LEBANESE ADMINSTRATIVE REFORM EXPERIENCE FROM 1992 TO 2002; A POLITICAL INSTITUTIONAL PERSPECTIVE

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**LEBANESE ADMINSTRATIVE REFORM EXPERIENCE FROM 1992 TO 2002; A POLITICAL INSTITUTIONAL PERSPECTIVE**   
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**Introduction**

After seventeen years of civil war resulting in heavy human and material losses and the emigration of a large number of professional civil servants, the ability of the Government of Lebanon to deliver even the most essential public services and manage its public administration was severely hampered. Some public agencies had been totally or partially inoperative for several years and there had been no recruitment for civil service positions for seventeen years. The average age of civil servants was more than fifty, most of whom were more than forty-three years of age. Almost no training had taken place during the war. Buildings had been destroyed. Equipment and furniture were damaged, stolen or had become obsolete. Sixty percent of the posts were vacant, leaving entire departments without management. Salaries were excessively low, resulting in resignations and low efficiency and motivation (OMSAR 1994, 4).

As a result, some agencies simply stopped functioning, and in some cases had to be re-established. Most basic functions of a normal government administration had ceased or were poorly performed or managed. The administration could not fulfill its most basic missions due to a lack of adequate and updated procedures, methods and rules, human resources, equipment and financial means.(1)

This article describes how administrative reform was tackled by the political leadership after the end of war. Political leadership is analyzed institutionally through the Lebanese Parliament and the Council of Ministers. While the former’s perceptions towards reform are analyzed through the laws produced by the Parliament, the latter’s perceptions are analyzed through the ministerial statements of the Prime Minister and Oath Speech of the President of the Republic. Moreover, the decrees and decisions produced by the Council of Ministers that are related to reforming the administration are critically analyzed. The article covers the time interval starting in 1992 when Prime Minister Rafic Hariri became Prime Minister and ending in 2002 when Hariri was heading the fourth post-war cabinet, itself being the second cabinet under President of the Republic Emile Lahoud. There were significant managerial innovations introduced at the level of Lebanese public sector institutions through different reform and control agencies such as the Office of Minster of State for Administrative Reform and the Civil Service Board. The focus of this article however, is restrained to the perception and conduct of the Legislature and the Political Executive when it came to post war administrative reform. Before moving to the discourse on administrative reform, a brief description of the changes in the institutional balance of power after Taif Agreement is due. The change in the balance of power within government institutions heavily affected the process and outcome of administrative reform.

**Reconfiguration of the Institutional Balance After Taif Accord**

The Taif Agreement that was signed by Lebanese MPs in 1989 signaled the end of the Lebanese war that begun in 1975 and the beginning of a new era. One of the most important amendments the Taif Agreement brought to the Constitution was the reconfiguration of the executive authority of the president of the Republic to strengthen the prerogative of the Council of Ministers, thus rendering the latter a collegial decision-making body. The president remained the head of state, but he could only exert executive authority through the cooperation of the Council of Ministers. The president could no longer dismiss the Council of Ministers. The executive decisions of the Council, taken by consensus or majority vote if necessary, were final (Salem 1991, 1).

The diffusion of executive power within the Council of Ministers was in fact a distribution of executive authority among different religious groupings, political parties and geographic regions each of which was represented by a relative number of ministers. While the distribution of executive authority was seen as addressing the question of political participation, it was perceived by some as leading to a possible paralysis of decision-making, since any decision would need a consensus in the Council of Ministers. Another handicap was that the absence of a clear figure at the head of the executive authority might lead to a blurring of accountability lines in the sense that there would be no clear political figure to be held accountable (Salem 1991, 2).

By strengthening the Council of Ministers, Taif also strengthened the prime minister. This is because the prime minister, according to the Taif Agreement, now headed a powerful political entity, the Council of Ministers. The Council, when headed by the prime minister is called the Ministerial Council. The president of the Republic may at any time attend the meetings of the Council but without the right to vote. When the president of the Republic at any time attends the Council meeting, it is called the Council of Ministers. More importantly, the president of the Republic could not, after Taif, dismiss the prime minister at his discretion, since the latter is appointed by the president via mandatory consultations with parliamentary blocks. Therefore, the Sunni prime minister has become since Taif the central figure in government business since he prepares  the agenda of the Council and oversees the daily operations of the bureaucracy (Salem, 1991, 2).

The speaker of the House being a Shiite was also strengthened by extending its term to four years. In addition, the Parliament has been fortified , because the number and type of cases under which the executive authority can dissolve it were limited to three rare ones (Krayem 1995, 10; Norton 1991, 462-465; Mansour 1993, 79-92; Khalil 1992, 161-218).

The reforms of Taif did not alter the basic tenets of the National Pact of 1943. In fact, Taif amendments codified many de facto practices that characterized post-independence Lebanese politics. For example, the president of the Republic before Taif would pay very close attention to the prime ministerÕs positions regarding national issues, not only because the latter was his partner in the executive authority, but also because he was the representative of the Sunni sect, the other partner in the National Pact. Moreover, the position of the speaker of the House was not weak before Taif. (Baaklini 1976).

In addition to codifying pre-Taif practices, the new pact changed the balance of power from a ratio of six Christians to five Muslims to a fifty-fifty ratio in the Parliament. In this sense, the Taif Agreement adapted the National Pact to demographic changes that had taken place during the forty-seven years after independence.

The increased powers of the speaker of the house and the Council of Ministers (and thus the prime minister) rendered the decision-making process in the country more participative. This is not to say that the process was not participative before the war. But the post-war constitutional amendments gave each of the three players (president of the Republic, prime minister, and speaker of the house) veto power over policies and decisions that affected each others interests. This veto power was strengthened by the fact that each of these three top positions represented a certain religious group. Thus, the president of the Republic was seen as the representative of the Maronite/Christian sect; the speaker as representative of the Shiite sect; and, the prime minister is a representative of the Sunni sect. A more important indication of these constitutional changes was that they altered some aspects of the National Pact which were agreed upon by the Sunnis and the Maronites after independence. The new unwritten pact allowed the Shiite sect to become a major player in the new formula. The implications of such a change might become more evident when we see how the Parliament, in which the speaker had much influence, tackled the issue of reform.

This reconfiguration of the executive-legislative politics in the post-Taif Republic greatly influenced decision-making in the country. One of the policy sectors affected by this change was administrative reform. It became harder for the president of the Republic to initiate reforms, since the locus of executive power moved to the Council of Ministers. Moreover, the Parliament could no longer grant the executive the power to legislate by decree, as was the case before Taif Agreement.

**Administrative Reform During Hrawi-Hariri Era**

The 1992 parliamentary elections placed Rafic Hariri, a prominent Lebanese businessman, who turned into politics, in the Prime Minister Office. Many Lebanese hoped that Hariri could recreate his success in the private sector in government. The Hariri CabinetÕs ministerial statement before the newly elected Parliament included the following clauses about administrative reform:

        The Cabinet is well aware that the long years of war, that were accompanied by the malfunctioning of control processes, resulted in corruption and reflected on the overall state of the administration which needs training, rehabilitation and modernizationÉ Achieving administrative reform requires the temporary suspension of immunity for all the employees working within the public sector and the implementation of a reward and punishment system whereby the good employee is rewarded and the bad is sorted outÉSuch objective requires the revitalization of the General Accounting Office GAO, Civil Service board CSB, Central Inspection Board CIB, General Disciplinary Council GDC, and the rest of control agenciesÉ(Hariri 1992).

 In the same statement, Prime Minister Hariri stressed the need to introduce information technology to the Lebanese public sector and to recruit and retain qualified employees who could improve the quality of service delivery within this sector. In addition to this cabinet, Rafic Hariri was the prime minister of two subsequent cabinets. To put the administrative reform in its socio-economic context, it is necessary to briefly describe the reconstruction and rehabilitation project that P.M. Hariri launched. Administrative rehabilitation was only a part of the total national rehabilitation project of the infrastructure launched as soon as P.M. Hariri assumed office.

