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ISSAM FARES INSTITUTE FOR PUBLIC  
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معهد عصام فارس للسياسات العامة  
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Rashad Center for Cultural Governance



# Policy Brief No.2 Energy Policy Reform

## Reforming the Power Sector in Lebanon: Issues and Challenges

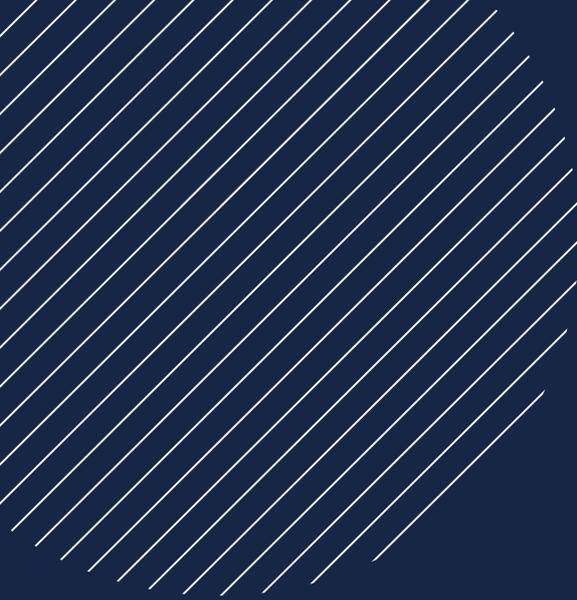
**Frederic Khair**

Issam Fares Institute for Public Policy and  
International Affairs - American University of Beirut

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تقرير





## About the Author

Frederic Khair is Issam Fares Institute for Public Policy and International Affairs' consultant for the "Tahawor" project. He was born in Beirut in 1983 and is a political advisor and analyst. He holds a BA in Administrative and Political Sciences from the Saint Joseph University in Beirut (USJ), an MSc (Grande Ecole Programme) from ESCP Business School and is a graduate of the Foreign Service Programme (Diplomatic Studies) from the University of Oxford. Since 2005, he has been working as a consultant for political figures, political parties, think tanks and public institutions in Lebanon and the Arab countries.

In 2012, he was part of the US State Department's IVLP program for young leaders in the world. He ventured into politics early on and was one of the leaders of youth and student organizations between 2005 and 2008.

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*This policy brief is the result of a partnership between the Adyan Foundation (Adyan) and the Issam Fares Institute for Public Policy and International Affairs (IFI) at the American University of Beirut. The partnership consists of a project conducted under the name of the Tahawor (تَحوُّر) (US Embassy-funded) program, which aims to consolidate values-driven-human-centered reform dynamics.*

*As part of this project, IFI held three workshop sessions in May, June, and July 2024 to address electricity policy reform, oil and gas governance, and the energy transition in Lebanon. The workshops were led by Marc Ayoub<sup>1</sup>, Diana Kaissy<sup>2</sup> and Jessica Obeid<sup>3</sup>. Experts engaged in interactive discussions with MP staffers to highlight gaps in these policies and recommend reforms and address challenges upon their implementation.*

*The second element of the Tahawor program - addressing the electricity and energy sector compact of reforms - focused on the implementation of structural reforms and policies, from a parliamentary perspective, to find solutions to the major problems currently being faced.*

*Furthermore, it addressed the challenges facing oil and gas governance and the current realities of a potential energy transition. These reforms and policies are essential for the sector's recovery and the development of an institutionalized and transparent system that can provide the services needed.*

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<sup>1</sup> Marc Ayoub is an energy policy researcher and consultant, currently pursuing his PhD at the University of Galway, Ireland. He is an IFI Associate Fellow and a former nonresident Fellow at the Tahrir Institute for Middle East Policy (TIMEP). His work revolves around influencing policymaking through evidence-based research, focusing on national energy policies in the MENA region.

<sup>2</sup> Diana Kaissy is an Energy Governance Specialist, former Executive Director of the "Lebanese Oil and Gas Initiative" NGO and active member of several energy initiatives and think tanks, currently pursuing an MSc in Energy Studies at the American University of Beirut.

