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THE FUNCTIONS AND RESPONSIBILITIES OF THE KAIMAKAM  
IN LEBANESE ADMINISTRATION FROM THE OTTOMAN PERIOD TO THE PRESENT DAY

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## CHAPTER I

### HISTORICAL BACKGROUND

The word Kaimakam<sup>1</sup> is Turkish usage derived from an Arabic root, meaning "standing in place of another".<sup>2</sup>

In the Ottoman Empire, before the Period of the Tanzimat reforms<sup>3</sup> 1839-1876, the term was used to denote the officer temporarily commissioned to act as deputy, at the court or in the capital, in the absence of the Grand Vizier. Such an officer was called a Kaimakam Pasha.<sup>4</sup> When the army and the provincial administration was re-organized by the Tanzimat reforms, the Kaimakam became in the army the equivalent of a Lieutenant-Colonel, and in the civil service the name of the official entrusted with the administration of a district(Kaza).<sup>5</sup>

The deputization of authority was a practice common in Islamic states from an early time. The term Nā'ib, meaning deputy, was given at one time or another to a wide variety of officials who held administrative

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<sup>1</sup>"Kā'im-Mākam," The Encyclopedia of Islam, Vol. 2, Leyden, Late E.J. Brill Ltd., 1927. Pronounced and written Kaimakam in Turkish.

<sup>2</sup>Ibid., "Kā'im". Kaim means "standing upright". Makam means the place where one is standing. Hence Kaimakam means standing in place of another.

<sup>3</sup>Ibid., "Tanzimat," Vol. 4, 1934. The reforms introduced into the government and administration of the Ottoman Empire from the beginning of the reign of Sultān Abd-al-Majid (1823-1861) and inaugurated by the Charter generally called the Khatti-Sherif of Ghulkhane.

<sup>4</sup>Ibid., "Kā'im-Makam," Vol. 2.

<sup>5</sup>Ibid., "Kadā". The Turkish word Kaza comes from the Arabic qada, meaning the jurisdiction of a magistrate, or judge (qādī).

posts with delegated authority, as representatives of their superiors. Under the Mamluks this term was especially used to designate the deputy or lieutenant of the Sultān, or the governor of one of the chief provinces. The same term was also used by the Ottomans to signify mainly a deputy judge -- the substitute, or delegate, of the Kadi, or judge.<sup>1</sup>

In the civil service, the Ottomans used the term Kaimakam instead of Na'ib to denote district governors. The Ottoman Kaimakam was the governor of the Kaza, which formed part of the Sandjak, which in turn was one of the major divisions of the Vilayet.<sup>2</sup>

Mount Lebanon, in the Ottoman Empire, was technically part of the surrounding Syrian Vilayets. The part of the country North of Nahr el-Kalb was theoretically included in the Vilayet of Tripoli. The southern districts formed part of Vilayet of Sidon. However, while Mount Lebanon fell under the rule of the Ma'n and Shihāb Emirs (1516-1841), its administration did not follow the regular Ottoman pattern. In January 1842 the Shihāb Emirate in Lebanon had come to an end; thereupon, the Ottomans took a first step to regularize the administration of the country. A Moslem Ottoman Governor, Umar Pasha el-Namsawi, was thus appointed to administer Mount Lebanon as a sub-province attached to the Vilayet of Sidon.<sup>3</sup> When, before the end of that year, local opposition and pressure by the European powers forced the Ottomans to discontinue their direct rule in Mount Lebanon,<sup>4</sup> a

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<sup>1</sup>Ibid., "Na'ib," Vol. 3, 1936.

<sup>2</sup>Ibid., "Kadā," Vol. 2. In the terminology of the Turkish administration Kada (Kaza) denotes a district governed by a Kaimakam.

<sup>3</sup>Philip Hitti, Lebanon in History (London MacMillan & Co., 1957), p. 435.

<sup>4</sup>Ibid.

a new administrative system was introduced into the country guaranteeing for it a certain degree of local autonomy. It was now that the term Kaimakam first came into use in Mount Lebanon.

Between 1842 and 1860 Mount Lebanon was administered in two provinces, called Kaimakamiyyahs: a northern province, administered by a Christian Kaimakam; and a southern province, separated from the former by the Damascus road, administered by a Druze Kaimakam. In each province the Kaimakam had the powers of a local governor directly responsible to the head of the Vilayet of Sidon.

The system of the two Kaimakamiyyahs in Lebanon was abolished after 1860, as a result of the political and sectarian troubles which shook the country at the time.<sup>1</sup>

On 9 June 1861, a few months after the end of these troubles, a commission composed of the representatives of England, France, Russia, Austria, Prussia, Turkey, and (three years later) Italy, closely studied the Lebanese situation and promulgated a special Reglement Organique which defined a new autonomous status for Mount Lebanon.<sup>2</sup>

The country, according to the Reglement Organique, was to be governed by an Ottoman Christian Mutasarrif<sup>3</sup> who was non-Lebanese. This Mutasarrif was to be assisted by an indirectly elected Lebanese Administrative Council. Under the Mutasarrif, the country was divided into six

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<sup>1</sup>Civil war known as the Massacre of 1860.

<sup>2</sup>Hitti, op.cit., p. 441.

<sup>3</sup>The term Mutasarrif was used in the Ottoman administration from the XVII Century. Sometimes the Sultāns granted a Sandjak to their children, or retired Viziers, but these were not in principle the owners of the districts, they had the possession of Tesarruf of them and were their Mutasarrif. See below, p. 16.

districts, each administered by a Mudir assisted by a district council of three members.

In 1864 the Ottomans re-organized their general Vilayet administration.<sup>1</sup> In Mount Lebanon the Reglement Organique was also revised and amended in that year. The amendments introduced dealt mainly with the sectarian representation in the Administrative Council, and also with the administrative divisions in the country. The Lebanese administrative districts were now increased to seven. The town of Dayrel-Kamar, an important Christian center in the heart of the Druze region, was given a special status. Moreover, the title of Mudir, applied to the district administrator, was changed into Kaimakam, which brought the use of the term in Mount Lebanon in line with its general use in Ottoman administration.

Thus, each of the seven administrative districts (Kazas) in the Lebanese Mutasarrifiyyah was, after 1864, administered by a Kaimakam appointed by the Mutasarrif. The town of Dayr el-Kamar and six surrounding Villages formed a special administrative district called a Mudiriyyah, administered by a Mudir who was appointed by the Mutasarrif and who held the same responsibilities and duties as those of the Kaimakam.

The Lebanese administrative districts (Kazas), all except the Kaza of Zahleh, were subdivided into smaller administrative districts called Nahiyas, each administered by a Mudir<sup>2</sup> whom the Mutasarrif appointed upon the suggestion of the Kaimakam.<sup>3</sup> The Nahiyah was composed of a number

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<sup>1</sup>"Tanzimāt," The Encyclopaedia of Islam, op.cit., Vol. 4.

<sup>2</sup>The number of the administrative subdivisions varied with the size of the Kaimakamiyah.

<sup>3</sup>Only the Mudir of Dayr el-Kamar was equal to a Kaimakam. The rest were subordinate.

Villages, and in each village there was a Sheikh who was elected by the inhabitants and confirmed in his office by the Mutasarrif. It was the village Sheikhs who, on behalf of their fellow-villagers elected the members of the Administrative Council of the Mutasarrifiyyah.

The administrative system established by the Reglement Organique remained in force until 1915 when the establishment of Ottoman military rule during the first world war put an end to the autonomy of the Lebanese Mutasarrifiyyah. Ahmad Jamal Pasha, the Commander-in-Chief of the Turkish Fourth Army, arrived to Syria in November 1914, and the last Christian Mutasarrif of Lebanon was deposed early in the following year. In October 1915, Mount Lebanon was declared a Sandjak, thus abolishing its autonomous status and the country was placed under direct Ottoman rule until October 1918, when Syria and Lebanon were occupied by the Allies.<sup>1</sup>

On 24 October 1918 General Gouraud declared Lebanon's territory a part of "The North Zone of the Occupied Enemy Territory".<sup>2</sup> Towards the end of 1918, the coastal region of the North Zone was organized as a separate administrative region and called the West Zone, the Province of Lebanon forming part of it. This Lebanese Province was composed of the following Kazas:

Al-Kura	Al-Matn
Batrun	Al-Shūf
Kisrawan	Jazzine
Zahleh	The autonomous Mudiiriyyah of Deir-el-Kamar. <sup>3</sup>

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<sup>1</sup>Stephen Hemsely Longrig, Syria and Lebanon Under French Mandate, (London 1958), p. 65.

<sup>2</sup>The word "enemy" here was attributed to the territory and not to the people. Contaut-Biron, Comment La France s'est Installée en Syrie 1918-1919 (Paris, 1922), pp. 102-3.

<sup>3</sup>Ibid.

The West Zone was placed as a unit, under a Central Administration which was organized by the French to replace the Ottoman Administration.<sup>1</sup> The French Administrator-in-Chief of the West Zone was supported by the British Commander-in-Chief of the Allied forces, General Sir Edward Allenby. This chief administrator was assisted by a staff of four expert advisers who were chiefly responsible in developing an administrative machine.<sup>2</sup> The Central Administration was composed of eight technical bureaus which were directly responsible to a General Secretariat.<sup>3</sup> The General Secretariat included an office for non-military affairs which dealt with questions concerning general administration, personnel, supplies, accounts and archives. This office was controlled by the Administrator-in-Chief.<sup>4</sup>

To the Province of Lebanon and the city of Beirut civilian administrative delegates were appointed, while military governors were established in the outlying Sandjaks.<sup>5</sup> All these were Frenchmen. Local

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<sup>1</sup>The West Zone was composed of:

- I. The Vilayet of Beirut which was composed of: a) the town of Beirut, b) the Sandjaks of Sidon, Tyre, and Merdjayoun, c) the Sandjak of Tripoli which included the Kazas of Tripoli, Safita, Hosn-el-Akrad and Akkar, d) the Sandjak of Latakieh which included the Kazas of Latakieh, Dyrble, Baniyas, Sahnoun and Djisr el-Shaghur.
- II. The Province of the Lebanon - or the Lebanon Sandjak.
- III. The autonomous Sandjak of Alexandretta.

<sup>2</sup>Longrig, op.cit., p. 65.

<sup>3</sup>The eight bureaus were the following: Finance, Post Telegraph, Agriculture, Supplies, Water, Customs and Forests, Public Works, Hygiene, Public Health, Justice, Commerce and Industry, Gendermary and Police, Education.

<sup>4</sup>Contaut-Biron, op.cit., p. 105.

<sup>5</sup>Longrig, op.cit., p. 78.

Mutasarrifs assisted by French Administrative Counsellors were also appointed in the Province of Lebanon as in the other Sandjaks. The Administrative Counsellors of the Sandjaks of Sidon, Tripoli, Beirut, and Latakah formed the General Council of the Vilayet of Beirut. Finally, local Kaimakams, assisted by French sub-governors, were appointed to the Kazas.<sup>1</sup>

Each of the three administrative districts was headed by a military officer called an Administrative Delegate. The Kaimakam was in charge of administering the Kaza and was responsible to the Administrative Delegate of the district to which he belonged.<sup>2</sup> On 17 June 1920, the position of the Administrative Delegate was abolished in the three districts. The necessity of granting the Province of Lebanon wider administrative autonomy was given as a justification.<sup>3</sup>

On 25 April 1920, the Allied Supreme Council which convened at San Remo decided to offer a Mandate for Syria and Lebanon to the French Republic.<sup>4</sup> And on 31 August 1920, the French High Commissioner, General Henri Gouraud, declared the establishment of Greater Lebanon, extending the territory of the old Province of Lebanon to the Present boundaries.<sup>5</sup>

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<sup>1</sup>Contaut-Biron, op.cit., p. 106.

<sup>2</sup>Ibid.

<sup>3</sup>Arrete No. 1365 of June 17, 1920, Majmu'at al-Mukarrarat lil-mentakat al Gharbiyyeh 1918-1920, Collection of the Decisions of Zone West, Adab Press, Beirut, 1924, p. 6.

<sup>4</sup>Longrig, op.cit., p. 99

<sup>5</sup>Arrete No. 318 of August 31, 1920, Recueil des Acts Administratifs du Haut Commissariat, de la Republic Francaise en Syrie et au Liban 1919-1920, (Beyrouth), hence Recueil des Actes Administratifs, V. 1, pp. 132-33.



With the birth of Greater Lebanon the administrative districts of the Province of Lebanon were dissolved. The same was done with the administrative districts of the Vilayet of Beirut and its agencies, the General Council, and Administrative Councils of the Sandjaks and Kazas.<sup>1</sup>

On 1 September 1920 General Gouraud issued a decree vesting the executive power in a Governor of Greater Lebanon appointed by the High Commissioner. Legislative advice was given to the Governor by the members of the Administrative Council of Lebanon who were appointed by the High Commissioner upon the nomination by the Governor. By the same decree the country was divided into four Mutasarrifiyyahs and two separate Municipalities.<sup>2</sup> The four Mutasarrifiyyahs were divided into twelve Kazas and the Kazas were subdivided into Mudiriyyahs. The administrative divisions were the following:

I. The Mutasarrifiyyah of Northern Lebanon with Zgharta as its center. It included:

- a. The Kaza of Akkar
- b. The Kaza of Zgharta
- c. The Kaza of Batrun.

II. The Mutasarrifiyyah of Mount Lebanon with Ba'abda as its center. It included:

- a. The Kaza of Kisrawan
- b. The Kaza of Matn
- c. The Kaza of the Shuf and the Mudiriyyah of Dayr el-Kamar.

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<sup>1</sup>Arrete No. 320 and 321 of August 31, 1920, Recueil des Actes Administratifs, Vol. I, pp. 136-7.

<sup>2</sup>The term Mutasarrifiyyeh lost its original meaning.

III. The Mutasarrifiyyah of Southern Lebanon with Sidon as its center. It included:

- a. The Kaza of Sidon
- b. The Kaza of Tyre
- c. The Kaza of Hasbayya

IV. The Mutasarrifiyyah of Beqa' with Zahleh as its center. It included:

- a. The Kaza of Rashayya
- b. The Kaza of Bequa' Maallaka
- c. The Kaza of Baalbeck
- d. The Mudiriyyah of Hermel.

V. The separate municipality of Beirut and its suburbs.

VI. The separate municipality of Tripoli and its suburbs.<sup>1</sup>

Greater Lebanon was governed, according to the same decree, by a French high official appointed by the High Commissioner and responsible to him for the maintenance of public security and for the administration of the state. The governor of Greater Lebanon had large executive powers. He had the authority of requisition of the military forces in emergency cases which required immediate action, and in other cases conditional upon the approval of the High Commissioner. The Governor also prepared the state and local budgets, subject to final approval by the High Commissioner.<sup>2</sup> Directly attached to the office of the Governor were the general bureaus of the state which were the following: Interior including gendarmarie and police, Finance, Justice, Public Works, Post and Telegraph, Education, Economics and Public Health. The heads of these bureaus were

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<sup>1</sup>Arrete No. 336 of September 1, 1920, Recueil des Actes Administratifs, Vol. 1, pp. 142-3.

<sup>2</sup>Ibid., p. 144.

appointed with the approval of the High Commissioner, and were directly responsible to the Governor. French technical counsellors were also appointed by the High Commissioner to help the heads of the bureaus.

In local administration every Mutassarifiyyah was headed by a local Mutasarrif who administered it on behalf of the Governor. The Mutasarrif, nominated by the Governor, was appointed by the High Commissioner. He was responsible to the Governor for the Maintenance of order and public security, the enforcement of regulations, and the collection of taxes.<sup>1</sup>

The Kaimakam was responsible for the administration of the Kaza. He was appointed by the Governor of Greater Lebanon with the consent of the Mutasarrif to whom he was responsible.

The Mudir was in charge of administering a Mudiriyyah. He was nominated by the Kaimakam and appointed by the Mutasarrif.

The basic administrative and legislative framework for Greater Lebanon was established in 1922 along lines which were retained throughout the period of the Mandate. They actually came into force on 29 September 1923.

On 23 December 1923, a detailed description of the functions and responsibilities of the Kaimakam was announced by the Governor of Greater Lebanon.<sup>2</sup>

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<sup>1</sup>Leila Wadih Canan, "The Position of the High Commissioner in the Administration of Lebanon under the Mandate," (Unpublished Master's dissertation, Department of History, American University of Beirut, 1959), p. 23.

<sup>2</sup>Ta'alimat No. 1722 of December 23, 1923 - Maj'mu'at al-Mukarrarat li-Dawlat Lubnan al-Kabir, (Collection of the Decisions of Greater Lebanon, Adab Press, 1925), pp. 123-126.

On April 1925, Greater Lebanon passed an administrative re-organization. The districts which were called "separate" municipalities, Sandjaks, and Kazas were abandoned and replaced by new districts called Muhafazahs. Greater Lebanon was divided into eleven Muhafazahs and one separate Nahiyah.<sup>1</sup> The Muhafazahs were subdivided into 34 Nahiyahs.

The Muhafazah was administered by a Muhafez who represented the central authority and was in particular responsible for the strict application of laws and regulations, assisted by a Local Administrative Council. The Mudir of the separate Nahiyah had the same duties and prerogatives.<sup>2</sup>

Each of the 34 Nahiyahs was headed by a Mudir who was responsible to the Muhafez for keeping order and maintaining public security. On 17 November 1927 the functions and responsibilities of the Mudir were explained in a decree.<sup>3</sup>

On 3 February 1930,<sup>4</sup> the administration of Lebanese Republic was thoroughly re-organized.<sup>5</sup> The country was now divided into 5 Muhafazahs which were, in turn subdivided into 18 Kazas. The Muhafez, as before, was to be responsible for the administration of the Muhafazah, while Kaimakams

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<sup>1</sup>These were: Tripoli, Batrun, Kisrawan, Matn, Beirut, Shuf, Baalback, Zahleh, Sidon, Tyre, Mardjuyoun. The separate Nahiyah was Dayr el-Kamar.

<sup>2</sup>Arrete No. 3066 of April 9, Recueil des Arrets et Decisions du Grand Liban 1924-1925, (Beyrouth, 1927), pp. 73-74.

<sup>3</sup>Arrete No. 2390 of November 17, 1927, Majmu'at Qawanin wa Marasim Hukumat al-Jumhuriyyat al-Lubnaniyyat 1926-1929, (Collection of Laws and Decrees of the Lebanese Republic 1926-1929, Adab Press, Beirut 1930), pp. 164-170.

<sup>4</sup>Since September 1, 1926 Greater Lebanon came to be called the Lebanese Republic.

<sup>5</sup>Legislative Decree No. 5 of February 3, 1930, Majmu'at Qawanin wa Marasim al Jumhuriyyat al-Lubnaniyyat 1929-1930, Collection of Laws and Decrees of the Lebanese Republic 1929-1930, Adab Press, Beirut 1931), pp. 221-231.

were placed in charge of the Kazas. The Nahiyahs, as administrative units, were abandoned.

Another general re-organization was decreed on 12 January 1953.<sup>1</sup> This was supplemented by further legislation on 11 January 1954.<sup>2</sup> The districts were re-organized and the duties of the Kaimakam were redefined as it will be shown later in this paper.

Again on 12 January 1959 there was an administrative re-organization which re-organized the districts and redefined the duties and responsibilities of the Kaimakam.<sup>3</sup>

The present administration of the Lebanese Republic and the formal duties and responsibilities of the Kaimakam are in accordance with this latest reform.

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<sup>1</sup>Legislative Decree No. 18 of January 12, 1953, Majmu'at al-Marasim al-Ishtiraeyyah - 1953, (Collection of Legislative Decrees - 1953, Beirut, Sadir Press, 1955), pp. 325-328.

<sup>2</sup>Legislative Decree No. 11 of December 29, 1954, Lebanese Official Gazette, Beirut, 1954.

<sup>3</sup>Legislative Decree No. 116 of June 12, 1954, Majmu'at al-Marasim al-Ishtiraeyyah - 1959, (Collection of Legislative Decrees - 1959, Beirut, Sadir Press, 1959), pp. 150-156.

## CHAPTER II

### FUNCTIONS AND RESPONSIBILITIES OF THE KAIMAKAM IN LEBANON UNDER THE MUTASARRIFIYAH

#### A. Administration of Mount Lebanon According to the Reglement Organique<sup>1</sup> 1861-1914.

The administrative organization of Mount Lebanon under the Mutasarrifiyyah corresponded in general to the general administration of the Ottoman Empire. The reform in Ottoman government and administration which were inaugurated in 1839 by the charter (Khatti-Sherif) of Ghulkane, were based on strict centralization of power.<sup>2</sup> The law of the Vilayets which recognized the general provincial administration of the Ottoman Empire in 1864, revealed the same trend.<sup>3</sup> In Mount Lebanon the Reglement Organique was also revised and amended in that year, and its amendment also reflected increased centralization.

In 1864 the Ottoman Empire was divided, into a number of Vilayets, each Vilayet being divided into a number of Sandjaks. The Sandjak placed under the administration of a Mutasarrif, was in turn subdivided into several Kazas, forming each the jurisdiction of Kaimakam.

The Kaza was divided into several communes, each of which was provided with communal administration. Groups of small villages which, because of their topographic position, could not form independent Kazas

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<sup>1</sup>Officially known as Reglement Pour L'Administration Du Liban (June 9, 1861). See the original texts in appendix A.

<sup>2</sup>George Young, Corps De Droit Ottoman, (London: Oxford Press, 1905), Vol. 1, p. 36.

<sup>3</sup>Ibid.

were incorporated in the nearest Kaza to them as Nahiyahs. In the town and villages a minimum of fifty houses formed a commercial circumscription.<sup>1</sup> The administration of the Sandjak in Mount Lebanon was in many ways similar to that of other Ottoman Sandjaks; however, being a privileged Sandjak, it had also distinctive administrative features.

