

A Reformist Reading of the Lebanese Parliament's 23rd Legislative Term

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Introduction

The first session of the 23rd legislative term of the Lebanese Parliament was opened on May 23, 2018,¹ and ended on May 15, 2022 – the date on which Lebanon’s most recent parliamentary elections were held, after it was likely, up until the last moment, that they were going to be postponed. This period coincided with the most sensitive and difficult era in Lebanon’s modern history. In fact, this parliament had to deal with a series of crises, including a massive popular uprising against political and financial corruption in the country, followed by an unprecedented economic crisis and a global pandemic, and culminating in the crime of the era: the Beirut Port explosion.

Therefore, and given the importance and exceptionality of this legislative term, we will look into Parliament’s performance and assess its effectiveness during this period, especially its work between 2019 and 2021, by conducting a quantitative and qualitative assessment of its productivity. The importance of this period lies in the fact that it coincided with a popular revolution calling primarily for an improved performance of constitutional institutions (i.e. the cabinet, Parliament, and judiciary), greater transparency regarding the work of these various authorities, and more active participation of citizens in decision-making processes, in the hope that this would have a positive impact on living conditions and promote informed decisions in elections and voting. One main question in this regard is the extent to which MPs and Parliament in general have taken advantage of these exceptional circumstances in the country to step up their legislative efforts and rise above narrow political rivalries, especially to improve their oversight of the cabinet’s work.

This report aims to shed light on the most prominent weaknesses and problems that the Lebanese Parliament exhibited in its performance of its oversight and legislative functions, as well as to inform public opinion about the institutional challenges that Parliament faces at several levels, including the political system itself and the tug-of-war between constitutional authorities over powers, as well as administrative issues, the work of MPs, and the legislative vision that is supposed to guide parliamentary activity. This assessment will also address some of the problematic interpretations of the Constitution or Parliament’s rules of procedure according to the political agenda of MPs and their blocs.

To this end, we have examined the activities of Parliament by studying the minutes of the General Assembly that were available to us,² as

¹ A session dedicated for the election of the Speaker of Parliament, the Deputy Speaker, two secretaries and three commissioners, collectively known as the Parliament Bureau.

² It should be noted that we did not have the minutes of the October 28, 2021 and December 7, 2021 sessions.

well as the annual reports issued by Parliament on the performance of the various committees and General Assembly sessions for the 2019-2021 period. We chose this period specifically from the overall term for several reasons, mainly because this is when Lebanon witnessed the most severe and complex challenges, whether at the political, economic, social, security, environmental, or health levels. In fact, this Parliament was elected in the second half of 2018, and most of its work during that year was limited to setting things in order at the internal level, such as electing the Parliament Bureau, commissioners, and various committees. The same goes for the year 2022, when a new Parliament was elected in the second half of the year (the 24th parliamentary term). It should be noted that we were not able to obtain the minutes and reports of that year, as they were not available at Parliament up to the date of writing.

In light of all these facts, the most prominent difficulties that we faced in our study were the lack of transparency and the difficulty in gaining access to information, whether because the minutes of the General Assembly were not published or because the deliberations during the committees' sessions were kept confidential. This led to contradictions in some cases in the number of sessions, especially the legislative ones, in addition to differences in the number of laws approved each year between the annual reports issued and the actual minutes. Accordingly, we have decided to adopt the official figures issued in the annual reports in terms of the number of sessions held by the General Assembly and committees, as well as the number of approved laws, in order to avoid any differences in the adopted methodology.

In addition to studying Parliament's minutes and the rules of procedure, we conducted other activities in order to better identify the problems and challenges facing the work of Parliament and to develop the desired solutions. We held three discussion sessions with MPs and specialists in parliamentary affairs, the first of which was devoted to discussing the administration of the legislative institution, the second to discussing the legislative function, and the third to tackling the oversight function.

First: The Work of Parliament: Institution and MPs

The Lebanese system is based on two main principles: the separation and balance of powers and the performance of their constitutional functions in cooperation with each other. The Lebanese Constitution is the main reference that determines the form and structure of these authorities, their prerogatives, and the institutional role of each of them. It specifically focuses on Parliament by virtue of its central position in the system, and it includes other general provisions governing the conduct of parliamentary work. The rules of procedure of Parliament are the second reference, which is enshrined in Article 43 of the Constitution, giving Parliament the right to set its own rules of procedure through which it determines the internal details of its work and regulates the procedures and principles followed in the conduct of sessions and the adoption of laws, etc.

In addition to these two references that govern the work of Parliament, there is the custom that is invoked in certain exceptions to the general rule. Its organizational and administrative dimensions have a significant impact on the effectiveness of parliamentary work in terms of ensuring public interest and maintaining public order through legislation and oversight.

