with the examinations offered in Lebanon. Examinations are being prepared in a very short period of time to consider or develop a reliable test. Too many examinations have been haphazardly constructed and so do not measure skills, abilities or aptitudes. No study has ever been made of the duties of the positions in the government service upon which a sound position classification plan could have been developed, and hence, detailed job description have never been established to new jobs before recruitment.

76. Norman J. Powell, Personnel Administration in Government (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1956), p.245.

Secondly, examinations in Lebanon tend usually to test the academic ability of a candidate and ignore areas, such as, character, personality, the power of the candidate to use his judgment and other similar traits which are more or less decisive in the career of the employee. Oral tests, on the other hand, are usually intended to discover the applicant's knowledge on the subject matter and not aspects of his personality and character. This is besides the fact that examinations are mostly of the type which require general knowledge and do not uncover the specific talents required for a specific job.

Another comment is related to the practice of each Ministry to set up its own rules of recruitment and arrange for and administer its own examinations. One can easily substantiate the cost of this duplication of effort. Therefore, it is essential and technically advisable to establish a central agency which would have the sole responsibility for preparing and conducting examinations for the entire civil service. The details about this agency will be discussed later.

Effective tests, Torpey points out, have five chief characteristics. These characteristics are:

A high degree of validity. This refers to the extent to which a test measures what it is designed to measure.

Brevity. A test should be concise.

Objectivity. An applicant's score is independent of the individual who administers the test.

A high degree of reliability. This refers to the relative scores among applicants which are obtained when the test is repeated with the same applicants. Factors which promote a high degree of reliability include an adequate length of time for taking a test, a large number of test items, and objectivity in scoring.

Presence of a spread of grades. The test is set up in such a way that although every applicant obtains a grade, there is a rather wide distribution among individual grades.⁷⁷

While there appear to exist different types of tests which can be utilized in the process of determining the fitness of applicants for public positions, such as subjective written tests, objective written tests, performance tests, oral tests, general intelligence tests, social intelligence tests, mechanical intelligence tests, emotional and personality tests, health and physical tests;⁷⁸ it is regrettable to mention that the Lebanese government does not employ such a variety of tests for the recruitment of personnel.

Hence, great care should be taken in the preparation and handling of tests in Lebanon. On the other hand, the evaluation or grading of test results, which, as Mosher points out, "is surrounded with highly technical consideration,"⁷⁹ should be given great care also and need not be handled arbitrarily. Unless there is correlation between the results of examinations and actual performance on the job, the examination should be scrapped or altered.

C. THE APPOINTMENT PROCESS

So far two stages of the employment process have been described. The last step is the selection of those eligible for appointment as civil servants.

77. Torpey, op.cit., p.110.

78. Mosher, op.cit., pp.102-120.

79. Ibid., p.126.

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77. Torpey, op.cit., p.110.

78. Mosher, op.cit., pp.102-120.

79. Ibid., p.126.

Positions of the fifth category are filled through a decision of the Minister concerned. However, for positions of the higher categories, a Presidential Decree is required.⁸⁰

The process of appointment by a Presidential Decree starts when the concerned Ministry prepares a list of eligibles who have passed the qualifying examination. Then a choice is made from the list by the Minister and a draft of a Presidential Decree is prepared including the name(s) of candidate(s) to be appointed for the vacant position(s).

It is important at this stage, however, to note that the Minister, while making the choice from the eligible list, has to recognize three important factors. The first is the traditional factor of sectarian balance in the appointment of public employees which is specified in article ninety-five of the Lebanese Constitution. This means that successful candidates who acquire top grades in the qualifying examination are not necessarily listed in the appointment Decree, should the position be designated to a person belonging to another sect. Another significant factor is the political pressure to which a Minister is normally subjected. A third factor which is usually recognized is the geographical factor. This refers to the traditional policy that government posts should be divided equitably among the different Mohāfazate of Lebanon.

80. Legislative Decree No.14, dated January 7, 1955, as amended by Law of May 7, 1957, op.cit., Articles 12 and 18 to 24.

These factors obviously limit the application of the merit system as prescribed by law and might result in the appointment of lesser qualified candidates.

The age of the new appointee is mentioned in the appointment Decree. However, if the date of birth is unknown, the appointee is considered as having been born on the first day of July of that year. Statutory requirements have been introduced recently providing that "no correction of any kind and for any reason regarding the age of the employee after his appointment or any change in his age after March 1943 can be taken into consideration."⁸¹ This is to prevent employees from changing their ages for purposes of retirement.

The draft of the Decree of appointment is then sent to the Ministry of Finance for approval. There it is reviewed to see whether the vacancies to be filled can be entered in the allocations of the budget, otherwise their salaries cannot be paid. From there it is referred to the Court of Accounts for pre-audit and after which it is returned to the Ministry of Finance. After the Minister of Finance finally signs the Decree, it is then referred to the Prime Minister for approval also. Positions of the first category, however, according to article 22 of Legislative

81. Ibid., Article 9.

Decree No.14, require the approval of the Council of Ministers. The last step is the signature of the President of the Republic.

This process may take several months before the Decree is issued. Hence, new appointees have to stay idle for a long period of time before their appointment Decree is put in effect.

Each new appointee spends one year on probation in the last grade of the category to which he is appointed. However, government officials who are promoted to higher positions are exempted from the probationary period.⁸² The probationary period means that the candidate is on trial and is not given a permanent status. The administration has the right to dismiss the probationary employee during this period. The purpose of the probationary period is to give the supervising officer an opportunity to decide whether the new recruit is a good civil servant. Unfortunately, the probationary period has seldom been used to serve its purpose and it is most common to find that a probationary employee automatically becomes a permanent employee.

This can be overcome by requiring the immediate supervisor to prepare a qualifying report on the candidate upon the conclusion of the probationary period urging his retention or dismissal.

82. Ibid., Article 18.

D. TRAINING

At this stage of the study about the Lebanese civil service, it is necessary to discuss the question of training of state employees. In the words of Mosher

"the development and training of the staff is bound to occupy a most important place. Since it is the very essence of supervision, it assumes a role, along with pay and the human aspects of management, of great significance to the quality of service and output."⁸³

There are two types of public service training, namely, education prior to appointment or pre-entry training and training within the service subsequent to appointment or in-service training.

Pre-entry training. This type of training, Professor White points out, "is intended to enable an aspirant to pass an examination or other-wise to show fitness for appointment or more broadly to develop the knowledge and qualities of mind which will make subsequent success."⁸⁴ Hence, for the most part pre-entry training is not specifically designed for the needs of government, but it is more general and cultural in nature. It is designed to all kinds of services whether public or private. Such type of training, therefore, prepares candidates to pass an examination for positions which do not require specific educational preparation and is of the general ability type.

83. Mosher, op.cit., p.388.

84. White, op.cit., p.388.

Some institutions, however, offer courses in a number of specialized public service callings in fields such as public health, engineering, agriculture and social sciences. In this respect, such type of training prepares candidates to pass an examination in specialized fields.

The principal instruments for such preparation are the public schools, colleges and universities. The following paragraphs shall describe the type of pre-entry education a Lebanese civil servant is likely to have attended before joining the government service.

Until 1949 facilities for public education were provided only at primary levels. The primary course lasts for five years and leads to the primary studies certificate examination. It is followed by a seven-years secondary course ending in Baccalaureate examination which is taken in two parts, one at the end of the sixth year and the second at the end of the seventh year. Teaching at the secondary public schools is in Arabic except for sciences and mathematics which are taught in English, French or Arabic, according to the pupils' choice. One second language is taught which should be the same as that chosen for science and mathematics. The first four years of the secondary school are general; the fifth and sixth years are divided into two streams of literature and science, while the seventh year is divided into two streams of philosophy and mathematics.⁸⁵

85. Interview with Mrs. Haffar, head of the Cultural Affairs Service at the Ministry of National Education and Fine Arts.

It is generally believed that the public educational system in Lebanon is by itself incomplete and can in no way suffice the need of the country. Only by relating it to the systems of private and foreign schools - which roughly fall into two types, the French and the Anglo-American - does it become a complete system. Private schools as already intimated belong mainly to one of two types of educational organizations, a French or an American-British type. Which of the types a particular pupil is likely to choose depends to a large extent upon his background and sometimes upon his religious community background.

Vocational technical education is provided mainly at the National School of Arts and Crafts which offers three-year courses in civil engineering, mechanics, carpentry and electricity. A public examination is held at the end of the third year and successful candidates are awarded either an "assistant engineer" certificate or a "certificate of study."⁸⁶

Higher education is provided by three universities. These are: the Lebanese University, the American University of Beirut and the Université St. Joseph.

86. Interview with Mr. Mohamed Ra'ad, Director General of the National School of Arts and Crafts.

The Lebanese University was established by the government in 1951 with the specific aim of meeting demands for advanced public education. It was started with a higher teacher's training institute, capable of receiving 150 students in its three sections: literary, scientific and artistic. A year later, an institute of statistics was started with an economic section of commerce and industry, agriculture and finance and a social section of demography, labour and health.⁸⁷

The American University of Beirut was founded in 1866. It now has faculties of medicine, arts and sciences, engineering and agriculture. Since 1951, the American University of Beirut, in cooperation with the United States Operations Mission to Lebanon, has been providing pre-entry training in the fields of agriculture, education, engineering, public administration and public health.

The Université St. Joseph, founded in 1873, is a private Jesuit institution which provides higher education in medicine, dentistry, engineering, law, oriental literature, philosophy and theology.

There are also two private institutions, the Lebanese Academy of Arts and the Higher School of Letters.

87. This information has been given personally to the author by the secretariat of the Lebanese University.

Several observations can be made on the system of pre-entry education in Lebanon, first, it can be noted that pre-entry training is dependent to a large extent on the above-mentioned institutions which do not offer all types of desired training required for the public service. Until recently courses in fields such as public health, public administration and agriculture were not offered in Lebanon. These courses are now offered by the American University of Beirut, and several Lebanese students have been trained in these fields. However, it is regrettable to mention that the Lebanese government has made little use of them. Many of the graduates in public administration, public health and agriculture, whom the author knows in person, are jobless, or have taken jobs in private organizations since the government has not shown any serious interest in them.

Secondly, as it was mentioned before, the public school system in Lebanon, whereby students can be taught free of charge, is incomplete and can in no way suffice the need of the country. Consequently, higher education is mostly limited to those who can afford to pay tuition fees in foreign or private institutions. Thus, only a limited number of candidates are able to acquire the necessary training.

Thirdly, the recruitment and selection program in Lebanon, due to political reasons which have been mentioned

at an earlier chapter of this study, is geared more to the French system of education. The result is that much emphasis has been placed in the appointment of civil servants on the French system of education and especially on legal training, which until recent years, have been offered only by the Université St. Joseph. Consequently civil service positions, whether high or low, are dominated by graduates of French schools. Candidates who have acquired their education in other institutions, such as the American University of Beirut, rarely have access to government positions. However, this tendency on the part of the government to give preference to French educated candidates is gradually decreasing.

In-service training. By contrast to pre-entry training, in-service training is directed towards individuals who are actually at work. The specific object of such type of training, White points out is performance. "Training to improve performance may be special or general, but the immediate objective is definable in terms of present or future responsibility."⁸⁸ Another objective, however, is to prepare officials for a higher position.