On 9 June 1861, an organic status for Lebanon known as the Reglement Organique, established Mount Lebanon as an autonomous Ottoman province under the guarantee of six powers.<sup>2</sup> Under the Reglement Organique, with its seventeen articles, Lebanon soon came to be recognized as the best administered province of the Ottoman Empire, remaining so until its special status was unilaterally terminated by the Sublime Porte in October 1914.<sup>3</sup> The confessional basis on which contemporary politics in Lebanon rest can be traced back to precedents established during this period.<sup>4</sup>

The country, according to the Reglement Organique, was to be administered by a Catholic Christian plenipotentiary, or Mutasarrif, appointed by and directly responsible to the Sublime Porte. The Mutasarrif was invested with all executive power; he maintained order and security throughout the Mountain, collected taxes, and appointed administrative agents with authority he received from the Ottoman Sultan.<sup>5</sup> He moreover

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<sup>1</sup>Ibid., p. 37.

<sup>2</sup>England, France, Russia, Austria, Prussia and Turkey.

<sup>3</sup>J.C. Hurewitz, Diplomacy in the Near and Middle East, Van Nostrand Co., Canada, 1956), p. 165.

<sup>4</sup>Ibid., p. 56.

<sup>5</sup>It was understood, by the Protocol adopted by the Sublime Porte and the European Powers, that the power granted to the Mutasarrif to appoint on his own responsibility Administrative Agents was to be conferred upon him once, at the time that he himself was invested with authority, and not in connection with each appointment. Ibid., p. 65.

assured the execution of all court sentences except in the case of crimes which are tried before the Higher Judicial Council, whose sentences were executed only in conformity with formal usage in the rest of the Empire.<sup>1</sup> In the government of Lebanon the Mutasarrif assisted by a Central Administrative Council representing the different religious communities; two Maronites, two Druzes, two Greek Orthodox, two Greek Catholics, two Matawillah and two Muslims. This council was charged with assessing taxes, administering revenues and expenditures, and advising on all questions submitted to it by the Governor.<sup>2</sup>

The territory of the Mutasarrifiyyah was divided into six administrative districts,<sup>3</sup> or Kazas, in each of which the Mutasarrif was to appoint a Kaimakam from the predominant religious group, the predominance being either in numerical size or in the amount of landed property held by the group.<sup>4</sup>

To assist the Kaimakam,<sup>5</sup> there was in each district a local Administrative Council composed of three to six members and representing

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<sup>1</sup>Ottoman Empire, Reglement Pour L'Administration Du Liban, (June 9, 1861), Arts. 1 and 9.

<sup>2</sup>Ibid., Art. 2.

<sup>3</sup>These were: Al-Kura; the Northern part of Lebanon, except for Al-Kura, to the Nahr Al-Kalb, Zahleh and its territory; al-Matn, Sahl al-Nassara, Al-Qati and Salima; the territory to the South of Damascus-Beirut road to Jezzin; Jezzin and Tuffah.

<sup>4</sup>Ibid., Art. 3. For the historical development of this idea see: Khalil Itani, Tarikh Lubnan as-Siasi 1840-1861, (Diplomatic History of Lebanon 1840-1861), Unpublished Master's Dissertation, Department of History, American University of Beirut, 1951), p. 218.

<sup>5</sup>The duties and responsibilities of the Kaimakam will be discussed later.



the various elements of the population and landed interests in the district. The Kaimakam presided over this local council, which he annually convoked to resolve, in the first instance, all matters of administrative litigation, hear the claims of the inhabitants, provide the necessary statistical information for tax assessment, and give its advisory opinion on all questions of local interest.<sup>1</sup>

Special administrative officials were also appointed in the sub-districts or Nahiyahs, into which each Kaza was divided. The subdistricts were in turn divided into communities, each with at least five hundred inhabitants. At the head of each community there was a village headsman, as Sheikh, selected by the inhabitants and confirmed in his position by the Mutasarrif. In the mixed communities, however, each constituent element of the population had its own Sheikh who exercised authority only over his coreligionists.<sup>2</sup>

On 6 September 1864 the Reglement Organique<sup>4</sup> was revised and the following changes were introduced:

- a) The provisional administration of the country was reorganized in seven instead of six districts.<sup>4</sup>
- b) The religious representation in the Central Administrative Council was modified, giving the Maronites four seats instead of two.
- c) The Local Administrative Councils were abolished, thus

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<sup>1</sup>Reglement Pour L'Administration Du Liban, op.cit., art. 4.

<sup>2</sup>Ibid., art. 5.

<sup>3</sup>Known officially as Reglement Du Liban, (September 6, 1864).

<sup>4</sup>Ottoman Empire, Reglement Du Liban (September 6, 1864), art. 3.

strengthening the Central Administrative Council and the Mutasarrif.<sup>1</sup>

d) The Sheikhs of the villages were given the authority of judges of peace.<sup>2</sup>

e) The Mutasarrif was granted the right of appointing the judicial council and the judges, thus reducing corruption in the judiciary.<sup>3</sup>

f) The clergy were forbidden to give refuge to outlaws.<sup>4</sup>

g) The clergy were given the right to maintain independent courts for matters of personal status.<sup>5</sup>

h) Religious consideration which limited the work of the executive authority were abolished.<sup>6</sup>

On the whole the period of the Mutasarrifiyyah gave Mount Lebanon a basis of modern administration. The radical reforms such as the abolition of feudalism, introduced by the Reglement Organique had to be carefully treated in order to avoid turning the Lebanese feudal families into a class of troublemakers.<sup>7</sup> The various Mutasarrifs of Mount Lebanon undertook to keep them content by arranging for their gradual absorption into the new administration. A big number of feudal Emirs and Sheikhs

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<sup>1</sup>Ibid., art. 4.

<sup>2</sup>Ibid., art. 7.

<sup>3</sup>Ibid., arts. 6 and 10.

<sup>4</sup>Ibid., art. 17.

<sup>5</sup>Ibid., art. 16.

<sup>6</sup>Ibid., art. 13. For a complete comparison between the 1861 and 1864 Organic Laws of Lebanon see: "Abd ar-Rahman 'Adra, Protocol Lubanan, (The Protocol of Lebanon, Unpublished Master's Dissertation, Department of History, American University of Beirut, 1952), pp. 25-27.

<sup>7</sup>K.S. Salibi - Typescript under publication. A part of a book which will appear under the title: "A Modern History of Lebanon".

was appointed to the leading government positions; Kaimakams and Mudirs.<sup>1</sup> The leading families of Lebanon, to which the holders of the highest offices in the Mutasarrifiyyah belonged, maintained a political continuity in Lebanon's government, linking the period of the Mutasarrifiyyah with the earlier periods of preparing the way for later developments.

B. The Functions and Responsibilities of the Kaimakam as Official under the Mutasarrif and the Administrative Council.

In 1864 the Ottomans re-organized their general Vilayet administration. In Mount Lebanon the Reglement Organique was also revised and amended in that year. The title of Mudir, applied to the administrator of the Kaza in the Reglement Organique of 1861, was changed into Kaimakam, which brought the use of the term in Mount Lebanon in line with its general use in Ottoman administration.

Accordingly in every Kaza a Kaimakam was appointed and put in charge of civil administration, finance and police, and was directly responsible to the Mutasarrif.<sup>2</sup> His functions consisted of putting to execution the orders emanating from the Imperial Government, the instructions which were addressed to him, by the Mutasarrif and to apply all judicial decisions within the limits of his powers.<sup>3</sup>

The financial affairs of the Kaza consisting of the collection of the state revenue and its remission to the center of the Mutasarrifiyyah

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<sup>1</sup>During the administration of Yusuf Franco Pahsa no less than 20 Emirs and Sheikhs were appointed. For further details see: Tamir, Jirgi. Al-Hadiyyah al-Wataniyyah, (The National Gift, Ba'abda, 1909), pp. 199-208.

<sup>2</sup>Ottoman Empire, Law of the Vilayet (8 November 1864), art. 40. For the complete text see: Young, op.cit., Vol. 1, p. 36.

<sup>3</sup>Ibid., art. 43.

and the use of the sums allotted for the expenses of the Kaza were among the prerogatives of the Kaimakam.<sup>1</sup>

Each Kaza had an Administrative Council presided over by the Kaimakam.<sup>2</sup> The prerogatives of the councils were the control of receipts and expenses of the Kaza, the revision of savings account, administration and conservation of all the movable and immovable properties of the state. Also they were responsible for the distribution in the Nahiyahs and villages of the taxes according to the decision of the Administrative Council of the Mutasarrifiyyah. Moreover they were in charge of taking all necessary measures related to public health, the examination within their jurisdictions of legal cases between public officials. Also they were responsible for the construction of minor roads in the villages and Nahiyahs, and for the conclusion of purchases contracts in which the Kaimakam was directly authorized by the law or by special order.<sup>3</sup>

The armed force, at the disposal of the police of the Kaza, was placed under the orders of the Kaimakam who made use of it according to the instructions of the Mutasarrif and the conformity with the general regulations of the police.<sup>4</sup>

In 1871 another law was passed revising the administration of the Vilayet and defining the duties of the officials.<sup>5</sup>

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<sup>1</sup>Ibid., art. 44.

<sup>2</sup>See appendix B for the composition of the Kazas and Nahiyahs.

<sup>3</sup>Ibid., art. 92.

<sup>4</sup>Ibid., art. 49.

<sup>5</sup>Ottoman Empire, Lois sur L'Administration de Vilayets (27 January 1871). For the complete text see: Young, op.cit., Vol. 1, p. 47.

Accordingly the Kaimakam (sub-governor) administered the civil and financial affairs as well as the police of the Kaza. He was also in charge of executing the judicial sentences.<sup>1</sup>

The prerogatives of the Kaimakam were the choice of the Mudirs of the Nahiyahs, granting permission, after authorization by the Mutasarrif, to the communal councils to meet at the determined times. Also he was in charge of executing the decisions of these councils, which were submitted through the intermediary of the Mudirs. Moreover he was in charge of the inspection and the verification of the administrative state of the Nahiyahs as placed under his jurisdiction.<sup>2</sup>

The financial prerogatives of the Kaimakam consisted of the executing in matters concerning the financial administration of the Kaza, of these regulations which were concerned with the finances of the province. Accounts were made according to instructions which the accountant of the Mutasarrifiyyah transmitted to the Kaimakam through the intermediary of the Mutasarrif.<sup>3</sup>

The prerogatives and duties of the Mudirs of the Nahiyahs in administrative affairs consisted of announcing laws, regulations, orders and instructions of the government. Controlled and communicated to the government of the Kaza researches and verifications made by the Mukhtars about births, deaths and inheritances and transmitted information about lands which had no heirs. Also supervised and reported the elections of Mukhtars and members of the councils of elders, as well as the conduct and

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<sup>1</sup>Ibid., art. 43.

<sup>2</sup>Ibid., art. 44.

<sup>3</sup>Ibid., art. 45.

manner of action. Moreover they reported to the Kaimakam of the Kaza, after examination in a just and impartial manner, the complaints which were formulated on the part of the people against Mukhtars and council of elders with regards to the collection of taxes. Also the Mudirs presided over the communal councils and referred the decisions of these councils to the Kaimakam for authorization, then took care of their proper execution.<sup>1</sup>

The duties of Mudirs in the exercise of police action were to proceed with research and primary inquest of crimes and misdemeanors committed in the Nahiyahs. They executed orders and instructions of the Kaimakam which were related to the maintenance of public order in the Nahiyahs.<sup>2</sup> In financial affairs the Mudirs were in charge of supervising the conduct of tax collectors.

In the later instructions on the administration of the Kaza it was made clear that the Kaimakam, in his Kaza, represented the Mutasarrif. His duties consisted of executing instructions related to administration of the Kaza and watched over the management of civilian, financial and judicial affairs.<sup>3</sup>

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<sup>1</sup>Ibid., art. 56.

<sup>2</sup>Ibid., art. 58.

<sup>3</sup>Ottoman Empire, Instructions sur L'Administration des Vilayets (21 February 1876), arts. 33 and 34. For further details see: Young, op.cit., Vol. 1, p. 88.

### CHAPTER III

#### THE FUNCTIONS AND RESPONSIBILITIES OF THE KAIMAKAM IN LEBANESE ADMINISTRATION FROM 1920 TO 1954

##### A. The Functions and Responsibilities of the Kaimakam during the Occupation.

On 31 January 1919 the administration of Mount Lebanon was entrusted to a high military officer appointed as Military Governor of Lebanon. Mount Lebanon was divided at this time into three administrative districts, and the districts were subdivided into Kazas and Mudiriyyahs. Each of the districts was managed by an Administrative Representative who was directly attached and responsible to the Governor. The Kaimakam remained in charge of the Kaza and was responsible to the Administrative Representative (Counsellor or Adviser).<sup>1</sup>

The Kaimakam was the highest official in the Kaza. He was in charge of carefully executing laws, decisions, and regulations. By the authority granted to him, the Kaimakam had to carry all the duties which were invested in him by the laws and regulations and to execute all the instructions and orders sent to him by the Administrative Adviser. The latter was the link which connected the Kaimakam with the higher authorities. In this capacity the Kaimakam could not communicate with the higher authorities except through the Administrative Adviser. Moreover, the Administrative Adviser held the Kaimakam responsible for matters of

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<sup>1</sup>Arrete No. 178 of 31 January 1919. Majma'at al-Mukarrarat lil-Mantakat al Gharbiyyah, Loc.cit.

order and general security in the Kaza.<sup>1</sup>

The police and gendarmerie forces of the Kaza were under the Kaimakam's jurisdiction; he had the authority to use them whenever the need arose. The Kaimakam, upon the approval of the Administrative Adviser, also organized campaigns of inspection and reported to the Adviser his findings on administrative matters and on the needs of the Kaza. He had recommended general improvements.<sup>2</sup>

The Kaimakam could also intervene in the courts and draw the attention of judges and court officials to any delays in their work. The Kaimakam had to report to the Administrative Adviser delays in the activities of the courts.<sup>3</sup>

The Kaimakam also supervised religious as well as civil courts to ensure their proper functioning and the proper execution of sentences and decisions. He could ask the Administrative Adviser for any assistance he needed for the judicial and administrative departments attached to him.<sup>4</sup>

The Kaimakam was also responsible for the control of prisons. He had to inspect them and to report to the higher authorities all suggestions for improvement.<sup>5</sup>

The Kaimakam had also the authority to punish, within the limits of the law, the lower employees in the administrative departments falling under his jurisdiction. He could not, however, punish the officials of

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<sup>1</sup>Ibid., p. 10 (The page is mentioned because there are no articles).

<sup>2</sup>Ibid., p. 11.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.



the judiciary.<sup>1</sup>

No decision of the Kaimakam was binding unless it was approved by the Administrative Adviser who was alone responsible for the administration and the maintenance of order and security in the Kaza.<sup>2</sup>

B. Functions and Responsibilities of the Kaimakam according to the Decree of 1923.

On 23 December 1923, a detailed description of the functions and responsibilities of the Kaimakam was issued by the Governor of Greater Lebanon.<sup>3</sup> According to this description the Kaimakam in the Kaza which he administered had basically the same rights and the same authority as those of the Mutasarrif for whom he was a deputy. Hence he was the chairman of all the administrative departments in his Kaza. The Kaimakam was responsible to the Mutasarrif, and had to submit to him a full account of his own actions in office, as well as of the actions of his subordinates. The Kaimakam had the same authority as the Muhafez in controlling and inspecting all the government departments represented in his Kaza, including the purely technical ones attached to the central ministries and departments.<sup>4</sup> He had to pay special attention to the income of the Kaza administration from fees and taxes. The Kaimakam had to keep constant contact with the heads of departments in his Kaza; they, in their turn, had to keep him regularly informed about their work, income from taxes, current judicial matters, general health conditions, police actions.<sup>5</sup>

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid.

<sup>3</sup>Ta'alimat No. 1722 of 23 December 1923 - Majmu'at al-Mukarrarat li-Dawlat Lubnan al-Kabir, Loc.cit.

<sup>4</sup>Ibid., art. 17.

<sup>5</sup>Ibid., art. 18.

The Kaimakam had also to discuss with the Chief of the Security Forces in his Kaza such measures as were necessary for keeping order and maintaining general security. Moreover, he was entitled, when necessary and on his own responsibility, to give adequate orders to the police forces on condition that he would send a copy of the order to the Mutasarrif, who would in turn pass it over to the Governor.<sup>1</sup>

The Kaimakam could also discuss matters related to general security and administrative discipline with the prosecutor general of the court of the first instance; in case there was no court of the first instance, he could discuss such matters with the justice of peace. The Kaimakam had to inform the judges about the conditions and the circumstances which might help in performing their work, and to convey to them any instructions from the Muhafez in this connection. Moreover, the Kaimakam was to keep the Muhafez regularly informed on all important events in the Kaza which are related to the administrative order or the Judiciary.<sup>2</sup>

The prosecutor general or justice of peace had also to report to the Kaimakam about matters which he discussed with them, and to submit to him, at the end of each month, a list of the judicial actions taken, whether in connection with legal disputes or with crimes and misdemeanors. They also reported cases which were investigated or postponed. The Kaimakams also informed about any warrant of arrest issued, of any arrest made, or of any release from arrest ordered by the judiciary in the Kaza.<sup>3</sup>

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<sup>1</sup>Ibid., art. 19.

<sup>2</sup>Ibid., art. 20.

<sup>3</sup>Ibid., art. 21.

At the end of each month the Kaimakam had to send a report to the Muhafez about the work of all the departments represented in the Kaza. He had to include in his report his observations on the political and economic condition in the district and to give his opinion regarding the ability and initiative of all local employees, including the judges.<sup>1</sup>

The Kaimakam also controlled all the municipal departments in his Kaza, and was expected to ensure their proper functioning and development.<sup>2</sup>

The disciplinary authority that was granted to the Kaimakam over the inferior officers in the Kaza did not exceed warnings and reprimands. The Kaimakam had also the authority to give absence leave for a maximum period of 48 hours, on condition that the total would not exceed 7 days per year. In all such cases the Kaimakam had to inform the Mutasarrif of the decisions he had taken.<sup>3</sup>

The Kaimakam, as a member of the judiciary in his Kaza, carried preliminary investigations in emergency cases when the judge or the local Gendarmeries officer were absent. The Kaimakam could issue warrants of arrest, when necessary, and could also take all measures necessary for judicial investigation. He had, however, to inform the prosecutor general about all the measures he took in such cases without delay.<sup>4</sup>

The Kaimakam was not allowed to leave his Kaza without permission from the Mutasarrif. In emergency cases he could do so provided he informs the Mutasarrif of his departure telegraphically, naming the employee who

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<sup>1</sup>Ibid., art. 23.

<sup>2</sup>Ibid., art. 24.

<sup>3</sup>Ibid., art. 25.

<sup>4</sup>Ibid., art. 26.

represented him in his absence. This deputy Kaimakam had to be appointed by the Governor when the period of absence of the Kaimakam exceeded 15 days.<sup>1</sup>

C. Functions and Responsibilities of the Mudir Replacing the Kaimakam (1925-1930).

On 9 April 1925 the administration of Greater Lebanon was again re-organized.<sup>2</sup> The administrative districts which used to be known as autonomous municipalities, Sandjaks and Kazas were abolished and new administrative divisions were created which were called Muhafazahs. Greater Lebanon was divided into eleven Muhafazahs<sup>3</sup> and one autonomous Nahiyah administered by a Mudir.<sup>4</sup> The Muhafazahs were in turn divided into 34 Nahiyahs each administered by a Mudir.<sup>5</sup> Each Muhafazah was administered by a representative of the central government called a Muhafez. The Muhafez and the Mudir of the autonomous Nahiyah were responsible to the Governor of Greater Lebanon for the administration of their respective districts.

In each Nahiyah there was a Mudir appointed by the Governor after consultation with the Muhafez. The functions and responsibilities of the Mudir were described in detail in 1927.<sup>6</sup>

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<sup>1</sup>Ibid., arts. 28 and 29.

<sup>2</sup>Arrete No. 3066 of 9 April 1925, Recueil des Arrets, loc.cit.

<sup>3</sup>These were: Tripoli, Batrun, Kisrowan, Matn, Beirut, Shuf, Baalbeck, Zahleh, Sidon, Tyre and Mardjyoun. The autonomous Nahiyah was Dayr el-Kamar.

<sup>4</sup>The Mudir of the autonomous Nahiyah was equal to a Muhafez, and had same duties and responsibilities.

<sup>5</sup>The word Mudir means "director". It was used here in place of the word Kaimakam.

<sup>6</sup>Decree No. 2390 of 17 November 1927, Majmu'at Qawanin wa Marasim al-Jumhuriyyat al-Lubnaniyyat, loc.cit.

The Mudir represented the Muhafez in the Nahiyah, and was responsible to him for the execution of laws and regulations, maintenance of order and public security, and the collection of taxes in his districts. The Mudir could not communicate with higher authorities except through the Muhafez, who was the only official who could give orders to the Mudir.<sup>1</sup>

The Mudir had to be constantly informed about the affairs of each village in the Nahiyah, and had to visit the villages frequently in order to hear their complaints. He had to consider these complaints according to correct legal procedures, and attended especially to the protection of the villagers against the administrative excesses of minor officials. The Mudir was, moreover, the only official responsible for the work of the Mukhtars, members of the Council of Elders, Majlis el-Ikhtiariyyah, and watchmen. He had to control their work and to inform the Muhafez about any violation of rules and regulations which he received against them without any delay.<sup>2</sup>

In addition to the Judiciary responsibilities of the Mudir, he had to keep track of any murderers and brigands who might seek refuge in the Nahiyah. He had also to take all precautions and necessary measures to prevent traffic in prohibited weapons. In performing these duties the Mudir had to inform the Muhafez of any incidents might threatened to disrupt public order or which caused insecurity in the Nahiyah.<sup>3</sup>

The Mudir was also in charge of controlling the work of the municipalities and committees in charge of public property in his Nahiyah,

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<sup>1</sup>Ibid., art. 12.

<sup>2</sup>Ibid., arts. 13 and 14.