<sup>3</sup> Jessica Obeid is an Energy Engineer and Policy Consultant, specialized in the development of low-carbon energy systems. She has held advisory and consultancy roles at the United Nations Economic and Social Commission for Western Asia and the World Bank among several other entities.

## Introduction

More than thirty years after the end of the Lebanese Civil War (1975-1990), Lebanon's power sector is still prone to significant failures, leading to repeated blackouts across the country. Consequently, the Lebanese people have been deprived of access to one of their most basic needs and rights over the past few decades. Most recently, this situation has been attributed to continuous fuel shortages, over and above-high generation costs, operational inefficiency, weak governance, corruption, and poor collection practices. In fact, since 1992, approximately USD 40 billion has been allocated to the electricity sector, including subsidies, accounting for about 40% of Lebanon's government debt<sup>4</sup> primarily spent on purchasing fossil fuels. Following the outbreak of the financial crisis in 2019, the central bank failed to provide additional funds for further fuel imports, uncovering the multiple flaws in the governance of public utility Electricité du Liban (EDL).

Moreover, the government's temporary emergency plans have also been unsuccessful in increasing hours of power supply to citizens. These have relied mostly on an agreement signed between Lebanon and Iraq in the summer of 2021, consisting of receiving high-sulfur fuel oil that was unusable by EDL plants, which would then be exchanged, through a tender mechanism, for other types of fuel compatible with these power plants. In return, the Lebanese Finance Ministry would pay the price of these shipments into an account at the central bank, to be spent within Lebanon in exchange for services<sup>5</sup>. This agreement was the only solution that the Lebanese government relied on as part of an emergency plan approved in 2022. Despite EDL tariff increases to secure additional hours of power supply, reliance solely on the effects of this agreement without searching for other alternatives led to several blackouts since its signature.

The failure of this temporary measure has underlined the desperate need for major structural reforms in the sector, complemented by the adoption of sustainable solutions and policies that would allow for the diversification of the sources of power generation and distribution.

## Methodology

To address electricity sector reforms in depth, IFI organized three dialogue sessions on electricity reform policies, oil and gas sector governance, and the energy transition. This policy brief summarizes the key discussions held during these sessions to bridge differences and promote new legislative dynamics in these areas.

We follow a qualitative approach based on information provided by experts and published reports. We have also taken into account the outcomes of the focus group sessions, during which members of parliament from different political blocs and their staffers actively participated and exchanged opinions.

4 Konrad-Adenauer-Stiftung (KAS), Natural Resource Governance Institute (NRGI), & AUB Issam Fares Institute for Public Policy and International Affairs (IFI). (2020). Keeping the Lights on. In A Set of Pressing Challenges at all Levels. [https://www.aub.edu.lb/ifi/Documents/publications/Other%20Publications/2021202103/2022-Keeping\\_the\\_Lights\\_on\\_paper.pdf](https://www.aub.edu.lb/ifi/Documents/publications/Other%20Publications/2021202103/2022-Keeping_the_Lights_on_paper.pdf).

5 Iraq approved fuel supply for Lebanon. Two fuel oil shipments will be unloaded at the Zahrani and Deir Ammar power plants (July 11, 2024). L'Orient Today. <https://today.lorientlejour.com/article/1419997/iraq-approved-fuel-supply-for-lebanon.html>.

## Reforming the Electricity Sector

### ***The Government Electricity Recovery Plan and National Emergency Action Plan: achievements and failures***

Following the outbreak of the October 2019 financial crisis and the collapse of the Lebanese Lira, the country entered a period of severe shortages causing long-lasting blackouts. Citizens were forced to rely heavily on private generators already installed in city neighborhoods and villages. However, the generator bills were paid in hard currency or so-called “fresh dollars” and thus became much more expensive in light of the crisis.

In fact, this situation reached a point whereby the vast majority of Lebanese households were unable to pay their electricity bills, with nearly one in four households having their electricity shut off as a result<sup>6</sup>. Meanwhile, on August 4, 2020, EDL’s National Control Center was destroyed in the Beirut Port blast, exacerbating the sector’s efficiency and management.