A variety of schemes for in-service training have been established, the most common of which is the "tutorial

88. White, op.cit., p.389.

system" whereby the new employee is turned over to an experienced one for instruction and guidance. Another plan, would be to offer a series of orientation lectures to new recruits with the purpose of acquiring a view of the whole organization. This is usually called "vestibule" training. Another well recognized scheme consists of giving new recruits a full-time course of instructions on the details of the organization to which he is attached.

The above-mentioned illustrations are concerned primarily with new recruits. In-service training, however, as White points out "is just as much concerned with a continuing program for established personnel."⁸⁹ In countries where special in-service training institutions are established, special courses are offered for employees.

In Lebanon, it can be observed that there is a fundamental lack in the civil service organization of an institution to train and prepare efficient public servants capable of taking care of the Lebanese administration. The initiation of a new employee into his future work does not seem to receive from the government the attention it deserves. Many of the employees, in both technical and administrative jobs, are not sufficiently trained for their work in the specialities which constitute the work of government.

89. Ibid., p.395.

The Ministry of Finance started a training program in financial administration in 1952. This program, however, has not shown much progress because of its lack of encouraging prospects for students who attend it. Attendance in this program is not compulsory and a very limited number of employees make use of it.

During the years, 1953-1956, seven in-service training programs in public administration have been offered by the Department of Public Administration, at the American University of Beirut. The primary functions of these programs, Professor John Clarke Adams points out

"were to stimulate awareness of and interest in public administration among Arab government personnel, to disseminate knowledge concerning the basic principles and techniques of public administration as they have evolved in the West, and to study with the trainees who come to us the laws and administrative practice of the new Arab States."⁹⁰

These programs, then were an effort to teach responsible officials, among which were Lebanese officials, certain aspects of public administration. Emphasis in

90. John Clarke Adams, Report on the In-service Training Programs in Public Administration at the American University of Beirut, 1953-1956, dated September 20, 1956, p.1.

the programs was placed upon four subjects: general principles of administration; public fiscal management; administrative law; organization and methods; and public personnel administration.

The Lebanese government has also been sending some of its employees abroad for specialized training. However, the use of these bursaries has been restricted due to political interferences in the nomination of candidates to be sent abroad. Only fortunate employees, most of whom are top officials are being given this opportunity.

A training program was initiated in 1951 as part of the United States Technical Cooperation Program with the government of Lebanon. Through this program, a number of trainees have been sent to the U.S.A. ^h where they are given practical and specialized training for periods varying from three to twelve months. This training is done in connection with projects developed cooperatively by Point IV and the Lebanese government.

In-service training facilities in the Lebanese government are therefore almost non-existent. Several members of the Central Reform Committee formed in 1959 have felt the need for such facilities. Hence, a comprehensive integrated government-wide training program appears to be of great importance in Lebanon. Such a program

could be instituted by establishing a national school of public administration under the jurisdiction of a central personnel agency. Details about this suggested program will be discussed later.

CHAPTER V

CLASSIFICATION AND COMPENSATION

A. CLASSIFICATION OF POSITIONS

One of the major foundations of present-day personnel management is the institution of a sound position classification plan whereby positions will be grouped on the basis of duties and responsibilities of each position in the government service. Such a grouping, Mosher points out, serves "the interest of the government and the interest of the workers."⁹¹

Modern public personnel administration considers the position as the basic unit of personnel administration which must be dealt with. All employees should be paid on the basis of the duties and responsibilities of the work they perform and the difficulty and importance of the work of the positions they occupy. New employees should be recruited on the basis of knowledge and abilities needed for the performance of the duties and responsibilities of the kinds of positions they are to occupy. Duties classification may also be a vital element upon which promotion,

91. Mosher, op.cit., p.203.

transfer and training of public officials is based and administered.

Throughout the period from 1926 to 1952 the rules and regulations governing the civil service in Lebanon were contained in a number of separate laws and regulations. The need for a single law was recognized in the last few years and in 1953 the first codification of rules for the civil service of Lebanon appeared. The draft of this law was prepared in 1946 and it was then revised by a special committee headed by Mr. Camille Chamoun before he became President of the Republic.

This law - Legislative Decree No.13 dated December 7, 1953 - was of great importance to civil servants as it was the first personnel law which combined all rules of personnel in one single code and constituted a step toward improving the standards of personnel and their conditions. It gave the employee, for the first time in the history of the Lebanese civil service, some guarantees to which he was not accustomed before. Legislative Decree No.13 was then replaced by another Legislative Decree No.14 dated January 7, 1955. Hence, Decree No.14, as amended by the law of May 7, 1957, became the active law which governs the personnel of the civil service and defines their rights and obligations. It divides the government employees into two categories, the permanent employees and the temporary. It

defines the permanent employee as the one who fills a job in the cadre of the government and the temporary employee as the one who is hired to do a specific temporary assignment.⁹²

The permanent positions comprise the posts stipulated in the static structure of every Ministry - the "cadre". These posts are created and abolished by special laws. We might in this juncture explain that the static structure or "cadre" is defined as a schedule stipulating the number of classified posts in every Ministry as a maximum limit not to be overfilled. The government is not bound to fill all of these posts. In the second place, the "cadre" provides certain recruitment conditions that should be observed by the various Ministries. Any appointment that does not conform to such conditions is automatically annulled by the Court of Accounts.

The "cadre" is of two categories: the general or administrative, and the technical or special, such as, the diplomatic and consular services of the Ministry of Foreign Affairs, the gendarmerie and police in the Ministry of Interior, the airfield engineers, in the Ministry of Public Works and the public schools teachers, the archaeology branch, the technical training school and public library which falls within the scope of the Ministry of National

92. Legislative Decree No.14 dated January 7, 1955, op.cit., Articles 1 to 3.

Education. These officials, however, with the exception of teachers and members of the internal order force, comprise the smaller number of public officials in Lebanon.

The "cadres" were established when a reorganization of the departments took place in 1952-53 according to a new Decree law established by the Cabinet which was vested by Parliament with legislative powers. It was a problem then how to coordinate the new positions established by the new laws with the old positions without confusion of authorities. Again these "cadres" were modified by the Cabinet which was vested with legislative powers in 1955. Lately in May 1957, a law passed amending the 1955 Personnel Law and was mainly concerned with salary increases.

The general administrative cadre is divided into five categories:⁹³

Category One includes the directors general and the chief of the State Inspection Board.

Category Two includes directors, chiefs of services and state inspectors.

Category Three includes chiefs of departments, inspectors and chiefs of sections.

Category Four includes two ranks:

1. Senior Clerks
2. Junior Clerks

93. Lebanon, Ministry of Justice, op.cit., Law of May 7, 1957.

Category Five includes three ranks:

1. Janitors
2. Guards
3. Messengers and Drivers

Category Five: Applicants for employment in this category must be between twenty and thirty-five years old with certain qualifications that do not include a standard of educational background.

Category five entrants are appointed by a decision of the Minister concerned. It might be of interest to note here that the salary of a messenger whose duties are much simpler and do not require any educational qualifications is equal to (or more) than that of a clerk or trained teacher who must hold a Baccalaureate or a teacher's training degree. This is indeed unfair to the later categories.

Category Four: is divided into two ranks: senior clerks and junior clerks. The second comprises the lowest grades of clerical personnel. An entrant to this category should carry at least the first Baccalaureate diploma or an equivalent degree.⁹⁴ Exempted from this condition are stenographers, typists, postmen and telephone operators. Article 13 of Legislative Decree No.14 also provides that

94. Legislative Decree No.14, dated
January 7, 1955, Article 13.

where specialized functions are involved, these degrees and diplomas may be replaced by special certificates within the regulations of each Ministry.

The starting salary of a junior clerk is 175 L.L. After a year's apprenticeship he is either entered in the permanent schedule or dismissed.

The senior clerk, on the other hand, begins at 300 L.L. and reaches a limit of 450 L.L.

The salary of a junior clerk is far too low in spite of the salary increases stipulated by the law of May 7, 1957. Last year the Ministry of Post and Telegraph invited to a test any young candidates holding the Baccalaureate degree for several vacancies. Very few responded, in spite of the sad fact that many were seeking employment, the reason being that very few were attracted by the prospects of starting at 175 L.L. per month. A messenger of the fifth category, as previously noted, gets as much as a clerk. Likewise, a gendarme starts with a year apprenticeship at 175 L.L. He then gets an increment of one grade every three years. After 18 years he reaches a salary of 335 L.L. A junior clerk reaches this figure after sixteen years service, but the duties and responsibilities of a gendarme in no way correspond to those of a junior clerk.

A teacher of the elementary classes, at the Ministry of National Education, for example, who should hold a

secondary school degree and be a graduate of the Teachers' Training School, begins at a salary equal to that of the junior clerk.

Hence, it can be concluded that the legislator, when stipulating a salary of 175 L.L. for the junior clerk, considered him a minor official and equalized him with the doorman and the janitor. This is thought to be unfair, especially if we take into consideration the cost of living in Lebanon and Beirut in particular.

The Third Category includes chiefs of departments, inspectors and chiefs of sections. This consists of six grades beginning at 450 L.L. and terminating at 650 L.L. per month. Only those who carry a university degree are eligible for entrance to this category.

The rank of an official of the third category in the administrative cadre is equal to that of a secondary school instructor at the Ministry of National Education who must be a bearer of a teaching diploma. The lowest grade in the diplomatic service - attaché or vice consul - is nearly equal to that of a chief of section.

The Second Category consists of directors, chiefs of services and inspectors general. It has six grades, beginning at 650 L.L. and mounting up to 1000 L.L. Officials of this category cannot be appointed from outside the general cadre, but must be chosen from the first three

grades of the third category.⁹⁵ They are appointed by a decree taken at the Council of Ministers and signed by the President. We cannot deny the existence of uniformity between these officials and those of the technical categories in the different departments. Their salaries are almost equal to those of high education teachers at the Lebanese University or the chief engineers at the Ministry of Public Works.

The First Category of the general administrative cadre is confined to the directors general and the chief of the State Inspection Board. It has six grades beginning at 1000 L.L. and mounting up to 1500. Vacancies in this category are filled by choice from the five top grades of second category.

Article 22 of Legislative Decree No.14 provides that appointments in this category may be made from those who carry high degrees and who are approved by the Permanent Civil Service Board as experts or specialists in their line. Appointment is made through a decree issued by the Council of Ministers and signed by the President.

The salary of a first category official is equal to that of public prosecutor of cassation and inspector

95. Ibid., Article 21.

general of the Ministry of Justice in the judicial cadre, or to the minister plenipotentiary and ambassador in the diplomatic cadre. It can be concluded also that the salaries of chief technicians and specialists in the special "cadre" are proportionate to those of the higher ranks in the general administrative "cadre".

There is a general conviction that positions in the Lebanese civil service have never been studied and classified by kind of work, level of work and qualifications required so as to provide a planned and a rational basis for selection and for pay. Classification of positions has been made arbitrarily and the "cadre" list titles and allocates them to categories, ranks and grades, but nothing in the nature of category definitions or statements of duties and responsibilities or qualifications are available for essential uses in personnel administration. Consequently, data about the duties and requirements of positions in the government are not available for planning and executing a positive recruitment and selection program.

Hence, it is essential that all of the positions in the government service in Lebanon must be grouped or classified on the basis of the nature and degree of difficulty and responsibility of the work they require so that all those requiring the performance of the same kind of work and the assumption of the same degree of responsibility will be brought together so that they may be treated

or dealt with in the same way. And thus, the development and proper maintenance of a modern position classification plan is of utmost importance in the administration of the civil service system in Lebanon.