**National Emergency Rehabilitation Project (NERP) and Horizon 2000**

The journey of rehabilitating the infrastructure did not exactly start with the Hariri Cabinet. It was initiated during the previous Karami Cabinet. In June 1991, the Lebanese Government, represented by the Council of Development and Reconstruction (CDR) and the Hariri Foundation, entered into an agreement with International Bechtel Incorporated and Dar Al-Handasah Consultants to provide consulting services for ÒRecovery Planning for the Reconstruction and Development of LebanonÓ (Kisirwani 1995, 39).

Bechtel and Dar Al-Handasah prepared reports and working papers covering all the aspects and strategies pertaining to the reconstruction project, culminating in a plan labeled Horizon 2000 for Reconstruction and Development of Lebanon which included projects and economic projections that would go into effect in 2003. In preparing the Horizon 2000, the CDR assumed a pivotal role. The plan was finalized and submitted to the Council of Ministers in February 1993, with an estimated cost of eleven billion dollars (Kisirwani 1995). Later, the plan was updated to call for eighteen billion dollars by year 2007. These investments were expected to generate private sector investments of forty-two billion dollars. The investments were expected to maintain an average annual growth rate of eight percent (Narkonmaa 1995; CDR 2002).

The CDR was to supervise the implementation of the plan. The CDR reported to the Council of Ministers through the Prime MinisterÕs Office (MacKinnon 1994). CDR is a public authority established in 1977 by Decree Law Number 5, replacing the Ministry of Planning, as the government unit responsible for reconstruction and development. Decree Law Number 5/1977 granted the CDR unprecedented powers to avoid administrative routine that could slow down the reconstruction process, especially in the financial field. The CDR was supposed to prepare the general plan for the country and implement reconstruction and development projects, mobilize external financing for priority projects within the investment plans, implement projects by appointment from the Council of Ministers and take action in rehabilitating the public sector and the reconstruction of the infrastructure (CDR 2002).

The Hariri Cabinet preferred to proceed with a phased approach to reconstruction since there was difficulty funding Horizon 2000 in 1992. Hence, at the request of the Council of Ministers, the CDR established the National Emergency and Rehabilitation Project (NERP). This three-year, 2.25 billion dollar project was aimed at restoring basic infrastructure services. In addition to making life more tolerable for the citizenry, the plan was designed to facilitate the proper functioning of the private sector, which would be mobilized to increase economic activity and lead the increase in GDP. The plan was restricted to priority projects such as restoring electricity, telecommunications and potable water sections that had suffered extensive damages during the war years (CDR 1996). NERP was approved by the Parliament in 1993. It was only the first phase of Horizon 2000.

It is important to highlight the role of the CDR in the reconstruction process since it became a parallel administration through which the reconstruction project could be managed without having to go through all the bureaucratic procedures that could cause serious delays to a development initiative of such magnitude. At the end of war, the Lebanese public sector was in no shape to plan for, provide financing, or implement any development project. The Lebanese administration needed a lot of capacity building just to perform its routine functions. In this sense, the CDR became the super ministry for reconstruction and development, that is because  the Cabinet could not wait for the happy conclusion of the administrative reform process before it started the development and reconstruction project.

**The Executive-Legislative Agenda**

Besides launching its reconstruction initiative, the starting mission for Hariri first Cabinet was to reshuffle the administration. Reforming the administration was perceived as necessary for laying down the foundations for strong economic growth to be led by the private sector. The Council of Ministers initiated a series of steps to address the issues of administrative reform and change, and the outstanding steps are displayed in the following:

**Immunity Suspension Law:**

As a first step to realizing its reform objectives, the Council of Ministers contemplated requesting special legislative powers that would allow it to legislate in specific areas and to suspend the immunity of public sector employees as a pretext to terminating the service of those who it perceived as unproductive and/or corrupt. In light of the Taif constitutional amendments that strengthened the role of the Parliament, the Council of Ministers was advised not to ask for legislative powers and refer to the Parliament bills that would provide for the suspension of immunity of civil servants (Ali 1996, 21).

The Council of Ministers thus, returned to the Parliament two bills that the latter rejected during the previous Karami Cabinet. The two bills, numbered 1524/91 and 1525/91 during the Karami Cabinet, now became Bills 199/93 and 200/93. The new bills were basically identical. One dealt with employees in civil service (199), and the other dealt with employees in public agencies and municipalities (Appendix A). Each included two articles which were different from their old counterparts:

Article Two of Bills 199 and 200 required the establishment of a committee to Òprovide its opinion regarding the recommendations to terminate services of public employees. The committee included the president of the CSB, president of CIB, director of Personnel Directorate within CSB, director of Training Directorate within CSB, director of the Directorate of Research and Guidance (DRG) and the General Financial Inspector. The president of CSB was to chair the committee, and the committeeÕs meetings were valid only with the attendance of at least five members. The meetings moreover should include the presidents of the CSB and CIB. The decisions were to be made within the committee by majority voting, and the required majority was to be of at least four votes. Voting was to be secret.

Article Six of the bills allowed the Council of Ministers (or Ministerial Council in case its meeting was headed by the prime minister), exceptionally and after one year period of the bill becoming a law, to appoint in Grades I and II employees from outside the cadre after taking into consideration the opinion of the CSB, provided that the newly appointed employees had university degrees and were not more than fifty years old. The employees were to be appointed directly in the cadre (Assafir 1993a).

The Council of Ministers justified the bills as the best available way to get rid of corrupt and absentee employees without the due process of referring all the cases to the General Disciplinary Council (GDC). The Council of Ministers argued that exceptional times needed exceptional measures, and this was the best way to render the administration more effective and responsive to citizens demands.

The newly elected Parliament acted on the new bills, and turned them into law. The text of the law is provided in Appendix A. The modifications introduced by the Parliament were indicative of its intentions. The following paragraphs explain how the bills were modified by the Parliament.

The speaker referred the bills to a joint committee meeting that included the Committee of Finance and Budget and the Committee of Administration and Justice. As mentioned above, Bill 200/93 is practically identical to Bill 199/93 with the exception that the former addressed employees in public agencies and municipalities. The only difference was that in the case of public agencies and municipalities that were not under the control of the CSB, the employees application to resign went directly from the director of the administrative unit to the minister and then to the Council of Ministers without passing through the CSB as was the case in Decree 199/93.

Although the basic parties in the Parliament were represented within the Council of Ministers, the former managed to ascertain the role of control agencies and, especially, the CSB in the purge movement, the popular name that came to designate immunity suspension bills. And although the Parliament agreed to temporarily suspend the employee immunity that protected a lot of corruption and mal-practice within public service, it did not give the Council of Ministers, legislatively speaking at least, ultimate power and discretion to terminate an employees service. The expression according to what it sees fit, used to refer to the Council of Ministers power to terminate employees services, was actually removed from the script of the bill and replaced by pending it takes into consideration the requirements designated by law. Moreover, the Parliament was keen to make sure that resignation applications should be submitted first to the head of the administrative unit and then to the appropriate minister. Such amendment assured that higher managers had a chance to express their opinions whether to fire an employee or not. The Parliament did try to protect employees against possible abuses by the Council of Ministers by requiring that the request to terminate service be approved by the special committee formed rather than the mere opinion of this committee, as stated in the bill proposed by the Council of Ministers.

A possible explanation about the reason why the Council of Ministers tried to bypass the control agencies and render their role merely consultative may be that it did not believe that control agencies had the information or capacity needed to assume responsibility for such an operation, which might forfeit thousands of jobs. The speaker of the House declared while debating the bills in parliamentary sessions that:

        [The files of employees] do not exist I am telling you what the CSB and the CIB told me. This issue should be investigated I have been told that it has never been the case, and it is not the case now There is no one file for any employee in Lebanon(2).

By employees files the speaker meant information about the qualifications and conduct of civil servants. In the absence of such files, terminating the services of employees might lead to unjust consequences such as firing the wrong employees or basing decisions to terminate services on political rather than administrative criteria. Thus, the central control agencies, even if they were fully involved in the process, did not have the necessary information to be responsible for the process. These agencies needed reform before they could lead reform, according to the speaker.

Laws 199/93 and 200/93 became effective on 6 March 1993 when they were published in the Official Gazette. Accordingly, the CSB issued a memo to all civil service administrative units, public agencies and municipal units, informing them about the new law and the procedures to be followed in case an employee desired to resign (Annahar 1993a).