Following the appointment of the Mikati government in September 2021, it was not until March 2022 that an action plan titled “Setting Lebanon’s Electricity on a Sustainable Growth Plan” saw the light.

The plan’s goal was to secure additional hours of EDL power supply as follows<sup>7</sup>:

***1- Increasing supply hours while preparing to increase generation capacity on the grid. The plan entails providing 8-10 hours of electricity supply per day through electricity imports from Jordan and natural gas imports from Egypt.***

***2- Increasing generation by commissioning new power plants with the participation of the private sector.***

***3- Improving the performance of the network, reducing losses, and enhancing collection through a comprehensive plan covering the installation of smart meters, restoring illegal connections removal campaigns escorted by the security forces with the needed political backing, enhancing collection, and promoting domiciliation of electricity bills.***

***4- Achieving financial sustainability through implementing a new tariff, indexed to international oil prices and the USD exchange rate.***

***5- Addressing the regulatory and legislative frameworks as soon as possible, including the immediate launching of the recruitment process of ERA commissioners as per Law 462/2002, and nominating them in compliance with international standards and in line with the roadmap proposed by the World Bank.***

However, most of these proposed initiatives were not implemented, due to the political situation and the difficulty in securing financing from the World Bank to get gas from Egypt and electricity from Jordan. Additionally, the failure to obtain a waiver given the sanctions on Syria, made it impossible to connect the grid to a regional power network for both gas and electricity.

6 Simet, L. (2023). Cut Off from Life Itself. In Human Rights Watch. <https://www.hrw.org/report/202309/03/cut-life-itself/lebanons-failure-right-electricity>

7 Setting Lebanon’s Electricity Sector on a Sustainable Growth Path. (2022b). In Policy Statement (p. 1). [https://energyandwater.gov.lb/mediafiles/articles/doc-10077846\\_22\\_10\\_31\\_03\\_2022-.pdf](https://energyandwater.gov.lb/mediafiles/articles/doc-10077846_22_10_31_03_2022-.pdf).

Moreover, the political crisis that followed the end of the presidential term resulted in a caretaker government with limited authority, which put the approved plan of 2022 on hold. This pushed the Ministry of Energy and Water (MoEW) to propose an alternative emergency action plan in the summer of 2022. The plan involved Lebanon's central bank financing around USD 600 million to provide six months of state power for around eight hours a day. It was then reduced to a treasury advance of around USD 300 million over five months to cover the cost of gas and fuel oil, as well as the maintenance of the sector to provide four hours of electricity per day. As a result, in January 2023, the government approved a USD 116 million treasury advance, with the release of a further USD 184 million contingent on the formation of a ministerial committee to which EDL would have to report periodically<sup>8</sup>. To date, around USD 200 million of the total budget has been disbursed.

The electricity sector has suffered significant delays in reforms due to disputes between political parties. This highlights the urgent need to enforce Law 462/2002, which proposes the establishment of an authority to supervise and administer the sector.

### ***The challenges of implementing Law 462/2002***

Law 462/2002 sets out a framework that allows for the establishment of an independent Electricity Regulatory Authority (ERA) under Article 7. The ERA would oversee the technical aspects of the electricity sector and manage the licensing process for power generation, distribution, and transmission. This would also lead to the restructuring of the sector, enabling private sector participation in energy distribution and generation, which is currently solely managed by EDL. In addition, transmission activities will continue to be owned by the public utility, necessitating the establishment of a transmission company. (Article 5)<sup>9</sup>. This would be followed by the appointment of an ERA chairman and four members, who would issue the authority's internal bylaws and start the unbundling of the EDL process.

The delay in implementing this law is due to an ongoing debate about the need to amend it. Former energy and water ministers have argued that the law contradicts their powers as defined by Article 66 of Lebanon's Constitution. According to this article, ministers have the authority to manage state interests and are responsible for implementing laws and regulations related to their respective Ministries<sup>10</sup>.