Therefore, it is important to shine a light on Parliament to clarify how it operates and how functions are distributed among its various departments. As for those involved in parliamentary life, they need to understand the details of the internal administration of their institution to improve their performance and accountability. The dissemination of parliamentary culture and the principles of parliamentary work allows civil bodies and citizens to evaluate the performance of their representatives in Parliament more accurately and comprehensively. This reflects positively the exercise of democracy, by strengthening it and basing it on scientific information.

The administrative organization of the Parliament is governed by Decision No. 934 issued by the Speaker of Parliament on 8/12/2005.³ Based on this text, Parliament is made up of the following bodies as shown in the organizational chart in Annex 1.

- General Secretariat
- Advisory Bureau
- Security Service

Our primary concern here is the pivotal role of the General Secretariat, headed by a Category I employee, who undertakes various functions,

³ Guide for MPs – Parliament Publications

including supervising all the administrative units that make up this Secretariat, coordinating the work of Parliament's directorates-general, holding regular meetings for directors-general and heads of units, in addition to playing the role of secretary of the Parliament Bureau.

In turn, the General Secretariat comprises several directorates-general, namely:

- The Directorate-General of Administrative and Financial Affairs, which prepares the budget of Parliament and handles all accounts, activities, and decisions of a financial nature at Parliament, in addition to all administrative work related to the affairs of MPs and employees. It also undertakes general services such as maintenance and cleaning of buildings.
- The Directorate-General of the Parliament Speaker's Office, which undertakes all the work demanded by the Speaker's office, the parliamentary leadership, and the Advisory Bureau, including administrative affairs, protocol, media, and hospitality.
- The Directorate-General of Sessions and Committees, which is responsible for all matters related to the legislative process, especially the sessions held by the General Assembly and parliamentary committees. It prepares the minutes and issues the annual reports on the work of the General Assembly and the various committees.
- The Directorate-General of Studies and Information, which issues periodic bulletins and manages the affairs of Parliament's library, in addition to its role in preparing studies and research in all fields that serve the requirements of the legislative work conducted by Parliament.
- The Directorate-General of Foreign Affairs, which undertakes all work related to Arab and international relations. It manages these activities, supervises the organization of Arab and international parliamentary conferences, receives Arab and foreign delegations visiting Parliament, and handles travel paperwork and procedures for MPs travelling to international conferences.
- The Inspectorate-General, which undertakes the periodic inspection of the administrative units of Parliament and submits monthly and annual reports to the Secretary-General with opinions and recommendations on amending the regulations related to the organization of Parliament. It can also investigate employees upon the request of the Speaker.

- The IT Department, which manages Parliament's IT network and carries out the necessary studies to automate Parliament's work, sets programs that contribute to the development of the work of legislators and the process of exchanging information with government departments, stores and coordinates various information, and manages Parliament's website.
- Expenditure Controller
- Joint Administrative Department

Shedding light on the organizational and administrative structure of Parliament requires reflection on the effectiveness of the administrative model of this institution, whether at the level of the structure and the distribution of functions among its branches and the provisions of the texts governing its work, or at the level of MPs' understanding of these texts and their implementation in practice. This research was one of the main challenges of the study, as the written literature on the parliamentary administration is almost non-existent in light of the multiplicity of decisions issued in this regard and the lack of organization. Neither the theoretical research was self-evident, nor were the practical discussions with specialists and stakeholders adequate or detailed enough, which left us with many questions and inquiries, especially related to human and financial resources, administrative effectiveness, and the powers and responsibilities in the current hierarchy.⁴

What complicates matters further is that Parliament, as an administrative institution, lacks automation, technological development and is far from transparency and modernity, according to MPs and specialists. What proves this even further is the difficulty we faced in obtaining adequate and accurate information regarding the work of Parliament, in addition to the fact that the official website of Parliament is not organized and lacks significant information that should be available to the public.

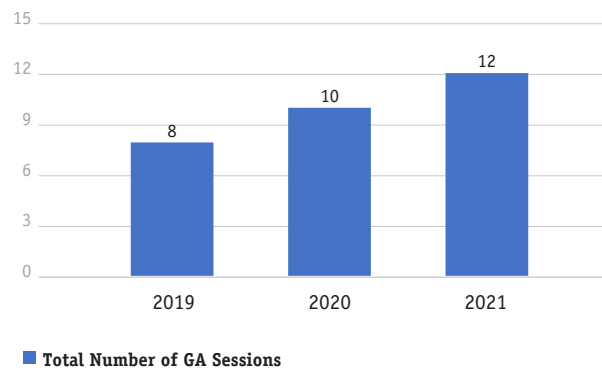
⁴ One example is Parliament's Security Service, whose details we did not go into due to the lack of sufficient legal and administrative data about it in terms of how it was composed, how many staff members it includes, its resources, etc.

Second: Evaluating Parliament's 23rd Legislative Term: Complete Absence of Oversight and Inability to Produce an Integrated Protective Legislative Policy

This section presents the main outcomes of this study based on our quantitative and qualitative assessment of the legislative and oversight work of Parliament during the 23rd legislative term.