There is no doubt that such an action might be difficult to achieve, due to the lack of experts in the field of personnel management in Lebanon. However, the government may employ a staff of perhaps six or more foreign public personnel technicians who are thoroughly experienced in position classification and its application to civil service administration for a period of time to train the Lebanese staff and to assist them in the development and installation of a modern personnel system.

B. SALARIES

The first attempt for establishing sound salary scales in Lebanon was in 1953 when Legislative Decree No.13 of December 7, 1953, was issued and whereby positions were divided into five categories as shown in Table II attached hereto.

On January 7, 1955, Legislative Decree No.14 was issued amending the previous regulation without effecting any change in the basic salary scale in the 1953 decree. However, category III of the 1953 schedule which contained two ranks was split into two separate categories (III and

IV in the 1955 schedule) and categories IV and V of 1953 were renumbered V and VI in 1955. Moreover, the number of grades within category II of the 1953 schedule were increased from seven to ten grades and the salary range of category II in the 1953 schedule which was from 580 L.L. to 800 L.L. was changed to 580 L.L. to 920 L.L. per month. (See Table III).

Later on, Law of May 7, 1957, established a new salary scale for civil servants and classified them into five categories instead of six categories as stipulated by Legislative Decree No.14 dated January 5, 1955, and a new rank was added to category V for the position of "guard". (See Table IV). The basic change introduced by Law of May 7, 1957, was the overall increase of the entire salary scale amounting to about ten to fifteen per cent. The system of automatic salary increases was changed by Law of May 7, 1957, so that no increase was permitted beyond the top grade of the category above that in which one is ranked. Moreover, it can be observed that the principle of overlapping salary scales between categories which was a feature of the 1953 and 1955 schedules was not incorporated into the 1957 law.

The subject of compensation paid to public officials in Lebanon has been of paramount importance during the past few years and has created a great deal of discussion and

TABLE II

GENERAL ADMINISTRATIVE SALARY SCHEDULE

Legislative Decree No.13, December 7, 1953

<u>Category</u>	<u>Rank</u>	<u>Grade</u>
I	Director General;	Chief of State Inspection Service
	880 960 1040	1120 1200 1280 1360
II	Director, Chief of Service; State Inspector; Inspector General	
	580 615 650 685 720 760 800	
III	Chief of Department; Inspector	
	435 460 485 510 545 580 615	
IV	Chief of Section	
	385 410 435 460 485 570 545	
IV	Clerk	
	300 320 340 360 385 410 435	
V	Secretary	
	145 (apprentice secretary) 165 180 195 210 225 240 260 280	
V	Messenger; Driver	
	150 165 180 195 210 225 240 260 280 300	
V	Janitor	
	95 110 125 145 160 175 190 205	

TABLE III
GENERAL ADMINISTRATIVE SALARY SCHEDULE
Legislative Decree No. 14, January 7, 1955

<u>Category</u>	<u>Rank</u>	<u>G r a d e</u>
I	Director General	
	880 960 1040 1120 1200 1280 1360	
II	Director; Chief of Service; Inspector General	
	580 615 650 685 720 760 800 840 880 920	
III	Chief of Department; Inspector	
	435 460 485 510 545 580 615	
IV	Chief of Section	
	385 410 435 460 485 510 545	
V	C l e r k	
	300 320 340 360 385 410 435	
VI	Secretary	
	145 (apprentice secretary) 165 180 195 210 225 240 260 280	
VI	Messenger; Driver	
	150 165 180 195 210 225 240 260 280 300	
VI	Janitor	
	95 110 125 145 160 175 190 205	

TABLE IV

GENERAL ADMINISTRATIVE SALARY SCHEDULELaw of May 7, 1957

<u>Category</u>	<u>Rank</u>	<u>Grade</u>
I	Director General; Chief of State Inspection Service	
	1000 1100 1200 1300 1400 1500	
II	Director; Chief of Service; Inspector General	
	650 720 790 860 930 1000	
III	Chief of Department; Inspector; Chief of Section	
	450 490 530 570 610 650	
IV	Senior Clerk	
	300 330 360 390 420 450	
V	Junior Clerk	
	175 200 225 250 275 300	
VI	Messenger; Driver	
	150 175 200 225 250 275 300 330	
VII	Guard	
	145 160 175 200 225 250 275 300	
VIII	Janitor	
	100 115 130 145 160 175 200 225	

comments among different circles in town and in the press as well. In 1956-1957 a great deal of pressure has been created on the part of civil servants in Lebanon to raise their salaries and improve their conditions and an informal "Committee of Employees Rights" representing civil servants from different categories was formed in 1956 for that purpose. Several meetings were held between responsible government officials and members of that Committee to discuss the problem of compensation; but these meetings ended with no results. Under such circumstances, early in 1957 the Committee issued a statement threatening the government that civil servants will go on strike if salaries were not raised. The result was that the government responded to such a request and the Law of May 7, 1957 was issued increasing the salary rates a considerable degree.

Several observations can be made on the present pay policy in the Lebanese civil service system. In general it can be said that pay scales have been established in an arbitrary way and are not based on proper principles for wage determination. This is due in part to the lack of a position classification plan through which all positions are grouped or classified on the basis of their duties and responsibilities and whereby employees may be paid in proportion to the difficulty and responsibility of the job they occupy. For this reason it can be observed that people doing more responsible work are being paid as those

doing less responsible work. Hence, there is no assurance in the Lebanese civil service that similar work shall carry similar pay and that varying degrees of job importance or difficulty shall be equitably reflected in pay scales. The analysis and comparisons of the duties and responsibilities of all positions which are made as a part of the process of creating such a position classification plan will clearly establish the necessary relationships for correcting and avoiding inequities in pay among employees⁹⁶ which are now so common and so devastating to morale and to efficiency in the civil service of Lebanon.

At the present time the rates of pay in the government service of Lebanon are based primarily upon, and are proportionate to, formal educational attainments of the individual employee. They have only a secondary or indirect relationship to the duties and responsibilities of the work performed. This practice is definitely incompatible with the principle of equal pay for equal work and creates inequities and injustices among employees and an apathetic or even total disinterest in the work to be performed and results in low employee morale.

The question of adequacy of the pay for civil servants in Lebanon is another important problem that should be mentioned while discussing the subject of

96. Powell, op.cit., p.355.

compensation. It is broadly recognized in all progressive and advanced governments that public servants should be reasonably well paid. That is, their pay should be sufficient to permit them to support themselves decently and comfortably and should be based upon standards of living comparable with those people performing similar duties and carrying similar responsibilities in private industry or business.⁹⁷ Unfortunately legislators in Lebanon, or whoever may have been responsible for setting up pay scales, have not considered factors such as the market rates, the cost of living of the country and the condition of the labor market while establishing the pay policy for the public service.

In this respect, it appears certain that the Lebanese government is bringing injustices to its employees. The author is of the opinion that rates of pay of government officials in general, and those in the lower brackets of the administrative hierarchy in particular are not as high as that in comparable commercial employment. Unable with these small salaries to live decently or even to get the minimum necessities for their living, these employees feel that they are exploited and thus neglect their work. Many of them feel seriously that they are giving the administration more than they are getting from it.

97. Mosher, op.cit., p.249.

Under these conditions and the assumption that the administration is unable to increase the salaries of its employees, it is necessary to ask why they do not leave the civil service and look for some private employment. This question faces the employees themselves, but they always end up with the decision to stay in their posts, because civil service provides them with advantages in the form of fringe benefits, such as, retirement benefits, generous leaves and short office hours and permanence which are not available in most private employments. Moreover, in private institutions employment is very limited. Consequently, if they leave public service it is probable that they may remain idle.

The best description of the situation of the civil servants is the statement that was made by Mr. Saeb Salam at the Cenacle Libanaise:

The abundance of civil servants is matched by the meagerness of their salaries and is definitely related to the situation resultant in their lack of competence, confusion of conduct and ethical behaviour. This makes it plausible to consider the civil servant in Lebanon to be one of three: either an honourable man relying for his modest living on his inheritance, the number of these is small; or the honourable man overburdened with debt, these are also few in number; or the third man who has descended to the lowest levels of anyone made responsible for the welfare, money and ambitions of the people by sacrificing the public good on the altar of his desires, susceptible to and receiving bribes from any

source and completely disregarding the interests of the people.⁹⁸

Hence, unless the employees of this government are paid sufficient salaries to maintain themselves and their families in decency and comfort, then we should not expect to have in government the honest, loyal, interested, hardworking and highly qualified civil servants. Therefore, adjustments in salaries are necessary so that they will bear approximately the same relationship to commodity prices in Lebanon and that they will be established at a point where the government will not be at a great disadvantage in competing with private employment for competent personnel.

C. ALLOWANCES AND BONUSES

The basic salaries paid to government officials in Lebanon do not give a true picture of their actual remuneration. In addition to the salary, civil servants are entitled to many types of indemnities and allowances which the Lebanese government is very generous in giving, especially to high officials. These are:

98. Sa'ib Salām, "Ḥawl Binā' ad-Dawlah al-Lubnāniyah" [translation of Arabic title, "On Building the Lebanese State"] Conferences du Cenacle, V. 8, (1954), p.160.

Allowances for specialized personnel. Article 9 of Law dated May 7, 1957 fixed the allowances to be added to an employee's salary as follows:

1. 40% to engineers in the Ministries of Public Works and Communications, Interior, Public Health, Planning, Post Telegraph and Telephone, and the Estates and Surveying Department, Directorate of Vocational Training and to geologists. Engineers, mentioned above, whose services exceed eight years are entitled to a 50% allowance of their salaries.

2. 30% to chemical engineers, veterinaries, doctors, and 40% for those whose services exceed eight years.

3. 30% to dentists, pharmacists, astronomers and aeronautic engineers.

Family allowances. Each official is entitled, according to Law dated May 7, 1957 to a family allowance amounting to 15 L.L. for each of his dependents, i.e., wife and children. Children's allowance will be cut off, however, for the male child at the age of eighteen and for the daughter after her marriage.

Special and overtime allowances. When a special committee from amongst the civil servants is nominated by ministerial decision or by a decree to conduct an investigation or to undertake a special mission, special allowances

are being granted to each of its members. Moreover, some employees may be asked to put in some overtime for the fulfillment of some duties besides their normal routine duties and for which special allowances are paid.

In this respect it can be mentioned that top officials in the government who are appointed to special committees to study, supervise and implement specific projects receive high allowances for such functions. In his yearly report submitted in 1957 to the President of the Republic, the head of the Court of Accounts mentioned that a sum of 4,000,000 L.L. were spent in 1956 to a few high officials in the form of extra allowances and from which the sum of 132,000 L.L. were given to a single director general and 87,000 to another.⁹⁹ These figures have aroused criticisms of the administration by various circles in the country.

In order to eliminate such practice the personnel law of May 7, 1959, imposed a limit whereby no government employee may receive additional allowances which exceed 50 per cent of his basic salary. It remains to be seen whether this law is actually being complied with or not.

Travel allowances. Employees who are required to travel are given a per diem allowance covering the expenses

99. Lebanon, Court of Accounts, Yearly Report of the Court of Accounts, 1957 (unpublished).

they incur. This amount should be specified by a decree taken at the Council of Ministers. This daily allowance may, however, be substituted by a lump sum allowance specified by a decree if the employee is required to travel frequently on official duty.

