**DEMOCRACY
REPORTING
INTERNATIONAL**

Are municipalities in Lebanon delivering?

Survey results on solid waste management, public safety, and citizen outreach at the local level*

Executive Summary

Since the reopening of municipal elections and the reinstatement of the role of local authorities in 1998, the relationship between local governance and service delivery has grown in importance. With the influx of Syrian refugees to Lebanon, policy priorities and humanitarian and crisis response interventions have been increasingly focused on municipalities and unions of municipalities. But the creation of more than 350 new municipalities since 1998 has made municipalities smaller, weaker, and more dependent on the central government and foreign funding to fulfil their duties. It has also made the elected municipal councils more prone to the interference of political parties and the influence of sectarian patrons to receive technical guidance and access funding opportunities.

Municipalities and municipal unions therefore face long-standing structural and institutional challenges, many of which have a direct bearing on their ability to effectively and successfully deliver public services. In 2018, Democracy Reporting International (DRI) surveyed 11 central government administrations and 209 municipalities across Lebanon's 24 districts and 8 governorates, to identify and assess the challenges facing local service delivery in three policy areas and service sectors, namely: solid waste management (SWM); public safety and the role of municipal police; transparency and citizen participation. These sectors were chosen in view of the municipalities' growing responsibility for managing their waste and addressing security concerns and environmental degradation in the wake of the 2015 "waste crisis" and the protracted refugee crisis. Furthermore, the government's enactment of the Access to Information (ATI) Law in 2017 raises the question whether it is being implemented and used.

Municipalities and Solid Waste Management

In Lebanese legislation, SWM is mostly the responsibility of local authorities. In the mid-1990s, however, it was placed under the responsibility of the central government in two regions: Beirut and Mount-Lebanon, a service area generating more than half of the country's waste stream. Beyond this zone, waste management was a joint responsibility between local authorities, the central government and sometimes international donor organisations. The infamous "waste crisis" of the summer of 2015, particularly serious in Beirut and Mount-Lebanon, revealed the inefficiency of the government's centralised SWM policies and created a momentum to re-involve local authorities in SWM. Since then, local authorities are increasingly developing their own SWM projects, but the necessary know-how to plan and execute an integrated SWM system along the principles of good governance are still largely missing.

Today, all municipalities outside of the Beirut and Mount-Lebanon service zone are, in a way or another, involved in waste management, compared to only 70% in Mount-Lebanon where municipalities still suffer from the heavy legacy of centralisation operated between 1994 and 2015. In terms of the SWM tasks performed by the municipality, 93% of municipalities are involved in waste collection. As the stages of waste management and treatment become more advanced (composting, sanitary landfilling, recycling, mechanical and biological treatment, thermal treatment), fewer and fewer municipalities become involved. But some small municipalities present successful examples in reducing, sorting and re-selling their waste.

Local authorities involved in SWM rely heavily on the personal intervention of mayors rather than on municipal staff members or specialised technical units. Municipalities coordinate with municipal unions, civil society actors and international donor organisations, while coordination with the central government and line ministries is low. This denotes a lack of institutional backstopping and little-to-no technical guidance from central government agencies, which could be secured by authorities like the Ministry of Interior and Municipalities (MoIM), the Office of the Minister of State for administrative Reform (OMSAR), the Ministry of Environment (MoE) or the Council for Development and Reconstruction (CDR), until the establishment of a national regulatory body that oversees projects conducted by local authorities.

In terms of favoured solutions for SWM, 60% of municipalities surveyed consider integrated and decentralised solutions to SWM as the most plausible answer to the waste crisis, indicating that solutions and sector reforms should be enacted at the level of the municipality as well as at the regional levels of government. That being said, three-quarters of municipalities do not have a clear strategic plan for integrated SWM, and have insufficient financial, technical and human resources. Small municipalities are markedly less likely to have any plan for SWM. This is unsurprising given the absence of a national master plan at the central government level for integrated SWM, which would set a reference framework for localised and contextualised interventions. In addition, municipalities do not envisage cost recovery methods to recoup their SWM expenses because the law does not allow them to introduce new taxes or fees. Financial incentives from the central government are also not available, with alternative means of financing is mostly limited to foreign funding.