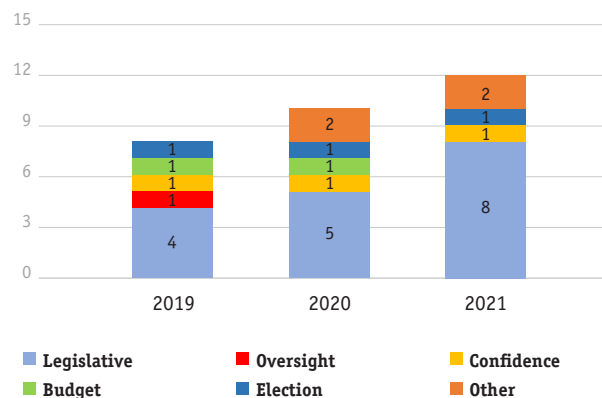
The General Assembly held 30 plenary sessions, 17 of which were dedicated to legislation, during a three-year period (2019-2021), producing a total of 167 laws. The chart below shows the number of General Assembly sessions held each year.

Total Number of GA Sessions



General Assembly sessions are classified according to their nature into: legislative, including budget sessions, oversight (confidence, questions and answers, enquiries), and electoral, as shown in the diagram below:

Total Number of GA Sessions by Category



As for oversight sessions, they are almost non-existent, especially in light of the number of legislative sessions held. One oversight session was held during this term. Meanwhile, according to Article 136 of Parliament's rules of procedure, after a maximum of three working sessions in the case of ordinary and extraordinary sessions, one session shall be allocated for questions and answers, inquiries or a plenary debate, preceded by a

statement by the cabinet. Therefore, at least two oversight sessions were required in 2019, two in 2020, and three in 2021.

In 2019, only one question-and-answer session was held, as well as one session to discuss the ministerial statement of Prime Minister Saad Hariri's cabinet. It should be noted that one electoral session was held to elect the members of the Constitutional Council.

In 2020, one session was held to discuss the ministerial statement of Prime Minister Hassan Diab's cabinet and one session to discuss the letter of the President of the Republic. In addition, one session was held for the election of the Parliament Bureau and members of the parliamentary committees.

In 2021, one session was held to discuss the ministerial statement of the cabinet of Prime Minister Najib Mikati and two sessions to discuss the two letters of the President of the Republic. One session was also held to elect the Parliament Bureau and members of the parliamentary committees.

As for the number of laws approved in the General Assembly, they are as follows: 47 laws in 2019, 59 laws in 2020, and 61 laws in 2021. This study examined each law separately and considered whether its content has affected legislation in general, introduced a new category of rights, addressed problems and issues in such a way that would raise citizens' standard and quality of living and/or enshrine rights and address issues specific to certain categories of rights, or address economic, social, health and security issues and other fundamental issues, especially in the midst of the exceptional circumstances that the country has been undergoing for the past three years.

Based on these considerations, we have classified these laws under the category of 'vital laws' versus the category of 'procedural laws,' which includes, in particular, laws that have suspended or extended the application of other laws, or laws whose provisions are limited to purely procedural, administrative, organizational, or material matters, such as correcting material errors in other laws that have already been approved, changing the name of a village, organizing the staff of some public administrations or some private professions, exempting parties from certain fines (but not as an exemption from fees, considering that this measure would grant special privileges to some categories of citizens or employees of public administrations), and other modalities that did not introduce any additional substantive provisions.

It is worth noting in this context that classifying a law as ‘vital’ or ‘procedural’ does not necessarily reflect the quality and details of the legislative text, since any qualitative assessment of this standard requires a critique and analysis of the items and articles of the law and their compatibility with other legislative texts, as well as a careful study of the legislator’s intention and orientation by analyzing of the rationale and interventions that were part of the discussions and voting in the General Assembly. Such an undertaking is beyond the scope of the present brief. Finally, we looked into a third category of laws, which includes those that were solely issued to authorize the cabinet to ratify international conventions, approve accession to or conclude certain treaties or protocols, considering that their nature does not require a serious legislative effort by Parliament, as its role is limited to approving a text drafted in advance by external international bodies and reviewed in principle by the relevant line ministries.

It should be noted that the number of laws referred to above does not necessarily reflect a high level of effectiveness, productivity, and performance by Parliament of its legislative function.

The section below offers a comprehensive review of the laws passed during this term according to their characteristics and number. In the subsequent sections, we also reviewed the number and content of these laws, taking a closer look at the most vital laws each year.

1) Legislative Work for the Year 2019:

A total of 47 laws were passed in 2019, discussed and voted on during 8 legislative sessions. Five of these laws were returned to Parliament by the President of the Republic. As for the subject of these laws, 35 of the 47 laws were limited to authorizations by Parliament to the cabinet to ratify international agreements, various other authorizations also granted to the cabinet, and procedural laws. On the other hand, there were only 12 ‘vital laws.’