Nine months after the law became effective, the Council of Ministers convened in a meeting to discuss the results of its efforts. When the final decisions regarding suspended employees were made, the numbers provided by the Council of Ministers were:

- 530 employees terminated for having received bribes;

- 70 employees referred to the General Disciplinary Council;

- 1,805 employees terminated for not reporting to their work stations;

- 1,500 employees put into custody of CSB, who were considered overstaffed within their administrative units; such employees were to be trained by the Office of Minister of State for Administrative Reform OMSAR before being redistributed to vacant positions in the cadres; and,

- the voluntary resignation of 3,400 employees, some of whom received warnings that if they did not resign, they would be referred to the General Disciplinary Council (Annahar 1993b).

This was the preliminary result of the immunity suspension law. It resembled the purge attempts of pre-war cabinets. Reforming the administration by firing employees whenever a new regime assumed power has become the norm in Lebanese politics, as it is in many of the countries.

Hariri’s purge movement took a different turn however. On 18 March 1994, the Conseil d’Etat, a judicial body with the power to reverse the decisions of the Council of Ministers, decided to revoke two decisions to terminate the services of two employees (Annahar 1994). The Conseil d’Etat is an independent administrative court that has the right to revoke decisions of the Council of Ministers when an affected party contests their legality. Moreover, the Council of Ministers could ask for the opinion of the Conseil d’Etat regarding the legality of proposed decisions. In this sense, the Conseil d’Etat is separate from civil or criminal courts. Its job is to protect the citizens from the possible abuses of the executive authority as represented by the Council of Ministers.

What started as a single decision by the Conseil d’Etat became a flood of decisions to revoke hundreds of termination measures taken by the Council of Ministers. It is interesting to note the new role of the Lebanese judiciary. The decisions of the Conseil d’Etat indicated that administrative reform could not take place outside the parameters of law and procedures designed to protect civil servants against possible abuses by the Council of Ministers or any other political office. Administrative reform thus, is not confined to administrative and political contexts. The judicial context in which such reform takes place significantly affects the outcome of this reform. The decisions of this court asserted the role of the judiciary and the significance of the judicial branch of the state in the Lebanese administrative reform.

**Retiring Employees Law:**

The actions taken by the Conseil d’Etat prompted some MPs to suggest a bill allowing employees who resigned voluntarily to return to their jobs. According to Article 77 of the Constitution, ten MPs could initiate a bill. The rationale for this suggestion was that employees who voluntarily resigned did so under political pressure. And since hundreds of those whose service was terminated returned to their jobs armed with a decision by the Conseil d’Etat, it was only fair to allow those who resigned to come back. The Parliament passed the law allowing retiring employees to return to their jobs. The law and its justification are detailed in Appendix B.

The committee indicated that the service termination process was not based on sound technical principles and practices. The reasons for the failure of the process were clear in the decisions of the Conseil d’Etat. They indicated that there was no proof of Cabinet allegations about wrong doing on the part of the employees.

The immunity suspension laws, however, were not the only attempt at reform during Hariri’s era. The Council of Ministers succeeded in appointing Grade I employees to fill vacancies at this crucial leadership level. Despite the usual disagreement between the president of the Republic, the speaker of the House, and the prime minister, a final agreement was ironed out in which most Grade I vacancies were filled while keeping the delicate sectarian balance between different groups.

Moreover, the Parliament passed a law to raise the minimum wage and design a new salary scale for employees within the public sector.  The minimum wage was raised to one hundred and thirty dollars. The new salary scale was essential since the previous Karami Cabinet resigned after the national currency lost more than half of its purchasing power. Appointing Grade I employees and raising the minimum salary are not considered as a reform measures per se, but they helped inject the administration with new blood.

**Temporary Employees Law:**

Another important law that the Council of Ministers proposed and the Parliament approved was the law allowing for temporary and permanent employees in civil service ministries as well as security corps to be transferred to the vacant positions within the cadres after undergoing competitive examinations through the CSB and/or other agencies dealing with military and security corps. Appendix C details how the bill was submitted by the Council of Ministers and how the law looked after the Parliament approved it.

A close comparison of the Cabinet’s version of the bill and the law as passed by the Parliament reveals no major differences except for the inclusion of the security forces within the articles of the law and another inclusion of the contractual employees of the Ministry of Communication and that of Culture and Higher Education. Contractual employees are not full time employees. They work with their ministries according to contracts in which their duties and responsibilities are determined.

All in all, the first Hariri Cabinet did not receive a very good evaluation regarding its reform approach. After studying the 1995 budget, the Committee of Finance and Budget has not realized any improvement in the performance of the public sector including public agencies and different funds. It seems that the issue of administrative reform is history by now, and has been replaced by the project of administrative rehabilitation which could gradually speed up the work in the public sector, but it could not deal at any depth with the basic problems of the public sector being corruption, waste, and bad performance. Such problems require a change in the laws and procedures governing the work of the public sector and an effort to motivate high performers on one hand, and control and ration expenditures on the other(5).

The second Hariri Cabinet was formed on 5 July 1995. In its ministerial statement before the Parliament, the Cabinet, through the prime minister, again articulated its willingness to pursue reform. Prime Minister Hariri reiterated that:

        We will continue to support the control agencies and improve their effectiveness so that they could play the role of the catalyst in the journey for modernization of the administration, its people, legislation, procedures, and concepts Because of the comprehensiveness of the administrative development process, the Cabinet would undertake incremental steps that come within a framework which would first focus on rehabilitative measures with the objective of reviving the basic capabilities of the administration and allow it to perform its basic functions(6).

In the same statement, Prime Minister Hariri declared the Cabinets commitment to create an environment of sustainable administrative development to support the short-term rehabilitative measures and encourage long term developmental planning. Contrary to HaririÕs first Cabinet though, the second Cabinet did not focus much on legislative tools to reach its reform objectives. The only legislation approved by the Parliament was that related to raising salaries in public sector.   The law however, was not implemented until 1999 due to the unavailability of financial resources. In 1999, public employees in civil service, as well as public agencies, municipalities, judicial corps and security corps started receiving paychecks according to the new salary scale.

Other than the new pay scale for public sector employees, the Cabinet had not initiated any major attempt to tackle administrative reform issues through legislative devices. Most of its members, including the prime minister, were preparing for the second post-war Parliamentary elections in the summer of 1996.  These elections resulted in a third cabinet headed by Hariri. The third Hariri Cabinet agenda was no different from its two predecessors. Hariri again reiterated his commitment to reform through suspending the immunity of all employees within the public sector and restoring the immunity to control agencies. (Hariri 1996).

Besides continuing the tasks set up during its predecessors, the third Hariri Cabinet took two more measures to assess the employment situation within the public sector and recommended some austerity measures to ease the pressure on public finances. These were the reform paper and the executive decree to determine the exact number of overstaffed positions within the public sector.

**Reform Paper:**

The reform paper was agreed upon on 26 November 1997. It was a result of a series of meetings held between the staff of the speaker of the House and the prime minister. The reform paper basically included a set of monetary, fiscal, and administrative measures aimed at addressing issues of economic performance and growth. The importance of this document to the present subject is the set of recommendations made to address administrative issues. The paper required:

- Reducing the size of the general administrative structure by merging ministries during the first cabinet formed after the election of a new president of the Republic (who was to be elected at the end of 1997); merging of some public agencies basically those dealing with reconstruction and water distribution; and, merging of specific security organizations;

- reinvigorating the control agencies by reconsidering their internal organization; and,

- reconsidering personnel law (which was promulgated in 1959) and adjusting it to modern requirements; the new law would include creating a unit within the CSB to absorb overstaffed employees and redistribute them to different administrative units;

- freezing new recruitment in the public sector except with the approval of the Council of Ministers and setting a six-year plan to decrease the number of employees in all public sector units with no exceptions;

- ending cadre positions growth (Assafir 1997).

**Overstaffed Employees:**

The other step that the Hariri Cabinet took before its resignation was issuing an executive decree defining an overstaffed position and designing measures to deal with it.  The executive decree about overstaffing fulfilled the promise of the reform paper that called for determining the number of overstaffed employees and redistributing them among the different administrative units. This decree became effective without the approval of the Parliament. It was only a mechanism to calculate the number of overstaffed positions and determine their fate according to existing laws. The most important articles of the decree are detailed in Appendix D.