However, Law 462/2002 gives the minister powers in the first section of Article 8 and Article 10 in the creation and termination of the authority. It also grants him authority, as per Article 6<sup>11</sup> over the regulation of the electricity sector. Furthermore, the law defines the roles of both the minister and the authority (Article 12) in a complimentary manner, which proves that the law does not contradict the minister's prerogatives.

Nevertheless, the repeated amendments to Article 7 of Law 462/2002, which gives the ERA the authority to grant licenses for electricity generation to the private sector, are causing significant and further delays in its implementation. These amendments state that this authority is temporarily granted to the Council of

8 Homs, N. (2023b, January 18). Lebanese to get extra four hours of daily electricity in \$116m move. The National. <https://www.thenationalnews.com/mena/lebanon/202318/01/lebanons-cabinet-meets-with-electricity-crisis-topping-agenda/>

9 Ayoub, M., & Rizkallah, P. (2021b). Unbundling Lebanon's Electricity Sector. In Issam Fares Institute for Public Policy and International Affairs. [https://www.aub.edu.lb/ifi/Documents/publications/research\\_reports/202020211020/2021-\\_unbundling\\_lebanon\\_electricity\\_sector\\_research\\_paper\\_pdf.pdf](https://www.aub.edu.lb/ifi/Documents/publications/research_reports/202020211020/2021-_unbundling_lebanon_electricity_sector_research_paper_pdf.pdf)

10 Article 66 of the Lebanese Constitution

(As amended by the Constitutional Law of October 17, 1927 And the constitutional law of September 21, 1990)

Only Lebanese who satisfy the conditions for becoming deputies may assume ministerial posts.

The Ministers shall administer the Government's services and shall be entrusted with applying the laws and regulations, each one pertaining to matters relating to his department.

Ministers shall be collectively responsible before the Chamber for the general policy of the Government and individually responsible for their personal actions.

11 Law of Electricity Sector Organization. (n.d.-b). In Law (pp. 1–4). [https://rise.esmap.org/data/files/library/lebanon/Renewable%20Energy/Lebanon%20law%20462\\_2002\\_EN.pdf](https://rise.esmap.org/data/files/library/lebanon/Renewable%20Energy/Lebanon%20law%20462_2002_EN.pdf)

Ministers upon the proposal of both the Minister of Energy and Water and the Minister of Finance. Therefore, these repeated amendments causing delays in the appointment of ERA members should not be voted upon anymore.

The implementation of Law 462/2002 is a crucial step toward reforming the sector. It involves not only granting licenses to the private sector to generate electricity, but also allowing qualified specialists to provide solutions and govern the public utility without political interference and disputes. Therefore, it is imperative to implement this law and appoint competent members to the authority to manage the sector efficiently.

## The Challenges of Integrating Renewable Energy into the Sector

### *Technical challenges*

The electricity sector has a significant opportunity for development through the integration of renewable energy (RE) into the market. Following the financial crisis, there have been substantial investments in renewable technologies. The MoEW reported that in 2010, Lebanon had almost no solar energy projects, but by 2020, there were around a thousand private projects, with a combined capacity of around 100 megawatts. The latest figures note that Lebanon's cumulative capacity has probably surpassed 1,500 megawatts by June 2024<sup>12</sup>. Additionally, the International Renewable Energy Agency estimated that the technical potential for utility-scale solar photovoltaic (PV) systems could reach around 182 gigawatts (GW), indicating the substantial potential for solar energy in Lebanon<sup>13</sup>.

However, investment in solar energy has primarily relied on financing from banks and development agencies and has been limited to small-scale distributed renewable projects. In 2021, solar power only accounted for 0.73% of the total annual electricity generated by EDL. According to a survey conducted by UNDP Lebanon and IFI 2021, nine solar based "community microgrids," mostly funded by international organizations, were installed between 2016 and 2020. Additional ones are reported to have been installed during the crisis over the past five years.