The main vital laws issued during that year included:

- Law No. 129/2019 on the reinstatement of the provisions of Law No. 288/2014
- Law No. 130/2019 on Protected Areas
- Law No. 131/2019 on the Protection of the Horsh Beirut park
- Law No. 132/2019 amending paragraph 5 of Article 11 of Law No. (64) of 20/10/2017 addressing illegal works on public property

- Law No. 143/2019 on the publication of the 2019 budget, the completion of closing accounts, and the provision of the necessary resources for the Court of Audit
- General Budget and Supplemental Budgets (for 2019) Law No. 144/2019

The adoption of the budget law raised many constitutional questions, because the budget law was referred to the General Assembly in June 2019, half a year beyond the deadline, contrary to what is stipulated in Article 83 of the Lebanese Constitution. It also came after Parliament had called for an extraordinary session to examine it along with other laws, causing MPs to raise constitutional questions that remained unanswered. In addition, the MPs discussed the seriousness of this budget, which was finally approved, and after which Lebanon entered into its current crisis.

2) Legislative Work for the Year 2020:

It is worth noting that 2020 was exceptional, as many legislative undertakings were supposed to take place during that year at the economic, social, health and security levels. The exceptional circumstances were also due to the state of health emergency declared earlier in the year, the 2019 revolution, and the Beirut Port explosion in August 2020. The total number of laws passed in 2020 was 59, deliberated and voted on during 6 legislative sessions, including the draft general budget law for 2020. One session was held to discuss the declaration of a state of emergency in the city of Beirut. As for the contents of these laws, nearly half of them (28) were procedural and included authorizations for the cabinet, while the other half (31) included vital laws.

The most prominent vital laws issued during that year were:

- The law on to the criminalization of sexual harassment and rehabilitation of victims
- The amendment of Law No. 293/2014 of 7/5/2014 on the protection of women and other family members from domestic violence
- The law on the protection of the funds of the National Social Security Fund and the contributions of insured persons
- General Budget and Supplemental Budgets for the year 2020
- The law on combating corruption in the public sector and the establishment of the National Anti-Corruption Commission (NACC)

- The law on the suspension of legal, judicial, and contractual deadlines
- The law licensing the cultivation of cannabis for medical and industrial use
- The law on protecting the areas affected by the Beirut Port explosion and supporting their reconstruction
- The law on Asset and Interest Declarations and Punishment of Illicit Enrichment
- The law on the suspension of the provisions of the Bank Secrecy Law issued on 3/9/1956 for a period of one year

Discussions on the adoption of the Law on Combatting Corruption in the Public Sector and the Establishment of the National Anti-Corruption Commission (NACC)

It is worth noting that the Law on Combatting Corruption in the Public Sector had previously been approved, but the President of the Republic returned it after adding his remarks. After that, it was approved in a later session. One of the most important debates that emerged was about how to appoint the Anti-Corruption Commission and the nature of its membership, especially in order to avoid appointing politicized or partisan individuals.

3) Legislative Work for the Year 2021:

The total number of laws passed in 2021 was 61 laws, deliberated and voted on during 8 legislative sessions. 28 were vital laws, compared to 33 procedural laws and cabinet authorizations.⁵

The main vital laws that were passed during that year included:

- Law No. 214/2021 on the recovery of assets resulting from corruption crimes
- Law No. 230/2021 on the electronic ration card and the opening of an exceptional additional credit line for its financing
- Law No. 240/2021 on subjecting all beneficiaries of government support to the US dollar or its equivalent in foreign currencies to an external forensic audit
- Law No. 244/2021 on Public Procurement in Lebanon
- Law No. (8), issued on 3/11/2021, amending some articles of Law No. (44) of 17/6/2017 (Election of Members of the Parliament)

⁵ It is worth noting that these numbers do not take into account the laws passed during the 28/10/2021 session, as they could not be obtained.

Many laws in this legislative year require attention, including the ration card law, which was the topic of many discussions with various opposing opinions, the public procurement law, which required a great legislative effort, as well as the electoral law, over which there were several disputes.

During this term, there were many violations of the rules of procedure of plenary sessions, according to the three discussions we held with MPs and specialists. The question here remains whether these violations happened exceptionally in this exceptional term, or whether we will witness them again as a new custom in future terms. Perhaps the most important event in the previous term was the cancellation of preliminary remarks, contrary to what is stipulated in Article 64 of the rules of procedure. This is not only a violation of the rules of procedure, but also of the role of the MP and their relationship with the people. In fact, the preliminary remarks, in form, are read out at the beginning of the plenary session, and each MP has the right to speak at the beginning to convey to their colleagues and to Parliament the suffering and problems of citizens, so that they can remain in touch with the actual basic needs and sufferings of the people, which would ultimately contribute to the adoption of legislation that offer solutions to these problems.