The enactment of the ISWM Law No. 80/2018 constitutes a significant step towards waste sector reform but many legal elements are still missing to ensure sustainable SWM financing and institutional backstopping on technical matters. In addition, while the principle of administrative decentralisation in

waste management is enshrined in Article 9 of the new law, the central government is given a large discretion to run its own SWM projects, thus destabilising the power of decentralised authorities. Finally, the law does not outline a clear institutional framework for an integrated waste management system and does not address the need to develop regionalised waste management systems that will provide economies of scale by unifying several local authorities in broader geographical areas..

Strengthening the role of local authorities in solid waste management therefore requires that:

- Lebanon's ISWM system firmly abide by the principles of decentralisation and subsidiarity[1], with smaller municipalities focusing on waste reduction, sorting at source and basic composting while integrated programmes for waste disposal, treatment, recovery and re-use are carried out at a more regional scale by one or multiple municipal unions combined.

- The MoE and the Council of Ministers (CoM) adopt a national master plan that serves as an overarching framework for regional and local SWM plans, ideally to allow local authorities to benefit from economies of scale. Local authorities should manage their waste in accordance with international standards of the circular economy and the policy priorities outlined in the waste management hierarchy.

- Elected municipal officials and staff members be given the necessary know-how to plan and implement SWM strategies in cooperation with CSOs and local citizen groups. Local authorities should be also allowed to levy cost recovery fees from their communities to ensure the financial sustainability of the SWM cycle. For this, the Lebanese government needs to adopt legislation or a regulation that warrants the cost recovery system.

Municipalities and Public Safety

Driven by a growing need for local policing and a conviction that local authorities should undertake increased security and law enforcement functions, the government has encouraged them to establish and expand municipal police. In 2017 and 2018, the MoIM introduced, with the assistance of UNDP, model bylaws that guide municipalities and municipal unions in the institutionalisation of their local police forces in terms of defining their competencies, internal hierarchy, the terms of appointment, promotion, training and social benefits. On the ground, however, local police forces remain modest in size.

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1   The subsidiarity principle means that every function that can be fulfilled by a lower tier of government should be transferred to that level of government. See DRI. (2017). Decentralising Government: What You Need To Know. Briefing Paper No. 87. Berlin: DRI. June 2017. Pp. 5, 8 and 14.

Local authorities are increasingly responsible for law enforcement, security, responding to environmental crises, curbing building violations and removing encroachments on public property. This necessitated the establishment of municipal law enforcement and civil defence units responsible for more than just traffic management, street patrolling and menial prevention tasks. Municipalities have also found themselves at the forefront of crisis response plans, facing demands to provide housing and services to displaced Syrians.

More than three-quarters of the municipalities surveyed have a local police force, whereas a smaller number of local authorities have civil defence units (e.g. fire brigades and rescue units). The duties of municipal police forces vary considerably. This is unsurprising in the absence of a national and comprehensive law organising the municipal police and civil defence sectors. It reduces municipal police forces' ability to enforce laws and regulations and perform its duties as first responder and judicial police.

The absence of a comprehensive law leaves the municipal police units sometimes to the discretionary powers of the mayor. In some localities, municipal police units are seen as status symbols or personal assistants, serving the private interests of municipality council members and local elites. Furthermore, 82% of the municipalities complain that their municipal police forces face a shortage in technical, financial and human resources. In 75% of the municipalities, the average number of police officers does not exceed 3 (on average 1 permanent and 2 temporary), and most of them have not received any official training.

Complicating this, there exists a legal and institutional confusion over the prerogatives of the municipal police and its lines of authority, especially in relation to union police forces and to other security agencies. In terms of municipal police officers, standardised merit-based recruitment procedures are lacking. Furthermore, municipal police forces also lack proper and regular training in the absence of a municipal police academy. Instead, officers receive sporadic and non-standardised training at the Internal Security Forces (ISF).