<sup>3</sup>Ibid., art. 16.

and he could attend their meetings whenever he wished. He was expected to inform the Muhafez about the progress of their work and about any negligence or violation of laws of which they might be guilty.<sup>1</sup>

Finally the Mudir was consulted by the Muhafez whenever the latter appointed the heads of municipalities, the municipal committees or the committees in charge of public property.<sup>2</sup>

D. Functions and Responsibilities of the Kaimakam According to the Administrative Re-organization of 1930.

On the 26 of December 1929, a law was passed granting the Government the right to issue legislative decrees. By this right the Government of the Lebanese Republic, on 3 February 1930, issued a new legislative decree to re-organize yet again the administration of Lebanon.<sup>3</sup>

The country, accordingly, was redivided into 5 administrative districts called Muhafazahs, and these were in turn subdivided into 18 smaller units called Kazas which replaced the earlier Nahiyahs. Moreover, an Administrative Council, under the chairmanship of the Kaimakam, was established to help the Kaimakam in managing the affairs of the Kaza. The Council was composed of eight members: Two ex-officio, the top clerk and the finance officer; two appointed on the recommendation of the Minister of Interior; and four elected for a period of four years.<sup>4</sup>

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<sup>1</sup>Ibid., art. 16.

<sup>2</sup>Ibid., art. 16.

<sup>3</sup>Legislative Decree No. 5 of February 3, 1930, Majmu'at Qawanin wa Marasim al-Jumhuriyyat al-Lubnaniyyat, loc.cit.

<sup>4</sup>Ibid., arts. 1, 2, 3, 4, 5, and 6.

The Kaimakam was appointed and could be dismissed by decree, in each case upon the recommendation of the Minister of Interior and the suggestion of the Muhafez. He represented the Muhafez in the Kaza, and was responsible to him generally for executing the laws and regulations and particularly for keeping order, maintaining public security, and collecting taxes.<sup>1</sup>

He could only communicate with higher authorities by way of the Muhafez, from whom along he took orders.<sup>2</sup>

The Kaimakam had to be constantly informed about the affairs of each village in the Kaza, and was expected to pay frequent visits to the villages under his jurisdiction in order to hear complaints. The complaints had to be considered according to correct legal procedure.<sup>3</sup>

The Kaimakam was again made responsible for the work of the Mukhtars, members of the Council of Elders, and watchmen. He had to control their work and to inform the Muhafez about any violation of rules and regulations. He had also to investigate the complaints which he received against them without delay.<sup>4</sup>

The Kaimakam, when he wished, could preside over the municipal council in the center of his Kaza, and in his absence a vice-president would be appointed according to the municipal laws regarding the appoint-

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<sup>1</sup>Ibid., arts 18 and 19.

<sup>2</sup>Ibid., art. 19.

<sup>3</sup>Ibid., art. 20.

<sup>4</sup>Ibid., art. 21.

ments of the presidents of the municipal councils. The Kaimakam controlled, moreover, the work of other municipalities as well as of committees of public property and could attend their meetings. He informed the Muhafez about the proceedings of their work and reported to him any irregularities.<sup>1</sup>

Finally the Muhafez had to consult the Kaimakam whenever appointments of the heads of municipalities, municipal committees, or the committees for public property were to be made.<sup>2</sup>

E. Functions and Responsibilities of the Kaimakam According to the Administrative Re-organization of 1953.

On 12 January 1953, the administration of the Lebanese Republic was again reorganized. The country was divided into five Muhafazahs and twenty-four Kazas. The Muhafez was kept as the administrator of the Muhafazah, and the Kaimakam as the administrator of the Kaza.<sup>3</sup>

The Kaimakam was appointed and could be dismissed by decree, in each case upon the recommendation of the Ministry of Interior and the suggestion of the Muhafez, whom he represented in the Kaza. The Kaimakam was generally responsible to the Muhafez for executing laws and regulations, and particularly for keeping order and maintaining public security. He could only communicate with higher authorities by way of the Muhafez, from whom alone he took orders. Part of the duties of the Muhafez could be delegated to the Kaimakam by decree.<sup>4</sup>

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<sup>1</sup>Ibid., art. 22.

<sup>2</sup>Ibid., art. 22.

<sup>3</sup>Legislative Decree No. 18 of January 12, 1953, Majmu'at al-Marasim al-Ishtiraeyyah, loc. cit.

<sup>4</sup>Ibid., arts. 26 and 27.



The Kaimakam had to be constantly informed about the affairs of each village in the Kaza, and was expected to pay frequent visits to the villages under his jurisdiction in order to consider complaints. The complaints had to be considered according to correct legal procedure.<sup>1</sup>

The Kaimakam remained responsible for the work of the Mukhtars, members of the Council of Elders, and watchmen. He was to control their work and to inform the Muhafez about any violation of rules and regulations. He had also to investigate without delay any complaints which he received against them.<sup>2</sup>

The Kaimakam had to preside once every three months over a meeting of the Mukhtars to discuss issues related to the Kaza.<sup>3</sup>

The Kaimakam had, in particular, to watch over the application of legal procedures in matters which concern deeds connected with personal status in all the villages of the Kaza; for this purpose he can after securing the consent of the Muhafez visit the villages of his district and present a report about the unconcealed and illegal proceedings which he discovers; he could also countersign documents of personal status in cases where the counter signature of the Mukhtar is not available.<sup>4</sup>

F. Functions and Responsibilities of the Kaimakam According to the Administrative Re-organization of 1954.

On 29 December 1954 a decree was issued abolishing the previous legislative decrees of 1930 and 1953, and redefining the functions and

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<sup>1</sup>Ibid., art. 28.

<sup>2</sup>Ibid., art. 29.

<sup>3</sup> Ibid., art. 29.

<sup>4</sup>Ibid., art. 30.

responsibilities of the Kaimakam.<sup>1</sup> The division of the country into five Muhafazahs and twenty-four Kazas was maintained. The Muhafez also remained as the administrator of the Muhafazah, and the Kaimakam as the administrator of the Kaza.<sup>2</sup>

According to the decree of 1954, the Kaimakam was to be appointed and transferred by a decree issued upon the recommendation of the Minister of Interior after securing the opinion of the Muhafez. He was to live in the administrative center of the Kaza, in a house secured for him by the state, but which he had to rent at his own expense.<sup>3</sup>

The Kaimakam was to hold the first rank among all local personnel in his district, no matter to what grade they belonged, or what corps they were associated with.<sup>4</sup> He was supposed to see to it that laws and regulations were observed and properly applied in his Kaza. Moreover, he was in charge of coordinating the work between the different departments in his Kaza except those pertaining to the army and the judiciary. For this purpose the Kaimakam had to call the heads of these departments to periodic meetings so that he would be informed about their work and would express his opinion whenever necessary. The heads of departments were expected in their turn to inform the Kaimakam about the proceeding of their work at least once per month.<sup>5</sup>

The Kaimakam was responsible for maintaining order and security in the Kaza. He had to protect personal freedom and private property. For

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<sup>1</sup>Decree No. 11 of 29 December 1954, Lubnan, al-Jarida ar-Rasmiyyah (Lebanese Official Gazette, Beirut, 1955, V. 1), pp. 14-21.

<sup>2</sup>Ibid., arts. 1 and 2.

<sup>3</sup>Ibid., arts. 30 and 31

<sup>4</sup>Ibid., art. 7.

<sup>5</sup>Ibid., arts. 8, 9, and 11.

this purpose he could ask the security forces to take all measures and precautions necessary should any need arise. The security forces in turn, were supposed to provide the Kaimakam regularly with all information at their disposal about the state of security in the Kaza, and about the internal political affairs. They also had to carry out any investigations for which he might ask.<sup>1</sup>

All correspondence between the Kaimakam and the Ministries had to be done through the Muhafez, and no orders were given to the Kaimakam except by the Muhafez or through him.<sup>2</sup>

The Kaimakam was allowed to issue licences for carrying hunting weapons and licences for quarrying rocks in private or state properties, including permission to use explosives when necessary. He issued also licences for construction in areas not within municipal localities, after securing the opinion of the technical departments concerned.<sup>3</sup> The Kaimakam issued licences for the construction of stores of the third category. He also issued, upon the recommendation of the physician of the Kaza, licences for all activities which do not run contrary to the active health laws and regulations. He could not, however, issue licences for the construction and management of hospitals and clinics.

The Kaimakam approved decisions of concern to public welfare which were made by syndicatory organizations for water and irrigation committees. He appointed watchmen and supervised the work of these irrigation committees. Moreover, he appointed watchmen for private and

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<sup>1</sup>Ibid., arts. 12 and 13.

<sup>2</sup>Ibid., art. 33.

<sup>3</sup>Ibid., arts. 34 and 35.

public fields under cultivation, such appointments being made upon the recommendation of the municipal councils or voluntary bodies.<sup>1</sup>

The Kaimakam supervised the agricultural departments in his area and practiced the prerogatives given to the Minister of Agriculture concerning the affairs of public committees and the appointment of watchmen for public properties.<sup>2</sup>

Finally, the Kaimakam had to inspect all areas under his control at least twice a year and listen to the demands and needs of the people. He also had to present a thorough report to the Muhafez about conditions in his Kaza.<sup>3</sup>

The Decree of 29 December 1954 is the last but one of a series of administrative reforms dealing with the functions and responsibilities of the Muhafez and the Kaimakam. The present situation in this regard will be dealt with in the following chapter, while comparison between the arrangements for the governments of the Kazas will be left to the concluding chapter.

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<sup>1</sup>Ibid., arts. 38 and 39.

<sup>2</sup>Ibid., art. 40.

<sup>3</sup>Ibid., art. 41.

## CHAPTER IV

### THE FUNCTIONS AND RESPONSIBILITIES OF THE KAIMAKAM IN LEBANESE ADMINISTRATION TODAY (1959-1964)

#### A. Structure of Local Administration.

In spite of the recent trend towards decentralization in the Lebanese Republic, local government remains strongly controlled by the central administration. The Ministry of Interior holds ultimate responsibility for local government and administration by appointing all officials except the municipal councils and the Mukhtars.<sup>1</sup> The municipalities indeed enjoy some independence yet their major decisions are subject to the approval of the officials of the central administration.<sup>2</sup> The Ministry of Interior in conjunction with the Cabinet as a whole, controls local administration by means of legal authority over a pyramid of personnel having its base in the villages and town quarters of each Muhafazah and its apex in the Muhafez.<sup>3</sup> The territory of the Lebanese Republic is divided into five Muhafazahs (administrative regions): Beirut, North Lebanon, Mount Lebanon, South Lebanon and the Biqa'. Each Muhafazah is subdivided into a number of Kazas (administrative districts), and each Kaza into a number of towns and villages.<sup>4</sup>

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<sup>1</sup>G. Grassmuck and K. Salibi, A Manual of Lebanese Administration (Beirut: Catholic Press, 1955), p. 37. (The Mukhtars and municipal councils are elected at present.)

<sup>2</sup>Legislative decree No. 5 of 10 December 1954 - Lebanese Official Gazette, arts. 65, 66, 67.

<sup>3</sup>Grassmuck and Salibi, loc.cit.

<sup>4</sup>Legislative decree No. 11 of 29 December 1954 - Lebanese Official Gazette, loc.cit.

The Muhafazah is administered by a Muhafez while the Kaza is administered by a Kaimakam. The Muhafez acts also as Kaimakam for the central Kaza of the Muhafazah.<sup>1</sup> While only the larger villages have municipal councils, the smaller villages may also have such councils, two or more villages combining to obtain the minimum requirements for municipal status. Each village and town quarter, however, must have a Mukhtar council.<sup>2</sup>

The duties and responsibilities of the Muhafez, Kaimakam, municipal councils, Mukhtar councils are interrelated. Consequently, the study of the functions of any of them requires a considerable knowledge of those of the others. This applies particularly to the functions and responsibilities of the Muhafez and the Kaimakam which are indeed almost the same, and the difference between them being mainly in scope rather than in kind. This will be shown in greater detail in the following pages.

No study of the functions and responsibilities of the Kaimakam would be complete without an inquiry into the functions of other local authorities, their duties being on the whole complementary.

1. The Muhafez.

The Muhafez, in his province, represents all the ministries of the State except those of justice and national defense. He is appointed to this post by a cabinet decree, from amongst those holding a licence in

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<sup>1</sup>Legislative Decree No. 116 of 12 June 1959, op.cit.

<sup>2</sup>Legislative Decree No. 5 of 10 December 1954, loc.cit.

in law or its equivalent. He is classified amongst personnel of grade I, and must remain in the same grade if he is to be transferred to another office or job.<sup>1</sup>

In his Muhafazah, the Muhafez holds the first rank among all local personnel, no matter what grade they are or what corps they are associated with. He runs and administers the different services of the ministries in the Muhafazah and has the right to inspect departments and supervise personnel, as well as give them their administrative and health leaves. At the same time he imposes penalties according to Civil Service Regulations. In matters concerning employees of the Ministries of Justice and National Defense, he has to inform the ministry concerned about all mistakes or shortcomings. Correspondence between the Government services and the local departments is done through the Muhafez. He has to send the correspondence to the department concerned within three days of its receipt.<sup>2</sup>

The Muhafez must see to it that laws and regulations are observed in his Muhafazah, and he is responsible for their careful execution. For this purpose, he can take all measures and precautions necessary to coordinate the work between the different departments and see to it that it is well done and executed. He has to call the chairman of these departments to regular meetings, inform them about the work to be done in their departments, and give his remarks and observations on relevant matters.

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<sup>1</sup>Legislative Decree No. 116 of 12 June 1959, loc. cit., arts. 4 and 5.

<sup>2</sup>Ibid., arts. 6 and 7.

He also has to call the personnel of each department to regular meetings for the same purpose.<sup>1</sup>

The Muhafez is also in charge of observing the general situation in his region, both politically and economically, and he has to inform the Ministry of Interior about it every month, or whenever there is need to do so.<sup>2</sup>

The Muhafez is responsible for keeping order and security in the Muhafazah. He has to protect personal freedom and private property. For this purpose, he can ask the security forces in the Muhafazah to take all measures and precautions necessary whenever the need may arise. The internal security forces are put under the command of the Muhafez to help him perform the duties assigned to him by this legislative decree.<sup>3</sup>

The opinion of the Muhafez is sought on all changes that are to take place within the Muhafazah among chairmen of local departments, with the exception of judicial courts and the army. He, in turn, has to secure the opinion of the Kaimakam before giving his final recommendation.<sup>4</sup>

The Muhafez has the right to negotiate with the attorney general in his Muhafazah in all matters that are of concern to the Government, particularly those related to general security. He has to support the judicial powers in performing the work and duties required of them by the law.<sup>5</sup>

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<sup>1</sup>Ibid., art. 8.

<sup>2</sup>Ibid., art. 9.

<sup>3</sup>Ibid., arts. 10 and 11.

<sup>4</sup>Ibid., art. 12.

<sup>5</sup>Ibid., art. 13.



He participates, after securing the opinion of the council of the Muhafazah, in preparing the general budget of the municipalities and suggests the manner of its distribution to the Ministry of Interior, accompanied by his written observations on the subject. He signs passports in accordance with the special law pertaining to this matter. He issues licences for the establishment of fire - arm factories, stores and shops according to the special laws regarding weapons and ammunitions.<sup>1</sup>

His advice is sought in the opening and closing up of all kinds of public schools in his region. He also helps the Ministry of Education in providing buildings and the necessary equipments for these schools. He takes any action he may find necessary to enforce public health regulations as stated in the law.<sup>2</sup>

He issues licenses for the development of stores categorized in the first and second category.<sup>3</sup>

He arranges for sick people in need to be admitted to government hospitals in the Muhafazah, by issuing orders to the director of the hospital. In places where there are no Government hospitals available, or where there is no possibility of treating certain kinds of diseases, the Muhafez recommends to the local authorities to admit the sick person to the nearest government hospital until provisions for public health are installed in the Muhafazah.<sup>4</sup>

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<sup>1</sup>Ibid., arts. 14, 15 and 16.

<sup>2</sup>Ibid., arts. 17 and 18.

<sup>3</sup>Ibid., art. 16.

<sup>4</sup>Ibid., art. 20.

The Muhafez supervises the agricultural departments in his area. He controls the syndicatory organizations for water and the committees required to administer projects of public welfare; he approves their regulations and budget, appoints their bureaus and employees, and institutes branches for these bureaus when he finds it necessary to do so.<sup>1</sup>

In addition to his prerogatives the Muhafez practices those given to him by the Ministries. When unexpected happenings take place, he has to do the work that does not overlap with the prerogatives of other departments. He has to inform the Ministry of Interior on matters, this Ministry assigns to him and which are, at the same time prerogatives of other ministries.<sup>2</sup>

The Muhafez has to call the Kaimakams in his Muhafazeh to a meeting at least once every three months to study with them the conditions in their districts, find out about their needs, and issue to them the necessary instructions.<sup>3</sup>

He submits at least once every three months, or whenever the need arises, an overall report about the condition in the Muhafazah and the various districts. In these reports he states his recommendations and sends them to the central authorities concerned.<sup>4</sup>

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<sup>1</sup>Ibid., art. 20.

<sup>2</sup>Ibid., arts. 21 and 22.

<sup>3</sup>Ibid., art. 23.

<sup>4</sup>Ibid., art. 24.

The Muhafez resides in the administrative center of the Muhafazah, and is given, in addition to his salary, allowances for extraordinary duties, transport and living.<sup>1</sup>

2. Kaimakam.

The Kaimakam, however, runs the affairs of the Kaza. He is appointed from amongst holders of licence in law, or its equivalent, by a decree issued upon the recommendation of the Minister of Interior after securing the opinion of the Muhafez. He is transferred in the same way and is ranked in grade III at least.<sup>2</sup>

In his district, he holds the first rank among all local personnel, no matter what grade they are, or what corps they are associated with. He runs and administers the different services of the ministries in the Kaza and has the right to inspect departments and supervise personnel as well as give them their administrative and health leaves.<sup>3</sup> At the same time he imposes penalties according to the Civil Service Regulations. In matters concerning employees of the Ministries of Justice and National Defense, he has to inform the ministry concerned about all mistakes or shortcomings. Correspondence between the government services in the Kaza and the central administration is done through the Muhafez.<sup>4</sup>

The Kaimakam must see to it that laws and regulations are observed in his Kaza and he is responsible for their careful execution. For this purpose he can take all measures and precautions necessary to

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<sup>1</sup>Ibid., art. 25.

<sup>2</sup>Ibid., art. 24.

<sup>3</sup>Ibid., art. 6.

<sup>4</sup>Ibid., art. 7.

coordinate the work between the different departments and see to it that it is well done and executed. He has to call the chairmen to these departments to regular meetings, inform them about the work to be done in their departments, and give his remarks and observations on relevant matters. He has also to call the personnel of each department to regular meetings for the same purpose.<sup>1</sup>

The Kaimakam is also in charge of observing the general situation in this region both politically and economically and he has to inform the Ministry of Interior about it every month, or whenever there is need to do so.<sup>2</sup>

The Kaimakam is responsible for keeping order and security in the Kaza. He has to protect personal freedom and private property. For this purpose, he can ask the security forces in the Kaza to take all measures and precautions necessary whenever the need may arise. The internal security forces are put under the command of the Kaimakam to help him perform the assigned duties.<sup>3</sup>

In addition to his prerogatives, the Kaimakam practices those given to him by the ministries. When unexpected happenings take place, he has to do the work that does not overlap with the prerogatives of other departments.<sup>4</sup>

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<sup>1</sup>Ibid., art. 8.

<sup>2</sup>Ibid., art. 9.

<sup>3</sup>Ibid., arts. 10 and 11.

<sup>4</sup>Ibid., art. 21.

Correspondence between the Kaimakam and the ministries is done through the Muhafez and no orders are given to the Kaimakam except by the Muhafez or through him.<sup>1</sup>

The Kaimakam issues licences for carrying hunting weapons and licences for quarrying rocks in private or state properties, including permission to use explosives when necessary. He also issues licences for construction in areas not within municipal localities after securing the opinion of the departments concerned.<sup>2</sup>

The Kaimakam and the physician of the Kaza agree upon the monthly health work program; the physician presents him with a monthly report about the health condition in the area.<sup>3</sup>

The Kaimakam licences for the construction of stores of the third category. He also issues upon the recommendation of the physician of the Kaza licences that are within the executed health laws and rules, except licences for constructing hospitals, clinics and their use.<sup>4</sup>

He imposes the health precautions specified by the regulations, but his decisions in such matters are not put to execution until they are approved by the Ministry of Health; the Ministry has to make its decisions on such matters within a month in ordinary circumstances, and 10 days in cases of emergency.<sup>5</sup>

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<sup>1</sup>Ibid., art. 30.

<sup>2</sup>Ibid., arts. 31, 32 and 33.

<sup>3</sup>Ibid., art. 34.

<sup>4</sup>Ibid., art. 35.

<sup>5</sup>Ibid., art. 36.

The Kaimakam coordinates the work between the different health departments and heal units that are affiliated with the municipalities.<sup>1</sup>

He appoints watchmen for private and public fields under cultivation upon the recommendation by the municipal councils or voluntary bodies.<sup>2</sup>

He approves of the decisions of syndicatory organizations for water and irrigation committees concerning public welfare. He appoints its watchmen and supervises the work of these irrigation committees.<sup>3</sup>

The Kaimakam exercises the prerogatives given to the Minister of Interior as specified in the law of Mukhtars, except those which entitle him to call voters for public elections.<sup>4</sup>

The Kaimakam supervises the agricultural departments in his area and practices the prerogatives given to the Minister of Agriculture according to forest laws concerning:

- a. Affairs of public committees.
- b. Appointment of watchmen for public properties.
- c. Permission for the exploitation of public forests and forests owned by individuals, and stating clearly the basis of this exploitation with a decision he issues according to the rules of the forest laws.<sup>5</sup>

Where the Ministry of Public Works is concerned, he exercises the following prerogatives:

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<sup>1</sup>Ibid., art. 37.

<sup>2</sup>Ibid., art. 38.

<sup>3</sup>Ibid., art. 39.

<sup>4</sup>Ibid., art. 40.

<sup>5</sup>Ibid., art. 41.

- a. Signing work certificates.
- b. Organizing the files of public institutions.
- c. Giving work permits.
- d. Signing orders to give asylum to orphans, invalids, old people and beggars.<sup>1</sup>

The Kaimakam signs travel permits for all personnel in his area; he also countersigns commissions for cashing money orders.<sup>2</sup>

The Kaimakam has to inspect all areas under his control at least twice a year and listen to people's demands and needs. He should present a thorough report about conditions to the Muhafez.<sup>3</sup>

The Kaimakam lives in the administrative center of the Kaza and receives an allowance on his salary for extraordinary duties and living. This allowance is determined by a decree, and the state provides for him a house at his own expense.<sup>4</sup>

3. The Kaimakam's in Relationships with the Municipal and Mukhtar Councils.

a. The Functions of the Municipality.