Disability allowances. As with regard to disability allowances the law provides that in case an employee would incur a loss while fulfilling his duties, he might be granted an indemnity for such loss under the following conditions: 1. that the loss should have been incurred while the employee was on an official duty; 2. that the loss be caused by unforeseen events to which the employee was subjected in his official undertakings. Hence, the indemnity would not be given if the loss was due to negligence or error of the employee or incurred by unnecessary expenses. Furthermore, the law provides that the value of the indemnity should not exceed the net value of the employee's salary for six months.

In order to receive the indemnity, the employee who has incurred the loss must submit an indemnity application within a period of fifteen days from the date on which the loss was incurred.

Finally, in case an employee dies from an accident due to his official work, his family is given a financial assistance equal to the value of his salary for one year.

However, if the death is not service connected, the family is given financial assistance equal to the value of his last salary for three months. In both cases, this grant would be distributed equally among the members of the family who are considered as beneficiaries of the employee's pension. Furthermore, should one of the employee's beneficiaries die, he will be granted a financial assistance equal to his monthly salary. However, this assistance according to law should not exceed 500 L.L.

Bonuses. Furthermore, employees may be granted a monetary reward when they undertake tasks beyond the call of duty and this should be specified by a decision taken by the responsible minister. Funds for such awards are usually appropriated by special articles in the budget.

Moreover, the state bears the cost of treating the employee who is a victim of a disease or affliction caused by his work. This must be approved by the Council of Ministers. Should the disease, however, not be caused by his work, an employee may be given some financial assistance specified by the responsible minister. For such purposes, there are also special allocations assigned by special articles in the budgets of each Ministry.

D. FRINGE BENEFITS

Retirement benefits. Every permanent civil servant in Lebanon who has attained sixty-five years of age has to

go on pension or be dismissed from service.¹⁰⁰ The government, however, has been given the right to put on pension, pursuant to a decree by the Council of Ministers, any civil servant who has completed fifty-five years of age and thirty years of active service. In the same manner, the employee has been given the right to request the administration to put him on pension if he has completed fifty-five years of age and has spent thirty complete years in active service. Under such circumstances, the administration has to comply with the request within a period not exceeding three months.¹⁰¹

According to law, no civil servant may be given a pension salary unless after twenty years of service. Every civil servant who is dismissed with less than twenty years, is granted a dismissal indemnity. The pension salary may, however, be substituted, if the civil servant so wishes, by a dismissal indemnity provided that his active service does not exceed thirty years.

100. Legislative Decree No.12660 dated July 1, 1956, Modern Collection of Lebanese Laws, op.cit.

101. Legislative Decree No.14 dated January 7, 1955, op.cit., Articles 124 and 125.

A resigning civil servant, however, or one considered as resigned, is deprived of his rights to a pension salary or dismissal indemnity, but he can be reimbursed with the pension deductions from his salary.

Pension deductions as mentioned before are composed of: 1. half of the first month's salary of the civil servant; 2. five per cent of the salary up to five hundred Lebanese pounds; and 3. the first monthly payment of every increment to the salary.

Pension allowances of civil servants are figured on the basis of $1/55$ of the average salary of the last two years multiplied by the active years of service.¹⁰²

Dismissal indemnities, on the other hand, are figured on the basis of a month's salary for every year of active service for the first ten years and two months salary for every year of active service beyond that.¹⁰³

A special committee in the Ministry of Finance is designated for the purpose of liquidating pension and dismissal indemnities. This committee is composed of five members of the third category and above.

Hours of work. Under this topic, the present civil service regulations in Lebanon are too generous and this super-generosity has become a problem in itself.

102. Ibid., Article 140.

103. Ibid., Article 141.

The regular office hours of the government of Lebanon are from eight to two in winter and spring and from eight to one in summer and autumn. In other words, six hours per day or a total of 34 hours a week in winter and five hours per day or a total of 30 hours a week in summer. Practically before 9 a.m. few employees come to work and after half past twelve few are those who remain in office. Of the remaining three hours and a half, one hour is usually used for coffee and reading the news, thus leaving scarcely three hours for work. That means so much waste in effort. Office hours should be increased to forty hours per week and the employees should observe strictly the office hours.

Holidays. Decree No.6033 dated August 17, 1954 enumerates a total number of twenty-two days of official holidays in which a civil servant may absent himself.

Annual Leaves. Each employee who has spent one year in active service or more has the right to an annual leave at full salary for twenty days. Exempted from this are employees who enjoy judicial or academic vacations. According to law, the leave can be accumulated for a maximum period of 100 days (the remaining part the employee has to take or else forfeit it).

Sick leaves. With respect to sick leave, each employee can be absent for thirty days on full salary for

health reasons provided that he notifies his chief immediately through a medical report of the illness submitted by a physician. If the period designated exceeds thirty days, the leave is not granted except at the suggestion of a medical committee.¹⁰⁴ After the case is referred to the committee, it has to meet and submit a report of the case. The employee may, if he desires, have present a physician of his choice when being examined by the committee.

The law specified that sick leave shall be given with full pay for a maximum period of three months. This may be extended to a maximum period of nine months within one year and eighteen months within five consecutive years. Should the employee, however, have used the maximum leave period to which he is entitled, his case must be appraised by the medical committee. If he is liable to be cured within two years, he is put under inactive duty status without pay, or else he is finally discharged from service with the right to demand his dismissal indemnity or pension salary.

However, female employees have the right to be given maternity leave with full pay for a maximum period

104. The medical committee is composed of three physicians for each Muhāfazah appointed by a decree upon the suggestion of the Minister of Public Health.

of three months in addition to their normal sick leave.

Special leaves. In addition to annual and sick leave, an employee has the right to absent himself, if his superior approves, for a period of one week in case of his marriage or death of any of his close relatives (i.e., wife, parents, children, brothers or sisters).

Any leave, whether annual, sick or special has to be approved before it is granted to the employee. According to law, no leave can be granted unless it is approved by a decision of the director general. However, if the period requested exceeds three months, the leave has to be approved by the concerned minister. This procedure, it has been observed, is time-consuming. In some particular cases, it took more than a month to grant employees their leaves.

CHAPTER VI

MOVEMENT OF PERSONNEL

A. PROMOTION

One of the most important incentives which any job, whether in government or in business, can offer is the opportunity of advancing employees to new positions which involve greater responsibilities and higher salaries. Apart from considerations of morale and the effects on organizational efficiency, a well planned promotion policy is one of the means of holding in any service the best qualified personnel who enter the lower categories and grades and is thus an important phase of a career service.¹⁰⁵ Conversely, the lack of promotion may become one of the surest means of driving employees out of the public service and of creating a hostile and an unpleasant attitudes among them.

While discussing the subject of promotion in the Lebanese civil service distinction should be made between within-category increases and promotion from one category to another.

105. Powell, op.cit., p.392.

Within category increases. Every civil servant in Lebanon after two years service is entitled to a within category increment to a higher grade. However, when an employee attains the top grade, he can continue to receive an increment every three years of service, provided that his salary will not exceed the salary assigned to the top grade in the next higher category.¹⁰⁶

Before Legislative Decree No.14 was issued, efficiency ratings reports by the employee's immediate supervisor were the sole determinant for a within category increment. However, this has been abolished because of the widespread dissatisfaction in the handling of such ratings by various state Ministries. Thus nowadays a within category increment is obtainable automatically unless the disciplinary council or the Minister concerned decided to delay the employee's increment.¹⁰⁷ The power given to the Minister to delay an increment was recently introduced by Legislative Decree No.14 and replaces the previous arrangement whereby an employee who did not attain a satisfactory efficiency rating was deprived of an increment.

106. Legislative Decree No.14 dated January 7, 1955, op.cit., Article 27 as amended by the Law of May 7, 1957.

107. A Minister can delay such an increment for a maximum period of one year - Legislative Decree No.14 dated January 7, 1955, op.cit., Article 26.

Increment lists in most departments are prepared every six months. The personnel section or the office in charge of personnel matters in each Ministry prepares in January and in June lists of employees who are eligible for a within category increment. This list mentions the name of the employee, the date of his entrance on duty, his age as shown in his appointment decree, the date his increment is due and his salary. The increment list is signed by the director general of the Ministry and is then forwarded to the Ministry of Finance for approval. The process usually takes more than a month before the employee can receive his increased salary.¹⁰⁸

Promotion from one category to another. The law in Lebanon has laid restrictions on the promotion of civil servants from one category to another, making it essential that only in the case of a vacancy can an employee be promoted to a higher category.

Employees in the fourth category are promoted to the third category whenever a vacancy occurs, after passing an examination. However, such an action is limited to those who have been in active service for at least five years or to those who possess university degrees.¹⁰⁹

108. Interview with Mr. Mounir Halwani, Head of the Disbursing Service at the Ministry of Finance.

109. Legislative Decree No.14 dated January 7, 1955, op.cit., Article 20.

Promotion from the third to the second category can be effected by choice through a presidential decree to employees of the highest three grades in the third category.¹¹⁰

Promotion from the second to the first category, on the other hand, can be effected by choice through a presidential decree after the approval of the Council of Ministers to employees of the five highest grades of the second category.¹¹¹

Several observations can be made on the system of promotion in Lebanon. In the first place, the present system of promotion from one category to another is very narrow and restricted due to the fact that vacancies come after long periods of time, and to the low turnover rate in the Lebanese civil service. The only possibility for a vacancy to occur is either through the resignation of an employee or his transfer to another department, both cases of which rarely occur in the Lebanese administration, or through the establishment of a new job and this requires a law to be passed by parliament. Hence, this means that key positions in the state are bound to remain in the hands of old officials and that the new generations are doomed to stay away from the administrative machine. This may lead to stagnation and degeneration.

110. Ibid., Article 21.

111. Ibid., Article 22.

It is understood that the successive governments have misused their powers in appointing favorites with inadequate qualifications. The Legislative Laws of 1953 and 1955 came to bless the status quo, giving further security to those inefficient favorites and shutting the doors in the face of more progressive elements. The new laws will not, as they are, show any progress till after many years, when all the shift of old officials is over and new blood is introduced into the body of the state. The author believes that employment in any category should be open to new contenders. It may be presumed that the legislators, made wary by past experiences and not quite confident of those who are currently responsible, have chosen the lesser of two evils. This is regrettable for we find the majority of administrative laws and regulations were based on the principle of strict control of the government employee. It is a destructive policy and makes it very difficult to build up a sound governmental structure of a good and efficient administrative machine.

Secondly, it can be noted that the extent of promotional opportunities in the Lebanese civil service is generally restricted to employees of a single Ministry. This is criticized on the ground that the larger the area of selection the sharper the competition and the better the ultimate choice will be. Under the present government

system in Lebanon, each Ministry is looked upon as a sovereign power with complete control on its personnel affairs. It arranges and holds its own examinations and there is almost no coordination between Ministries along that line. Therefore, the chance of an employee to be promoted across Ministerial lines becomes almost impracticable and difficult to attain.

Finally, it seems that no consideration has been given to comparative performance in determining promotions to higher posts. This is due to the absence of up to date records on the performance and qualifications of all government employees and of clear statements of the duties and responsibilities of each position. Hence, the government is in no way able to find those employees who have demonstrated their abilities and who should be considered for vacant higher posts. Therefore, the necessity of developing and then maintaining adequate records must be recognized in Lebanon if comparative performance is to be used while determining promotions.

B. TRANSFER

While a promotion gives an employee increased responsibilities and increased compensation through assignment to a new job, a transfer on the other hand, involves the movement of an employee to a post in another office

with the same responsibilities and the same salary.¹¹² Such transfers are usually necessary when there are expansions or contractions in the work of various agencies or when the employee may be dissatisfied with the work he is doing and desires a transfer to another office or if the supervisor feels that an employee is not working well with other members of the organization and desires to transfer him to another office.