This decree dealt with all kinds of employees outside the cadres. All the employees included in this decree were temporary in one way or another. The significance of this decree, however, was that it gave the CSB the responsibility of determining the number of overstaffed positions and discretion in re-assigning employees to different administrative units.

The problem with the reform paper as well as the overstaffing decree was their timing. They came less than a year before a new president of the Republic was to be elected, a president who later proved to have his own reform agenda.

**Reform During Lahoud-Hoss Cabinet Era**

At the end of 1997, Lebanon was preparing for the election of a new president of the Republic by the Parliament. The major candidate for the position was General Emile Lahoud, former Chief of the Armed Forces. General Lahoud had a military background, with the reputation for successfully rebuilding the Lebanese Army after the war ended. He was able to maintain the sectarian-secular balance in this rebuilding process. Many Lebanese hoped that Lahoud could repeat his experience in the public sector, which was still suffering from corruption and political interferences. To many, Lahoud resembled President Chehab, who had launched the greatest reform project in the late 1950s, and they expected that a similar project might finally happen after a surfeit of news about corruption and mal-administration. Indeed, General Lahoud was elected president of the Republic and assumed office in January 1998.

President Lahoud, after consultations with major parliamentary blocks, nominated incumbent Prime Minister Hariri again to head the new cabinet. The previous prime minister, however, apologized and rejected the nomination on the basis of an unconstitutional practice in the process of obligatory consultations between the president and the MPs. The issue was that certain MPs gave their votes to President Lahoud without nominating any candidate. In other words, they told the president he could count their votes to support any candidate he saw fit. The end result of the consultation process was Hariri still winning a reasonable majority of the MPs votes. Hariri argued that constitutionally speaking, MPs should nominate their candidate for the position of the prime minister, and cannot just leave it to the president to decide. To Hariri, this violated the Taif Agreement and rendered the position of the prime minister weak before the presidency, which was a basic issue in Taif discussions. Based on these facts, and on his understanding of the Taif Agreement, Hariri refrained from accepting the nomination. Other MPs had different opinion about the issue. They saw no contradiction between the constitutional rule and their delegation of their votes to President Lahoud. They perceived their act as courtesy to the new president. The question of whether such an act was constitutional or not remains unresolved.

Given Hariri rejection to accept nomination, President Lahoud, after parliamentary consultations, nominated Salim Hoss, the head of the first post-war cabinet, to head the new cabinet. The Hoss nomination by MPs after the latter had nominated Hariri highlights the flexibility of the system and its endurance in the face of what otherwise might have been a constitutional crisis.

On the eve of forming the new cabinet, the country was experiencing serious economic and fiscal challenges that had started to appear during the days of the last Hariri Cabinet. Growth rates achieved in the early 1990s declined to two percent in 1998, and between one percent and zero percent in 1999 and 2000 (Euro-Med Partnership 2002, 8). Solving the economic crisis, administrative reform, and fighting corruption were the basic building blocks of the new governmental strategy.

President Lahoud announced his objectives regarding administrative reform in the traditional Oath Speech before the Parliament. The new president gives the Oath Speech before Parliament after his re-election. On this occasion, the president pledges his commitment to protect the Constitution and independence. President Lahoud took advantage of the occasion to outline his perception of reform. Regarding administrative reform, Lahoud stated that:

        The people are asking for an administration that is subject to strict control and characterized by competence and transparency run by officials who earn their immunity through sound practices, not through political and sectarian protection People want an administration from which they buy services by taxes not by taxes and bribery (Assafir 1998a).

Though the statement did not constitute a significant divergence from the traditional administrative reform-fighting corruption discourse of every new president of the Republic, its stress on fighting corruption and bribery outlined Presidents Lahoud understanding of and approach to administrative reform that was to take place. Prime Minister Hoss echoed the Presidents reform rhetoric. In the ministerial statement before the Parliament, Hoss argued that:

        The past presidential era [1990-1998] was characterized by a lot of mistakes and disillusionments as well as a stunning absence of accountability and questioning which indicates setbacks of our democratic system and could a democratic system function efficiently in the absence of accountability and transparency?...

        [We should] support the control agencies, re-energize them and give them immunity in order to situate the public sector in an environment of  planned and continuous administrative reform

        [We should] wage war on corruption and waste and make sure we design policies that could lead to the removal of [corruption] within a specific time frame The situation in public administration lacks discipline and is not corruption free. (Hoss 1998).

The prime minister’s statement stressed his commitment to strengthen control agencies as the basic avenue to achieve reform. The administrative reform promised by the Lahoud-Hoss Cabinet was only a portion of a complete package of reform, the details of which were announced in a five year Fiscal Adjustment Plan (1999-2003). The approach adopted by the Cabinet combined modernization of the fiscal system, privatization, reduction of interest rates, and administrative reform aimed at increasing productivity in the public sector and reducing unemployment at the national level (UNDAF 2001, 6).

**Executive Ð Legislative Agenda**

Like its predecessors, the Cabinet had a shot at administrative reform. This reform was not characterized by any special reform law or request for special legislative prerogatives. The Cabinet, however, tried to reform through shock strategy by striking at what it perceived as corrupt practices. The first move of the Cabinet was putting into custody of the Council of Ministers nineteen directors and directors general. Most of these employees were appointed during the Hariri days (Assafir 1999). In putting into custody this many directors and directors general, the Cabinet was no different from its predecessors. It had been a characteristic of reform movements throughout the history of Lebanon to start with a placing in custody attempt of high-ranking employees from civil service. In most cases, this purge turned out to be the only reform measure to be implemented.

Dr. Hassan Shalaq, the previous president of the CSB and the new Minister of State for Administrative Reform, provided the lists of directors general to be put into custody. In the meeting of the Council of Ministers, which took place on 8 January 1999, ministers close to President Lahoud announced the Council of Ministers had all trust and confidence in reports coming from control agencies. According to the ministers, the decisions of control agencies were not based on personal or partisan affiliation of people. Rather they aimed at the insulation of the administrative structure from interferences of political forces and figures (Assafir 1999).

The decision to put into custody this number of Grade I employees was considered part of a larger movement to hold accountable all employees within the public sector, especially those at the Grade I and Grade II levels. The new anti-corruption campaign, however, stopped at this point. What began as a grand reform movement ended as a mini purge. The prime minister later declared that the reform process had hit some political mines which had slowed it down.  While the judiciary was the basic reason behind the failure of the Hariri purge movement, Hoss declared political intervention as crippling his Cabinets ability to pursue its purge. It had become clear by this time that any reform attempt, especially if focusing on terminating the services of corrupt employees, would have to cross-judicial and political hurdles before reaching its objectives.

In addition to the mini purge, the Council of Ministers formed a ministerial committee to study the administrative structure of the Lebanese state. The committee, basing its work on a report compiled by the Minister of State for Administrative Reform, studied some problems within the administrative structure and made recommendations on how to deal with such problems. The committee came up with a report that identified the basic problems and proposed solutions to the present administrative bottle necks.

The report concluded that the most important problems facing the Lebanese administration were: overlapping of duties between different administrative units, absence of application of rules and non-abidance by job description, personification of

public office and low qualifications required for appointment to the public sector (Sfeir 1999). The report recommended the abolishment of 5000-6000 positions already vacant within the cadres. By that time, the cadre held 23,800 positions, of which 14,000 were vacant and approximately 9,800 occupied. The report called for merging some ministries and public agencies and redefining the scope of work of others. It also stressed the role of control agencies in the restructuring process. The report was adopted by the Council of Ministers, and a bill was sent to the Parliament regarding the new structure of the Lebanese State. The bill became a law (247/2000) on 7 August 2000. The law merged some ministries as well as public agencies especially those dealing with reconstruction projects. The law did not, however, have a significant impact on the ministries internal structures and their modus operandi. It did not tackle the intra-ministerial or intra-agency problems.