A municipality is a local administration enjoying a separate legal personality, established in a town or large village to maintain public services, keep order and observe the execution of rules and regulations. It undertakes all functions related to the organization and development of the area under its jurisdiction and supervises general health

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<sup>1</sup>Ibid., art. 42.

<sup>2</sup>Ibid., arts. 43 and 44.

<sup>3</sup>Ibid., art. 45.

<sup>4</sup>Ibid., art. 46.

conditions.<sup>1</sup> The legal personality of a municipality entitles it to buy, sell, accept gifts, confirm contracts and sue and be sued before courts, like ordinary persons;<sup>2</sup> as a governing body it has the right to confiscate land, create a police force, and impose and levy taxes. Its movable and immovable estates, like those of the State, are public property, immune to forced sale or confiscation.<sup>3</sup>

The main functions of a municipality may be classified as follows:

(1) Construction. This involves town planning, constructing and maintaining streets and public parks, supervising the execution of rules and regulations concerning construction, insuring water and electricity, and establishing museums and libraries.<sup>4</sup>

(2) Public Health. This involves the care for general health and cleanliness, the establishment of sewage systems and slaughter-houses and the securing of all preventive measures necessary against disease.<sup>5</sup>

(3) Order and Security. This involves control over the sale of foodstuffs, the enforcement of measures against those who threaten personal and financial security, the prevention of disturbance by drunkards and other authors of public disorder and the organization of fire and ambulance services.<sup>6</sup>

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<sup>1</sup>Fadel Hamawiyyah, "Al-Baladiyyat fi Lubnan," (Municipalities in Lebanon - a lecture given at the Institute of Training for Development. Beirut 1963), page 3.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>Legislative Decree No. 5 of 10 December 1959 - Lebanese Official Gazette, loc.cit.

<sup>5</sup>Ibid., arts. 12, 14 and 17.

<sup>6</sup>Ibid., arts. 19, 21 and 23.



(4) Social Affairs. This involves the promotion of education, sports, scouting and social organizations and institutions.<sup>1</sup>

This brief survey of the functions of a municipality helps to clarify the authority practised by the Kaimakam over the municipal council.

b. The Authority of the Kaimakam over Municipal Councils.

Municipal Law gives the Kaimakam extensive authority over municipal councils. The Kaimakam actually takes over the functions of any municipal council in his district which, for some reasons is dissolved, or the term of which is over. Under ordinary circumstances, he attends municipal council meetings in an advisory capacity, and is authorized to ask municipal councils to discuss any urgent matters that may arise.<sup>2</sup>

In certain situations the decisions of municipal council are invalid unless approved by the Kaimakam.<sup>3</sup> These situations include all matters falling under the authority of municipal councils except those whose approval remains the prerogative of the Muhafez or the Minister of Interior. The Kaimakam, in particular, has to approve the following:<sup>4</sup>

(1) The administration of municipal properties.

(2) Rent contracts which do not exceed three years.

(3) Purchase of land.

(4) The planning, programing and estimation of expenses related to construction and maintenance.

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<sup>1</sup>Ibid., arts. 30 and 31.

<sup>2</sup>Ibid., arts. 54 and 59.

<sup>3</sup>Ibid., art. 65.

<sup>4</sup>Ibid., art. 66.

- (5) The fixing of tarrifs for carts and pack animals.
- (6) the assigning of help to the poor of the municipal area.
- (7) All permits for construction, maintenance and demolition.
- (8) The acceptance or refusal of gifts to the municipality.

Once the decisions related to the fore mentioned matters are communicated to the Kaimakam, he has the right to reject them if he considers them to be in any way illegal or opposed to the wishes of the citizens. He can also postpone action on decisions for eight additional days. When no objections are raised by individual citizens, he can approve action on a decision at any time he wishes before the fifteen days are over. For items 4 and 8 of the above, the Kaimakam is given one month to reject the decisions and fifteen additional days for postponing action. When the approval of the Kaimakam is not granted within the month, the chairman of the municipal council writes to request his decision; and if no answer is given within ten days the municipal decision becomes legal and may be acted upon. For matters which are subject to the control of the Comptroller General's Office, the probationary period starts when the Kaimakam receives the decision of that office on the matter.<sup>1</sup>

The Kaimakam furthermore approves the appointment of all municipal employees.<sup>2</sup> Where other employees of the Kaza are concerned he only has the right to punish them either by reprimands or by deducting their salaries upon the suggestion of the employees direct supervisor to

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<sup>1</sup>Ibid., arts. 67 and 68.

<sup>2</sup>Ibid., art. 84.

a maximum period of six days.<sup>1</sup>

Regarding the accounting affairs of the municipality, the Kaimakam approves the yearly expense account, in addition to contracting and signing each page of the treasury's record.<sup>2</sup>

The authority of the Kaimakam extends, also, over the Mukhtar who is the representative of the village, and whose functions include those of issuing conduct, marriage, birth and death certificates and of approving travel documents.<sup>3</sup>

The Kaimakam issues leave permits to Mukhtars who wish to leave the village of their charge for more than fifteen days.<sup>4</sup> He moreover carries investigations when the Mukhtar misuses his prerogatives. The result of the investigation is raised to the Minister of Interior.<sup>5</sup>

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<sup>1</sup>Legislative Decree No. 112 of 12 June 1959 - Lebanese Official Gazette, loc. cit.

<sup>2</sup>Decree No. 14675 of 11 January 1957 - Lebanese Official Gazette, loc.cit., arts. 17, 50 and 79.

<sup>3</sup>Law of 27 November 1947, Lebanese Official Gazette, art. 20.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid., art. 21.

## CHAPTER V

### SOME INFORMAL ASPECTS OF THE RESPONSIBILITIES AND DUTIES OF THE KAIMAKAM

#### A. General Remarks

It has become a commonly recognized aspect of the field of public administration that there is an informal as well as a formal organization.<sup>1</sup> The duties and responsibilities of the Kaimakam, as described in the previous chapters, conform with the formal organization which is depicted in the written job description, charts and manuals.<sup>2</sup> Such organization involves the specification of the lines of authority and the spheres of activity and authority of each organization member; a set of abstract, more or less permanent relations that govern the behavior of each participant.<sup>3</sup> But since the formal scheme of organization may differ from the organization as it actually operates, it is of great importance to examine some of the informal aspects if we care to have an accurate picture of the situation. By informal organization is meant the interpersonal relations in the organization that affect decisions within it, but either are omitted from the formal scheme or are not consistent with that scheme.<sup>4</sup>

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<sup>1</sup>John M. Pffifner and R. Vance Presthus, Public Administration, (New York: Ronald Press Co., 4th ed., 1962), p. 152.

<sup>2</sup>Ibid.

<sup>3</sup>Herbert A. Simon, Administrative Behavior, (New York: Macmillan Co., 2nd. ed., 1958), p. 147.

<sup>4</sup>Ibid.

This chapter is, therefore, an attempt to describe the actual work of the Kaimakam.

It is very difficult, or rather impossible, for the executive represented by the Prime Minister, the Cabinet, and the directors general in the Central Administration to regulate, supervise, inspect, take decisions, and apply measures regarding all the affairs and problems of the various Lebanese districts. For this reason, it was found necessary to appoint a representative of the government in each district, who is given the authority to decide and even take action with regard to certain affairs, and to pass on other problems to the Muhafez, or to the Central Administration, accompanied by his opinion on the subject under consideration. This representative is the Kaimakam, and the area of his jurisdiction is the Kaza.

The daily work of the Kaimakam may be broadly divided into two areas: one political, the other administrative.<sup>1</sup>

There is, actually, no sharp line separating these two areas of his work, for they often overlap. However, it is hoped that by discussing each separately in this chapter, the nature of the work of the Kaimakam will become easier to understand.

#### B. The Political Function of the Kaimakam

The Kaimakam, like the Muhafez, has a political function, apart from his administrative one. The function involves observation of the political as well as the economic and social conditions of the Kaza. He

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<sup>1</sup>The information in this chapter is mainly based on interviews with a number of Kaimakams chosen from the four Muhafazahs of Lebanon. Reference to these Kaimakams will only be made when particular ideas, events or cases are mentioned.

reports his findings to the Ministry of Interior regularly once a month, and makes additional reports whenever circumstances make it necessary.

This political function requires the Kaimakam to attend to certain specific tasks:

1. He has to be well acquainted with the political conditions of the district. This means that he has to know the number of political parties there, how strong and how active each one of them is, particularly where parties that are active without a legal licence are concerned.

2. Local partisanship. This implies complete acquaintance with the degree of support enjoyed by each deputy in the district, the support enjoyed by his competitor, the general opinion of the public, their partisan inclination with regards to the local partisanships or country-wide political groupings or parties, and how this inclination is tending to develop. All this information is considered necessary for the government, so that full knowledge of conditions in the different districts would be available. The government, however, is not supposed to use this information for interference in local politics.

To become acquainted with conditions of the different areas, the Kaimakam seeks the help and cooperation of the Mukhtars in the various villages. The Mukhtars are supposed to report to the Kaimakam each political event that takes place in their respective villages, regardless of whether or not they consider it important. In general, the Mukhtars do not voluntarily report such information, and the Kaimakam frequently finds himself obliged to ask for it.<sup>1</sup> In such cases the Kaimakam gathers the

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<sup>1</sup>Interview with Mr. Halim Fayyad, formerly Kaimakam of Tyre, and now Kaimakam of Bint-Jubeil, May 20, 1963.

information during his various visits to the different villages. He sometimes gets this information from people he knows, or from people who are well acquainted with conditions in the area. After gathering all this information, the Kaimakam forms a clear picture of the local partisanship and political or ideological trends.

In addition to the above-mentioned ways of collecting information, the current events that take place in the Kaza day by day help give the Kaimakam a clear picture of the local political situation. For example, an electoral rally given by a particular party will certainly help him learn something about that party, particularly when he knows who attended the rally, who the speakers were, and what topics they spoke about. The atmosphere of the rally would certainly reflect much about the party.

Another indication of the political situation in the villages, which is of the first importance, comes directly from the Mukhtars and the municipal councils. These are usually affiliated with particular local parties, and therefore reflect clearly the political as well as the local partisanship in the various villages.<sup>1</sup>

#### C. The Administrative Function of the Kaimakam

The administrative function of the Kaimakam may be taken to include three areas: one connected with the administrative sections in the Kaza, one with the municipal councils, and one with the Mukhtars.

##### 1. Functions connected with the administrative sections of the Kaza.

a) General report about the Kaza. A scientific attempt is now being made in the southern Muhafazah to give an overall description of

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<sup>1</sup>Interview with Mr. Ghassan Haydar, formerly Kaimakam of the Shūf, and now Kaimakam of Jezzine, April 5, 1963.

conditions in the Muhafazah.<sup>1</sup> This attempt depends on reports to be submitted by the different Kaimakams to the Muhafez, the Minister of Interior, and the departments of the Central Administration concerned. Such a general report is not, in fact, prescribed by law. It was started in the southern Muhafazah, upon the initiative of the Muhafez, and has become a practice in other Muhafazahs.<sup>2</sup> The report covers the following:

A register for every village and its conditions. In the report a page is set aside for each village. A special form is made to cover all the necessary information which includes the name of the village, its population, location, development conditions, paved roads, electricity, water facilities, and other matters.

In addition to the above mentioned information, this register includes a report of political conditions - the name of the Mukhtar, his partisan allegiance or connection with the local deputy, his opponent in the village, and latter's political connections. The register also include a statement about the members of the municipal council, whose political allies they are, who their opponents are, and whom they favour or help.

The register should also include a statement about the different large and influential families, their number and their political or partisan connections. A family is often not divided politically; but when there is division, as frequently happens, an estimate of the percentage of members on each side is mentioned in the register. In either case, the name of the leader of the family as a whole, or the leader of each division of the

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<sup>1</sup>Interview with Mr. Halim Fayyad, op.cit.

<sup>2</sup>Interview with Mr. Fadel Hamawiyyeh, formerly Kaimakam of El-Matn esh-Shemali, and now Kaimakam of Jubeil, March 12, 1963.



family, is mentioned.

Another thing to include is the number of emigrants from the village abroad, and the number of persons from the village resident in cities, with special reference to outstanding individuals among them.

This register is considered very important particularly to new Kaimakams, as it facilitates his task by supplying him with a clear and detailed picture of the existing situations in his Kaza.

This register is also important to the Muhafez and the Minister of Interior, in that it supplies them with information about the different regions of the Muhafazah and the country. This information they can use as the need arises, such as when the Muhafez or Minister wish to visit a particular region, plan improvements for it, or receive from it special requests. In such circumstances, the register will give the Muhafez or Minister a clear idea about the region concerned, its needs, and the political situation prevalent in it. Thus, for example, should a request from the region be the point in question, they are able to study the request in the light of the report sent to him by the Kaimakam, and discuss matters in an informed way with the delegates of the region.

This register is a scientific attempt which has proved highly useful. It is kept up to date by continuous revision as changes arise.

b) The Kaimakam has to attend to requests to hold public meetings and conferences. The party or group which intends to hold a public meeting or conference has to apply for permission from the Kaimakam. In its request certain items should be clearly mentioned including the date and time of the meeting, the names of the speakers, and the subject which the meeting will handle. The Kaimakam takes a guarantee from the committee

in charge that they would help in maintaining peace and order during the meeting, and that the speakers will limit themselves to the original subject of the meeting.<sup>1</sup> The permit is granted after the Kaimakam takes the opinion of the gendarmerie to find out whether existing circumstances are suitable for such a meeting. The gendarmerie is asked because it is the official body that can help in such subjects. When all the necessary information is gathered, the Kaimakam gives the permit and asks the security forces to keep order. If on the other hand the Kaimakam finds the circumstances do not favour such a meeting, the permit will not be granted. If the applicants insist upon holding the meeting, he then takes all the necessary measures to prevent it from doing so, and requests the security forces to prevent it by force if necessary.

2. Supervision of the Mukhtar councils. In general, Mukhtars do not carry out their prescribed responsibilities to the full. There are various reasons for this, the most important being the following:

a) The Mukhtar is elected by the people. Being an elected official, it follows that he has friends and opponents in the village. For this reason he does not cooperate with the government as he should.<sup>2</sup> It also happens, sometimes, that his opponents do not cooperate at all with him, so he might, in turn, do his best to create difficulties for them.

b) The involvement of the Mukhtar in local partisanships and political differences, as a result of his being an elected official, is a source of difficulties for him. There are certain matters of which the

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<sup>1</sup>Interview with Mr. Halim Fayyad, op.cit.

<sup>2</sup>This has been the general feeling of the Kaimakams who were interviewed.

Mukhtar should inform the people of the village. Because not all the people of the village are his friends, it often turns out that a great many of them remain uninformed on these matters, either because they are his political opponents and, as a result, have ceased to be on speaking terms with him, or because they do not come to his place to receive announcements. A clear example of trouble resulting from such tense relations between the Mukhtar and the people is connected with the franchise lists prepared for elections. These lists are usually sent to the Mukhtar, so that the people will have a chance to examine them and make sure that their names appear correctly.<sup>1</sup> The people are given a month's notice to protest in case of any error. If this period passes, and no protests are made, the lists will be considered final. Errors which remain uncorrected in the list, as a result of the Mukhtar's political opponents not showing up in his place to examine them in time, are the cause of serious problems on the day of election.

The Kaimakam often receives protests from the different villages claiming that the franchise lists are in the possession of the Mukhtar. Since those who send the protests are people who are not willing to go to the Mukhtar's home, they are not able to see these lists and check if their names are found in correct form.

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<sup>1</sup>The Mukhtar of Bent-Jubeil, recently, discovered that the names of many electors in the village did not appear on the franchise list. Consequently he protested to the Muhafez who, in turn, sent an investigation committee to inquire about the matter, and sent after the Kaimakam for an urgent meeting. Lisan al-Hal (Beirut), No. 19725, April 2, 1964.

It is necessary to mention here that the Mukhtar does not receive a salary from the government. He receives fees from the villagers for the official services he renders them. Since he is usually poor, he is often unable to go about or travel from his village to the administrative center of the Kaimakamiyyeh. There was a time when it was thought better to appoint the Mukhtar with a fixed salary. This idea was opposed on the ground that it will add embarrassments to the government, for the appointment of the Mukhtar would mean interference by the government in local partisanships. The administrative function of the Kaimakam in relation to the municipal councils will be discussed in the following pages.

D. A Description of the Daily Work of the Kaimakam.

The daily work of the Kaimakam may, for the sake of study and analysis, be divided into two main categories:

1. The administrative work which is known as "the post" (al-barīd).<sup>1</sup> This involves reading the mail and taking the necessary action in regard to it.

2. Handling business involving the daily needs and requests of the people of the Kaza. This involves public projects, roads, water, electricity, and other matters of public interest. Most of the Kaimakam's time is dedicated to the second category, that is to direct contact with the people.

In addition to these two basic categories to which we have divided the Kaimakam's work, there are certain local political issues which he has to look into and try to resolve. Some of these issues may be pleas against

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<sup>1</sup>Al-Barīd is an Arabic term meaning "The Post". It is generally used in the Lebanese administration to refer to the daily mail, transactions, petitions and the like.

a Mukhtar who has acted unjustly towards political opponents. Others may involve the appointment of agricultural watchmen (Nātur) - a responsibility which the Kaimakam has to take once a year. The village or town where watchmen are to be appointed may agree on few names and provide the Kaimakam with a ready list. The Kaimakam then appoints the watchmen, provided they are qualified for the job. Sometimes it happens that the people of a village or town divide into two groups, each supporting one candidate for a watchmanship when there is only one vacancy to fill. Here the Kaimakam has to take the final decision, which is often difficult because of interference and conflicting demands of favour by the deputies of the district, or by the people themselves.

The Kaimakam follows the official work schedule of the Lebanese civil service. He works from 8 a.m. to 2 p.m., spending his six daily hours of duty in his office reading the "post" and taking action, receiving visitors, and attending to complaints. On occasions, he may spend the six hours of duty outside his office, and even the center of the Kaza, attending to some problem which demands his immediate presence. More regular work, however, is done in his office; and it is this regular work that we shall attempt to describe here.

The first three hours in the morning are usually spent, by most Kaimakams, in reading the "post" and distributing it through the formal channels to the departments concerned for further action. The rest of the time is left for receiving visitors or paying visits, as will be described later.<sup>1</sup> Following are examples of the type of action required from the Kaimakam with respect to the "post".

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<sup>1</sup>There was a unanimous agreement among the Kaimakams on this point.

a) Action on Municipal Decisions.

The Kaimakam has guardianship authority over all the municipal councils in his Kaza.<sup>1</sup> He therefore receives copies of every municipal decision which is taken in the towns and villages of the Kaza, reads these decisions and acts upon them in accordance with his authority. Decisions on which he has no authority to act upon are referred either to the Muhafez, or to the Minister of Interior, with the Kaimakam's explanatory comment or opinion. Technical decisions related to matters such as roads, bridges or electricity are referred to the technical departments concerned to be studied.

b) Action on Demands for Investment Licences.

The Kaimakam receives all sorts of demands for investment licences. All shops in the Kaza, whether devoted to commercial or industrial business, require a licence. Demands for such licences are made to the municipal councils (where such councils exist), and the municipal councils in turn refer them to the Kaimakam.<sup>2</sup> In either case the Kaimakam has the final word.

c) Action on Demands for Hunting Licences.

The Kaimakam issues licences for the possession of hunting equipment and for hunting. Requests for such licences must be accompanied by certain official documents, the most important of which is a copy of the applicant's judicial record. If it is found out that an applicant's

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<sup>1</sup>Legislative decree No. 5 of 10 December 1959, loc.cit.

<sup>2</sup>When municipal councils are dissolved the Kaimakams take over all their functions. Before the new law for municipal elections was passed in May 1963, many municipal councils were dissolved and the Kaimakams took over their functions.

judicial record is not satisfactory he cannot receive his licence. Meanwhile, before the Kaimakam takes final action on the demand, all official documents attached to it are sent to the gendarmerie command for verification, as the gendarmerie command is better placed to pronounce on the applicant's record of public behavior. Licences for carrying hunting equipment are valid in permanence, while hunting licences are renewed annually.

d) Action on Petitions, Circulars, and Licences of Construction.

The citizens of the Kaza and the Mukhtars send all sorts of petitions to the Kaimakam. The Muhafez and Ministry of Interior send circulars which the Kaimakam has to pass to the citizens.

The law allows citizens to protest to the Kaimakam with or without attaching their signatures to the protest. Such protests are usually against a person constructing a building or such like without a licence. A protest of this kind does not require the stamps usually used for official documents.

Licences for construction are usually issued by the Kaimakam when there are no municipal council. Otherwise the municipal council is responsible for licensing construction, although municipal decisions on such matters require the approval of the Kaimakam.

e) Inquiries.

The Kaimakam has the power to inquire into a number of matters. He can conduct inquiries regarding the local departments of the different ministries and the work of their employees in the Kaza. For example, there is, in the Kaza an agricultural service of which the Kaimakam is ex-officio chairman.

In this capacity he inquires into the work of the service and reports his findings to the Ministry of Agriculture. Where all local departments of the different ministries are concerned, citizens in the Kaza ask for services from these departments through the Kaimakam.

As the highest official in the Kaza, he has the authority to supervise and control the work of all the public officials of the Kaza except those of the Ministry of Justice and the armed forces.

The Kaimakam can, among other things, conduct inquiries concerning the officials of the Ministry of Education in the Kaza, particularly the teachers. Hence, if a group of citizens, or even one citizen, presents a protest against a teacher, the Kaimakam has to make the necessary investigations regarding that teacher and take whatever necessary disciplinary measures he may find necessary as a result of the investigation.<sup>1</sup>

If any dispute arises between the people of the Kaza and the local officials, the Kaimakam has to investigate the dispute and take the necessary measures. If need be, he refers the case to the disciplinary court.

f) Action Concerning the Civil Service of the Kaza.

In his capacity as the highest public official in the Kaza, the Kaimakam issues sick leaves and administrative leaves to the members of the civil service of the Kaza. He also checks on their attendance and makes sure that they come to their work regularly.<sup>2</sup> When an employee presents a medical report to secure a sick leave, the Kaimakam has to ascertain the

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<sup>1</sup>Interview with Mr. Halim Fayyad, op.cit.