The civil service law in Lebanon permits the possibility of a considerable amount of horizontal mobility among various government departments and Ministries and lays down the limitations within which such transfers may be made.

With regard to transfers within the same cadre, the law gives the directors general the right to transfer employees of the fourth and fifth categories from one position to another within the Ministry. On the other hand, employees of the third category can be transferred by a decision of the Minister concerned at the suggestion of the director general. A transfer of employees of the first and second categories, however, requires a presidential decree.¹¹³

112. Mosher, op.cit., p.180.

113. Legislative Decree No.14 dated January 7, 1955, op.cit., Articles 47 and 48.

On the other hand, transfer from one cadre to another is permissible only through a Presidential Decree and provided that both Ministries agree on the arrangement. However, transfer of employees of the first category from one cadre to another requires a Presidential Decree after the approval of the Council of Ministers.¹¹⁴

Although no figures are available, it is generally conceived that there is very little transfer within and between different government agencies in Lebanon. This is due to the lack of coordination between Ministries and to the autonomy of each Ministry in the affairs of its personnel.

C. LABOR TURNOVER

The subject of labor turnover, i.e. the rate at which employees leave the government service due to death, retirement, illness, dismissal or resignation, is another item which should be discussed in relation to movement of personnel in the Lebanese civil service since it is an important indication of employment practices and procedures.

Unfortunately, the problem of turnover rate has never been given any consideration by responsible officials in Lebanon. No attempt whatsoever has been made yet to have any information about the transfers, discharges,

114. Ibid., Article 49.

resignations or retirements. However, in spite of the lack of such information, it can be observed in general that the turnover rate in the Lebanese civil service is low. Less people are leaving the government than those joining it. This can be illustrated by the fact that the same people tend to remain in the same office for long years. This tendency not only reduces promotional opportunities for younger employees and causes a certain amount of dissatisfaction, but it also causes inefficiency in the work to be performed by employees who would grow older and older and become more staid and conservative. The result is that office routine is encrusted with tradition and new ideas are being treated with suspicion and hostility.

The fact that the number of employees who leave the service is low, however, does not mean that employees are satisfied by the working conditions offered by the government of Lebanon, but there are reasons which induce them to stay in the service despite their reluctance to do so.

In the first place, employment in private institutions is very limited. A person who leaves his job can hardly find another job immediately. Secondly, the retirement benefits which the government offers to older employees can in no way suffice the retired employee his

living. Therefore, those who will be entitled to go on retirement are discouraged from doing so and remain in the government service for the maximum period of time they are entitled to. A third factor for such a low separation rate is related to the permanence of government employment. According to the present personnel system, each permanent official enjoys immunity from separation except for disciplinary reasons. Hence, the administration can hardly separate any employees even those who are incompetent and inefficient.

Therefore, what is needed in the Lebanese civil service is the infusion of new blood and the gradual removal of the older inefficient members from the staff in order to keep the civil service body flexible and adaptable to changing administrative needs and responsibilities.

CHAPTER VII

EMPLOYEES' BEHAVIOUR

A. DUTIES AND RESPONSIBILITIES OF EMPLOYEES

The conduct of a civil servant is another important subject which should be discussed at this stage of the study.

"In the public service", Professor Torpey points out, "the behaviour of employees both during working hours and outside working hours is a matter of official cognizance."¹¹⁵ It is generally agreed that each government employee must attend to his job with energy, honesty, loyalty and disinterest, obey his superiors and execute their orders and instructions unless they are illegal. He should be polite and correct in his relations with his superiors, colleagues, inferiors and the public and avoid in his administrative or personal life any appearances or work not appropriate to his position. He should not reveal any information which involves his position even after leaving it. Moreover, the employee is responsible for the correct execution of the work committed to him. He must, while performing his work, not overrule the existing laws and regulations, be

115. Torpey, op.cit., p.266.

negligent in his application of the laws nor have them violated.¹¹⁶

Most governments of the world prohibit civil servants from certain activities which are commonly guaranteed to privately-employed citizens. Notable prohibitions are: preventing public employees from actively participating in politics, from joining trade unions or syndicates, from bargaining collectively and from going out on strike. In Lebanon the law forbids civil servants from:¹¹⁷

1. Undertaking any work violating the Constitution, law and regulations.
2. Being concerned with any political matters or affiliated to political parties, professional unions or organizations.
3. Going on strike.
4. Undertaking commercial, industrial or any paid transactions.
5. Practicing a profession unless permitted to do so by law.
6. Being a member on an administrative board of a corporation.
7. Soliciting or accepting directly or indirectly gifts, bonuses, or endowments from any interested party.
8. Soliciting or accepting any recommendation.

116. Fritz Morstein Marx, The Administrative State (Chicago: The University of Chicago Press, 1957), p.154.

117. Legislative Decree No.14, dated January 7, 1955, op.cit., Article 31.

It can be observed in this respect that restraints on political activity in Lebanon have been more significant than those which prohibit them from belonging to trade unions. This is due to the fact that trade unions of public employees are non-existent in Lebanon. Whatever informal collective activity is carried out by government workers is sporadic and confined to short range objectives. A true example of this can be said about the informal "Committee of Employees Rights" formed in 1956 with the objective of raising the salaries of government employees and improving their conditions. Nothing has been heard about that Committee after salaries were raised by Law of May 7, 1957.

Although restrictions against striking are found in the Lebanese personnel law, it seems doubtful whether these prohibitions are effective if the employees are determined to do so. In 1953 telephone employees went on strike when the government refused to grant them permanent status and when it decided to reduce their number; in 1956 the "Committee of Employees Rights" issued a statement threatening a strike of all employees if salaries were not raised; and in 1957 engineers in the Ministry of Public Works went on strike because their salaries were low. In all of these cases no legal action was taken against them and the government was forced to accede to employees' demands.

Several attempts have been made by successive governments in Lebanon since 1952 to restrict the political activity of civil servants and three laws were issued in 1952, 1955 and 1958 waiving the immunity of office which every permanent civil servant enjoys with the purpose of placing restraints on the activities of civil servants and eliminating the influence of politics on administration and thus abolishing graft and corruption in government. The drafters of these laws were anxious to remove civil servants from the invidious influence of politics and hence it was hoped that politics could be separated from administration.

Unfortunately, all of such attempts to reform the administration ended in no results. Almost no official has been separated from the service due to political partisanship and thus the influence of informal groups or individual pressure on civil servants has continued to influence administrative practices.

Hence, the regulations are considerably less successful in immunizing the civil servants from the invidious influence of politics than the drafters of the law had hoped. The extermination of political influence will not be accomplished through legislation alone, as long as the tradition that positions in the government service go to those who are backed by members of a powerful sect, clan, family or political group. On the other hand, it should not be expected that these political

appointees would ignore or forget the obligation which they owe to their benefactors.

It is true that the regulations, as prescribed by article 31 of Legislative Decree No.14 dated January 7, 1955, barring civil servants from joining political parties and prohibiting them from being concerned with any political matter, may prevent them from overtly participating in politics. However, it does not necessarily follow that administrative decisions will suddenly be devoid of partisan considerations, and it would not mean that they would be removed from political pressure.

Therefore, it is naive to hope that laws or decrees by themselves can transform the civil service in Lebanon unless the spirit is equally willing.

B. DISCIPLINE

Although it is broadly recognized that internal self-control is the most desirable form of discipline within any administrative agency, it will be hard to expect that all employees will measure up to it. It seems also dangerous to rely upon internal self-control if the original selection of responsible officials was based upon political reasons rather than upon considerations of merit. Consequently, it will be necessary to provide penalties for the employees who violate their duties.

Penalties imposed on civil servants in Lebanon are

divided into classes and they range from reprimand to dismissal from the service. The first class comprises reprimands, salary deductions for not more than thirty days and disciplinary transfer. The second class consists of delay of the automatic increment for not more than two years, demotion, suspension from work without pay for a period not in excess of six months and dismissal from work.¹¹⁸

First class penalties are imposed by the director general and by the Minister. Directors general have the right to impose penalties of reprimand and salary deductions for a period not exceeding five days. However, if the penalty exceeds five days or if it is a disciplinary transfer, approval by the Minister is required.¹¹⁹

Second class penalties, on the other hand, are determined by a decision of the disciplinary council. This council, which is appointed at the outset of each year, is composed of a judge as a chairman and of four civil servants of the second category. However, when it is called to judge employees of the first and second categories, the court consists of the president of the Court of Cassation as chairman and four directors general as members. Moreover, a government representative is designated for

118. Ibid., Article 32.

119. Ibid., Article 33.

each of the two types of disciplinary councils. When the council is called to judge first and second category officials, the chief of the State Inspection Service represents the government. However, for other categories, one of the state inspectors will act as the government representative to the council.¹²⁰

As regards the procedure followed in such actions, first, the employee has to be referred to the disciplinary council by a decree, if he is of the first or second category, and by a decision of the Minister concerned, if he is from lower categories. Such a decree or decision might specify that the employee shall be suspended from work until the disciplinary council studies his case or until the administration revises its decision suspending him.¹²¹

The case together with the employee's file is first sent to the government delegate in the disciplinary council who will review the case and send it to the chairman of the disciplinary council within two months. The chairman then calls the council for a meeting, which will be held in secret, within ten days of the date on which he gets the file.

The law has given the employee the right to inspect the documents concerning him and to copy out what he deems

120. Ibid., Article 35.

121. Ibid., Article 34.

essential for his defense. He is also permitted to hire a lawyer during his appearance before the council. He must attend the meetings of the disciplinary council when he is called.¹²²

The case has to be settled by the council within a period of two months from the date of receipt of the report from the government delegate. This indicates that the entire matter may take a period of four months before a final decision is given.

Decisions of the council are made by a majority vote and its penalties are executed without a decree or a decision. Moreover, pardon is not possible on penalties imposed by the council, and the employee so discharged from service cannot be re-employed in any government, municipality or public institution.¹²³ However, an employee sentenced by the disciplinary council may appeal such an action to the Council of State where the decision of the disciplinary council may be annulled or affirmed.¹²⁴

The following table will give an idea about the number and the kind of disciplinary cases referred to the

122. Ibid., Article 39.

123. Ibid., Articles 40 and 41.

124. Legislative Decree No.14 dated January 9, 1953, Modern Collection of Lebanese Laws, op.cit., Article 8.

disciplinary council during the year 1956.¹²⁵

14	for Negligence
3	" Forgery
5	" Fake declaration of family allowance
4	" Unauthorized absence
1	" Smuggling
1	" Bribery
4	" Insubordination
1	" Theft
4	" Fighting
2	" Hiding official documents
1	" Insulting employees
1	" Contraventions

41

The verdicts given on the 41 cases were:

Suspension	2
Demotions	2
Salary deduction	17
Delay of promotion	3
Acquitted	9
Dismissal	8

41

125. This information has been taken personally from an official table given to the writer by the Secretariat of the State Inspection Service.

Several comments need to be made about the disciplinary procedure in general. In the first place, the procedure presently followed by the disciplinary council is too long and is time-consuming that it might take several months before a verdict can be given. Secondly, despite the compelling need to guarantee the accused a fair hearing before the disciplinary council, there is no assurance that, under the present government system where politics greatly influence administrative practices, a court will act with complete impartiality and will not be influenced by the informal activity of pressure groups. As a result of such a situation, disciplinary procedures in Lebanon have become so complicated and the government can hardly get rid of employees who are inefficient and unworthy of public employment.