Separating the National Institute for Administrative Development NIAD from the CSB found its way into implementation during the Lahoud-Hoss Cabinet era. NIAD became an independent institution called the Institute of Public Administration (IPA). According to the reorganization bill sent to Parliament, the Directorate of Training within the CSB was abolished, and its functions were transferred to the newly established institute. The bill became a law on 11 May 2000.  The law required that the internal rules and regulations of the new institute be determined by a decree issued by the Council of Ministers. The decree was issued on 25 October 2000 under the number, 4329/2000. The IPA would start working according to the new law as soon as the proposed bill stipulating a change in the CSB organizational structure was enacted (CSB 2000, 166).

There was no other major reform attempt during this era. No special laws were passed by the Parliament suggesting that this Cabinet believed that control agencies would achieve satisfactory results on their own or that the Cabinet did not have a guaranteed parliamentary majority that would allow it to pursue reform through legislation.

The Lahoud-Hoss Cabinet remained in power until the parliamentary elections in the summer of 2000. Former Prime Minister Hariri, who was in opposition, scored a victory in these elections and succeeded in forming a large parliamentary block, President Lahoud, after consultations with newly elected parliamentary parties and blocks, named Hariri as the new prime minister.

**Reform During Lahoud-Hariri Cohabitation Era**

For the fourth time, Prime Minister Hariri committed himself to the goal of achieving administrative reform. In the ministerial statement before the Parliament, Hariri reiterated his objective to control, simplify, reduce the size, modernize, and computerize the work of the public sector. Hariri stressed that achieving any administrative objectives needed the conviction and the contribution of all political forces and figures (Hariri 2000).

Again, dealing with administrative challenges was part of addressing economic hardships and deteriorating state finances. Public debt reached thirty billion dollars, and the Council of Ministers had to find ways to stop the growth of this debt while still suffering from absence of balance in its annual budgets. The following paragraphs explain how the Council of Ministers and the Parliament addressed administrative reform.

**The Legislative-Executive Agenda**

Revisiting the Overstaffed Employees Topic:

The Council of Ministers amended Executive Decree 11921/98 issued during the last Hariri Cabinet which sought to define the meaning of an overstaffed position. The Council decided to issue a new decree whose most important articles are detailed in Appendix E.

The new decree was very similar to the old decree, numbered 11921/98, with some amendments regarding the definition of overstaffed employees. In the old decree, all vacant positions in the cadre were considered overstaffed if the administrative unit concerned did not submit a plan for a new cadre. This article did not exist in the new decree. Moreover, contractual employees, not mentioned in the first decree, were considered overstaffed employees in the second decree, except for those positions legally required to be contracted out. The new decree also considered all temporary employees who did not belong to a cadre as overstaffed.

The office of the overstaffed which was to be created according to the old decree was not even mentioned in the new decree. Consequently, the mission of organizing lists of overstaffed employees was to be handled by the Directorate of Examinations and Personal files within the CSB. This provision allowed the CSB to proceed without any special administrative mechanism.

The process seemed to reach an end by October 2001 when a report leaked to the press reported 4,500 overstaffed employees in civil service (Sfeir 2001). Concurrently with determining the number of overstaffed employees, lists were prepared regarding the needs of administrative units. The two steps laid the groundwork for the reassignment process. On 2 February 2002, the final report on overstaffed employees was presented by the CSB to the Council of Ministers. Table 1 summarizes the results of this report:

**Table 1**

Numbers of Temporary, Contractual, and Overstaffed Employees in Civil Service, Public Agencies, and Municipalities

        Temporary Contractual         Sub-Total  Overstaffed

        Employees Employees         Employees

Civil Service       4,725        1,472        6,197        3,302

Public Agencies   4,673        1,244        5,917        1,583

Municipalities      1,422        77    1,499        115

Total 11,090      2,793        13,613      5,001

**Source: (Sfeir 2002a)**

The long awaited report concluded that 5,001 posts in the public sector were overstaffed with temporary and contractual employees. The numbers in the report were derived from a questionnaire sent to all public sector ministries and agencies.  The report about the number of overstaffed employees and their distribution throughout the public sector, produced by CSB, warned that the public sector had become a tool to absorb unemployment among the population, a phenomenon that resulted in severe pressure on public finances and taxpayers.

 The CSB did not stop at producing the report. It asked those administrative units requesting more employees to hire some of the overstaffed employees. Moreover, the CSB asked the units with overstaffed employees to organize contracts with needed employees. In other words, some employees fit the legal description of the overstaffed as determined by Decree 5240/2001, but were still needed by their administrative units. Thus, the CSB requested that these units determine which employees were indispensable and design contracts that would legalize their status.

As a result of this effort, the CSB provided another statistic explaining the number of overstaffed employees whose situation was settled by signing new contracts, and those overstaffed employees redistributed to different administrative units within the public sector. Table 2 better clarifies the numbers. Since most of the overstaffed employees were concentrated in the Ministry of Communications, the table also shows how overstaffed employees within the ministry and other civil service ministries were handled.

**Table 2**

The Number of overstaffed employees in Ministry of Communications, other civil service ministries and control agencies, and the number of overstaffed employees whose situation was settled within their ministries and those who were transferred to other ministries

Number of overstaffed employees in Ministry of        1,338

Communication

Number of overstaffed employees in other civil 1,940

service ministries

Total number of overstaffed employees in civil 3,278

service       (This number equals the number of overstaffed in Table 2 minus deaths, resignations, and retire-ments by the time of redistribution.)

Number of Ministry of Communication     612

employees whose situation was settled and

stayed in the ministry

Number of overstaffed employees in the Ministry       645

of Communication who were reassigned to other

civil service ministries

Number of overstaffed employees from other    316

civil service ministries who were re-assigned to

other ministries

Total number of employees whose situation     1,573

has been settled or who were reassigned

by the time this report was prepared

**Source: (Sfeir 2002a)**

As shown in Table 2, 1,573 out of 3,278 overstaffed employees in civil service ministries and control agencies had their situation settled or were reassigned to other ministries. The reminder still needed to be addressed. The CSB preferred that these employees be distributed to needy municipalities, since the latter had already asked for more staff. The rationale behind such preference, as the CSB argued, was that reassigning these employees to municipalities would move the burden of their salaries from central government to municipal units. As for overstaffed employees in public agencies, the CSB preferred to wait to see where they would fit in the budding privatization process.

Acting on this report, the Council of Ministers formed a ministerial committee called the Overstaffed Committee to propose solutions to the overstaffed employees problem. The committee soon came up with a revolutionary scheme that was proposed by the prime ministers aides, themselves members of this committee. Impressed by the Italian experience of abolishing permanent civil service and replacing it with contracts with all public sector employees, the ministerial committee made the same suggestion. The essence of the suggestion was to change the definition of an overstaffed employee as stated in decree 5240/2001 to a new understanding based on the employees qualifications. Accordingly, new employees would be hired according to a contract with time limits. At the end of the contracts time limit, an employees performance would be evaluated. If the results were good, the employee stayed. If bad, the employee would leave public service (Khashan 2002). The suggestion, if implemented, would revolutionize public service and turn it from a safe, lifelong career to a more professional, performance-based task. It did, however, go against all the rules, procedures, and safeguards designed to protect employees in public service from the possible abuse of the Council of Ministers.

This suggestion was to be discussed in the Council of Ministers. It is not discussed in detail here, since it did not make it out of the Council of Ministers due to strident objections from ministers and their colleagues in the Parliament. Politicians were not ready to accept a suggestion that would strike at the very base of the Lebanese civil service system.

In general, the suggestion called for reconsidering the organizational structure of civil service ministries and redefining their duties. It also tackled the issue of decreasing the number of jobs in the permanent cadre. It suggested a comprehensive solution to the overstaffed employees problem by either reassigning them to new vacant posts within the cadres or providing them a generous retirement incentive package that was not less than twenty thousand dollars and not more than one hundred and thirty thousand dollars depending on the nature of the job and years of service. It also gave permanent employees in the cadre a generous retirement incentive. It proposed that the Council of Ministers, within two years of enactment of the proposed law, terminate the services of any employee according to decrees issued by the Council, given that employees whose service was to be terminated would benefit from the same retirement incentive package. Most importantly, it introduced a new way to appoint public sector employees. It suggested that employees in civil service are appointed according to an examination or competition administered by the CSB according to a mechanism determined by a CSB commission. The performance of a contractual employee would be subject to evaluation by his superiors, and the contract is renewed based on the results of the performance evaluation, pending that this evaluation was done three months prior to the end of the contact and that the result of this evaluation is no less than good (Annahar 2002a).