<sup>2</sup>Interview with Mr. Ghassan Haydar, op.cit.



validity of the report with the help of the physician of the Kaza, who is asked to study and approve it. Such checks on the validity of medical reports are made necessary by the fact that a number of public officials, mainly teachers, are spread out among the villages of the Kaza, often at a considerable distance from the center. Where teachers are concerned, the Kaimakam may also check the validity of a health report with the help of the teacher's school director, the Mukhtar of the village where he holds his position, or even an ordinary local citizen who may happen to present an accusation against the teacher concerned.<sup>1</sup>

Sometimes the Kaimakam receives protests against an employee's political activity. In such a case he must carefully study the matter and take the measures necessary in case the charge is correct.

g) Action on Requests.

Citizens, individually or in groups, may request from the Kaimakam the construction of a school, public clinic, or some other project of public utility. Should a village request a school, the Kaimakam, before giving any promise must find out how many boys and girls of elementary school age (5-12 years) are found in the village. This number he can determine from the official registry of the village. If the number of children of the above-mentioned age limits exceeds twenty, then the possibility of establishing an elementary school is studied. In a number of cases, the Kaimakam secures a guarantee from the villagers and their Mukhtar that the village would provide the premises for the school before any action is taken.<sup>2</sup>

The Kaimakam may also receive requests for establishing a municipality. Again he has to make the necessary investigations before he gives his

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<sup>1</sup>Interview with Mr. Halim Fayyad, op.cit.

<sup>2</sup>Interview with Mr. Ghassan Haydar, op.cit.

opinion on the matter.

h) Visits:

It has been shown above that approximately half of the scheduled hours of duty of the Kaimakam each day are spent in reading the "post" and taking action on it. The rest of the Kaimakam's time is usually spent on receiving visitors and paying visits.

a) Receiving Visitors.

The Kaimakam receives all sorts of visitors from among the people of the Kaza, ranging from ordinary citizens who come to inquire about their petitions or protest against the actions of minor officials, to the deputies of the electoral district who come to ask for services or favors from the Kaimakam.<sup>1</sup>

Citizens may come to see the Kaimakam individually or in groups. In either case the visit may extend, in some cases to one or two hours without achieving any result; in which case other appointments would be arranged for further discussion. The following example may clarify the situation:

In January 1963 a municipality was established in the southern village of Yārūn. The date for electing the municipal council was set, and the two competing political figures in the area prepared their lists. The results of the election showed the complete victory of one list. The losing group began to search for reasons to protest. A delegation was formed to see the Kaimakam, and a protest was submitted which was based on the following two points:

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<sup>1</sup>Ibid.

(1) One of the newly elected members of the municipal council was illiterate, and consequently does not qualify for the position.

(2) Two of the newly elected members are brothers-in-law, and this disqualifies one of them.

For a period of two months the Kaimakam regularly received delegates from the two groups, as well as the political figures whom the two groups represented, each side explaining its point of view. Finally the Kaimakam gave the illiterate member a reading test and, upon his failure annulled the election. Where the second point of the protest was concerned, one of the brothers-in-law submitted a divorce certificate to the Kaimakam, thus demonstrating that his relationship to the other was ended. The protesting group objected on the grounds that the two were brothers-in-law when the election took place. The Kaimakam finally annulled the election of the younger among the former brothers-in-law, who happened to be the one who had divorced his wife. He thus lost both, wife and membership in the municipal council.<sup>1</sup>

As for the visits which the Kaimakam receives from the deputies of the region, they are of a different nature, and usually involve hot discussions often resulting in tension. In most cases the deputies ask for favors while the Kaimakam finds himself unable to comply with their wishes, and hence friction develops.<sup>2</sup> The following example well illustrates this type of situation:

A supporter of one of the deputies of Aley violated the traffic regulations, and when the municipal policemen tried to fine him he insulted

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<sup>1</sup>Interview with Mr. Halim Fayyad, op.cit.

<sup>2</sup>Interview with Mr. Ghassan Haydar, op.cit.

the policeman, and a fight ensued. The violater sought the support of his deputy, while the policeman raised the case to the Kaimakam. The deputy tried to solve the problem by calling the Kaimakam on the telephone and asking him to forget about the whole matter; a thing which the Kaimakam refused to do. The deputy then came to see the Kaimakam in his office. The meeting lasted for approximately one hour, and criticisms were exchanged. The deputy finally explained that the former deputy of the region used to be able to release people from jail under a former Kaimakam. He was extremely unhappy, he said, that the Kaimakam with whom he was dealing would not even serve him on the simple matter of a fine.<sup>1</sup>

b) Paying Visits.

The Kaimakam occasionally pays visits to the public departments of the Kaza for inspection, to see that civil officials are working according to regulations. He inspects the records, checks attendance, and investigates protests against officials accused of delaying the work of people by intent or negligence. He may also look into the file of petitions and applications, check their dates, and see if there is any unnecessary delay in the action taken in their regard. Where he discovers delay, he inquires into the reason for it.

The Kaimakam also visits the public and private schools of the Kaza, checks the attendance of government-paid teachers, inquires into the needs of the schools and tries to supply them. Considering the number of villages with schools in the Kaza, we can form some idea about the amount of time needed for such inspection.

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<sup>1</sup>Interview with Mr. Halim Fayyad, op.cit.

E. Occasional Activities which Interrupt the Daily Work of the Kaimakam

The daily work of the Kaimakam has been roughly divided, for purpose of study, into two categories: reading and acting on the "post", and receiving and paying business visits. It would be unrealistic, however, to limit the function of the Kaimakam to these two areas. The Kaimakam faces situations and problems which may interrupt business routine for one day or even more. Some of these situations and problems are peculiar to certain regions, while others are common to all.

1. Elections.

Three kinds of public elections are carried on in Lebanon, and in all three the Kaimakam is involved. These elections are for deputies, municipal councils, and Mukhtars of villages. Before any election the Kaimakam, with the cooperation of the security forces in the region, has to make the necessary preparations for the electoral procedure and assure security measures for preventing disorder. Moreover, he has to meet with the Muhafez, and even sometimes the Minister of Interior, and explain to them the electoral situation in his Kaza. In connection with the parliamentary election of the present year (1964) the Minister of Interior summoned all the Kaimakams to a general meeting which was held on March 23, 1964.<sup>1</sup> Meetings of the kind may keep the Kaimakam away from the center of his Kaza for more than two days. On the day of elections, however, the Kaimakam will certainly be in his Kaza, hearing protests or going around to see that the electoral operation is proceeding in order. His work where the elections are concerned may not end here, as the residue

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<sup>1</sup>An-Nahar (Beirut), No. 6668, March 15, 1964.

of local disputes and complications which is an inevitable electoral result may keep him busy for some length of time, during which his regular office work is postponed.

## 2. Social Activities.

The Kaimakam has some social activities and obligations to which he has to attend. In order to become acquainted with the actual political, social and economic conditions of the Kaza, he has to pay visits to local citizens, hear their points of view on public matters, and take note of their demands. Such visits may be made during or outside office hours.

In addition to these visits the Kaimakam, being the representative of the government in the Kaza, has to attend all social activities of a public nature, such as sports and scouting festivals. He also has to attend local celebrations on all official occasions, such as Independence Day, and accept formal greetings in this connection.

## 3. Local Problems.

The local problems vary between one Kaza and another. In certain Kazas, the citizens refer to the Kaimakam any problem they may have, and it depends on the Kaimakam himself whether he wishes to interfere in any particular problem or not. The following case is an example of a local problem:

On 12 April 1963, the tobacco farmers of the Kaza of Bint-Jubeil were supposed to bring their products to the center of the Kaza to be delivered to the Regie, or Tobacco Monopoly. After they got their products there, the farmers went on strike and refused to sell their tobacco for the price which the delegation of the Regie offered. The Regie delegation,

knowing that moving the tobacco from one village to another requires a permit, and to exert pressure upon the farmers, refused to let the farmers store the tobacco in the local warehouse of the Regie. The Kaimakam had to interfere, in this case, first to convince the delegation to allow the storage of the tobacco in the Regie warehouse, and second to try to procure the offer of a higher price by contacting the Central Administration of the Regie.<sup>1</sup>

Such a case may take one or two days to settle, during which time the Kaimakam postpones all other work.

Local problems are unlimited, and they vary in importance and in the time they require for settlement. The call for a strike, festive celebrations, demonstrations, power distribution and power cuts, problems regarding irrigation and drinking water, to name only a few, are among the many problems which a Kaimakam has continuously to face. These and many similar problems consume much of the Kaimakam's official time.

The official duties and responsibilities of the Kaimakam, as prescribed by law, are of broad nature: he runs the affairs of the Kaza. In practice, however, the Kaimakam faces a number of obstacles in the performance of his duties. These will be discussed in the concluding chapter.

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<sup>1</sup>Interview with Mr. Halim Fayyad, op.cit.

## CHAPTER VI

### RECAPITULATION AND EVALUATION

#### A. The Evolution of the Functions and Responsibilities of the Kaimakam

Scholars who have had practical or theoretical experience with the Lebanese administration have rightly observed that many features of the present day system of Lebanese local government are a direct legacy of the Turkish and French rule, which extended from 1517 A.D. until the second World War. They even attribute the division of the country into districts and sub-districts, for the purpose of administrative control, to the practice of these foreign powers.<sup>1</sup> Ottoman practice, however, had many features of the Mamlūk administration which preceded it in this country.<sup>2</sup> Our first interest here was to trace the change in the role of the Kaimakam, since his position was first created, in terms of his functions and respon-

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<sup>1</sup>This point is brought out with great clarity in the following works: Keith M. Handerson and Emile S. Shihadeh, "Local Government in Lebanon", Quarterly Journal of the Local Self Government, 33, No. 2 (October-December 1962), p. 112. Adnan Iskander, "The Civil Service of Lebanon" (Unpublished Ph.D. Dissertation, School of Government and Public Administration, American University of Washington), pp. 2, 23-24. Iskandar Bashir Shalhub, "Planned Administrative Change in Lebanon", (Unpublished Ph.D. Dissertation, Department of Citizenship and Public Affairs, University of Syracuse), pp. 68-71.

<sup>2</sup>Under the Mamlūks the term Nā'ib (deputy), which is a term similar in meaning to the Ottoman term Kaimakam, was used to designate governors of the chief provinces, and also of subdivisions of these provinces.



sibilities, and to establish the link between past and present.<sup>1</sup>

In order to compare and contrast between the duties and responsibilities of the Kaimakam in different periods, a standard of reference is necessary. For this purpose we have used the official duties and responsibilities of the Kaimakam as defined by the Reglement Organique of September 6, 1864.

It has been previously mentioned that the Reglement Organique of 9 June 1861, which was finally adopted after amendment on 6 September 1864, established Mount Lebanon as an autonomous Ottoman province, administered by a Mutasarrif who was invested with full executive power.<sup>2</sup> The country, by this Reglement, was divided for administrative purposes into seven Kazas; and the title of Mudir, applied to the administrator of the Kaza in the Reglement Organique of 1861, was now changed into that of Kaimakam. Thus the use of this term was introduced into Lebanon in the manner in which it was applied elsewhere in the Ottoman Empire.<sup>3</sup> We shall now re-examine the functions and duties of the Kaimakam during this early period, so as to be able to detect differences that have occurred since.

The Kaimakam, appointed by the Mutasarrif and directly responsible to him, had charge of three functions: civil administration, finance, and police. His duties consisted of putting into execution the instructions which he received from the Mutasarrif, and applying all judicial decisions within the limits of his powers.<sup>4</sup> The financial affairs of the Kaza to

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<sup>1</sup>The period which this thesis covers extend from 1861 until the present day.

<sup>2</sup>Above, p. 14.

<sup>3</sup>Ibid., p. 21.

<sup>4</sup>Ibid.

which he attended involved collecting the state revenue, remitting it to the center of the Mutasarrifiyyah, and using the sum allotted for the expenses of the Kaza for that purpose.<sup>1</sup>

Each Kaza in the Lebanese Mutasarrifiyyah had an administrative council presided over by the Kaimakam. The prerogatives of these councils were the control of the revenues and expenses of the Kaza, and of amounts left over in its budget, and the administration and conservation of all movable and immovable public property in it. The council of a Kaza was also responsible for the distribution among the Nahiyas<sup>2</sup> and villages of the taxes due from the Kaza by the decision of the administrative council of the Mutasarrifiyyah. The Kaza council was, moreover, in charge of taking all necessary measures related to public health, and the examination, within the limits of its jurisdiction, of legal cases between public officials. It was furthermore responsible for deciding on the construction of minor roads in the villages and Nahiyas, and for the conclusion of purchases contracts which the Kaimakam was authorized to decide upon by the law or by special order.<sup>3</sup>

The armed force at the disposal of the police of the Kaza was placed under the command of the Kaimakam, who made use of it according to the instructions of the Mutasarrif and in conformity with the general regulations of the police.<sup>4</sup>

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<sup>1</sup>Ibid.

<sup>2</sup>Sub-districts into which each Kaza was divided. See Appendix B.

<sup>3</sup>Above, p. 19.

<sup>4</sup>Ibid.

With this briefing about the duties and responsibilities of the Kaimakam in the early period of the Mutasarrifiyyah, we are better equipped to recognize both the scope and intensity of the changes that occurred later on.

The law of 1871, which revised the administration and defined the duties of officials,<sup>1</sup> strengthened the position of the Kaimakam. In addition to his original duties which are mentioned above, he was given the authority to choose the Mudirs of the Nahiyas. In later instructions (1876) on the administration of the Kaza<sup>2</sup> it was made clear that the Kaimakam, in his Kaza, represented the Mutasarrif whose executive powers were considerable.<sup>3</sup> The fact, however, that the Kaimakam in his Kaza represented the Mutasarrif did not reduce the executive power of the latter, as the Mutasarrif had the authority to appoint and dismiss the Kaimakam.<sup>4</sup> This seems to confirm the belief that the high degree of centralization of authority in Lebanese administration today<sup>5</sup> is partly due to residue from late Ottoman practice, whose chief characteristic was the strict centralization of power.<sup>6</sup> Compared with other Ottoman provinces, Lebanon was recognized as the best-administered province of the Empire, remaining so until its special status was unilaterally terminated by the Sublime

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<sup>1</sup>Ibid.

<sup>2</sup>Above, p. 21.

<sup>3</sup>Canaan, op.cit., p. 6.

<sup>4</sup>Above, p. 15.

<sup>5</sup>Henderson and Shihadeh, op.cit., p. 114.

<sup>6</sup>Young, op.cit., p. 36.

Porte in October 1915.<sup>1</sup> Lebanon then lost its autonomous status and was placed under direct Ottoman rule until October 1918.<sup>2</sup>

Between 1918 and September 1, 1920,<sup>3</sup> the Province of Lebanon was a part of the French-occupied West Zone in the Levant. During this period local Kaimakams had nominal authority. At the beginning they were assisted by French sub-governors who held actual authority, and later by administrative delegates to whom they were responsible.<sup>4</sup> On 17 June 1920, a short time before the establishment of Greater Lebanon, the position of the administrative delegate was abolished. Later, when the State of Greater Lebanon was established, and the Lebanese territory extended to its present boundaries, the old administrative order was abolished and a new period in Lebanese administration began.

By the same decree, issued 1 September 1920, which created the state of Greater Lebanon and vested the executive power in its Governor, the country was divided into four Mutasarrifiyyahs and two separate municipalities. The four Mutasarrifiyyahs were subdivided into a total of twelve Kazas, and the Kazas were in turn subdivided into Mudiriyyahs.<sup>5</sup> Every Mutasarrifiyyah was headed by a Mutasarrif, each Kaza by a Kaimakam, and Each Mudiriyyah by a Mudir.<sup>6</sup> The basic administrative framework for Greater Lebanon was finally implemented in 1923.

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<sup>1</sup>Hurewitz, op.cit., p. 165.

<sup>2</sup>Longrig, op.cit., p. 65.

<sup>3</sup>The date for the birth of Greater Lebanon.

<sup>4</sup>Above, pp. 7 and 8.

<sup>5</sup>Above, p. 9.

<sup>6</sup>Above, p. 10.

According to the detailed description of the functions and responsibilities of the Kaimakam which was issued on 23 December 1923, the Kaimakam had wide responsibility and enough authority to administer all the affairs of the Kaza.<sup>1</sup> No doubt, the Kaimakam had never been given such authority and responsibility before, except for the period of the two Kaimakamiyyahs (1842-1860), when he was actually a governor.<sup>2</sup> The authority of the Kaimakam now extended over all the government departments in his Kaza, including the judiciary and the police force.

This vast authority of the Kaimakam, however, had its limitations. He had to inform the Mutasarrif of all the decisions he took, and his disciplinary authority over subordinate officials in the Kaza did not exceed warnings and reprimands.<sup>3</sup>

In the administrative reorganization<sup>4</sup> of 1925, the administrative division of 1920 were abolished. Greater Lebanon was now divided into eleven administrative divisions which were called Muhafazahs, each administered by a Muhafez, along with one autonomous Nahiya administered by a Mudir.<sup>5</sup> The Muhafazahs were in turn divided into 34 Nahiyas, each administered by a Mudir. The Mudirs of the Nahiyas, who replaced the Kaimakams of the Kazas, did not enjoy the authority and responsibility of

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<sup>1</sup>Above, p. 10.

<sup>2</sup>Above, p. 3.

<sup>3</sup>See the text on page 22.

<sup>4</sup>Above, p. 11.

<sup>5</sup>The Mudir of the autonomous Nahiya was responsible to the governor, while the other Mudirs were responsible to the Muhafez.

the Kaimakams. In fact, they played the role of intermediaries who passed over information obtained from the Nahiyas to the Muhafez. They were hence little more than informers.

The administrative reorganization of 1925 remained in effect until 3 February 1930, when another administrative reorganization was introduced. This established the basic territorial divisions and the duties and functions of the Kaimakam as we still find them at the present day.

The Muhafazahs were now reduced in number to five, each administered by a Muhafez. The Nahiyas were replaced by a total of 18 Kazas. The term Kaimakam was restored to use, and applied to the administrator of the Kaza.<sup>1</sup> To assist the Kaimakam in managing the affairs of the Kaza, an Administrative Council was established, of which he would be chairman.

The Kaimakam, restored along with his Kaza, was also given wider authority. He was to represent the Muhafez in the Kaza and to be responsible to him generally for executing laws and regulations, and particularly for maintaining order and public security and collecting taxes.<sup>2</sup> The Kaimakam was, as before, to be responsible for the work of Mukhtars, members of councils of elders in the villages, and agricultural watchmen.<sup>3</sup>

On 12 January 1953, the administration of the Lebanese Republic was again reorganized. The division of the country into five Muhafazahs

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<sup>1</sup>Above, p. 29.

<sup>2</sup>Legislative Decree No. 30 of 3 February 1930, art. 19, op.cit.

<sup>3</sup>Ibid., art. 21.

remained unchanged, but the number of Kazas was increased to twenty-four.<sup>1</sup> Where the functions of the Kaimakam were concerned few changes were made. One important change which was now introduced gave the Muhafez the right to delegate to the Kaimakam, by decree, part of his duties.<sup>2</sup> The importance of this change lies in the fact that it reflected an embryonic trend towards decentralization.

This administrative reorganization had not been in force one year, when a new decree was issued on 29 December 1954 abolishing the previous legislative decrees of 1930 and 1953 with respect to the Kaimakam, and redefining the functions and responsibilities of these officials.<sup>3</sup> While the Kazas were left as they were, the Kaimakams were given extended authority in various matters. They were, in particular, given the power to issue licences for carrying hunting weapons and licences for quarrying rocks, with the use of explosives if necessary, in private or public property.<sup>4</sup> The Kaimakam was furthermore given the prerogatives of the Minister of Agriculture concerning the affairs of local public committees and the appointment of watchmen for public properties.<sup>5</sup> It is important to notice here that the policy of giving the Kaimakam more authority and discretion is in line with the trend of decentralization which the Lebanese Republic has been trying to follow for some time.

The last administrative reorganization in Lebanon was made on 12

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<sup>1</sup>Legislative Decree No. 18 of 12 January 1953, op.cit.

<sup>2</sup>Ibid., art. 27.

<sup>3</sup>Decree No. 11 of 29 December 1954, op.cit.

<sup>4</sup>Ibid., art. 4.

<sup>5</sup>Ibid., art. 41.

June 1959.<sup>1</sup> Again the territorial divisions of the country remained unaltered, while the functions of the Kaimakam underwent some change.<sup>2</sup> There was now emphasis on the academic requirements for his appointment. On the other hand, he was given still wider authority, which added to the trend towards decentralization.

Starting 1959 the Kaimakam was required, for the first time, to be holder of "license" degree in law, or its equivalent. This was, no doubt, an attempt to reduce nepotism and favoritism in public appointments.<sup>3</sup> Where the increased decentralization and wider authority of the Kaimakam are concerned, we find them reflected in the prerogatives of the Kaimakam as now defined in relation to the Ministries of Agriculture, Public Works, Interior, Health, and other Ministries which ask him to carry out some of their work in his district.<sup>4</sup> More specifically, the Kaimakam acquired the authority to impose penalties, according to the civil service regulations, on all the personnel of the different ministries in his Kaza except those of the Ministries of Justice and of National Defence.<sup>5</sup> The Kaimakam and the physician of the Kaza plan the monthly public health program together, while the former alone imposes the health precautions specified by the public health regulations.<sup>6</sup> Where municipalities are con-

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<sup>1</sup>Legislative Decree No. 116 of 12 June 1959, *op.cit.* See the original text in appendix C.

<sup>2</sup>The Muhafazahs were kept five and the Kazas twenty-four. See appendix D for territorial divisions.

<sup>3</sup>Above, pp. 36-50.