This highlights the importance of establishing and executing policies with rewards to promote the production of RE on a larger scale, utilizing micro-financing, loans, and grants. Nonetheless, the development of these alternatives can face many challenges, some of which are technical - such as the lack of control over the quality of the imported solar panels - or political - where "thousands of individuals earn substantial sums from the delivery of electricity from local diesel generators<sup>14</sup>." In this case, "an expansion of renewables could reduce the profitability of these activities as the demand for fuel would fall<sup>15</sup>."

12 Abou AlJoud, S. (2024, May 13). Experts weigh in: Why is Lebanon's solar 'boom' no longer booming? L'Orient Today. Retrieved May 13, 2024, from <https://today.lorientlejour.com/article/1413635/experts-weigh-in-why-is-lebanons-solar-boom-no-longer-booming.html>

13 Ayoub, M., McCulloch, N., & SOAS University of London. (2021). The economics and politics of integrating renewables into electricity concessions in Lebanon [Briefing Paper]. Anti-Corruption Evidence. [https://www.aub.edu.lb/ifi/Documents/publications/policy\\_briefs/202020210618/20\\_the\\_economics\\_and\\_politics\\_of\\_integrating\\_renewables\\_into\\_electricity\\_concessions\\_in\\_lebanon\\_pdf.pdf](https://www.aub.edu.lb/ifi/Documents/publications/policy_briefs/202020210618/20_the_economics_and_politics_of_integrating_renewables_into_electricity_concessions_in_lebanon_pdf.pdf)

14 Ayoub, M., & McCulloch, N. (2021b). The economics and politics of integrating renewables into electricity concessions in Lebanon. Anti-Corruption Evidence. [https://www.aub.edu.lb/ifi/Documents/publications/policy\\_briefs/202020210618/20\\_the\\_economics\\_and\\_politics\\_of\\_integrating\\_renewables\\_into\\_electricity\\_concessions\\_in\\_lebanon\\_pdf.pdf](https://www.aub.edu.lb/ifi/Documents/publications/policy_briefs/202020210618/20_the_economics_and_politics_of_integrating_renewables_into_electricity_concessions_in_lebanon_pdf.pdf)

15 Ibid

## **Legal and legislative challenges**

The Decentralized Renewable Energy Law or Law 318/2023 was ratified in December 2023. This law allows for the integration into the energy legal framework of net metering, or the utility billing practice of recording the excess energy generated by a solar installation and applying it to the customer's bill as credit toward energy drawn from the grid.<sup>16</sup> In other words, it allows owners of RE systems to sell their surplus in exchange for credit towards their bill. It also "tracks both energy consumed from the utility grid, and energy exported by the renewable energy system<sup>17</sup>."

On the other hand, an Energy Efficiency Law, drafted and endorsed by the Council of Ministers in, aims to "promote behavioral changes and the use of more efficient appliances and equipment through a combination of economic policies and incentives<sup>18</sup>." This draft law complements Law 462/2002, which stipulates that the production of renewable and clean energy for personal use up to a maximum capacity of 1.5 MW, is possible without the need for a license from the ERA. For larger capacities, the Council of Ministers have been issuing licenses in the absence of the ERA.

It is evident that under the current system, no reforms can be implemented. Therefore, it is crucial to appoint members of the ERA who will be responsible for studying and monitoring the installation of sustainable renewable power plants, in a way that would serve more citizens and a larger number of communities across the country.

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16 Zientara, B. (n.d.). What Is Net Metering And How Does It Work? <https://www.solarreviews.com/blog/what-is-net-metering-and-how-does-it-work>

17 Documentary Team, Ayoub, M., McCulloch, N., Otayek, M., Kashman, A., & El-Eryani, A. (n.d.-b). What Drives Solar Energy Development? Evidence from Lebanon, Jordan, and Yemen. In Issam Fares Institute for Public Policy and International Affairs (IFI) and Natural Resources Governance Institute (NRGI). <https://www.aub.edu.lb/ifi/Documents/solar-energy-development-lebanon-jordan-yemen.pdf>

18 Ibid

## Oil and Gas Governance

### *Legislative and legal framework for the development of oil and gas activities*

The legislative framework of the petroleum sector consists of laws, decrees, and decisions that cover all phases of the petroleum value chain<sup>19</sup>. This framework includes an authority to regulate the sector and well-defined, transparent processes for companies to prequalify to be eligible to operate in the market.