This term was also characterized by a lack of respect for the rules relevant to calling for plenary sessions and the rules for determining the agenda of the sessions. In fact, there were legislative sessions which were held without informing MPs 24 hours in advance, in violation of Article 8 of the rules of procedure. There were also many laws that were completed by the committees but not included in any of the agendas of the legislative sessions held by Parliament in its last term, which constitutes a violation of Article 42 of the rules of procedure.

In terms of voting, we have witnessed violations that aren't new, but rather inherited from previous terms. We saw a lack of transparency in the way votes were counted and in how the MP votes were recorded. These violations are among the constant problems that we still face, especially in light of the rejection of electronic voting to this day. In addition, the MPs confirmed during the discussions that some laws were voted on without being included on the agenda in several sessions, while other laws were voted on without a quorum.

Third: General Conclusions on the Main Problems and Challenges Facing Parliament

According to the Lebanese Constitution, the MP represents the entire nation. However, the sectarian system and its leaders have corrupted the foundations of the parliamentary democratic system. As such, MPs nowadays represent sects and regions and undertake legislative work according to their narrow sectarian interests. Parliament has an oversight role over the government; however, it is only implemented according to transient whims and political alliances, while showing a significant reluctance to address citizens' fundamental life problems.

This issue was clearly evident in our previous examination of Parliament's legislative work during the country's most exceptional and sensitive periods, as it became clear that Parliament did not assume its responsibilities and failed to enact basic laws that would protect the people in the most severe crisis that they faced. To this day, we still do not have a capital control law, and depositors are still paying the price of the banking and economic collapse. The law on the independence of the judiciary has not been passed yet; in fact, they tried to render it void, especially since the judiciary was overwhelmed with political interference in the case of the Beirut Port explosion. The principle of separation of powers was clearly eroded in the crime of the century, which shook the most important foundation of the rule of law.

By reading the reports of the General Assembly, we reviewed MPs' most prominent interventions and comments during plenary sessions; these made us understand the true reasons for approving, overturning, or amending some laws. These interventions show how MPs approach the legislative and oversight processes, and they expose the considerations, orientations, and priorities based on which MPs undertake legislation and oversight functions, especially in light of our inability to rely on their electoral-political positions and discourses outside Parliament, behind podiums, and in the media, as they are sometimes completely opposed to their positions and votes at Parliament.

The main problem is, first and foremost, the politicization of Parliament's oversight role. Parliamentary blocs and MPs blame each other for not assuming their political responsibilities and accuse one another of disrupting and obstructing parliamentary action. Lebanon's consociational ('power sharing') political system effectively paralyzes efforts towards any serious accountability of governments by Parliament in terms of their performance or the policies they issue to serve the

public interest. Consociational governments serve as a mini-parliament, in which all the parliamentary blocs are represented. The same political parties are represented at Parliament. Therefore, questioning the government and holding its ministers accountable is viewed as conflicting with the National Pact, which has become more sacred than the Constitution itself.

It also depends on the whims and personal interests of the blocs, which vary according to the circumstances at hand. In fact, some MPs complain that they are unable to pressure ministers to implement laws, respect deadlines, answer their questions adequately, or even appear before the General Assembly or parliamentary committees. The questioning process can very quickly become overly personalized and viewed as an insult by the minister and their bloc, who then seek retribution.

The second problem is Parliament's weak oversight role and its inability to hold governments accountable. The clearest evidence of the weak accountability is the flagrant and continuous constitutional breach⁶ of the State's public finances, as Parliament has failed to pressure the government to issue its final accounts, which list its financial expenses for this session and other sessions since 2005.⁷ Legally speaking, budgets cannot be approved without a final account. In this session, like others before it, Parliament still authorized spending on the basis of the twelve-month rule. For its part, the government still does not abide by the deadlines for submitting budgets for approval to Parliament, and it does not abide by the prerequisite of passing the law on the final account of the past years.⁸

Consensus on 'patchwork solutions' is still the dominant position among all parties, as most MPs and ministers engage in deals 'behind closed doors' instead of seriously objecting to violations through legal and constitutional instruments and in line with parliament's rules of procedure questioning ministers and withdrawing confidence from ministers and governments.

The third problem is the lack of an integrated legislative policy, as legislation is chaotic and discretionary, and fails to respond to people's basic needs. At the level of the General Assembly, we note the lack of regular documentation through minutes (as only expressions such as 'majority/the article was ratified or minority/the proposal was rejected' are written). The absence of mechanisms that allow for the live broadcasting of sessions renders the public character void, as information is withheld from those wishing to follow up on the

⁶ Article 87 of the Constitution: 'The final financial accounts of the administration for each year must be submitted to the parliament for approval before publishing the budget of the following year.'

⁷ The last budget report to be approved was in 2005, for the year 2003.