The proposal gave the Council of Ministers the right to terminate the service of any employee perceived as overstaffing his or her unit and to introduce sweeping changes to the civil service recruitment system. It was difficult for politicians to digest, especially since most, if not all, of the temporary employees whose service might be terminated had been appointed through political pressure. As mentioned, the suggestion did not make it out of the Council of Ministers, but it reflected the prime ministers evolving thinking regarding the civil service system at that time.

In its session on 25 September 2002, the Council of Ministers discussed another suggestion that would change the process of appointment to Grade I positions. The proposal reintroduced the contracting principle to Grade I positions. Appendix F clarifies the most significant points of this proposal.

The suggestion represented another attempt to find a compromise between political control and merit considerations. A committee established to tackle appointments to Grade I positions was to be constituted of representatives of the Council of Ministers and control agencies. The Council of Ministers, however, retained veto power by allowing itself to appoint half of the members of the committee and requiring a two- thirds majority vote for any decision. The Council also reserved the right to appoint any other candidate who was not filtered through this committee. Whether this suggestion had been submitted to parliamentary committees or was still being discussed by a ministerial committee is not clear at this point.

Re-examining the Structures and Cadres of Civil Service Ministries and Agencies:

The Cabinet continued its push toward reform by addressing problems of structures and cadres of civil service units. On 9 April 2002, the prime minister issued a memo requesting that the Minister of State for Administrative Reform form committees made up of representatives from the concerned administrative units in addition to OMSAR, CSB, and DRG (the Directorate of Research and Guidance) to reconsider the structures as well as the cadres of all civil service units. Restructuring was aimed at avoiding the overlapping of duties among administrative units as well as creating new units specializing in planning, programming and information and communication technology. The prime ministers memo argued that such steps were necessary in order to cut administrative expenditures, and would lead to a modern administration best capable of dealing with the requirements of introducing information technology to public service. (Annahar 2002b).

The Council of Ministers discussed the situation in public agencies and decided to introduce far-reaching changes to the way they conducted business. An examination of the changes proposed by the Council of Ministers gives insight into its thinking regarding the role and functioning of public agencies. The most significant changes to be introduced were:

- Authorizing the unification of the positions of chair of boards of directors and the director or director general. Thus, decision-making and implementation functions would be combined in one position;

- Abolishing CSB control over public agencies;

- Reshaping GAO control in the sense of transforming it from pre-audit to post-audit;

- Liberating financial transactions from the need for certification by the tutelage authority (the minister);

- Expanding the powers of the director and the director general when it came to financial transactions; and,

- Periodically evaluating the performance of these agencies on the basis of a performance evaluation system (Sfeir 2002c). It is worth mentioning that no evaluation system had been implemented by 2002, although plans to introduce it to the public sector were ready as early as 1995, as mentioned in consecutive CSB annual reports.

 The Council of Ministers justified the changes by arguing that these agencies had been subjected to severe controls that had limited their ability and tied the hands of decision makers forcing them to go back to tutelage authority (minister) before making any decisions.

As this article was being written, the suggestions had not become law. Whether their status was still being debated in a ministerial committee or had made its way to a parliamentary committee in the form of a bill also was unclear.

The objectives of the new measures adopted by the Council of Ministers were to cut costs by addressing problems of waste and fiscal unbalances in the public sector. Such measures were complemented by privatization plans for telecom services, electricity and water authorities. The Council of Ministers was tackling the different parts of the puzzle in an approach that combined the downsizing of the public sector and allowed the private sector to regain leadership in economic growth.

**Conclusion**

This article explained how the Parliament and the Council of Ministers perceived the administrative reform. The article revealed some trends of post-war reform, such as the purge movements. The post-war reform had its own defining characteristics because it occurred in the context of a national reconstruction project. Moreover, the Taif Agreement modified the power-sharing formula allowing the Parliament significant leverage in its relationship with the Council of Ministers, and rendering the decision-making process within the latter of a collegial nature, after having revolved around the president of the Republic in pre-war Lebanon.

During the first Hariri Cabinet, the Parliament reasserted its legislative role and insisted that laws governing the administrative reform process should be discussed and debated between representatives of the nation. The influence of parliamentary committees and individual MPs was very much present in the final version of the laws governing reform, specifically the Retiring Employees Law, and the law dealing with temporary employees. It seems that the role of Parliament in debating and approving reform laws has become the norm in the Post-Taif Republic. A shortcoming of the increasing role of the Parliament in deciding on reform guidelines was the absence of clear vision regarding the priorities and the final destination of the reform process. Composed of a number of competing groups and individuals, a Parliament cannot come out with a clear policy regarding any politically charged issue. Usually, laws passed by Parliaments are vague enough to allow for consensus building regarding the proposed bills. While the increased Parliamentary involvement improved political accountability within the system, it deprived the executive the chance to set and implement a coherent reform strategy. In the Lebanese case, the executive itself is a coalition of political groups. Becoming a collegial body of decision-making, the Council of Ministers could not come with a clear consensus on a proposed reform policy. In this sense, administrative reform became a trial and error process rather than a clear plan with strategic objectives and clear operational targets.

During the first three Hariri cabinets, The Council of Ministers viewed administrative reform in the context of reconstruction. The prime minister tailored the reform process to fit his reconstruction project. In this sense, Prime Minister Hariri viewed reform as a means to reach his reconstruction goals, rather than an end in itself.

Realizing that reform might take a long time to materialize, the prime minister used public agencies as a kind of parallel administration to lead the process of reconstruction. To this end, the prime minister, through the Council of Ministers, channeled reconstruction resources to the Council for Reconstruction and Development (CDR) and other public agencies like the Council of the South and the Fund for the Displaced. These agencies did not have to navigate the bureaucracy, as did other civil service administrative units. Moreover, they were exempt from the oversight of control agencies, specifically the CSB.

Since administrative reform was only a means to an and, and since the prime minister had already found a way around the public bureaucracy to implement his reconstruction project, pushing for a genuine and radical reform of the traditional modes of operation in the public sector was not a priority on his reconstruction list. The prime minister recognized that politicians and religious leaders would oppose any serious attempt to change the status quo within the traditional administrative structure, which was based on the distribution of power between influential political and religious actors.

It is for this reason that one finds the plans for administrative reform in civil service looking much like those suggested in all pre-war cabinets. Suspending employees immunity, allowing temporary employees to be absorbed into the permanent cadre and dealing with overstaffing of certain positions were all measures that have been contemplated since the days of the Chehab presidency. Such measures earned the status of proverbs to be declared by each new regime.

What was significant about the Hariri reform attempt, however, was the role of the judiciary represented by the Conseil d’Etat. The latter succeeded in bringing to a halt the process of terminating employees services. The decisions made by the Conseil d’Etat to revoke Hariri Cabinet decisions was a red flag to politicians who tried to use the immunity suspension law to settle scores with their opponents. The Conseil d’Etat  made sure that reform could only take place according to laws protecting civil servants against abuses by the executive. The public sector employees enjoyed the political as well as judicial protection that would render any radical reform attempt a costly political adventure at best.

While the consecutive Hariri cabinets tried to approach administrative reform through legislation, the Lahoud-Hoss Cabinet tackled reform from a control/punishment perspective. This time, the anti-corruption campaign had at its foundation, the right of the Council of Ministers to put into custody Grade I employees. Thus, the employees put into custody were not fired and they continued to receive salaries, while not performing any tasks.

Central control and coordinating agencies became the tools used to condemn the practices of the previous ruling coalition. The importance of control agencies was expressed by the appointment of the president of the CSB as a Minister of State for Administrative Reform, and the president of GAO as the Minister of Justice. Both ministers were very influential within the administrative reform decision-making circle. Since the two ministers had a control/punishment approach to reform (coming from control agencies), it made sense that reform during the Lahoud-Hoss era was characterized by a heavy control approach rather than a combination of incentive/motivation and control/punishment initiatives. In other words, the stick was very clear, but the carrot was never visible.