The first piece of legislation that has set the pillars for the governance of the sector is the Offshore Petroleum Resources Law (132/2010), which was passed in 2010. This law created the Lebanese Petroleum Authority (LPA), which shall enjoy “financial and administrative autonomy with the Minister exercising tutelage authority<sup>20</sup>” (Article 19) and be appointed by a decree from the Council of Ministers.

This authority is responsible for drafting bid invitations and licensing processes, as well as assisting the minister in negotiations with bidding companies. It also ensures supervision of the sector, implementation of relevant agreements, and evaluation of performance<sup>21</sup>.

The law was completed with the issuance of the implementation Decree no.7968 on April 7, 2012, which has implemented the internal regulations of this authority, which “shall be formed of six full-time members, all appointed for a period of six years, renewable for one time, upon the proposal of the Minister of Energy and Water, in a Decree issued by the Cabinet<sup>22</sup>.”

The Board, as indicated in Article 10 of the law, is in charge of preparing and defining the prerequisite conditions for the Offshore Licensing Round for Hydrocarbon Exploration and Production. Its role, which is therefore essential for the licensing and bidding processes, can be conflicting with Article 66 of the Constitution, concerning the prerogatives of the ministers.

The establishment of the LPA has faced challenges and setbacks. Three out of six appointed members have resigned and were not replaced, while the terms of the remaining three members are expiring soon. Moreover, the performance of the LPA has been negatively affected by various factors since its appointment. Significant delays in the prequalification process, as set by Decree 9882/2013, have led to a decrease in the number of companies bidding for offshore oil and gas exploration in Lebanon. The number of bidding companies dropped from 52 in 2013 to three in 2017 due to delays, falling international prices, and internal political disputes<sup>23</sup>. The second licensing round has resulted in bids for oil and gas blocks 8 and 10, with a consortium of Total Energies, ENI, and Qatar Energy applying<sup>24</sup>. The consortium later failed to sign contracts for the exploration and exploitation of these blocks<sup>25</sup>, and the deadline for the submission of bidding applications for the third licensing round has been extended from July 2, 2024, to March 17, 2025<sup>26</sup>.

19 Legislative Framework, Lebanese Petroleum Administration, <https://www.lpa.gov.lb/english/sector-governance/legislative-framework>.

20 Ibid

21 Ibid

22 Ibid

23 Kaissy, D. (2024, June). Governance of Lebanon's petroleum sector. ISSAM FARES INSTITUTE IN COLLABORATION WITH ADYAN FOUNDATION, Beirut, Lebanon.

24 Consortium of TotalEnergies, ENI, QatarEnergy bids in Lebanon oil and gas licensing round. (2023, October 2). Asharq Al-Awsat English. <https://english.aawsat.com/business/4581191-consortium-totalenergies-eni-qatarenergy-bids-lebanon-oil-and-gas-licensing-round>

25 Hage Boutros, P., & Grandchamps, C. (2024, February 18). Blocks 8,10 of Lebanese EEZ: Consortium fails to sign contracts: The two blocks are de facto back in the running for the third tender. L'Orient Today.

26 <https://www.lpa.gov.lb/english/licensing-rounds/third-licencing-round/timeline1>

## **Seismic data sales collection revenues**

As for the seismic data that was acquired for the relevant blocks, these were obtained through a survey that started in 2010. In accordance with Article 5.4 of the tender protocol of the offshore licensing rounds, companies applying for the license are obligated to purchase these surveys.

Article 5.4 specifies that when submitting an application, the applicant must provide evidence of payment for the license purchase price for all 3D seismic data related to the block in question (the 3D license purchase price), as well as for any other geophysical surveys conducted for the same block. According to Article 3 of the Offshore Petroleum Resources Law<sup>27</sup>, the revenues generated from the activities of the petroleum sector are to be deposited in a Sovereign Wealth Fund. Nevertheless, this fund has still not been created and the revenues generated from the data sale were deposited in a special account at the central bank. This is in clear violation of Article 83 of the Lebanese Constitution - which stipulates that “each year, at the beginning of the October session, the Government shall submit to the Chamber of Deputies the general budget estimates of State expenditures and revenues for the following year” - and of Article 158 of the Public Service Accountability Law<sup>28</sup>. Moreover, this special account cannot be subject to financial scrutiny and public budget and is thus excluded from parliamentary oversight.