<sup>4</sup>Legislative Decree No. 116 of 12 June 1959, art. 3, *op.cit.*

<sup>5</sup>Ibid., arts. 34 and 36.



cerned, the Kaimakam acquired the authority to take over the functions of any municipal council in his district which, for some reason, is dissolved, or the term of which is ended.<sup>1</sup>

#### B. Concluding Remarks

The first practical step of real significance in the general reform of Lebanese administration was the establishment, on 12 June 1959, of the Civil Service Commission.<sup>2</sup> This reform movement is considered the most serious and ambitious attempt of its kind in the history of Modern Lebanon.<sup>3</sup> Earlier attempts to establish agencies which would be concerned with personnel administration, coordination between the different governmental departments, and research to improve the administration had not been successful. The first attempt of the kind was made in 1942, when a decree was issued creating a Directorate of Personnel attached to the presidency of the Republic. Another attempt was made in 1955, when a Permanent Council for Civil service was established by law.<sup>4</sup> Such reforms, however, produced no lasting results. Until 1959, corruption, favoritism, nepotism, confusion and overlaps in authority remained the salient feature of Lebanese administration.<sup>5</sup> Consciousness of Lebanese administrative corruption was not limited to any particular group; it was widespread among all classes

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<sup>1</sup>See the functions of municipal councils on page 46 above.

<sup>2</sup>Legislative Decree No. 114 of 12 June 1959, Majmu'at al-Marasim, op.cit.

<sup>3</sup>Iskandar, op.cit., p. 20.

<sup>4</sup>Decree No. NI 240 of 18 February 1942, and Legislative Decree No 12 of 5 January 1955 (Lebanese Official Gazette, Beirut, 1964, V. 14, pp. 232-233).

<sup>5</sup>Iskandar, op.cit., pp. 17, 18 and 217.

and communities in the country.

The first report of the President of the Civil Service Council reflects this general consciousness of administrative corruption when it states that the Lebanese administration, inspite of its achievements, still needs to be cleared from confusion, carelessness, partisanship, favoritism, and overlaps of duties and responsibilities, and to have capable personnel, academically and technically qualified, who would refuse to work under pressure.<sup>1</sup>

The Civil Service Commission set out from the start to do away with various abuses of Lebanese administration. Our interest here is to determine to what extent an analysis of the work of the Kaimakam at present reveals the success of the Civil Service Commission in achieving its goal. In other words, we are interested in finding out what administrative obstacles still face the Kaimakam as he pursues his duties and responsibilities. The removal of these obstacles is ultimately the responsibility of the Civil Service Commission. The Lebanese Kaimakam today still complains of the following problems: political interference in his work, the problem of overcentralization, limits to his promotion, and the overlaps of authority in the Kaza.

1. Political Interference in the Work of the Kaimakam.

Political interference is a phenomenon which continued to plague Lebanese administration since Ottoman times. The Kaimakam under the Mutasarrifiyyah, was a tool in the hands of the Mutasarrif, executing his

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<sup>1</sup>Farid Dahdah, Takrir Ra'is Majlis al-Khidmah al-Madaniyyah, (Report of the President of the Civil Service Council, a report submitted to the Prime Minister about the functions of the Civil Service Commission, Beirut, 30 March 1961), p. 5.

wishes and orders.<sup>1</sup> The situation in this respect did not improve with the end of Ottoman rule. People kept on complaining, under the French Mandate and after, of ministers and deputies seeking the appointment of their supporters to administrative positions, and of administrative officials breaking laws and regulations in order to please those who secured their appointment.<sup>2</sup> Under President Behcara el-Khoury, political interference was practiced by the President himself, as Khoury's memoirs reveal. In these memoirs the late President states that five ex-ministers who were running for parliamentary elections in 1947 asked him to take some measures which were necessary to secure their elections. Khoury, by his own admission, agreed to dismiss the Kaimakams of Shūf and Kisirwan and the gendarmerie officers of Damūr and Furn esh-Shubbak, because they were opposed to the candidates who made the request.<sup>3</sup>

With the establishment of the Civil Service Commission and the new requirements of appointment and transfers, political interference in the work of the Kaimakam, among others, was supposedly reduced. On this point, however, there is no agreement among the Kaimakams. Some among them insist that the idea of creating a model administration has failed.<sup>4</sup> This failure, they say, is mainly due to the fact that those politicians who used to interfere in the work of the Kaimakam are still doing so. The Kaimakam, as

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<sup>1</sup>Yusuf Mizher, Tarīkh Lubnan al-'A'am, (General History of Lebanon, V. 1, Beirut), p. 807. The year of publication and the press are not mentioned.

<sup>2</sup>Jean Naffah', 'A'midat al-Beit al-Lubnani: al-Idarah, (The Pillars of the Lebanese Household: The Administration, in Les Conference du Cenacle Libanais, V. 16, No. 5, 1962), p. 13.

<sup>3</sup>Behcara el-Khoury, Haka'ik Lubnaniyyah, (Lebanese Realities, V. 3, Basil Press, Harisah, 1961), p. 40.

<sup>4</sup>Undisclosed source.

a result, finds himself unable to do his work conscientiously with the risk of friction with influential people who can threaten their position. There are some incidents which have been cited in support of this argument. One of the Kaimakams, for example resented the interference of the Minister of Interior in the municipal elections of his Kaza. As the Kaimakam refused to execute the instructions of the Minister with regard to these elections, he was transferred after a while to a remote Kaza, much to his displeasure.<sup>1</sup> Such transfers are most often disturbing to the Kaimakam, especially when they have their children in the local schools of their Kaza. Another example of conflict between Kaimakams and politicians, which was mentioned in the newspapers concerned the Kaimakam of the Kaza of Aley. The Kaimakam discovered, in 1962, certain irregularities in the municipal elections of the town of Aley, and consequently refused to recognize the elections as valid despite instructions to the contrary from the Minister of Interior. The result was that the Minister punished the Kaimakam by taking ten days off his salary.<sup>2</sup>

While some Kaimakams still complain of political interference in their work, others are convinced that such interference has practically ceased because the politicians have no more any say in the Kaimakam's appointment. Moreover, the Kaimakam now has a guarantee in this respect in the Civil Service Commission and the Central Inspection Commission.<sup>3</sup>

## 2. The Problem of Over-Centralization.

Over-centralization of authority is the second problem of

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<sup>1</sup>Undisclosed Source.

<sup>2</sup>Al-Jarydah (Beirut), No. 3973, August 28, 1962.

<sup>3</sup>Interview with Mr. Ghassan Haydar, op.cit.

which the Kaimakam still complains. This problem of over-centralization is not new in Lebanon administration. It is usually considered a legacy of Ottoman and French rule in Lebanon, the French in particular being regarded as the more directly responsible for it.

Administrative decision under the French Mandate were always referred upward, to the higher authorities in government, namely to the French Senior Consultants or the High Commissioner. Such strict centralization was the usual practice at the time for two reasons: First, because the French Mandatory authorities systematically sought to maintain full control over the country; second, because there was a lack of administrative skill and experience among Lebanese Officials.<sup>1</sup> However, not all writers on the subject hold the French to be solely responsible for this over-centralization, although it was they who were primarily responsible for the shaping of the organizational structure of the Lebanese administration. Some underlying factors which helped perpetuate the practice of overcentralization in Lebanon may be found in the authoritarian nature of Lebanese society, the lack of qualified Lebanese civil servants who can exercise delegated powers, and some of the more general personality traits of the Lebanese people as a whole.<sup>2</sup>

Despite the recent efforts to decentralize the process of administrative decision-making, the authority to make decisions remains concentrated, today as before, at the top of the administrative hierarchy. With the great expansion of governmental activities and responsibilities, this high degree of centralization is no longer appropriate. More decentralization

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<sup>1</sup>Shalhub, op.cit., p. 69.

<sup>2</sup>Iskandar, op.cit., p. 25.

is urgently needed. On the other hand, one cannot but appreciate the extent of decentralization already achieved by recent administrative reforms. As a result of these improvements, the Muhafez and the Kaimakam were both given broader authority, so that they can now settle many local problems without referring to Central Administration in the Capital. Moreover, the Muhafez and the Kaimakam now represent in their respective Muhafazahs and Kazas all the Ministries of the State except the Ministries of National Defence and Justice.<sup>1</sup> The administrative improvements that have so far been made, however, have increased the discretionary authority not so much of the Kaimakam as of the Muhafez. The total achieved has not been enough to release Lebanese Local Government from a high degree of concentration of authority, and a close adherence to carefully prescribed rules and regulations.<sup>2</sup> One might explain these persistent features of Lebanese local administration on the grounds that the authority of the Muhafez in general, and the Kaimakam in particular, is not final but subject to approval from above.<sup>3</sup> The particular limitation of the authority of the Kaimakam delays his work with respect to his Kaza and, paradoxically, reflects on him personally by making him appear inefficient and incompetent. Any delay in the dispatch of local official business is usually considered, by the citizens of the Kaza, a sign of weakness and irresponsibility from the part

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<sup>1</sup>Legislative Decree No. 116 of 6 June 1959, art. 4, op.cit.

<sup>2</sup>Henderson and Shihadeh, op.cit., p. 68.

<sup>3</sup>All correspondence between the Kaimakam and the Ministries is made through the Muhafez. Also the Kaimakam imposes the health precautions specified by the regulations, but his decisions in such matters are not put to execution until they are approved by the Ministry of Health. Arts. 7 and 36 of Legislative Decree No. 116.

of the Kaimakam. Few take into consideration the fact that the Kaimakam, far from being necessarily the one to blame, is actually required by law to secure the approval of the Central Government for many of his actions in office. At present, a person in the Kaza with business to dispatch has submitted an application to the Kaimakam,<sup>1</sup> who in turn transfers it to the Muhafez, who will then turn it over to the Ministry concerned. The completion of a simple routine transaction is usually a slow operation which may take weeks or months before it is returned through the hierarchical channels to the Kaimakam, and through him to the individual or individuals concerned.

In normal cases this slowness in official transaction is a nuisance to the citizens of the Kaza and to the Kaimakam, but not necessarily harmful. There are local problems, however, which require quick action, such as the breakdown of roads as a result of heavy rains; and in such cases the Kaimakam can only take action by following the same slow routine. The law gives him no authority in such emergency cases, to take any independent action that involves the spending of money.<sup>2</sup>

The problem of persisting over-centralization is well-expressed in the following excerpt:

"If the local agents of the Central Government are given the authority to take final action on certain issues, they are still not free to do so. In the first, the degree of delegation of authority is made specific, covering in detail the conditions under which the local agent can act on his own, but the problems faced by that agent do not in most instances fit the conditions under which the delegation of authority is granted. Consequently, that agent refers such administrative transactions to head quarters on the grounds of incompetence or with a request for clarification."<sup>3</sup>

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<sup>1</sup>Transactions which need the approval of the Central Government.

<sup>2</sup>The Kaimakam has LL.200 at his disposal per year, to be used for minor repairs.

<sup>3</sup>Shalhub, op.cit., p. 344.

To conclude, the present-day administrative system in Lebanon allows little opportunity for the lower echelons of the hierarchy to exercise their initiative and decision-making powers. Moreover it encourages a degree of overdependence on the part of administrators toward the government.<sup>1</sup>

3. Limits to the Kaimakam's promotion.

Kaimakams complain of the fact that, as local representatives of central authority, their prospects of promotion are limited. The Kaimakam at present is classified in category three, while his direct superior, the Muhafez, is in category one. Thus, the Lebanese system of promotion does make it impossible for the Kaimakam to become a Muhafez. To clarify this point, it is first necessary to give a general view of the Lebanese system of promotion.

A good system of promotion serves many purposes, one of which is to reward good performance and induce personnel to improve their working standards. The Lebanese promotion system has three distinct aspects; salary increases, advancement, and promotion.<sup>2</sup> Salary increases are automatic increments, granted to every official on the basis of seniority, as he completes required years of service. Advancement signifies increases in salary made before the required years of service are completed by a maximum of six months to reward merit.<sup>3</sup> While the Kaimakam, like other officials, is entitled to regular increments in salary and may receive advancement, he does not fare as well where the third aspect of promotion is concerned;

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<sup>1</sup>Emile S. Shihadeh, Culture and Administrative Behavior in Lebanon (Beirut, Khayat's, 1963), p. 86.

<sup>2</sup>Iskandar, op.cit., p. 108.

<sup>3</sup>Ibid., p. 110.



the aspect which involves rise to a higher and more responsible position in the same field of administration to which he is attached.

The Lebanese classification and salary schedule includes five major categories, two of which are in turn subdivided into ranks. An employee can be promoted from one rank to another within a subdivided category, or from one category to another. The law, however, does not allow an employee to be promoted from one rank or category to the next unless he has reached the top grade in his existing rank or category.<sup>1</sup> The Kaimakams would not have had any special objection to this promotion system were it not that they are assigned by law, to category three,<sup>2</sup> which blocks their promotion to the position of a Muhafez, which belongs to category one.<sup>3</sup> Thus barred from promotion in rank, the Kaimakam submitted, in the early period of the last administrative reform, a petition to the Civil Service Council demanding new legislation which would allow them promotion to the position of the Muhafez.<sup>4</sup> In response, the Civil Service Council, on 10 November 1960, submitted a draft law to establish the position of distinguished Kaimakam, to belong to category two.<sup>5</sup> The Civil Service Council argued that since vacant positions in category one are filled from officials of the top three grades of category two, and since, under the present regulations, it is impossible to appoint a Muhafez from

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<sup>1</sup>Legislative Decree No. 112 of 12 June 1959, art. 4. Cited by Iskandar, op.cit., p. 111.

<sup>2</sup>Law of 7 May 1957. See the Report of the President of the Civil Service Council, op.cit., p. 51.

<sup>3</sup>Legislative Decree No. 116 of 12 June 1959, art. 5, op.cit.

<sup>4</sup>Al-Jarydah (Beirut), No. 2932, July 12, 1963.

<sup>5</sup>Farid Dahdah, (Report of the President of the Civil Service Council), op.cit.

among the Kaimakams, which is desirable because of their experience in regional government, the establishment of the new position in category two becomes a necessity.<sup>1</sup> The Kaimakams, however, refused this proposal and insisted on their original demands.<sup>2</sup> They claimed that it is not practical to divide the Kaimakams into distinguished and ordinary ones as this will mean unequal treatment of the Kaimakams.<sup>3</sup> Some Kaimakams suggest the establishment of a Distinguished Kaimakamiyyah headed by a Distinguished Kaimakam.<sup>4</sup> This again may not prove practical, as it would be difficult to assign the Kazas to unequal categories.

The Kaimakam, in his district, holds the first rank among all local personnel, no matter what grade they are, or what corps they are associated with. Being in such a position the Kaimakam must also belong to a higher category than the other public officials in the Kaza. This, in practice, is not the case, as the physician of the Kaza belongs to the same grade as the Kaimakam; while the gendarmerie officer and the judge, who belong to different administrative corps, are placed in the Kaimakam's category or even higher.<sup>5</sup> This certainly prejudices the position of the Kaimakam as the highest civil authority in the Kaza.

4. Overlaps of Authority in the Kaza.

The last observation in connection with the functions of the

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<sup>1</sup>Ibid.

<sup>2</sup>Al-Jarydah, (Beirut), No. 2943, July 25, 1963.

<sup>3</sup>Interview with Mr. Fadel Hamawiyyeh, op.cit.

<sup>4</sup>Ibid.

<sup>5</sup>Legislative Decree No. 111 of 6 June 1959, op.cit.

Kaimakam concerns the overlaps of authority in the Kaza. The main issue, in this regard, is the question of the relationship between the Kaimakam and the security forces. There is, in fact, contradiction in the laws governing this relationship. Legislative Decree No. 116 assigns to the Kaimakam full responsibility for keeping order and security in the Kaza. For this purpose the decree gives him the authority at all times to ask the security forces in the Kaza to take any precautions or measures that may be needed. According to the same Legislative Decree, the security forces are put under the command of the Kaimakam to help him in the performance of his duties.<sup>1</sup> The contents of this decree, however, are contradicted by Legislative Decree No. 138, which reminds all administrative officials whose work involves cooperation of the security that they should avoid giving instructions in the form of orders to the officers of the security forces. This second decree, moreover, makes it clear that administrative officials have no claim or authority over any of the units of the security forces, and that they have no right whatsoever to interfere in the details of their work, as they are not hierarchically subject to them.<sup>2</sup>

The two Legislative Decrees, regarding the security forces, are undoubtedly contradicting. In present practice the Kaimakam, to secure the cooperation of the security forces in his Kaza, must request this cooperation, not command it. When his instructions on any matter are not obeyed he has to inform the Central Headquarters of the security forces, who alone have authority over the local security forces. This complex relationship

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<sup>1</sup>Arts. 10 and 11, op.cit.

<sup>2</sup>Legislative Decree No. 138 of 12 June 1959, art. 176, op.cit.

between the Kaimakam and the local security forces is still an obstacle which must be cleared if efficient and effective regional government is to be secured.

In conclusion, it is only fair to admit that the Kaimakam in Lebanon, at present, is an important local functionary who positively contributes to the social, economic and agricultural development of his Kaza. His functions are not limited to clerical work and routine procedures. He is rather a dynamic force initiating programs and projects, and encouraging and promoting any idea or plan which he may judge useful for the improvement of the district under his jurisdiction.

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# APPENDICE A

## ANNEXE N° 1

### RÈGLEMENT POUR L'ADMINISTRATION DU LIBAN

(9 juin 1861).

#### ART. 1

Le Liban sera administré par un gouverneur chrétien nommé par la Sublime-Porte et relevant d'elle directement. Ce fonctionnaire, amovible, sera investi de toutes les attributions du pouvoir exécutif, veillera au maintien de l'ordre et de la sécurité publique dans toute l'étendue de la Montagne, percevra les impôts; nommera, sous sa responsabilité, en vertu du pouvoir qu'il recevra de S. M. I. le Sultan, les agents administratifs; il instituera les juges, convoquera et présidera le *médjlis* (conseil) administratif central et approuvera l'exécution de toutes les sentences légalement rendues par les tribunaux, sauf les réserves prévues par l'art. 9. Chacun des éléments constitutifs de la population de la Montagne sera représenté auprès du gouverneur par un *vékil* nommé par les chefs et notables de chaque communauté.

#### ART. 2

Il y aura pour toute la Montagne un *médjlis* administratif central composé de douze membres, deux maronites, deux druzes, deux grecs catholiques, deux grecs orthodoxes, deux moutéouâli, deux musulmans, chargés de répartir l'impôt, contrôler la gestion des revenus et des dépenses, et de donner un avis consultatif sur toutes les questions qui lui seront posées par le gouverneur.

## ART. 3

La Montagne sera divisée en six arrondissements administratifs, savoir :

1<sup>o</sup> — Le Kourah, y compris la partie inférieure et les autres fractions du territoire avoisinant dont la population appartient au rite grec orthodoxe, moins la ville de Qalmoûn, située sur la côte et à peu près exclusivement habitée par des musulmans ;

2<sup>o</sup> — La partie septentrionale du Liban, sauf le Kourah jusqu'au *nahr el-Kalb* ;

3<sup>o</sup> — Zahlèh et son territoire ;

4<sup>o</sup> — Le Mètn, y compris le Sahél chrétien et les territoires de Qâtha'a et de Salîma ;

5<sup>o</sup> — Le territoire situé au sud de la route de Damas à Beyrouth jusqu'à Djézzîn ;

6<sup>o</sup> — Le Djézzîn et le Tèffâh.

Il y aura, dans chacun de ces arrondissements, un agent administratif nommé par le gouverneur et choisi dans le rite dominant, soit par le chiffre de la population, soit par l'importance de ses propriétés.

## ART. 4

Il y aura dans chaque arrondissement un *médjlis* administratif local composé de trois à six membres représentant les divers éléments de la population et les intérêts de la propriété foncière dans l'arrondissement ; ce *médjlis* local, présidé et convoqué annuellement par le chef de l'arrondissement, devra résoudre en premier ressort toutes les affaires de contentieux administratif, entendre les réclamations des habitants, fournir les renseignements statistiques nécessaires à la répartition de l'impôt dans l'arrondissement, et donner son avis consultatif sur toutes les questions d'utilité locale.

## ART. 5

Les arrondissements administratifs seront subdivisés en cantons dont le territoire, à peu près réglé sur celui des anciens *iqlim*, ne renfermera, autant que possible, que des groupes homogènes de population, et ses cantons en communes qui se composeront chacune d'au moins cinq cents habitants. A la tête de chaque canton il y aura un agent nommé par le gouverneur sur la proposition du chef de l'arrondissement, et à la tête de chaque commune un *chéikh* choisi par les habitants et nommé par le gouverneur. Dans les communes mixtes, chaque élément consultatif de la po-

pulation aura un *chéikh* particulier dont l'autorité ne s'exercera que sur ces coreligionnaires.

## ART. 6

Égalité de tous devant la loi, abolition de tous les privilèges féodaux, et notamment de ceux qui appartenaient aux *mouqâtha'adji*.

## ART. 7

Il y aura dans chaque canton un juge de paix pour chaque rite; dans chaque arrondissement, un *médjlis* judiciaire de première instance, composé de trois à six membres représentant les divers éléments de la population; et au siège du gouvernement, un *médjlis* judiciaire supérieur, composé de douze membres, dont deux appartenant à chacune des sept communautés désignées dans l'article 2, et auquel on adjoindra un représentant des culles protestant et israélite, toutes les fois qu'un membre de ces communautés aura des intérêts engagés dans le procès. La présidence des *médjlis* judiciaires sera exercée trimestriellement et à tour de rôle par chacun de leurs membres.

## ART. 8

Les juges de paix jugeront sans appel jusqu'à concurrence de cinq cents piastres; les affaires, au dessus de cinq cents piastres, seront de la compétence des *médjlis* judiciaires de première instance. Les affaires mixtes, c'est-à-dire entre particuliers n'appartenant pas au même rite, quelle que soit la valeur engagée dans le procès, seront immédiatement portées devant le *médjlis* de première instance, à moins que les parties ne soient d'accord pour reconnaître la compétence du juge de paix du défendeur. En principe, toute affaire sera jugée par la totalité des membres du *médjlis*. Néanmoins, quand toutes les parties engagées dans le procès appartiendront au même rite, elles auront le droit de récuser le juge appartenant à un rite différent; mais, dans ce cas même, les juges récusés devront assister au jugement.

## ART. 9

En matière criminelle, il y aura trois degrés de juridiction: les contraventions seront jugées par les juges de paix, les délits par le *médjlis* de première instance, et les crimes par le *médjlis* judiciaire supérieur, dont les sentences ne pourront être mises à exécution qu'après l'accomplissement des formalités en usage dans le reste de l'Empire.