The Lahoud-Hariri Cabinet reasserted the tradition of working with the Parliament to achieve reform, a word that was replaced by development after 2000. The name of the Office of Minister of State for Administrative Reform OMSAR, had changed, in its Arabic translation to OMSAR where the letter  meant development. A new decree defining the meaning of overstaffed employees was enacted. Out of 5,001 overstaffed employees, 1573 either remained in their posts or were redistributed through the public sector. The cabinet anticipated that privatization would take care of the rest, especially in public agencies. At the end of 2002, however, no major privatization projects had been launched. Partial steps towards privatizing the telecommunications sector and EDL had begun, and privatization is expected to take place in 2003. Most employees in the Ministry of Communication received generous retirement pensions and their services were terminated.

As evident in the consecutive post Taif reform attempts, the distribution of the executive power throughout the Council of Ministers which is a coalition of different political forces as opposed to one party, and the strengthening of the mandate of the Parliament through constitutional amendments have seriously affected the outcome of reform. It is true that remarkable managerial innovations, assisted by foreign technical assistance, were taking place at the level of the administration itself, but it is also true that the Legislature and the Executive usually set the tone for reform. As noted above, the political level preferred not to pursue reform aggressively so as not to disturb the delicate political and religious balance within the administration.

**Appendix A**

Immunity Suspension Law (199/93)

Cabinets Version of Bill         Committees Modifications      Parliaments Final Version        199/93

**Appendix B**

**Retiring Employees Law**

**Justification:**

Since the General Disciplinary Council (GDC) had already decided that tens of employees referred to it were innocent, and since the Conseil d’Etat has decided to revoke hundreds of decisions to terminate the services of employees, and since the Parliament saw that the procedures followed to implement laws 199/93 and 200/93 were not right nor just, and since it was shown that the resignations of employees, that

were submitted only 20 days before the end of the 9 months deadline, were not submitted in an atmosphere of free decision and action, it saw that it had to protect the principles of justice and right to self defense as well as those of public interest in administrative units, and thus it decided to send this bill to the public session hoping that the latter would discuss and approve it in the first session it convenes.

Article 1: The employees in civil service as well as public agencies and municipalities, who voluntarily resigned within the period falling between 1/11/1993 and 4/12/1993, are granted the right to withdraw their resignations. The application for withdrawal is submitted to the administrative unit in which the employee used to work. This right to withdraw is only valid for 15 days after this law becomes effective. The application should be accompanied by a certified check to Lebanese Treasury the amount of which is equal to the retirement compensation that the employee had received as a result of his resignation.

- As soon as the resignation withdrawal application is registered in the administrative unit, the retired employee is considered back in service.

- The administrative unit can, if it sees fit, use its right to refer the employee to the Disciplinary Council. It has a deadline of two months after this law becomes effective to perform this referral.

- [In case of referral to Disciplinary Council], the employee is subject to all legal procedures that are followed when any employee stands before the Disciplinary Council.

- The period between the resignation and the withdrawal of this resignation is not counted in the employees time of service within the administration.

Article 2: This law becomes effective as soon as it is published in the Official Gazette.

Source: Parliamentary Record. 18th Legislative Cycle, Second Extra-Ordinary Session, Minutes of the First Meeting, 9-10-11 July 1996: 1139-1148.

**Appendix C**

Law Allowing Temporary and Permanent Employees to Get to Vacant Positions in Civil Service Cadres through Competitive Examinations

**Justification:**

In order to deal with the vacancies problems within the civil service, and in order to allow all citizens an equal chance to apply for a civil service job through competitive examinations according to their specializations and competence, and in order to lessen the burden on the public treasury and to give temporary employees the chance to get into the permanent cadres of the civil service with all that that provides regarding security and confidence in their future, the Cabinet has prepared this law and it hopes that the Parliament approves it.

Cabinet Version   Administration and Justice     Parliaments Final Version

        Committee Modifications

**Appendix D**

Executive Decree Determining the Number of Overstaffed Employees and the Way to Settle their Status (Number 11921/98)

**Article 1**: It is considered overstaffed: 1- All vacant positions in every administrative unit on the date in which this decree becomes effective, if the administrative unit concerned did not suggest any reorganization which should in turn be referred to CSB and DRG within a six months  period of the date of implementing this decree;

2- All temporary employees in the civil service, public agencies and municipal units;

3- All contractual employees who are contracting for a job which already exists in the cadre with the exception of those contractual jobs realized by law.

4- All daily employees are hired on a daily basis and they stay forever in many administrative units]

Article 2: In a time period not exceeding three months after this decree becomes effective, every administrative unit or municipality should indicate the names of the employees and contractors and daily workers which it considers as overstaffing their positions, and it (administrative unit) can use the help of the DRG to determine its needs;

**Article 3**: According to Articles 1 and 2, every civil service unit or public agency or municipality should come up with a final list including the names of people who are considered as overstaffing this administration and it has to inform them about this list;

**Article 4**: [This article describes the format of the list and the information it should include about every employee.]

**Article 5**: This list is certified and sent by the head of the administrative unit whether it be a Director General, Director of public agency or head of municipal council, to the CSB in a sealed envelope on which it is typed overstaffed positions

**Article 6**: Every civil service administration or public agency or municipality, whether it is under the control of CSB or not, should send to the CSB a list of contractual employees and consultants, and this list should include the details mentioned in article 4 of this decree;

**Article 7:** A special office in the CSB is created called the Overstaffing Office. This office has the responsibility of receiving the overstaffing lists sent by different departments, and [organizing the names in a way that information could be easily accessed];

**Article 8**: If any administrative unit, whether in civil service or in public agencies or in municipalities, failed to meet these objectives, CSB has the right to ask CIB or DRG to run an immediate investigation to determine the real needs of the administrative unit concerned, whatever the ranks or positions of the people working in this unit;

**Article 9**: The overstaffed employees could be re-distributed to civil service or public agencies or municipalities according to the latter need;

**Article 10**: The overstaffed employees keep receiving their salaries from the administrative unit in which they used to work until they are assigned to a different administrative unit or until they reach their retirement age, unless their services are terminated at their demand;

**Article 11**: Every administrative unit which proves, according to legal texts, its need for temporary employees and contractual employees, should submit to the CSB an application in that concern indicating the job of this employee and the educational and technical qualifications demanded for the post, as well as the place of work for the employee. The administrative unit should also indicate to CSB the availability of funds to hire such an employee;

**Article 12**: The Overstaffing Office within the CSB prepares lists of people who meet the qualifications specified in the application sent to it and who live in places close to the administrative unit concerned, and then submits these lists to the President of CSB, who in turn discusses it with CSB commission, to make the right decision about it and inform the unit that applied;

**Article 13**: The reassigned employee receives his new salary from the administration to which he was re-assigned providing that he/she keeps the same salary as in the previous job. The employee also preserves his right to join the National Social Security Fund (NSSF), even if employees in the new administrative unit are not subscribers to this fund. As for those who weren’t subscribers of NSSF, legal texts regarding the obligatory subscription to NSSF are applied to them; if the employee refused to assume his new job, his services are terminated by a decision of the CSB and his retirement compensation is paid to him according to legal texts;

**Article 14**: If the temporary or contractual or daily employee who is considered a part of the overstaffed wishes to terminate his/her service, he/she is given, in addition to his compensation, a raise which is equal to one month salary for every three years of service within a maximum limit of six months pay. Employees however, cannot use this right if they are in their last year before retirement;

**Article 15:** The articles of this law are applied to all civil service administrations, public agencies, and municipalities, even those which are not under the control of CSB; any breech to this law would cause the person responsible liable to disciplinary action;

**Article 16:** Every contract or hiring of daily or temporary employees which takes place without the agreement of CSB is considered nullified starting from the date this decree becomes effective.