⁸ Article 83 of the Constitution: 'Each year at the beginning of the October session, the government shall submit to parliament the general budget estimates of state expenditures and revenues for the following year. The budget shall be voted on article by article.'

⁹ Article 34 of Parliament's rules of procedure: 'The sessions, work, minutes, discussions, and voting of committees are confidential, unless the committee decides otherwise.'

performance of MPs to make informed decisions when choosing them. The least we can say about the voting and documentation process is that it is still primitive from a logistical point of view, and it is inconceivable that digital technology has not been adopted yet to organize the legislative and oversight process. In addition, Parliament adopts the principle of confidentiality of the committee meetings, and this matter is automatic unless the committee decides otherwise, as stated in Article 34 of the rules of procedure.⁹ Accordingly, these minutes remain confidential, and each committee issues final reports only about the laws it has studied, without mentioning the deliberations, the participation, and the positions of its different members.

A number of MPs have submitted proposals in the past sessions to amend the rules and procedures to address this matter, but Parliament has failed to examine and approve them so far—thus, none of them has been referred to a specialized committee for study or put on Parliament's agenda. In the past few years, many requests were made from outside Parliament to make the committee meetings public. These demands for transparency and immediate accountability peaked during the current 23rd legislative term, with the October 17 uprising and its aftermath, and with the deterioration of people's trust in constitutional institutions, especially when it comes to financial and economic issues. Fighting corruption and holding the corrupt accountable became one of the basic demands in order to preserve what was left of the state.

In light of the popular pressure on the streets, as well as from the international community, to carry out real reforms in return for financial support, MPs focused on submitting draft laws. Among these are laws related to capital control, public procurement, bank secrecy amendments to enable the forensic audit, independence of the judiciary, competition reforms, and the establishment of a public prosecution specialized in combating corruption. Other laws were amended, such as the Embezzled Funds Recovery Law, the Anti-corruption and Illicit Enrichment Law, and the Law on the Establishment of a National Anti-Corruption Authority.

Despite all of this, most of these laws were not approved, particularly the capital control law. Those that were approved were either rendered ineffective before being passed or were approved but have yet to be implemented. As such, the majority of Parliament's activities during this term were ineffectual performances without any tangible impact on people's lives. The economic situation worsened and the financial and

social situation deteriorated further with the spread of the Covid-19 pandemic. As a result, the national currency continues to lose its value day after day.

Accordingly, Parliament's poor performance is due to many reasons that can be summed up as follows: 1) The nature of the sectarian-consociational political system, the quality of the electoral law in force, and the 'unhealthy' relationship between the legislative and the executive branches of government; 2) The second reason is technical and is related to the structure of Parliament and the lack of clarity in the mechanisms and procedures applied by its bodies; and 3) The absence of a legislative vision and experience among the majority of MPs, as well as the fact that they prefer to simply provide services to their supporters. All of these matters naturally affect the productivity of the legislature and the quality of legislation, on the one hand, and the effectiveness of Parliament's oversight role over the government, on the other. The main recommendation we offer to reformist MPs is to insist on promoting the effective legislative and oversight functions of Parliament, instead of turning it into a platform where various parties compete to pass laws that serve their narrow interests.

Fourth: The Need to Amend the Rules of Procedure and Strengthen Research Capacities to Develop Parliamentary Work

In general, based on the discussions and the minutes we studied, it is clear that legislation is often hampered by vague and confusing articles in Parliament's rules of procedure, which are even inconsistent with the Constitution sometimes. Some clauses and provisions should be added to address the gaps found in the text, in order to avoid discretion, vacuum, and lack of accountability. Some articles and rules need to be detailed and associated with clearer mechanisms to be more efficient and encourage the concerned parties to adhere to them. We will not discuss the political reasons for not activating certain articles, because that does not fall within the scope of our study. We will discuss below the most important articles to be amended in order to improve parliamentary work. However, we recommend that the rules of procedure be amended in a comprehensive manner (this can be the subject for a stand-alone study, due to its relevant ramifications and complex legal, technical, and constitutional aspects). It is possible to rely on the

various proposals that many MPs have already submitted in this regard and use them as a foundation to kick-start this much-needed reform process. This would avoid disrupting the pace of parliamentary work and its negative effects on the productivity and effectiveness of the legislative and oversight processes.

Establishing clear regulations and mechanisms for examining and deciding on Parliament's agenda by the Bureau

Article 8 of the rules of procedures stipulates that 'the Parliament Bureau decides... on the agenda of each parliamentary session.' However, the word 'decides' causes confusion to this day, as it is not clear if the Parliament Bureau shall only assist in drafting the General Assembly's agenda or has to approve it. This grants the Speaker of Parliament discretionary power, as he bypassed the Bureau in many cases, unilaterally deciding what proposals or draft laws should be referred to the General Assembly and which ones that should be buried for years. In the same context, there is no clear mechanism that requires the Speaker of Parliament to refer draft laws and proposals to the relevant committees, not to mention the lack of a specific set deadline. Article 26 of the rules of procedure only includes the expression 'upon their submission,' which is very vague. Some draft laws and proposals have been ignored for years, based on the 'legislative whims' of the members of the Parliament Bureau and the Speaker.