CHAPTER VIII

PERSONNEL MACHINERY

The main theme of our discussions in the previous chapters about the management of personnel affairs in Lebanon was that there is a marked absence of an intelligent and efficient personnel department to administer recruitment, position classification, wage policy, wage standardization, movement of personnel and human relations. All of these policies and particularly every other personnel technique require the overall supervision of a personnel agency with government-wide jurisdiction.

However, many difficulties present themselves at the present time in Lebanon in setting up such a centralized control over personnel management. As it is well known, there is no center of responsibility in the Lebanese civil service system. Personnel seems to be every ones business. The first difficulty in setting up an effective personnel agency, therefore, would be the resistance of Ministers and politicians against creating it. This is due to the fact that if Ministers or Directors General are divested of their authority over the selection, promotion

and transfer of employees, it means that they can exercise less political control over personnel affairs and a decline in their patronage power.

Although ministerial autonomy in personnel management provides advantages in certain situations, however, in a country like Lebanon which is undergoing major economic and social development, a completely decentralized approach is likely to produce chaotic results. It should be pointed out at this time that the writer is not advocating complete centralization of all personnel processes; but both the central personnel agency and the ministerial personnel offices should have legitimate roles to perform.

Article 17 of Legislative Decree No.12 dated January 5, 1955 gives the secretariat of each Ministry the responsibility of preparing the examinations for recruitment of personnel and handling the procedures and formalities for appointment, transfer, promotion, leaves, discipline, retirement and separation, and keeping and maintaining the "dossiers" of personnel. Article 18 of the same decree states that it is permissible to charge a department other than the secretariat of the Ministry with some of the above mentioned duties. Accordingly, matters related to personnel management are being handled by the secretariat of the Ministry and by other departments of the Ministry as well. In a few Ministries, however, all the functions of personnel

management are being performed by departments that do not fall under the jurisdiction of the secretariat. Hence, there is no statutory requirement which clearly locates the responsibility for such functions, nor does it require each Ministry to establish a personnel section of its own.

The function of personnel management as being understood by all Ministries is that of preparing and keeping decisions and decrees in accordance with the provisions of the personnel law - Legislative Decree No.14. For this reason, the subject is not given much consideration and is regarded as amongst the ordinary routine functions performed by the Ministries.

However, matters related to the preparation of examinations, selection of employees, promotions and transfers are always considered as prerogatives of the Ministers and Directors General who act according to their own will and desires.

Moreover, it can be observed that each Ministry has its own system in handling the different aspects of personnel administration. This is due to the absence of uniform instructions and patterns and administrative manuals to be used by all departments alike. The use of personnel forms, cards and records is almost non-existent. Every thing that pertains to an employee is being kept in his "dossier".

Finally, the number of officials handling personnel functions in the some state Ministries is not sufficient and in no way can they achieve their work properly with the limited facilities provided for them. This is besides the fact that the filing system followed by all Ministries is rather of an antiquated nature.

Hence, we could mention the absence of an intelligent and efficient personnel department and the lack of human relations in the Lebanese administration as another serious defect of the present personnel system.

This personnel department should develop effective control over the conduct of the employees in all government departments, since it seems that the conduct of employees is not taken into consideration except in relation to disciplinary measures enforced by the administration against the guilty ones. Administrative punishments, such as, reprimand, warning, etc. are necessary measures, but are not enough to guarantee the good functioning of the civil service.

The Permanent Civil Service Council. At the present time control over personnel affairs in Lebanon is, in theory, in the hands of the Permanent Civil Service Council, established in the Prime Minister's Office by Legislative Decree No.12 dated January 5, 1955. According to this Legislative Decree the functions of the Council shall be

to deal with personnel affairs and study continuously all matters that would lead to the improvement of public administration, insure the necessary coordination between its various sections and shorten the formalities and procedures.

The powers of the Council were determined by Decree No.9393 dated May 30, 1955, that is, after the lapse of five months from the date of its original establishment. According to this Decree the powers of the Council are as follows:

1. Study every suggestion that aims at amending the personnel regulation and all regulatory provisions emanating therefrom.
2. Prepare a general regulation for examination which the personnel regulation requires in order to fill vacant positions, and supervise these examinations when necessary.
3. Give opinion on the suggestions that aim at delegating employees to specialize abroad.
4. Study the regulations put by every Ministry for employing personnel.
5. Give opinion on the condition of the employees who are in excess to the need of the administration.

The Decree also provides that the Council should continuously study the affairs that lead to the realization of the following matters:

1. Insuring the desired coordination between the various Ministries and administrative units.

2. Determining clearly the responsibilities of the various circles of the administration.
3. Simplifying formalities and procedures and insuring that they shall be performed with the utmost speed.
4. Establishing wide decentralization in powers.
5. Simplifying the administrative system.
6. Introducing the necessary improvements to the public administration to enable it to discharge its duties quickly and accurately.

Moreover, the Decree has vested the Council with the right to visit all the administrative units in the state and get acquainted with the following matters:

1. Kind of operations the unit is performing and their effectiveness with respect to the duties with which the Ministry is charged.
2. Kind of operations every employee in the unit is performing and their effectiveness with respect to the duty with which this unit is charged.
3. The formalities that are made in every unit, the stages that every formality passes in, procedures followed in studying and completing it, the time required for its completion, the number of signatures it requires, and the provisions that require these signatures.
4. The number of employees in each unit and the actual need of the unit for employees.

As to the composition of the above mentioned Council, Decree No.9736, dated July 2, 1955, that is, after the lapse

of one month from the date of the Decree determining the powers, provides that the Civil Service Council shall be composed of Messrs: Nazim Akkari, Director General of the Office of the Prime Minister, Chairman; André Tweini, formerly Director General in the Ministry of Public Works, Vice Chairman; Abdul Aziz Shehab, formerly Director General of the Ministry of Interior; Halim Abu Izzeddine, formerly Director General of the Ministry of Information and holder of the rank of Minister Plenipotentiary in the Ministry of Foreign Affairs; Lutfi Haydar, formerly Director General of the Ministry of Information; and Ibrahim Alouf, Chief of the Secretariat of the Ministry of Finance, of the category of a chief of a service - all members. Hence, we see that the aforementioned Council is composed of six persons including the chairman, four of whom are of the first category and two of the second category.

The composition of the Council has been subject to criticism. First, we find that such a work requires full time officials who are not occupied with other responsibilities, whereas the officials forming the Council are overburdened with other duties and responsibilities. Secondly, it is evident that such work requires experts in the field of public administration and particularly in personnel management and persons who have had the necessary training and experience to perform such type of work. In actuality,

few members of the Council have had such qualifications.

On the other hand, it can be observed that the powers granted to the Council are of an advisory nature and are very limited. The Council has no executive functions for supervision and control of civil service affairs and in no way it can undertake the necessary reform.

It is for these reasons that the accomplishments of the Council since its establishment have been very limited. Progress reports have never been submitted and it is unfortunate that the present Council did not accomplish the work it is supposed to do.

Until the beginning of 1957, meetings of the Council were unorganized and its discussions were of a general nature. The only period which the Council showed some interest in its work was during the first four months of 1957 when it prepared a draft of a bill for the establishment of a National School for Public Administration. However, the draft bill has not yet been submitted to the Chamber of Deputies. The Council, during that period, also attempted to study the means for simplifying formalities and procedures. However, such attempts ended with no results and no improvements were made along those lines.

Such a situation is always expected, for it would be unique if the initial running of any new machine did

not reveal the necessity for adjustments to achieve its main objectives. Hence, amendments and modifications in the present organization and duties of the Civil Service Council are desirable and necessary, and the establishment of an effective central personnel agency to deal with all civil service problems is essential.

It might be worth mentioning here that the government in 1942 has organized a "Bureau of Personnel" attached to the Office of the President of the Republic under the provisions of Decree No.240/NI dated February 18, 1942. The law provided that this Bureau shall be formed consisting of four officials. Personnel files were to be kept in each Ministry and the Bureau of Personnel was to keep a copy of each file. The law further specifies the duties of the Bureau as being an advisory agency in all matters of personnel. Each personnel action to be taken on each employee should be signed by the head of this Bureau. However, in actuality, nothing of that sort was instituted, and later in 1943, a law was issued annulling the Decree No.240/NI which was not actually applied.

CHAPTER IX

CONCLUSION

A. BASIC DEFECTS OF THE CIVIL SERVICE IN LEBANON

In the course of this study, the problems which obstruct the progress and improvement of the Lebanese civil service were presented and analyzed.

To enable the reader to relate and compare the problems with the proposed recommendations, it would be necessary at this stage of the study to review in brief and summarize the aforementioned problems.

An objective study will indicate that the problems confronting the Lebanese civil service are not only due to the neglect of the duties and rights of personnel and to the lack of an effective personnel machinery but also to various social, political and sectarian factors.

One of the principal problems of the Lebanese administration is the mentality of the citizens as well as that of government officials. To both, the administration does not seem to be justified by the services it renders to the public interests but rather by the advantages they can get from it.

The civil service in Lebanon has been corrupted by political and sectarian interferences especially in the phases of appointments and promotions of employees. Since deputies, politicians and influential members of the various sects build their popularity and prestige on the personal interests of their electoral clients through the administration, it is no wonder that more or less unqualified elements can get administrative posts. These candidates, who are politically strong and able to get appointment in the civil service are usually evaluated by their personal relations instead of their technical knowledge and competence. As a result of this situation internal control has been weakened and badly undermined. It is not strange under these conditions that the number of government employees have increased more rapidly than the need of the country requires. This is a serious danger for the administration. It expresses disrespect and lack of confidence of the public service and discourages good elements from joining the administration.

On the other hand, the structure of the civil service organization and the legislation organizing the employees' status seems to present other serious defects which constitute a fundamental cause of the inefficiency of the Lebanese administration.

There is no effective positive system of personnel administration in Lebanon through which qualified candidates

for government positions are being selected, employed, trained and promoted through scientific methods based on merit and upon knowledge and abilities required to perform the duties and responsibilities of the work of government. Responsibility for handling personnel transactions is not entrusted to a special department and it seems to be every one's business. There is no central personnel agency to formulate and carry out, on a uniform basis, personnel policy. Moreover, there appears to be a marked absence of uniform rules, printed forms and instructions and procedures for the handling of personnel transactions. Large quantities of personnel transactions are handled subjectively on a more or less individual case basis.

Because of the lack of a positive and coordinated program of personnel management, the recruitment process seems to be poorly designed to attract qualified candidates to government employment. Scientific selection methods are not applied and there is no assurance that the best are selected from those who do apply. For these reasons we find that the government contains a large number of unqualified personnel with no initiative, no sense of responsibility, and who are characterized by a spirit of laziness and indifference.

This brings us to the question of training state employees which should be entirely different from the

training of employees for private business. There is a fundamental lack in the civil service in Lebanon of a school of administration whose responsibility is to train and prepare efficient public servants.

Up till now nothing approaching a position classification plan exists, so as to provide a planned and rational basis for selection or for pay. Both the administrative and technical "cadres" list titles, but nothing in the nature of category definitions or statements of duties and responsibilities or qualifications is available for essential use in personnel administration. No study has ever been made of the duties and responsibilities of the positions in the government service and upon which a sound position classification plan could have been developed. Consequently, there is no assurance that employees are receiving equal pay for equal work. The pay of government officials is rather based upon their scholastic attainments and not upon the duties and responsibilities of the work they perform, and is not commensurate with the standard of living of the country. Moreover, the system of promotion appears to be inadequate as an instrument of constructive personnel administration.