## ART. 10

Tout procès en matière commerciale sera porté devant le tribunal de commerce de Beyrouth, et tout procès, même en matière civile, entre un sujet ou protégé d'une puissance étrangère et un habitant de la Montagne, sera soumis à la juridiction de ce même tribunal.

## ART. 11

Tous les membres du *médjlis* judiciaire et administratif, sans exception, ainsi que les juges de paix, seront choisis et désignés, après une entente avec les notables, par les chefs de leur communauté respective, et institués par le gouvernement. Le personnel des *médjlis* administratifs sera renouvelé par moitié tous les ans, et les membres sortants pourront être réélus.

## ART. 12

Tous les juges seront rétribués. Si, après enquête, il est prouvé que l'un d'entre eux a prévarié ou s'est rendu, par un fait quelconque, indigne de ses fonctions, il devra être révoqué, et sera, en outre, passible d'une peine proportionnée à la faute qu'il aura commise.

## ART. 13

Les audiences de tous les *médjlis* judiciaires seront publiques, et il en sera rédigé procès-verbal par un greffier institué *ad hoc*. Ce greffier sera, en outre, chargé de tenir un registre de tous les contrats portant aliénation de biens immobiliers, lesquels contrats ne seront valables qu'après avoir été soumis à la formalité de l'enregistrement.

## ART. 14

Les habitants du Liban, qui auraient commis un crime ou délit dans un autre sandjaq, seront justiciables des autorités de ce sandjaq; de même que les habitants des autres arrondissements qui auraient commis un crime ou délit dans la circonscription du Liban seront justiciables des tribunaux de la Montagne. En conséquence, les individus indigènes ou non indigènes, qui se seraient rendus coupables d'un crime ou délit dans le Liban et qui se seraient évadés dans un autre sandjaq, seront, sur la demande de l'autorité de la Montagne, arrêtés par celles du sandjaq où ils se trouvent et remis à l'administration du Liban. De même, les indigènes de la Montagne ou les habitants d'autres départements, qui auraient commis un crime ou délit

dans un sandjaq quelconque et autre que le Liban, et qui s'y seront réfugiés, seront sans retard arrêtés par l'autorité de la Montagne, sur la demande de celle du sandjaq intéressé, et seront remis à cette dernière autorité. Les agents de l'autorité, qui auraient apporté une négligence ou des retards non justifiés dans l'exécution des ordres relatifs au renvoi des coupables devant les tribunaux compétents, seront, comme ceux qui chercheraient à dérober ces coupables aux poursuites de la police, punis conformément aux lois. Enfin, les rapports de l'administration du Liban avec l'administration respective des autres sandjaqs seront exactement les mêmes que les relations qui existent et qui seront entretenues entre tous les autres sandjaqs de l'Empire.

## ART. 15

En temps ordinaire, le maintien de l'ordre et l'exécution des lois seront exclusivement assurés par le gouverneur, au moyen d'un corps de police mixte recruté par la voie des engagements volontaires et composé à raison de sept hommes par mille habitants. L'exécution par garnisaires devant être abolie et devant être remplacée par d'autres modes de contrainte, tels que la saisie et l'emprisonnement, il sera interdit aux agents de police, sous les peines les plus sévères, d'exiger des habitants aucune rétribution, soit en argent, soit en nature.

Ils devront porter un uniforme ou quelque signe extérieur de leurs fonctions, et, dans l'exécution d'un ordre quelconque de l'autorité, on emploiera, autant que possible, des agents appartenant à la nation ou au rite de l'individu que cette mesure concernera. Jusqu'à ce que la police locale ait été reconnue, par le gouvernement, en état de faire face à tous les devoirs qui lui sont imposés en temps ordinaire, les routes de Beyrouth à Damas et de Saïda à Tripoli seront occupées par les troupes impériales; ces troupes seront sous les ordres du gouverneur de la Montagne. En cas extraordinaire et de nécessité, et après avoir pris l'avis du *medjlis* administratif central, le gouverneur pourra requérir, auprès des autorités militaires de la Syrie, l'assistance des troupes régulières. L'officier qui commandera ces troupes en personne devra se concerter, pour les mesures à prendre, avec le gouvernement de la Montagne, et, tout en conservant son droit d'initiative et d'appréciation pour toutes les questions purement militaires, telles que les questions de stratégie et de discipline, il sera subordonné au gouverneur de la Montagne, durant le temps de son séjour dans le Liban, et agira sous la responsabilité de ce dernier. Les troupes se retireront de la Montagne aussitôt que le gouverneur aura officiellement déclaré à leur commandant que le but pour lequel elles ont été appelées a été atteint.

## ART. 16

La Sublime-Porte ottomane se réservant le droit de lever, par l'intermédiaire du gouverneur du Liban, 3500 bourses qui constituent aujourd'hui l'impôt de la Montagne, impôt qui pourra être augmenté jusqu'à la somme de 7000 bourses lorsque les circonstances le permettront, il est bien entendu que le produit de ces impôts sera affecté, avant tout, aux frais d'administration de la Montagne et à ses dépenses d'utilité publique; le surplus seulement, s'il y a lieu, entrera dans les caisses de l'État.

Si les frais généraux strictement nécessaires à la marche régulière de l'administration dépassaient le produit des impôts, la Sublime-Porte aurait à pourvoir à ces excédents de dépense.

Mais il est bien entendu que, pour les travaux publics et autres dépenses extraordinaires, la Sublime-Porte n'en serait responsable qu'autant qu'elle les aurait préalablement approuvés.

## ART. 17

Il sera procédé le plus tôt possible au recensement de la population par commune et par rite, et à la levée du cadastre de toutes les terres cultivées.

*Arrêté et convenu à Pétra, le 9 juin 1861.*

*Signé :* AALI,  
H.-L. BULWER,  
LAVALETTE,  
PROKESCH-OSTEN,  
GOLTZ,  
LOBANOFF.

Protocole adopté par la Sublime-Porte et les représentants des cinq grandes puissances, à la suite de l'entente à laquelle a donné lieu, de leur part, l'examen du projet de règlement élaboré par une commission internationale pour la réorganisation du Liban. Ce projet de règlement, daté du 1<sup>er</sup> mai 1861, ayant été, après modifications introduites d'un commun accord, converti en règlement définitif, sera promulgué, sous la forme de firman, par S. M. I. le Sultan et communiqué officiellement aux représentants des cinq grandes puissances.

L'article premier a donné lieu à la déclaration suivante faite par S. A. Aali pacha et acceptée par les cinq représentants :

« Le gouverneur chrétien chargé de l'administration du Liban sera choisi par la Sublime-Porte, dont il relèvera directement. Il aura le titre de *muchir*

et résidera habituellement à Béir el-Qamar, qui se trouve replacé sous son autorité directe. Investi de l'autorité pour trois ans, il sera néanmoins amovible, mais sa révocation ne pourra jamais être prononcée qu'à la suite d'un jugement. Trois mois avant l'expiration de son mandat, la Sublime-Porte, avant d'aviser, provoquera une nouvelle entente avec les représentants des grandes puissances. »

Il a été entendu également que le pouvoir conféré par la Sublime-Porte à ce fonctionnaire, de nommer sous sa responsabilité les agents administratifs, lui serait conféré une fois pour toutes, au moment où il serait lui-même investi de l'autorité, et non pas à propos de chaque nomination.

Relativement à l'article 10, qui a trait aux procès entre les sujets ou protégés d'une puissance étrangère, d'une part, et les habitants de la Montagne, d'autre part, il a été convenu qu'une commission mixte siégeant à Beyrouth serait chargée de vérifier et de réviser les titres de protection.

Afin de maintenir la sécurité et la liberté de la grande route de Beyrouth à Damas, en tout temps, la Sublime-Porte établira un *blockhaus* sur le point de ladite route qui lui paraîtra le plus convenable.

Le gouverneur du Liban pourra procéder au désarmement de la Montagne lorsqu'il jugera les circonstances et le moment favorables.

*Péra, le 9 juin 1861.*

*Signé :* AALI,  
H.-L. BULWER,  
LAVALETTE,  
PROKESCH-OSTEN,  
GOLTZ,  
LOBANOFF

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## ANNEXE N° 2

### RÈGLEMENT DU LIBAN

(6 septembre 1864)

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#### ART. 1

Le Liban sera administré par un gouverneur chrétien nommé par la Sublime-Porte et relevant d'elle directement.

Ce fonctionnaire amovible sera investi de toutes les attributions du pouvoir exécutif, veillera au maintien de l'ordre et de la sécurité publique dans toute l'étendue de la Montagne, percevra les impôts et nommera sous sa



resp. se... pouvoir qu'il recevra de S. M. I. le Sultan, les agents a... constituera les juges, convoquera et présidera le *medjlis* administratif central, et procurera l'exécution de toutes les sentences légalement rendues par les tribunaux, sauf les révisions prévues par l'article 8.

## ART. 2.

Il y aura, pour toute la Montagne, un *medjlis* administratif central composé de douze membres délégués par les mudirats et répartis entre les différents mudirats dans la proportion suivante :

- 1<sup>er</sup> et 2<sup>e</sup> — Les deux mudirats du Késrouân délégueront chacun un maronite;
- 3<sup>e</sup> — Le mudirat du Djézzin, un maronite, un druze et un musulman;
- 4<sup>e</sup> — Le mudirat du Météh, un maronite, un grec orthodoxe, un druze et un moutemlé;
- 5<sup>e</sup> — Le Chouf, un druze;
- 6<sup>e</sup> — Le Kourah, un grec orthodoxe;
- 7<sup>e</sup> — Zahléh, un grec catholique.

Le *medjlis* administratif sera chargé de répartir l'impôt, contrôler la gestion des revenus et des dépenses et donner son avis consultant sur toutes les questions qui lui seront posées par le gouverneur.

## ART. 3

La Montagne sera divisée en sept arrondissements administratifs, savoir :

- 1<sup>er</sup> — Le Kourah, y compris la partie inférieure et les autres fractions de territoire avoisinantes dont la population appartient au rite grec orthodoxe, moins la ville de Qalmoûn située sur la côte et à peu près exclusivement habitée par les musulmans;
- 2<sup>e</sup> — La partie septentrionale du Liban comprenant Djoubbét-Bcharréh, Zaouyéh et Bîléd-Batroûn;
- 3<sup>e</sup> — La partie septentrionale du Liban, comprenant Bîléd, Djebél, Djoubbét-Munétra, Fetouh et le Késrouân proprement dit jusqu'au *nahr el-Kélib*;
- 4<sup>e</sup> — Zahléh et son territoire;
- 5<sup>e</sup> — Le Météh y compris le Sahel chrétien et les territoires de Qâtha'a et de Sâma;
- 6<sup>e</sup> — le territoire situé au sud de la route de Damas jusqu'à Djézzin;
- 7<sup>e</sup> — Le Djézzin et le Téfféh.

Il y aura, dans chacun de ces arrondissements, un agent administratif nommé par le gouverneur et choisi dans le rite dominant, soit par le chiffre de la population, soit par l'importance de ses propriétés.

## ART. 4

Les arrondissements administratifs seront divisés en cantons dont le territoire sera à peu près réglé sur celui des anciens *iqlim*.

A la tête de chaque canton, il y aura un agent nommé par le gouverneur sur la proposition du chef de l'arrondissement, et à la tête de chaque village un *chékh* choisi par les habitants et nommé par le gouverneur.

## ART. 5

Égalité de tous devant la loi, abolition de tous les privilèges féodaux, et notamment de ceux qui appartiennent aux *mouqâtha' adji*.

## ART. 6

Il y aura dans la Montagne trois tribunaux de première instance, composés chacun de juges et d'un substitut, nommés par le gouverneur, et de six défenseurs d'office, désignés par les communautés, et au siège du gouverneur un *mâdjlis* judiciaire supérieur, composé de six juges choisis et nommés par le gouverneur dans les six communautés : musulmane sunnite et monté-nâli, maronite, druze, grecque orthodoxe, grecque catholique, et de six défenseurs d'office désignés par chacune de ces communautés, et auxquels on adjoindra un juge et un défenseur d'office des cultes protestant et israélite, toutes les fois qu'un membre de ces communautés aura des intérêts engagés dans le procès.

Le tribunal supérieur sera présidé par un fonctionnaire nommé *ad hoc* par le gouverneur.

Il est réservé au gouverneur la faculté de doubler le nombre des tribunaux de première instance, dans le cas où des nécessités locales en auront constitué l'urgence et de fixer, en attendant, les localités où devront fonctionner les trois tribunaux de première instance, dans l'intérêt de la distribution régulière de la justice.

## ART. 7

Les *chékh* de village, remplissant les fonctions de juges de paix, jugeront sans appel jusqu'à concurrence de deux cents piastres.

Les affaires au-dessus de deux cents piastres, seront de la compétence des *mâdjlis* judiciaires de première instance.

Les affaires mixtes, c'est-à-dire entre particuliers n'appartenant pas à un même rite, quelle que soit la valeur engagée dans le procès, seront immédiatement portées devant le tribunal de première instance, à moins que les parties ne soient d'accord pour reconnaître la compétence des juges de paix du défenseur. En principe, toute affaire sera jugée par la totalité des membres

du *médjlis*. Néanmoins, quand toutes les parties engagées dans le procès appartiendront au même rite, elles auront le droit de récuser le juge appartenant à un rite différent. Mais dans ce cas les juges recusés devront assister au jugement.

## ART. 8

En matière criminelle, il y aura trois degrés de juridiction. Les contraventions seront jugées par les *chéikh* de village, remplissant les fonctions de juges de paix; les délits, par les tribunaux de première instance et les crimes par le *médjlis* judiciaire supérieur, dont les sentences ne pourront être mises à exécution qu'après l'accomplissement des formalités d'usage dans le reste de l'Empire.

## ART. 9

Tout procès en matière commerciale sera porté devant le tribunal de commerce de Beyrouth, et tout procès, même en matière civile, entre sujet ou protégé d'une puissance étrangère et un habitant de la Montagne, sera soumis à la juridiction de ce même tribunal.

Toutefois, autant que possible, et après entente entre les parties, les contestations entre des habitants du Liban et des sujets étrangers pourront être jugées par arbitrage, et, dans ce cas, l'autorité impériale du Liban et les consulats des puissances amies seront tenus de faire exécuter les sentences arbitrales.

Mais dans le cas où les contestations seraient portées devant le tribunal de Beyrouth, faute d'entente entre les parties de soumettre leur différend à un arbitrage, la partie perdante sera tenue de payer les frais de déplacement d'après un tarif établi d'accord entre le gouverneur du Liban et le corps consulaire de Beyrouth et sanctionné par la Sublime-Porte. Il reste bien entendu que les actes de compromis devront être rédigés légalement, signés par les parties et enregistrés tant au tribunal de Beyrouth qu'au *médjlis* judiciaire supérieur de la Montagne.

## ART. 10

Les juges sont nommés par le gouverneur; les membres du *médjlis* administratif sont élus dans les arrondissements par les *chéikh* de village.

Les *chéikh* de village sont choisis par la population de chaque village.

Le personnel du *médjlis* administratif sera renouvelé par tiers tous les deux ans et les membres sortants pourront être réélus.

## ART. 11

Tous les juges seront rétribués. Si, après enquête, il est prouvé que l'un

d'entre eux a prévariqué ou s'est rendu, par un fait quelconque, indigne de ses fonctions, il devra être révoqué et sera, en outre, passible d'une peine proportionnée à la faute qu'il aura commise.

## ART. 12

Les audiences de tous les *medjlis* judiciaires seront publiques, et il en sera rédigé procès-verbal par un greffier institué *ad hoc*. Ce greffier sera, en outre, chargé de tenir un registre de tous les contrats portant aliénation de biens immobiliers, lesquels contrats ne seront valables qu'après avoir été soumis à la formalité de l'enregistrement.

## ART. 13

Les habitants du Liban, qui auraient commis un crime ou délit dans un autre sandjaq, seront justiciables des autorités de ce sandjaq; de même que les habitants des autres arrondissements, qui auraient commis un crime ou délit dans la circonscription du Liban, seront justiciables des tribunaux de la Montagne.

En conséquence, les individus indigènes ou non indigènes, qui se seraient rendus coupables d'un crime ou délit sur le Liban, et qui se seraient évadés dans un autre sandjaq, seront, sur la demande de l'autorité de la Montagne, arrêtés par celle du sandjaq où ils se trouvent et remis à l'administration du Liban. De même, les indigènes de la Montagne ou les habitants d'autres départements, qui auront commis un crime ou délit dans un sandjaq quelconque et autre que le Liban, et qui s'y seront réfugiés, seront, sans retard, arrêtés par l'autorité de la Montagne, sur la demande de celle du sandjaq intéressé, et seront remis à cette dernière autorité. Les agents de l'autorité, qui auraient apporté une négligence ou des retards non justifiés dans l'exécution des ordres relatifs au renvoi des coupables devant les tribunaux compétents, seront, comme ceux qui chercheraient à dérober ces coupables aux poursuites de la police, punis conformément aux lois.

Enfin, les rapports de l'administration du Liban avec l'administration respective des autres sandjaqs, seront exactement les mêmes que les relations qui existent et qui seront entretenues entre tous les sandjaqs de l'Empire. En temps ordinaire, le maintien de l'ordre et l'exécution des lois seront exclusivement assurés par le gouverneur, au moyen d'un corps de police mixte, recruté à raison de sept hommes environ par mille habitants.

L'exécution par garnisaires devant être abolie et remplacée par d'autres modes de contrainte, tels que la saisie ou l'emprisonnement, il sera interdit aux agents de police, sous les peines les plus sévères, d'exiger des habitants aucune rétribution, soit en argent, soit en nature. Ils devront porter un uniforme ou quelque signe extérieur de leurs fonctions.

Jusqu'à ce que la police locale ait été reconnue, par le gouverneur, en état de faire face à tous les devoirs qui lui seront imposés en temps ordinaire, les routes de Beyrouth à Damas et de Saïda à Tripoli seront occupées par des troupes impériales. Ces troupes seront sous les ordres du gouverneur de la Montagne.

En cas extraordinaire et de nécessité, et après avoir pris l'avis du *médjlis* administratif central, le gouverneur pourra requérir, auprès des autorités militaires de la Syrie, l'assistance des troupes régulières.

L'officier qui commandera ces troupes en personne devra se concerter, pour les mesures à prendre, avec le gouverneur de la Montagne, et, tout en conservant son droit d'initiative et d'appréciation pour toutes les questions purement militaires, telles que les questions de stratégie et de discipline, il sera subordonné au gouverneur de la Montagne, durant le temps de son séjour dans le Liban, et il agira sous la responsabilité de ce dernier.

Ces troupes se retireront de la Montagne aussitôt que le gouverneur aura officiellement déclaré à leur commandant que le but pour lequel elles ont été appelées a été atteint.

#### ART. 14

La Sublime-Porte se réservant le droit de lever, par l'intermédiaire du gouverneur du Liban, les 3500 bourses qui constituent aujourd'hui l'impôt de la Montagne, impôt qui pourra être augmenté jusqu'à la somme de 7000 bourses, lors que les circonstances le permettront, il est bien entendu que le produit de ces impôts sera affecté, avant tout, aux frais d'administration de la Montagne et à ses dépenses d'utilité publique; le surplus seulement, s'il y a lieu, entrera dans les caisses de l'État.

Si les frais généraux, strictement nécessaires à la marche régulière de l'administration, dépassent le produit des impôts, c'est au Trésor impérial à pourvoir à ces excédents de dépenses.

Les *béhalik* ou revenus des domaines impériaux, étant indépendants de l'impôt, seront versés dans la caisse du Liban, au crédit de la comptabilité de cette caisse avec le Trésor impérial.

Mais il est entendu que, pour les travaux publics ou autres dépenses extraordinaires, la Sublime-Porte n'en serait responsable qu'autant qu'elle les aurait préalablement approuvés.

#### ART. 15

Il sera procédé, le plus tôt possible, au recensement de la population par commune et par rite et à la levée du cadastre de toutes les terres cultivées.

## ART. 16

Dans toute affaire où les membres du clergé séculier ou régulier sont seuls engagés, ces parties prévenues ou accusées resteront soumises à la juridiction ecclésiastique, sauf les cas où l'autorité épiscopale demanderait le renvoi devant les tribunaux ordinaires.

## ART. 17

Aucun établissement ecclésiastique ne pourra donner asile aux individus, soit ecclésiastiques, soit laïques, qui sont l'objet de poursuites du Ministère public.

*Arrêté et convenu à Constantinople, le six septembre mil huit cent soixante-quatre.*

*Signé:* AALI,  
H.-L. BULWER,  
LAVLETTE,  
PROKESCH-OSTEN  
GOLTZ,  
LOBANOFF.