**Article 17:** This decree becomes effective as soon as it is published in the Official Gazette.

Source: (Al-Mukhtar 1997)

**Appendix E**

Executive Decree to Determine the Overstaffed Positions and Settle Their Condition (Decree Number 5240/2001)

Article 1: Executive Decree Number 11921/98 is abolished;

Article 2: It is considered as overstaffed:

Paragraph 1: All temporary employees in civil service and public agencies and municipalities in case the legal time according to which they were hired was over without being renewed, [temporary employees most of the time are hired for a specific time];

Paragraph 2: Contractual employees within the Ministry of Information and the rest of civil service by the date this decree becomes effective;

Paragraph 3: Daily workers in all civil service posts and public agencies and municipalities;

Paragraph 4: Temporary employees whose number exceed the number of available positions in cadres (for temporary employees) in civil service, public agencies and municipalities;

Article 3: In a time interval of two months of the date this decree becomes effective, every administrative unit of the civil service or public agencies or municipalities should determine the names of overstaffed employees. A list of these names is to be prepared.

Article 4: [contains details about the format and content of the list]

Article 5: The list is to be certified and sent to the Director General or the Grade II employee who is the highest within the administrative hierarchy before the minister, and he/she in turn, sends it to the CSB in a sealed envelope;

In case any administrative unit did not send this list, CSB would ask CIB or the DRG to conduct an investigation about the units need for employees whatever their rank is, in order to determine the number of overstaffed positions;

Article 6: CSB would then determine the practical need for the names resulting from articles 3,4 and 5 and it can, for this purpose, conduct the necessary investigation in the way it sees fit in every civil service administration or public agency or municipality according to the provisions of this decree;

Article 7: The Directorate of Training within CSB would create a file for each employee included within the provisions of this decree that includes his employment status, qualifications, experiences, and all the information about the position or place to which he could be assigned according to lists sent by administrative units about their needs;

Article 8: The employees included in the provisions of this decree are put into the custody of the CSB where they are assigned to civil service positions, public agencies, municipalities or public schools, on a need basis and according to a study by the DRG about these needs. CSB could also run training sessions in the National Institute for Administration and Development (NIAD), the rules of which are to be decided by CSB;

Article 9: The overstaffed employees would get their salaries from CSB after securing the funds needed until they are re-assigned to civil service positions or public agencies or municipalities that need them according to the provisions of this decree and according to lists prepared by the administrative unit to which they belong on the date in which this decree becomes effective, or until they reach retirement age or until their services are terminated for any other reason;

Article 10: Every civil service administration or public agency or municipality that proves its need for contractual or temporary employees according to the provisions of this decree, should submit to the CSB an application in which it (the administrative unit) shows the kind of contractual employee it needs and the necessary qualifications as well as the educational and technical requirements that are needed. It should also specify the location of the workplace and documents showing that the funds for this position are available. CSB could ask the DRG to run an immediate investigation regarding the needs of the administrative unit submitting such an application;

Article 12: The following procedures are to be followed when reassigning overstaffed employees:

Paragraph 1: If the overstaffed employee is a temporary employee, he is reassigned according to a decision made by the President of CSB, after the agreement of the commission of CSB, to the unit which declared its need for employees;

Paragraph 2: If the overstaffed employee was contractual, he is reassigned according to a decision of the CSB commission, providing that his situation be settled according to an agreement with the unit to which he is moving, after the acceptance of CSB;

Paragraph 3: The person reassigned would get his salary from the unit to which he was reassigned, and he gets the same salary that he was getting in his previous work, and he keeps the right to join the National Social Security Fund (NSSF) if he was a member of it in his previous job. The administrative unit to which the new employee is reassigned should pay its due share of money to NSSF. As for employees who were not subscribed to SSF, the legal provisions concerning the obligation to subscribe are applied to them;

Paragraph 4: If the employee refused to join the new work station assigned to him, his services are terminated by a decision of the CSB commission, and his compensation is provided according to legal provisions;

Article 13: If the temporary or the contractual employee decided to resign, he gets, in addition to his retirement compensation, a raise which is equivalent to one monthÕs salary for every three years in service. The employee cannot use this option, however, if heÕs in his last year of service;

Article 14: The provisions of this law are applicable to all civil service jobs, public agencies, and municipalities even those that are not under the control of CSB. Any person or agency that breaches the provisions of this decree would be held responsible;

Article 15: Every past contract or hiring of temporary employees which had taken place without the acceptance of the Council of Ministers and CSB is considered nullified starting from the day this decree becomes effective;

Article 16: All civil service units and public agencies and municipalities should stop hiring temporary employees and contractual employees starting from the date this decree becomes effective until the conclusion of the process of reassigning the overstaffed employees, except in the necessary situations which are decided by the Council of Ministers after taking into consideration the opinion of the CSB;

Article 17: This decree becomes effective as soon as it is published in the Official Gazette.

Source: (Al-Mustakbal 2001)

**Appendix F**

Suggestion to Appoint First Grade Employees

Article 1: Taking into consideration the general requirements for appointment in public service the Council of Ministers can, after getting the opinion of CSB, appoint to vacant positions in Grade I or its equivalent, employees from outside the permanent cadre who have higher education and university decrees, providing that they are not younger than thirty years and not older than fifty two at the date of appointment, and that the number appointed from outside the cadre does not exceed two thirds of the positions of the cadres. Priority is given to those whose diplomas or degrees are closest to the specialization required on job;

Article 2: The individuals mentioned in Article 1 are to be selected according to the following mechanism:

Paragraph 1: Applications for the job are submitted to CSB attached to necessary legal documents required for applying;

Paragraph 2: CSB then examines the applications to make sure that the candidates meet the requirements for the job, and disregards candidates who do not satisfy such requirements. It submits the remaining applications to a committee whose role is next determined;

Paragraph 3: A committee is formed that is constituted of: President of CSB, President of GDC, Director of DRG and three other people to be appointed by a decree to be issued by the Council of Ministers based on the suggestion of the Prime Minister; CSB proposes the functioning mechanism of this committee to the Council of Ministers which would then certify it;

Paragraph 4: The above mentioned committee examines the applications referred to it by CSB, and any other applications proposed by the minister concerned, and it conducts interviews with the candidates, and when needed written examinations, to get to know their educational qualifications and their competence to assume the position they are applying to;

Paragraph 5: The committee makes its decisions by a two-thirds majority vote, and it then submits the Council of Ministers a report that includes an evaluation of the candidates according to the exams they have undergone.

Article 3: The Council of Ministers appoints Grade I employees from among those candidates or other candidates who satisfy the legal requirements, according to the following principles:

First: For candidates who are not current employees: These candidates are appointed according to a contract which has a maximum time limit of five years, which is renewable. This contract is approved by the Council of Ministers according to a decree issued by the Council. At the end of the time limit, the contract could be renewed by the same way, or the Council could position the employee in the permanent cadre according to a decree based on the suggestion of the minister concerned and the approval of CSB. The former is then given a Grade I salary; else, in case the employees contract is not renewed or he doesn’t get transferred to the permanent cadre, the contract is considered expired without the need to issue any legal script or executive decision;

Second: For candidates who are employees: They are appointed in Grade I cadre

Article 4: The provisions of this law are applied to the heads of decision-making authorities (Boards of directors) and the heads of executive authorities (Directors and Director Generals) in public agencies. The following corps are exempted form this law: Judiciary, GDC, Presidents of CSB, CIB, and members of CSB and CIB commissions, Governor and deputy Governors of Central Bank, Directors of security forces, Director of NSSF, members and Director of the Committee of Control over Banks, and the academic institutions. Also exempted from appointment by contract are the foreign service employees, and security corps;

Article 6: The Council of Ministers is authorized to provide expenditures for the expenses of the application of this law; these expenses are covered by a decree issued by the Council based on the suggestion of the Minister of Finance;

Article 7: When needed, the details of the application of this law are determined by decrees issued by the Council of Ministers based on the suggestion of the Prime Minister;

Article 8: This law becomes effective as soon as it is published in the Official Gazette.

Source: (Sfeir 2002b).

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10.   These conclusions were part of a CSB report to the Council of ministers regarding the result of the application of Decree 5240/2001 which requested that the CSB starts the process of surveying the   number of overstaffed employees in public sector. A summary of the report was published in the daily Annahar by journalist Rita Sfeir on 1 February 2002.

- See more at: https://www.lebarmy.gov.lb/en/content/lebanese-adminstrative-reform-experience-1992-2002-political-institutional-perspective#sthash.1Ro4DNlD.dpuf