The disciplinary procedure is too complex and time-consuming and is often corrupted by political interference. It is extremely difficult for the government to discharge inefficient civil servants.

As a result of the above-mentioned problems and of the many injustices and inequities, the interest and morale of government workers are not as high as they should be. The present conditions have created a wave of general discontent on the part of government employees and citizens as well and has led to the general conviction that the administration is a means of fraud and does not serve the general interests of the public.

The present condition of the civil service is inflicting on the people of Lebanon a paramount material loss and at the same time is costing the taxpayer a huge amount of money spent on unproductive services and is hindering the implementation of development projects which are essential to the country.

It is evident that the new independent state, if ever to grow and prosper, would have to embark on a bold program of development which requires a civil service endowed and trained not only to establish a program of development but also to implement the program and keep up with the latest techniques and to enable the country to compete in a progressing world. This civil service must, therefore, be brought to the forefront in Lebanon and must be made to bear the burden of the state since it is qualified to do so.

The current government system in general does not command the trust of the people, nor does it boast of the

prerequisites that must be available in the personnel of the state. The system is pervaded with evil practices and we are afraid, if unchecked, will do the state irreparable harm.

To remedy the situation, it is imperative for the government of Lebanon to adopt certain basic improvements which we shall discuss in the following section of this study.

B. RECOMMENDATIONS FOR IMPROVEMENT

The following recommendations aim at eliminating the biggest number of problems outlined in this study as well as setting up a modernized civil service machinery to properly handle the present government responsibilities and obligations as well as anticipated future requirements and developments.

It is not going to be several recommendations providing several solutions, but it will be one recommendation incorporating solutions to the several problems outlined in this study. This one recommendation manifests itself in ^{improvement} the establishment of ^{the present} a new autonomous Central Personnel Agency and of ministerial personnel offices who should work under the jurisdiction of the Central Personnel Agency.

It is evident that the establishment of such an agency will not solve all the civil service problems in

Lebanon. However, it is hoped that if the proposed agency will be given actual authority to handle all matters related to personnel, a great number of these problems will be reduced.

The significance of having such a central agency lies in the fact that it might contribute towards eliminating interferences and political pressures in matters related to personnel administration. Moreover, it is a good means for providing uniform rules and procedures for personnel work and valuable specialized personnel services throughout government offices and will relieve the administrative offices of large amounts of difficult and time-consuming personnel work. This is besides the fact that this Central Agency will be very useful to administrators in general in providing them with accurate and specific information about the duties, responsibilities, and other requirements of the various categories of positions which are needed in the government service, and thus be an effective element for planning.

It is suggested that the Central Personnel Agency consist of exceedingly highly qualified members who are appointed by a Presidential Decree after the approval of the Council of Ministers. These members should be considered as full time employees and be remunerated for their services.

To ensure high character and complete impartiality of this agency, it is necessary that it should be given independence of action and freedom from political influences and pressures. There is no doubt that such an agency cannot attain its purposes in a short period of time, but it might need several years time. In addition to time, this agency will require considerable professional and technical assistance in public personnel administration, since experts in this field are almost non-existent in Lebanon.

Hence, the establishment of such an agency would require the employment of a staff of five or six foreign public personnel technicians for a short period of time to train the Lebanese officials in their work. The selection of a permanent Lebanese staff would also be necessary to handle the work of the new Central Personnel Agency.

Functions of the Central Personnel Agency. The Central Personnel Agency should possess strong legislatively-approved authority and be authorized to promulgate all the necessary rules and regulations governing the administration of personnel, in accordance with and pursuant to the basic principles of personnel administration.

The Central Personnel Agency should undertake a positive program of recruiting the best available citizens for the civil service. Its aim should be at getting the right man in the right place. All Ministries and government

services should be obliged to make use of this central service for the filling up of any vacancy. Consequently, the Central Personnel Agency would have to prepare, in cooperation with the various Ministries, and administer all entrance and promotional examinations. Entrance to the service should be only by competitive examination. These examinations will have to be well conducted and the Central Personnel Agency should utilize the most scientific testing techniques available. The questions to be asked in the examinations should be based upon the requirements of the position to be filled in order to decide if the applicant, with a view to his abilities, is fit for the position in question. Hence, the employment of experts in examination construction would be necessary.

In order to approach the ideal - the right man in the right place - it is necessary that data will have to be gathered, as complete as possible, both about the person and about the function. Special inquiries should, therefore, be made by the Central Personnel Agency about prospective candidates to government jobs, whereby information about the integrity and reliability of candidates will be gathered in order to insure that a proper discharge of their duties shall be guaranteed. This function includes an inquiry into schooling and vocational instructions and certificates obtained, an inquiry into previous employments and an inquiry

into antecedents. An interview by the selectors of the Central Personnel Agency should also be held.

Apart from gathering details about the candidates in question, also the requirements for any separate function should be laid down. This function necessitates a special section entrusted with the task of job analysis and classification. Here the functions of each position are to be carefully analyzed and described. The information which analysts require for such a purpose needs to be of three basic sorts: (1) information concerning the duties of the position, i.e. the tasks ordinarily assigned to the incumbent; (2) information concerning the responsibilities of the position, i.e. the degree of supervision under which the work of the position is performed, the extent to which the exercise of independent judgment is required, and the like; and (3) information concerning the qualifications necessary for adequate performance of the duties of the position.

Positions of like responsibility, having the same general kind of duties and the same background qualifications requirements, would be classified into "classes of positions". Each class of position would be subject to the same general examination requirements.

Besides being a fundamental element in the recruiting process, job analysis and classification is of great use in connection with wage determination and forms an

important means with a view to judging the personnel's merit, the fixation of lines of promotion, the inquiry into internal relations in the service and the gathering of information about inaccuracies in the organization and management. The description of functions should, however, be carried by job analysts who are trained in this field and who should possess a wide knowledge of government organization, laws and regulations, as well as the principles of personnel management modelled on modern lines.

Another major task of the Central Personnel Agency is that of drawing up a salary schedule. This can be made on the basis of the classification plan whereby work will be properly evaluated and each post will be given its correct salary. The grade appropriate to the post will be carefully assessed in accordance with the nature of the work and the responsibilities attached to it and not according to educational qualifications or length of service of the individual. Contrast to salaries offered by private firms should also be considered.

The Central Personnel Agency would also administer the regulations governing the promotion, transfer, demotion, disciplinary action and dismissal of personnel.

Organization and methods in the Lebanese civil service as a whole are antiquated and unnecessarily slow and do not conform to modern standards. The reason is

mainly due to the fact that responsible officials in government are so busy with their day-to-day work and have no time to consider whether they could improve their methods and simplify procedures. This is besides the fact that a great deal of "old" officials are so used to the operations as they have been carried out for a long time that they fail to see for themselves where the operations can be improved or shortened.

Hence, it would be the task of the Central Personnel Agency to carry out a study of the detailed work of all government sections, and in consultation with those responsible for carrying out the work, suggest methods for improvement. Men on the job should be helped by specialists of the Central Personnel Agency to increase the efficiency, smoothness and speed with which the work is to be carried out.

The Central Personnel Agency would also have to promulgate and administer regulations governing disciplinary action such as demotion and dismissal of personnel. In this respect it should assure the rights of employees and at the same time protect the interests of the service.

The Central Personnel Agency will have also to handle all the aspects of personnel registration. This includes the gathering of all personnel data of those who are employed in the government service, and in this connection, matters of importance are: education, former

employment, present function, date of entrance on duty and the salary of the employee. This data will have to be written on special registration cards. Personnel files containing documents such as the appointment decree, promotion requests, commendation notes or letters, violation and disciplinary notes and verdicts, change of status slips and all other written information related to the employees in the service should be maintained and kept by the Central Personnel Agency. Moreover, records of annual leaves, sick leaves, absences, time records and efficiency reports will have to be kept and recorded.

Another major task of the Central Personnel Agency is the establishment of a National School for Administration. In establishing a civil service training system, consideration should be given to the different aspects of training required by the civil service. In the first place, a general orientation program should be given to newly appointed civil servants. This includes subjects as the meaning of public employment, the employees conduct vis-a-vis the public, relationship of the employee to his superiors and to subordinates, the employee's attitude towards the work, how to preserve the dignity of the position, and in general, everything related to the duties and responsibilities of a civil servant.

Besides this the employees should be trained about the special aspects of the position they are appointed to.

It is recommended that this training program be divided into the following three parts:

1. Training in specialized or technical subject-matter work of the various government services in fields such as public health, education, taxation, customs, highway maintenance, etc..
2. Training in administrative management and supervision to be given to directors general, directors and other supervisory personnel. This should include such type of training in fields of accounting, auditing, budgeting, personnel, purchasing, etc..
3. Training in modern office methods and techniques to be given to all employees entrusted with clerical and routine tasks and to those employees who will be required to operate office machines such as calculators, adding machines and audio visual equipment.

The recommendations outlined in this study provide for the establishment of an effective machinery and modern methods to improve the civil service. Neither the mechanical structure nor the competent public service could guarantee a good government. There should be a will from the people and the government personnel to cooperate for

the production of services which will enhance the well being of the nation as a whole and which will provide the basis for a continuous prosperity for the benefit of the generations to come.

The people and the government should always be guided by the public interest. In their daily relations with the government, the people should not insist on special privileges but should collaborate with the civil service body to come up with developments and accomplishments which are in the interest of the whole population. The public attitude towards the government as an enemy and as a master must cease and be replaced by a general acknowledgement of the government as a body working for the public interest.

APPENDIX I

REPUBLIC OF LEBANON

Ministry of National
Education and Fine Arts

Decision No.677

The Minister of National Education and Fine Arts,
Pursuant to Decree No.17054 dated 8 August 1957;
(and),

Pursuant to Legislative Decree No.14 dated 7/1/1955,
amended by the law issued on 7 May 1957; (and)

Pursuant to the Recommendation of the Director
General of the Ministry of National Education and Fine Arts;

Decides the following:

Article One: The Ministry of National Education and Fine Arts shall hold a test for the appointment, within its administrative cadre, of a chief of an accounting division.

Article Two: The date of this test has been set for Friday 13 December, 1957, at half past seven in the morning, in the New Girls' School in Beirut.

Article Three: The candidate for this test should:

First: Be a Lebanese since at least ten years.

Secondly: Have completed his twentieth year of age.

Thirdly: Be free of diseases and defects which would obstruct his performance of the duties of the job, and be of a good reputation.

Fourthly: Be enjoying his civil rights and not sentenced for a crime or a misdemeanor.

Fifthly: Be holder of a university degree.

Article Four: The employees mentioned in Article 14 of Legislative Decree number 14 dated 7/1/1955 shall be accepted to sit for this test.

Article Five: Every candidate, other than employees, should attach to his application the following documents:

1. Copy of the Census register confirming that the candidate is a Lebanese since at least ten years.
2. Copy of the Police record the date of which does not go back to more than a month.
3. Health certificate to be given by the Medical Committee.
4. Certified copy of the required educational degrees.

Employees shall be exempted from submitting the above-mentioned documents, provided that they submit an application for participation in the test comprising the approval of the Ministry to the cadre of which they belong.

Article Six: Applications for participation in this test shall be submitted to the Tests Department in the Ministry of National Education and Fine Arts from 20 November 1957 to 5 December 1957.