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cote de  
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CAZAS et MUDIRIYEH	NAHIÉS	NOMBRE DE VILLES villages et hameaux	
		PAR NAHIÉ	PAR CAZA
I Caza du Chouf	Qasaba de Ba'aqlin . . . . .	1	210
	Nahié de Choufn . . . . .	22	
	— du bas Gharb . . . . .	9	
	— du Kharroub . . . . .	56	
	— du haut Arqoub . . . . .	8	
	— de l'Arqoub sud . . . . .	10	
	— de — nord . . . . .	13	
	— du Gharb nord . . . . .	16	
	— du haut Gharb . . . . .	9	
	— du Djourd sud . . . . .	21	
	— du — nord . . . . .	11	
	— de Ménasif . . . . .	18	
— de Chèhâr . . . . .	14		
II Caza du Mètn	Nahié du Mètn nord . . . . .	53	178
	— du haut Mètn . . . . .	48	
	— de Baskinta . . . . .	10	
	— de Qâthara . . . . .	38	
	— de Chouâr . . . . .	5	
	— de Sâhil . . . . .	24	
III Caza de Késrouân	Qasaba de Ghazir . . . . .	1	226
	Nahié de Djébâil êskèlè-si . . . . .	74	
	— de Muneitra . . . . .	32	
	— du haut Djébâil . . . . .	22	
	— de Djourd-Djébâil . . . . .	9	
	— de Ghoustha . . . . .	19	
	— de Zouq . . . . .	10	
	— de Djéroud-Késrouân . . . . .	11	
	— de Fetouh . . . . .	41	
	— de Djouni . . . . .	6	
— de Chémsthâr . . . . .	1		
IV Caza de Batroun	Nahié de Batroun . . . . .	44	151
	— de Hasroun . . . . .	7	
	— de Qanât . . . . .	16	
	— de Ehdèn . . . . .	21	
	— de Rcharrèh . . . . .	10	
	— de Zaouyeh . . . . .	26	
	— de Tannourin . . . . .	26	
— d'Hèrmil . . . . .	1		
V Caza de Djèzzin	Nahié de Djèzzin . . . . .	61	107
	— de Hîfah . . . . .	34	
	— de Djèbèl èr-Ribân . . . . .	12	
VI Caza de Zahlèh	Nahié ou qasaba de Zahlèh . . . . .	1	1
VII Caza du Kourah	Merkez caza du Kourah . . . . .	10	50
	Nahié du Kourah nord . . . . .	12	
	— du — central . . . . .	16	
	— de Qouyithè . . . . .	12	
VIII Mudiriye de Dèir el-Qamar		7	7
7 cazas et 1 mudiriye	46 nahiés et qasaba	930 villages	

مرسوم اشتراعي رقم ١١٦  
صادر بتاريخ ١٢ حزيران سنة ١٩٥٩  
التنظيم الاداري

ان رئيس الجمهورية اللبنانية

يرسم ما يأتي :

**الفصل الاول - المحافظات والاقضية**

**المادة الاولى -** تقسم اراضي الجمهورية اللبنانية الى محافظات وتقسم المحافظات الى اقضية .  
• يعين عدد المحافظات والاقضية وتحدد مناطقها في الجدول رقم ( ١ ) المنصوص عنه في المادة ٥٧ من هذا المرسوم الاشتراعي .

**المادة ٢ -** تمثل الوزارات في المحافظات والاقضية بدوائر تعين في الجدول رقم ( ٢ ) الملحق بهذا المرسوم الاشتراعي ويمكن تعديل هذا الجدول بمرسوم يتخذ في مجلس الوزراء .  
• تحدد مهام هذه الدوائر بمرسوم يتخذ في مجلس الوزراء ويكون مركز موظفيها في المحافظة او القضاء .

**المادة ٣ -** يدير شؤون المحافظة موظف يدعى المحافظ .

**الفصل الثاني - المحافظ**

**المادة ٤ -** يمثل المحافظ وزارات النولة كافة ، باستثناء وزارتي العدلية والدفاع الوطني .



**المادة ٥ -** يعين المحافظ من بين حملة الاجازة في الحقوق او ما يعادلها بمرسوم يتخذ في مجلس الوزراء . ويعتبر من موظفي الفئة الاولى . ويمكن بالطريقة نفسها نقله الى مركز آخر او وظيفة اخرى .

**المادة ٦ -** يتقدم المحافظ في محافظته على جميع الموظفين اية كانت رتبته او السلك الذي ينتمون اليه .

**المادة ٧ -** يدير المحافظ اجهزة الوزارات في المحافظة وله بهذه الصفة ان يفتش الدوائر ويراقب الموظفين ويمنحهم الاجازات الادارية والصحية وان يفرض العقوبات التأديبية وفاقا لاحكام نظام الموظفين .  
اما فيما يتعلق بموظفي وزارتي العدلية والدفاع الوطني فعليه ان يطلع الوزارة المختصة عن كل مؤاخذة .  
تجرى المخابرات بين اجهزة الوزارات والدوائر المركزية بواسطة المحافظ . وعليه ان يرسلها لمرجعها خلال ثلاثة ايام على الاكثر .

**المادة ٨ -** يسهر المحافظ على تنفيذ القوانين والانظمة والتعليمات العامة في المحافظة ويعتبر مسؤولا عن حسن تطبيقها .  
وله ، لهذه الغاية ، ان يتخذ جميع التدابير التي تؤول الى تنسيق العمل بين مختلف الدوائر وتأمين حسن سيره وتنفيذه .  
وعليه ان يدعو رؤسائها الى اجتماعات دورية يطلع خلالها على اعمالهم ويندى ملاحظاته في شأنها .  
عليه ان يدعو موظفي الدائرة الواحدة الى اجتماعات دورية تعقد للفاية نفسها وعليه ان يفتش مرة في كل شهر الدوائر والموظفين التابعين لسلطته . ويعطي هؤلاء الموظفين العلامات التي ينص عليها القانون .

**المادة ٩ -** يتولى المحافظ مراقبة اوضاع المنطقة من الوجهتين السياسية والاقتصادية وعليه ان يطلع وزارة الداخلية على الحالة كل شهر وكلما دعت الحاجة .

**المادة ١٠ -** يتولى المحافظ حفظ النظام والامن وصيانة الحرية الشخصية وحرمة الملكية الخاصة ، وله من اجل ذلك ، ان يطلب الى قوى الامن في المحافظة اتخاذ جميع التدابير التي تقتضيها الظروف .

**المادة ١١ -** توضع قوى الامن الداخلي في المحافظة تحت تصرف المحافظ لاستعمالها في تادية المهام المنوطة به بموجب هذا المرسوم الاشتراعي .

**المادة ١٢ -** يستطلع رأي المحافظ في جميع التبديلات التي يراد احداثها في المحافظة من رؤساء الدوائر المحلية باستثناء القضاة والجيش . وعلى المحافظ ان يستطلع رأي القائمقام قبل ابداء رأيه .

**المادة ١٣ -** يحق للمحافظ ان يفاوض النيابة العامة في المحافظة في جميع المسائل التي تهم الحكومة ولا سيما ما يتعلق منها بالامن العام . وعليه ان يؤازر السلطات القضائية باداء المهام والواجبات المفروضة عليه بالقانون .

**المادة ١٤ -** يشترك المحافظ ، بعد استطلاع رأى مجلس المحافظة ، باعداد موازنة صندوق التجهيز البلدي ويعرض مشروع التوزيع على وزارة الداخلية مقرونا بمطالعه الخطية .

**المادة ١٥ -** يوقع المحافظ جوازات السفر وفقا لاحكام القانون الخاص بذلك .

**المادة ١٦ -** يرخص المحافظ بإنشاء مصانع الالاب النارية ومستودعاتها ومخازن بيها وفقا لاحكام قانون الاسلحة والنخائر .

**المادة ١٧ -** يستطلع رأى المحافظ في انشاء او الغاء المدارس الرسمية على اختلاف انواعها في منطقته ، ويساعد المحافظ وزارة التربية الوطنية في تأمين الانسية والتجهيزات والادوات اللازمة للمدارس .

**المادة ١٨ -** يتخذ المحافظ جميع الاجراءات التي يراها ضرورية لتطبيق القواعد الصحية العامة المنصوص عليها في القانون . ويرخص بإنشاء المعلات المصنفة من الفنتين الاولى والثانية .

**المادة ١٩ -** يؤمن المحافظ ادخال المرضى المعوزين الى المستشفيات الحكومية في المحافظة بأوامر يصدرها الى مدير المستشفى وفقا لامكانيات هذه المؤسسات . أما في المناطق التي لا يوجد فيها مستشفى حكومي او فرع اختصاصي لمرض او علة معينة فللمحافظ ان يقترح على السلطة المركزية ادخال المريض الى اقرب مستشفى حكومي او التعاقد مع احد المستشفيات الخاصة ريثما يتم التجهيز الصحي العام في المحافظة .

**المادة ٢٥ -** يشرف المحافظ على الدوائر الزراعية في منطقته ويتولى مراقبة الجمعيات النقابية للمساء واللجان المكلفة ادارة المشاريع ذات المنفعة العامة وتصديق انظمتها وموازناتها وتعيين هيئاتها وموظفيها وتعيين فروع هذه الهيئات عند الاقتضاء .

**المادة ٢١ -** يمارس المحافظ بالاضافة الى الصلاحيات الخاصة به الصلاحيات التي تفكرها اليه الوزارات . وله في الظروف الطارئة ان يقوم بالمهام التي لا تدخل في صلاحيات أية ادارة اخرى .

**المادة ٢٢ -** على المحافظ ان يطلع وزارة الداخلية على القضايا التي تعمن نوعها له وتكون من صلاحية سائر الوزارات .

**المادة ٢٣ -** على المحافظ ان يجمع مرة في كل ثلاثة اشهر على الاقل القائمقامين التابعين له ليدرس معهم احوال مناطقهم وحاجاتهم ويصدر لهم التعليمات المقتضاة .

**المادة ٢٤ -** ينظم المحافظ مرة كل ثلاثة اشهر على الاقل ، وكلما دعت الحاجة الى ذلك تقريرا شاملا عن حالة المحافظة من جميع نواحيها وعن مختلف الدوائر فيها يضمه مقترحاته ويرسله الى الادارات المركزية المختصة .

**المادة ٢٥ -** يقيم المحافظ في مركز المحافظة ، ويتقاضى علاوة على راتبه تعويضات تمثيل ونقل وسكن تحدد بمرسوم وتؤمن له الدولة منزلا للسكن على نفقته .

**المادة ٢٦ -** يتولى المحافظ مهام القائمقام في القضاء المركزي .

### الفصل الثالث - القائمقام

**المادة ٢٧ -** يدير شؤون القضاء موظف يدعى القائمقام .

**المادة ٢٨ -** تطبق على القائمقام في منطقته أحكام المواد ٦ و٧ و٨ و٩ و١٠ و١١ و٢١ من هذا المرسوم الاشتراعي .

**المادة ٢٩ -** يعين القائمقام من بين حملة الاجازة في الحقوق او ما يعادلها بمرسوم يصدر بناء على اقتراح وزير الداخلية بعد استطلاع رأي المحافظ ، وينقل بالطريقة نفسها ويكون من الفئة الثالثة على الاقل .

**المادة ٣٠ -** تكون مراسلات القائمقام مع الوزارات بواسطة المحافظ ولا يجوز ان يصدر امر الى القائمقام الا من المحافظ او بواسطته .

**المادة ٣١ -** يعطي القائمقام رخص حمل سلاح الصيد .

**المادة ٣٢ -** يعطي القائمقام رخص استثمار المقالع في الاراضي الخصوصية وفي املاك الدولة بما فيه الترخيص باستعمال المواد المتفجرة عند الاقتضاء .

**المادة ٣٣ -** يعطي القائمقام رخص البناء في الامكنة غير الداخلة في النطاق البلدي بعد استطلاع رأي الدوائر الفنية المختصة .

**المادة ٣٤ -** يحدد القائمقام بالاتفاق مع طبيب القضاء منهاج العمل الصحي شهريا وعلى طبيب القضاء ان يقدم شهرا فشهر الى القائمقام تقريرا عن الحالة الصحية في المنطقة .

**المادة ٣٥ -** يرخص القائمقام بإنشاء المحلات المصنفة من الفئة الثالثة ويعطي بناء على اقتراح طبيب القضاء ، الرخص التي تنص عليها القوانين والانظمة الصحية النافذة ما عدا رخص انشاء المستشفيات والمستوصفات واستثمارها .

**المادة ٣٦ -** يفرض القائمقام التدابير الصحية القانونية على ان قراراته بهذا الشأن لا تصبح نافذة الا بعد موافقة وزارة الصحة العامة . وعليها أن تبت بالامر خلال شهر في الحالات العادية وعشرة ايام في الحالات المستعجلة .

**المادة ٣٧ -** ينسق القائمقام العمل بين دوائر الصحة العامة والوحدات الصحية التابعة للبلديات .

**المادة ٣٨ -** يعين القائمقام نوابر الحقول الخاصة والعامة ، وذلك بناء على اقتراحات المجالس البلدية أو المجالس الاختيارية .

**المادة ٣٩ -** يصادق القائمقام على قرارات الجمعيات النقابية للمياه ولجان الري الخاصة بمشاريع ذات منفعة عامة ويعين نوابرها ويراقب اعمال سائر لجان الري .

**المادة ٤٠ -** يمارس القائمقام الصلاحيات المعطاة لوزير الداخلية في قانون المختارين ما عدا دعوة الناخبين الى انتخابات عامة .

**المادة ٤١ -** يشرف القائمقام على الدوائر الزراعية في منطقته ويمارس الصلاحيات المعطاة لوزير الزراعة بموجب قانون الغابات فيما خص :

١ - قضايا اللجان المشاعية الميينة في المادة الرابعة والخمسين من القانون المذكور وفي الانظمة المتخذة استنادا الى هذه المادة باستثناء المواد ٢٣ و٢٤ و٢٥ من المرسوم الصادر بتاريخ ٥ نيسان سنة ١٩٥٠ برقم ١٥٧٦ .

٢ - تعيين نوابر المشاعات ( المادة ٥٥ ) .

٣ - الترخيص باستثمار الغابات المشاعية والغابات التي يملكها الافراد وتحديد شروط هذا الاستثمار بقرار يصدر عنه وفقا لاحكام قانون الغابات .

**المادة ٤٢ -** يمارس القائمقام فيما خص وزارة العمل والشؤون الاجتماعية الصلاحيات التالية :

- توقيع شهادة عمل .
- تنظيم ملفات المؤسسات .
- اعطاء دفاتر استخدام .
- توقيع امر ايواء الايتام والعجزة والمسولين .

**المادة ٤٣ -** يوقع القائمقام امر السفر لجميع الموظفين التابعين لمنطقته .

**المادة ٤٤ -** يصدق القائمقام على التفويض بقبض الحوالة .

**المادة ٤٥ -** على القائمقام أن يتفقد جميع نواحي منطقتة مرتين في السنة على الأقل وأن يقف على مطالب الأهلين وحاجاتهم وأن يقدم تقريراً مفصلاً بذلك إلى المحافظ .

**المادة ٤٦ -** يقيم القائمقام في مركز القضاء ويتقاضى علاوة على راتبه تعويضات تمثيل ونقل وسكن تحدد بمرسوم وتؤمن له الدولة منزلاً للسكن على نفقته .

### الفصل الرابع - مجلس المحافظة

**المادة ٤٧ -** ينشأ في كل محافظة ، باستثناء بيروت ، مجلس يرأسه المحافظ ويتألف من :

- أ - رئيس المالية .
  - ب - قائمقامي المحافظة .
  - ج - ممثلين عن كل قضاء يصينان لمدة أربع سنوات بمرسوم يتخذ بناء على انتهاء المحافظ من أصحاب المهن الحرة والتجار والصناعيين والزراعيين والنقابات في المحافظة .
- وتمثل في المجلس كل دائرة من دوائر المحافظة عند بحث أمر يتعلق بها . ويكون لمثلها صفة العضو .

**المادة ٤٨ -** يتولى مجلس المحافظة :

- ١ - درس جميع الأمور المتعلقة بتحسين حالة المحافظة من النواحي العمرانية والاقتصادية والزراعية والصحية والاجتماعية .
- ٢ - تحضير مشروع بالاعتمادات اللازمة لانعاش القرى التي ليس فيها بلديات .
- ٣ - الاشراف على تنفيذ المشاريع والاشغال المقررة للمحافظة في الموازنة والمشاريع الانشائية .
- ٤ - ابداء الرأي في اعداد موازنة صندوق التجهيز البلدي وفي مشروع توزيع الاعتمادات الواردة فيه .
- ٥ - ابداء الرأي في كل أمر يمرضه عليه المحافظ ويتعلق بمصالح المحافظة عامة .

**المادة ٤٩ -** يرصد في موازنة الدولة اعتماد خاص بكل محافظة يخصص للفاية المبينة في الفقرة الثانية من المادة السابقة .

**المادة ٥٠ -** يتولى مجلس المحافظة توزيع الاعتمادات المذكورة في المادة السابقة .

لا تصبح قرارات التوزيع نافذة الا بعد تصديقها من وزير الداخلية ، وفقا للاصول المتبعة في التصديق ، على موازنات البلديات .  
ويتولى المحافظ تنفيذ هذه القرارات .

**المادة ٥١ -** ينعقد مجلس المحافظة بدعوة من رئيسه مرة في الشهر على الاقل او كلما دعت الحاجة الى ذلك .  
جلسات المجلس غير علنية ولا يجوز للموظفين او للافراد ان يحضروها لتقديم ايضاحات او معلومات الا باذن من الرئيس .

**المادة ٥٢ -** لا تكون مناقشات المجلس قانونية الا اذا حضر الجلسة اكثر من ثلث الاعضاء واذا لم يحضر العدد المطلوب تأجل الاجتماع ووجهت دعوة الى اجتماع جديد ، لا يجوز ان يعقد الا بعد مرور اربع وعشرين ساعة على الاقل .

**المادة ٥٣ -** يجري التصويت بالاقتراع العلني وتصدر القرارات بالاكثرية . واذا تعادلت الاصوات فصوت الرئيس يرجح .

**المادة ٥٤ -** ترقم القرارات وتدرج تواريخها في سجل خاص يوقع عليه جميع الاعضاء الحاضرين واذا تخلف احدهم عن التوقيع فيذكر السبب .

**المادة ٥٥ -** اذا شغل مركز احد الاعضاء يعين خلف له عن المدة الباقية من السنوات الاربع .  
ويمكن اقالة أي عضو من أعضاء المجلس غير الموظفين بمرسوم يتخذ بسنائه على اقتراح ممثل يرفعه المحافظ الى وزير الداخلية .

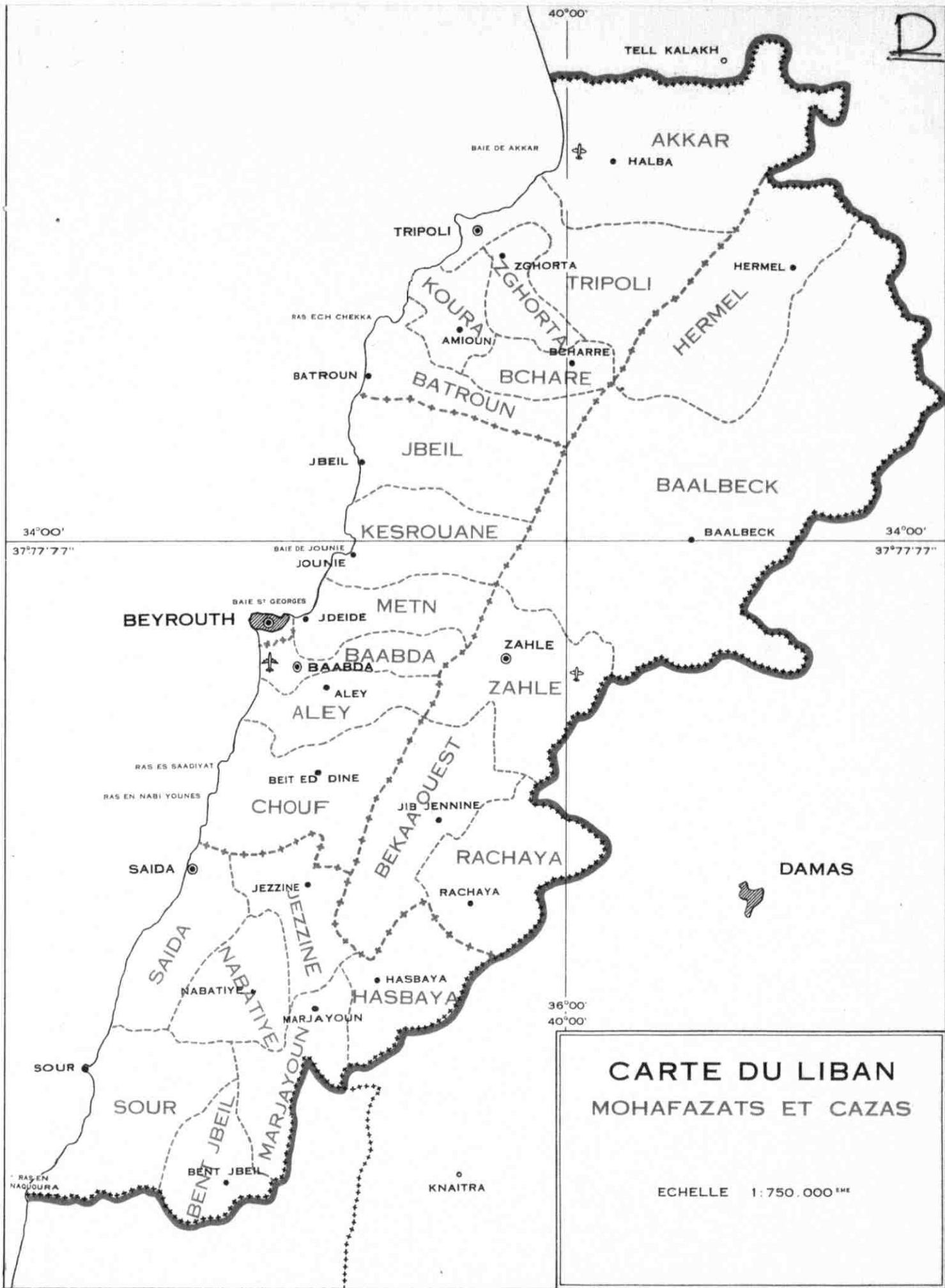
**المادة ٥٦ -** يتقاضى الاعضاء غير الموظفين تعويضا مقطوعا يحدد بمرسوم يصدر بناء على اقتراح وزير الداخلية .  
يصرف هذا التعويض من الاعتماد المخصص لهذه الغاية في الموازنة .

### الفصل الخامس - احكام انتقالية وختامية

**المادة ٥٧ -** يبقى نافذا ومعمولا به وملحقا بهذا المرسوم الاشتراعي الجدول الملحق رقم (١) بالمرسوم الاشتراعي رقم ١١ الصادر بتاريخ ٢٩ كانون الاول سنة ١٩٥٤ والمتعلق بتحديد عدد المحافظات والاقضية وتعيين مناطقها .

**المادة ٥٨ -** الغي المرسوم الاشتراعي رقم ١١ الصادر بتاريخ ٢٩ كانون الاول سنة ١٩٥٤ . وجميع النصوص المخالفة لهذا المرسوم الاشتراعي أو غير المتفقة مع مضمونه .

**المادة ٥٩ -** يعمل بهذا المرسوم الاشتراعي في اليوم التالي لنشره في الجريدة الرسمية .



**CARTE DU LIBAN**  
**MOHAFAZATS ET CAZAS**

ECHELLE 1:750.000<sup>1/2</sup>