Amending the rules of procedure by adding regular schedules for the permanent, subsidiary, and joint committees

Article 27 of the rules of procedure on permanent committees does not mention specific dates for their meetings. Increasing the frequency of committee meetings on a regular basis can improve productivity, since it is these committees that incentivize the work of the General Assembly, especially if an efficient evaluation system is put in place to monitor this. Our study showed that many committees benefited from this lack of regulations, as they did not hold any meetings during the year or only held one meeting per year. For example, according to the annual reports issued by Parliament, the Agriculture and Tourism Committee and the Committee for the Affairs of the Displaced did not hold any meetings in 2021, while the Administration and Justice Committee, Public Works Committee, Transport Committee, Energy and

Water Committee, and Finance Committee had the highest number of meetings across all years.

The rules of procedure should be amended to determine the frequency of General Assembly sessions and to organize the schedule of oversight work (Q&A and discussions), so that these do not remain associated with the number of legislative sessions held, and be reduced if the number of legislative sessions was also reduced. On the contrary, fewer 'working' sessions should be compensated for by holding more oversight sessions.

In parallel, the rules of procedure should be amended in order to hold more General Assembly ordinary and exceptional sessions on a weekly basis or by making them open sessions.

Activation of the articles related to participation and attendance in parliamentary committees

While it is customary that each MP participate in at least one parliamentary committee, there is no legal obligation to do so. The heads of parliamentary blocs do not usually participate in any committee, and most of the time they do not even attend General Assembly sessions, which may be unfair to some MPs. In fact, few MPs engage in the arduous legislative work. Therefore, the rules of procedure should include a stipulation that each MP must join a standing parliamentary committee.¹⁰ In addition, in the event that a MP joins a particular committee, there are no serious consequences resulting from the penalty of dismissal when they fail to attend the committee.

Based on Article 44, attendance is mandatory when committee sessions are held; therefore, a member of the committee who is absent from three consecutive sessions without a legitimate excuse shall be considered as having resigned, which would be considered as a relief for the MP. The fact of the matter is that this article should be activated as a preliminary step, since the penalty of dismissal remains unenforced and is yet to be implemented for members who are absent from committees, which makes it hard for some committees to convene.

In the same context, it is clear that there is no penalty for MPs who do not respect the rules of attendance, absence, discussions, and deadlines in the General Assembly, and who purposefully impede the quorum. From this standpoint, the rules of procedure should be amended to establish a serious mechanism for MPs who are absent for more than two consecutive times from the General Assembly without a

¹⁰ Currently, Article 21 only stipulates that it is not permissible for an MP to be a member of more than two parliamentary standing committees, except if the third committee was the Human Rights Committee, the Women and Children Committee, or the Information Technology Committee.

¹¹
Article 44 of the rules of procedure.

legitimate excuse (Articles 62 and 63). Following that same logic, the new mechanism could be applied to MPs who are absent more than three times in a row from the committees without an excuse.¹¹ The penalty of dismissal that is currently adopted (theoretically) for cases of absence, is not considered an effective deterrent, and, therefore, MPs do not feel any legal, material, or moral pressure as a result of their absence. It is also possible to expand the scope of implementation of Article 99 on the penalties for the MP's violation of session rules to encompass more than just a warning, censure, etc., and to become similar to what is applied in the case of absence.

¹²
Unless the committee decides otherwise.

Applying the principle of transparency of parliamentary committees

Article 34 of the rules of procedure, which stipulates that committee sessions, work, minutes, discussions, and voting are confidential,¹² should be repealed, so that confidentiality is lifted from the work of the committees, and their agendas and proceedings are published through dated minutes on the Parliament's website. This would facilitate MP access to information, and thus improve their work in the General Assembly and enhance transparency and oversight for citizens. Any exception to this general rule should be very limited, with clear and narrow definitions of the arguments that may be invoked, such as the discussion of topics affecting national security, or any broad terms related to public safety and order.

Amending the rules of procedure related to how MPs vote in the General Assembly

The names of MPs and their voting should be noted in the minutes, even if this is done through a show of hands. This would help citizens to see the opinion of MPs on all issues and to know what topics were raised, thus helping voters to make informed decisions in the elections. Of course, it is advisable to use electronic voting in Parliament to facilitate the legislative process, increase its effectiveness, and reduce errors and wasted time due to logistics, in order to avoid the chaos we witness in the legislative process or the process of electing the Parliament Bureau, commissioners, and committees.