Article Seven: The said test shall comprise:

1. Test in Arabic on one of the subjects of general knowledge. The weight is 2; and the time, two hours.
2. Test on Lebanese laws and regulations relative to the organization of the State, the employees' regulations, general accounting law, and general accounting procedures. The weight is 3; and the period, 3 hours.
3. Questions related to the laws and regulations of the Ministry of National Education and Fine Arts. The weight is 2, and the period, two hours.

4. A draft on budget preparation. The weight is 3; and the period, two hours.

Article Eight: Grades shall be counted from zero to twenty and then multiplied by the relative weight of the question. The candidate attaining a total of grades not less than a hundred shall be considered passing.

Article Nine: The contents of this Decision shall be published in three local papers and broadcasted over the Lebanese Broadcasting Station; and shall be notified whenever it is necessary.

Beirut, 15 November 1957

True copy

Signature: Farid Cozma

قرار رقم ٦٧٧

ان وزير التربية الوطنية والفنون الجميلة
بناءً على المرسوم رقم ١٧٠٥٤ تاريخ ٨ آب ١٩٥٧
بناءً على المرسوم الاشتراعي رقم ١٤ تاريخ ٧ / ١ / ١٩٥٥ المعدل بالقانون الصادر
بتاريخ ٧ ايار ١٩٥٧
وبناءً على اقتراح المدير العام لوزارة التربية الوطنية والفنون الجميلة .

يقرر ما يأتي :

- المادة الاولى :
تجرى وزارة التربية الوطنية والفنون الجميلة امتحانا لتعيين رئيس قسم محاسبة
في ملاكها الاداري .
- المادة الثانية :
حدد موعد هذا الامتحان في يوم الجمعة الواقع في ١٣ كانون الاول ١٩٥٧ عند
الساعة الثامنة والنصف صباحا في مدرسة البنات الجديدة ببيروت .
- المادة الثالثة :
يشترط في المرشح لهذا الامتحان :
اولا - ان يكون لبنانيا منذ عشر سنوات على الاقل .
ثانيا - ان يكون قد اتم العشرين من عمره .
ثالثا - ان يكون سليما من الامراض والعاهاث التي تحول دون قيامه باعباء
الوظيفة وان يكون من ذوى السيرة الحسنة .
رابعا - ان يكون متمتعا بحقوقه المدنية ، وغير محكوم عليه بجناية او جنحة
شائنة .
خامسا - ان يكون حاملا شهادة جامعية .
- المادة الرابعة :
يقبل في هذا الامتحان الموظفون المنصوص عليهم في المادة ١٤ من المرسوم
الاشتراعي رقم ١٤ تاريخ ٧ / ١ / ١٩٥٥ .

المادة الخامسة : على كل مرشح من غير الموظفين ان يرفق بطلبه المستندات التالية :

- (١) صورة اخراج قيد عن سجل النفوس تثبت ان المرشح هولبناني منذ عشر سنوات على الاقل .
- (٢) نسخة عن السجل العدلي لا يرجع تاريخها الى ابعد من شهر .
- (٣) شهادة صحية تعطيها اللجنة الطبية .
- (٤) صورة مصدقة عن الشهادات العلمية المفروضة .

ويعفى الموظفون من تقديم المستندات المذكورة اعلاه على ان يقدموا طلبا للاشتراك في الامتحان يتضمن الموافقة عليه من الوزارة التي ينتسبون الي ملاكها .

المادة السادسة : تقدم طلبات الاشتراك في هذا الامتحان الى دائرة الامتحانات في وزارة التربية الوطنية والفنون الجميلة من ٢٠ تشرين الثاني ١٩٥٢ الى غاية ٥ كانون الاول ١٩٥٢

المادة السابعة : يتالف الامتحان المذكور من :

- (١) مسابقة في اللغة العربية باحد مواضيع الثقافة العامة المعدل "٢" المدة ساعتان .
- (٢) مسابقة في القوانين والانظمة اللبنانية المتعلقة بتنظيم الدولة ونظام الموظفين وقانون المحاسبة العمومية واصلو المحاسبة العامة المعدل "٣" المدة ٣ ساعات .
- (٣) اسئلة تتعلق بقوانين وانظمة وزارة التربية الوطنية والفنون الجميلة المعدل "٢" المدة ساعتان .
- (٤) مشروع تحضير موازنة المعدل "٣" المدة ساعتان .

المادة الثامنة : توضع العلامات من صفر الى عشرين وتضرب بالمعدل المختص بها ويعتبر ناجحا المرشح الذي يحصل على مجموع علامات لا يقل عن مائة علامة .

المادة التاسعة : ينشر مضمون هذا القرار في ثلاث صحف محلية ويذاع من محطة الاذاعة اللبنانية ويبلغ حيث تدعو الحاجة %

بيروت في ١٥ تشرين الثاني ١٩٥٢

وزير التربية الوطنية
والفنون الجميلة

طبي الاصل

الامضاء : فريد قوزما

APPENDIX II

REPUBLIC OF LEBANON

Ministry of National
Education and Fine Arts

ANNOUNCEMENT

The Ministry of National Education and Fine Arts shall hold a test for the appointment, within its administration cadre, of a chief of an accounting division on Friday December 13, 1957, at half past eight in the morning, in the New Girls' School in Beirut.

The candidate for this test should:

- First: Be a Lebanese at least ten years.
- Secondly: Have completed his twentieth year of age.
- Thirdly: Be free of diseases and defects which would obstruct his performance of the duties of the job, and be of a good reputation.
- Fourthly: Be enjoying civil rights and not sentenced for a crime or a shameful misdemeanor.
- Fifthly: Be holder of a university degree.

The employees mentioned in Article 14 of Legislative Decree number 14 dated 7/1/55 shall be accepted to sit for this test.

Every candidate, other than employees, should attach to his application the following documents:

1. Copy of the census register confirming that the candidate is a Lebanese since at least ten years.
2. Copy of the Police record, the date of which does not go back to more than a month.
3. Health certificate to be given by the Medical Committee.
4. Certified copy of the required educational degree.

Applications for participation in this test shall be submitted to the Tests Department in the Ministry of National Education and Fine Arts from November 20, 1957 to December 5, 1957.

Applicants for participation in this test may read the statement describing the material to be covered in this test, during office hours, in the Secretariat of the Ministry of Education and Fine Arts.

True copy

APPENDIX III

REPUBLIC OF LEBANON

Ministry of Post, Telegram and Telephone
Directorate General of Post and Telegram

APPLICATION FORM

To: Ministry of Post, Telegram and Telephone
Directorate General of Post and Telegram

The undersigneda Lebanese,
born in the year residing inStreet.

As I am willing to accept one of the vacant positions
for in your departments, I hereby submit
this application hoping that it be accepted. Thank you.

Attachments:

1. Educational Certificate
2. Copy of the Police Record
3. Copy of the Census Register
4. Health Certificate
5. Certificate of Good Conduct

Beirut:.....

Official Stamp
in the amount of
25 P.L.

APPENDIX IV

REPUBLIC OF LEBANON

Ministry of National
Education and Fine Arts

Decision No.748

The Minister of National Education and Fine Arts,
Pursuant to Decree No.17054 dated 18/8/1957; (and),
Pursuant to Legislative Decree No.14 dated 7/1/1955;
(and),

Pursuant to Decision No.677 dated 15 November 1957
ruling that a date for giving a test for the appointment of
a chief of an accounting division in the cadre of the Ministry
of National Education and Fine Arts be fixed; (and),

Pursuant to the suggestion of the Director General
of the Ministry of National Education and Fine Arts;

Decides the following:

Article One: The Testing Committee which is to give the test
for the appointment of a Chief of an Accounting
Division in the Ministry of National Education
and Fine Arts shall be composed of Messrs.:

The Director General of the Ministry of National
Education and Fine Arts - President

Hasan 'Awada)
George Salibi) Members
Khalil Hilmi)

Article Two: This Decision shall be notified whenever need
calls for.

Beirut, 10 December 1957

True Copy

Signature: Farid Kozma

وزارة التربية الوطنية
والفنون الجميلة

قرار رقم ٧٤٨

ان وزير التربية الوطنية والفنون الجميلة
بناءً على المرسوم رقم ١٧٠٥٤ تاريخ ١٨ / ٨ / ١٩٥٧
بناءً على المرسوم الاشتراعي رقم ١٤ تاريخ ٧ / ١ / ١٩٥٥
بناءً على القرار رقم ٦٧٧ تاريخ ١٥ تشرين الثاني ١٩٥٧ القاضي بتحديد
موعد اجراء امتحان لتعيين رئيس قسم محاسبة في ملاك وزارة التربية الوطنية والفنون
الجميلة
بناءً على اقتراح المدير العام لوزارة التربية الوطنية والفنون الجميلة .

يقرر ما ياتي :

المادة الاولى : تؤلف اللجنة الفاحصة لامتحان تعيين رئيس قسم محاسبة في وزارة
التربية الوطنية والفنون الجميلة من السادة :

المدير العام لوزارة التربية الوطنية والفنون الجميلة رئيساً

اعضاء
حسن عواضه
جورج صليبي
خليل حلمي

المادة الثانية : يبلغ هذا القرار حيث تدعو الحاجة %

بيروت في ١٠ كانون الاول ١٩٥٧

الامضاء: فريد قوزما

طبع الاصل

وزارة التربية الوطنية
والفنون الجميلة

اعلان

تجرى وزارة التربية الوطنية والفنون الجميلة امتحانا لتعيين رئيس قسم محاسبة في ملاكها الاداري عند الساعة الثامنة من صباح يوم الجمعة في ١٣ كانون الاول ١٩٥٧ في مدرسة البنات الجديدة ببيروت .

يشترط في المرشح :

- (١) ان يكون لبنانيا منذ عشر سنوات على الاقل .
- (٢) ان يكون قد اتم العشرين من عمره .
- (٣) ان يكون سليما من الامراض والعاهات التي تحول دون قيامه باعباء الوظيفة وان يكون من ذوى السيرة الحسنة .
- (٤) ان يكون متمتعا بحقوقه المدنية وغير محكوم عليه بجريمة او جنحة شائنة .
- (٥) ان يكون من حملة الشهادات الجامعية .

ويقبل في هذا الامتحان الموظفون المنصوص عليهم في المادة ١٤ من المرسوم الاشتراعي رقم ١٤ تاريخ ٧ / ١ / ١٩٥٥ شرط ان يقدموا طلبا توافق عليه الوزارة التي ينتسبون الي ملاكها .

وعلى كل مرشح من غير الموظفين ان يرفق بطلبه المستندات التالية :

- (١) صورة اخراج قيد تثبت ان المرشح هو لبناني منذ عشر سنوات على الاقل .
- (٢) نسخة عن السجل العدلي لا يرجع تاريخها الى ابعد من شهر .
- (٣) شهادة صحية تعطيها اللجنة الطبية .
- (٤) صورة مصدقة عن الشهادات العلمية المفروضة .

تقدم الطلبات في هذا الامتحان الى دائرة الامتحانات في وزارة التربية الوطنية والفنون الجميلة من ٢٠ تشرين الثاني ١٩٥٧ الى ٥ كانون الاول ١٩٥٧ .

ويمكن للراغبين في الاشتراك في هذا الامتحان الاطلاع على موادها يوميا واثنا الدوام الرسمي في ديوان وزارة التربية الوطنية والفنون الجميلة %

بيروت في ١٥ تشرين الثاني ١٩٥٧

طوبى الاصل

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