However, creating a Sovereign Wealth Fund without setting a clear strategy can represent a new financial burden for the public sector. The best option would be to request an independent audit of the account concerned, knowing that the LPA has published the amount of the funds retrieved from the recollection process on its website. This action should follow a legal procedure available to parliament members under Law 233 regarding the right to access information. This law allows individuals to request access to documents from state offices, public institutions, or private entities, either online or through a designated Information Officer at each of these entities<sup>29</sup>. Despite being a positive step, this law has led to numerous challenges that made the process of access to information “arduous, bureaucratic, slow, and inefficient<sup>30</sup>.”

This important step would not only clarify the status of the funds collected in this account, but it would also initiate a parliamentary process focused on accountability and transparency. In other words, this action would grant quick results and create a shared success among the different parliamentary blocs.

27 Article 3: Principles for the Management of Petroleum:

1- The aim of this law is to allow the State to manage Petroleum resources in Waters.

2-The net proceeds collected or received by Government arising out of Petroleum Activities or Petroleum Rights shall be placed in a sovereign fund.

3- The statute regulating the Fund, the rules for its specific management, the principles of investment and use of proceeds shall be regulated by a specific law, based on clear and transparent principles for investment and use of proceeds that shall keep the capital and part of the proceeds in an investment fund for future generations, leaving the other part to be spent according to standards that will guarantee the rights of the State and avoid serious, short or long- term negative economic consequences.

28 Ghosn, J. (2019b). Follow the money: tracking revenues from sales of seismic data to enhance public accountability. Lebanese Oil and Gas Initiative. [https://logi-lebanon.org/uploaded/202037/2/FLLRMA\\_Seismic%20Data%20Inestig%20-%20English.pdf](https://logi-lebanon.org/uploaded/202037/2/FLLRMA_Seismic%20Data%20Inestig%20-%20English.pdf)

29 Access to information in Lebanon: the law and its implementation. (n.d.). LCPS. <https://www.lcps-lebanon.org/en/articles/details/4833/access-to-information-in-lebanon-the-law-and-its-implementation>

30 Ibid



## Policy Recommendations

Based on the sessions conducted, and expert opinions and consultations gathered, the main policy recommendations stemming from these discussions should revolve around the following key issues:

***- The implementation of Law 462/2002, including the appointment of members of the Electricity Regulatory Authority (ERA), while stopping any further amendments to Article 7 of the law, which gives a temporary prerogative to the Council of Ministers to grant licenses for electricity generation to the private sector.***

***- Request an inquiry on the status of the seismic data collection revenue through the Right to Access Information Law.***

## **Issam Fares Institute for Public Policy and International Affairs**

Inaugurated in 2006, the Issam Fares Institute for Public Policy and International Affairs (IFI) at the American University of Beirut is an independent, research-based, policy-oriented institute. It aims to initiate and develop policy-relevant research in and about the Arab world. The Institute aims to bridge the gap between academia and policymaking by conducting high quality research on the complex issues and challenges faced by Lebanese and Arab societies within shifting international and global contexts, by generating evidence-based policy recommendations and solutions for Lebanon and the Arab world, and by creating an intellectual space for an interdisciplinary exchange of ideas among researchers, scholars, civil society actors, media, and policy makers.

## **Adyan's Rashad Center for Cultural Governance**

The Rashad Center for Cultural Governance is Adyan's Think-Do-Tank for and enhancement of cultural governance and diversity management. It is the newest expansion of Adyan's structure to respond to improved diversity management across political and educational public policies, legislation, and affairs. Since 2017, the center runs a variety of local and international projects that focus on advocacy and policy dialogue dedicated to improving private and public responses to arising challenges in the field.