Amending the rules of procedure related to the relationship between Parliament and the government

If we look at the rhetorical language and style adopted by MPs during

their fierce, and sometimes even hostile, debates, whether during General Assembly sessions or within the committees, we notice that MPs always prioritize sectarian and partisan interests in their discourse instead of giving priority to public interest and promoting Parliament's role as a national body that addresses problems and challenges that threaten the public interest. In addition, the small number of oversight sessions, and the limited use of oversight mechanisms by MPs, such as interrogations, motions of no-confidence, and parliamentary investigations, made it clear that the nation's MPs prefer not to use the tools of public accountability and of holding the government accountable, but rather favor political action behind the scenes in line with the existing dynamics.¹³ Based on this, we recommend the following:

¹³ Ghassan Moukheiber, 'Report on the Effectiveness of the Lebanese Parliament.'

- All committees should set schedules showing each time a minister is invited to attend meetings to discuss an issue that is related to their ministry or that requires their presence, but fails to respond to the invitation without a legitimate excuse. This is because Article 31 of the rules of procedure does not stipulate any consequences in the event that the minister does not cooperate and ignores the committees' request. At the same time, the Parliament Bureau should prepare quarterly reports indicating what questions were addressed to ministers and have not been answered (along with the dates), based on its records. These reports should be submitted to the MPs to facilitate the accountability process and the vote of confidence;
- Binding and deterrent texts should be set for the government and ministers, so that the motion of no confidence is clearly linked to their failure to meet the calls of MPs in parliamentary committees or to provide MPs with the required documents, which enhances the ability of Parliament and MPs to exercise oversight and hold the cabinet accountable;
- Coordination and cooperation between Parliament and the government should be strengthened, specifically in terms of providing information and regulating the relationship with the cabinet, its procedures, and its work. The rules of procedure should be amended to regulate the receipt of answers to questions by the Parliament Bureau to avoid non-compliance with the deadlines for answers and to avoid having both the Parliament and the cabinet denying their responsibility in this regard; and

- The rules of procedure regarding the institutionalization of the relationship through specific texts that foster communication between Parliament and citizens and openness to civil society in order to help MPs better hear the voices, requests, and priorities of citizens on the one hand, and to facilitate access to information, participation in decision-making, and putting effective pressure on the work of MPs, on the other hand. All of this would in turn improve the ability of citizens to monitor MPs and hold them accountable.

Fifth: Developing Parliament's Legislative Vision and Scientific Research Mechanisms

It is clear from the legislative mechanism that is currently in place and the quality of the laws approved during the twenty-third legislative term that Lebanese legislators lack a strategic plan for the work of Parliament (both the institution itself and MPs). In addition, there is no integrated and structured legislative policy that actually meets the needs of citizens, especially during the exceptional circumstances that the country has been going through. A prominent example of this is the failure of Parliament, to date, to pass vital protective laws that strengthen people, or, at least, mitigate the socio-economic impact of the successive crises we are witnessing, as mentioned earlier, in addition to the repeated adoption of draft laws and proposals related to the development, cancellation, or amendment of penal texts, while everyone in Lebanon knows that we are in dire need of a complete overhaul of the Penal Code.

The effort, time, and resources that are invested into studying and enacting similar and sometimes conflicting laws are multiplied in the complete absence of a roadmap and research standards that help in avoiding the squandering of resources and efforts. In addition, many MPs are not interested in legislative work in the first place, either because they are more focused on political work or because they lack legislative skills or support at the individual or institutional level, which discourages them from taking the initiative. Therefore, we recommend the following:

- Creating permanent research and administrative work teams within Parliament, which produce legislative feasibility studies and measure the legislative impact of each proposal or legislative

project to ensure its added value in the presence of other similar or conflicting laws, and to assist in research and provide practical studies that help in the process of drafting legislation or developing existing texts. Some civil society organizations can also provide research and logistical support in this area;

- Avoiding the suspension of some essential provisions in laws, especially those related to the establishment of bodies or funds, pending the issuance of implementation decrees, as the legislation process would lose its meaning, forcing MPs to work again on similar laws;
- Conducting research and studies on the needs of citizens and regions in a balanced and scientific manner;
- Providing training courses for MPs or their assistants, and offering practical tools relevant to the necessary legislative skills, either internally or with the help of specialized external civilian bodies;
- Holding or participating more actively in regional and international parliamentary conferences to exchange ideas and experiences in order to make the work of Parliament and its MPs more effective and, in particular, to improve legislative capacities and benefit from the experiences of developed countries in this field;
- Guiding public policies prepared by the government by examining the extent of their financial, social, and environmental impacts. Therefore, we recommend that mechanisms be developed to urge Parliament, through the Finance and Budget Committee, to study and discuss the budget through a socio-economic lens, hence fostering balanced and sustainable development, rather than following a computational approach in this regard. It is also possible to resort to specialized external civil bodies that can provide Parliament with scientific studies.

Annex 1

Parliament is made up of the following bodies