Despite these gaps, the municipal police are the security-sector actor in closest proximity to the public and, thus, have become an important actor regulating daily life at the local level. They are first responders and the immediate point of reference in local policing and public safety. This also increases their responsibility to respect and preserve rights and freedoms, but municipal police have attracted unfavourable perceptions and negative public views. Vulnerable populations groups have been especially susceptible to excesses and violations by local police units. Several incidents in recent months indicate that migrant and domestic workers, Syrian refugees, and members of the LGBTIQ communities in Lebanon are particularly vulnerable to municipal police violations.

To enhance the role of local authorities in policing and public safety, it is imperative that:

- A comprehensive law organising the municipal policing sector is enacted, akin to the laws organising and governing the ISF. Such a law must (a) confirm the judicial nature of local police,[2] (b) delineate the responsibilities and prerogatives of municipal police forces and civil defence units, and (c) organise the relationship between local police and other sectors of the security apparatus, e.g. the municipal union police, civil defence units, the Lebanese Armed Forces (LAF), the ISF, General Security, State Security, the Tourist Police, the Environmental Police (if one is created) as well as the units of the Red Cross or the Red Crescent.

- An academy for local police training is established and a comprehensive standard training curriculum is developed and systematically delivered prior to recruitment and at regular intervals afterwards.

- Standardised emblems, vehicles and uniforms are adopted to (a) bolster the professional appearance of local police units, and (b) ensure that local police officers and assets are recognisable to citizens.

- The law, enforced through ministerial decrees and subjected to judicial and civil society scrutiny, ensures that local police and civil defence units adhere to international human rights standards. Compliance with these should be an integral part of the training curriculum.

- Technical and financial resources are increased to allow the recruitment of permanent local police officers, with the social benefits this entails.

Government Transparency, Outreach and Citizen Participation

As the government tier closest to the citizens, municipalities are a focal point to which citizens turn to propose or oppose projects and influence development choices affecting the community. In February 2017, the adoption of the ATI Law promised a step forward in the relationship between citizens and public administrations, including local ones. According to the law, public administrations are required to publish electronically all budgets, decisions, annual reports and tenders as well as ministerial decrees, circulars and enforcement regulations. Although little progress has been made to implement its provisions, the law is significant as it obliges local authorities to reach out to the public. This could serve as leverage for greater government integrity and political accountability.

2   Granting local police the judicial police status would make it partly responsible for the enforcement of criminal law, thus placing it under the competence of the judiciary power.

However, more than half of the municipalities surveyed were unaware of or unaffected by the provisions of the ATI law. Outreach and transparency efforts by the national government remain limited, even in regions where municipalities receive large donor assistance conditioned on the expansion of citizen participation and public disclosure.

Instead, our analysis shows that municipalities publish their documents in a selective and non-systematic manner, most commonly to publicise their performance and promote their achievements in order to seek validation for their policies and claim ownership over their accomplishments. This betrays a problematic perception that citizens' participation and prerogative to accountability is largely limited to elections.

In terms of communication channels, most municipalities operate an official website and/or an official Facebook page. Municipalities also organise public consultative meetings to highlight their achievements and consult members of the public. However, only 29% of municipalities surveyed organise such meetings. Closed expert and stakeholders' meetings are marginally more common means of communication and participatory decision-making, with 49% of the municipalities claiming to organise such meetings on a regular or semi-regular basis. This indicates that municipalities rely more heavily on interpersonal and informal means of communication with their constituencies.

Another aspect of local governance lies in its capacity to engage citizens in decision-making. Overall, municipalities' self-assessment of citizen engagement is very low. Only 7% of the mayors said that residents are engaged in decision-making and 47% said their citizens are "engaged when needed". This demonstrates, that despite some legal leverage, Lebanon lacks a political culture of participation at the local level.

The following reforms are recommended:

1. To improve government integrity, transparency and public outreach:

■ The law on the establishment of a National Anti-Corruption Commission should be quickly enacted, as per the provisions of the ATI Law. The commission, which should oversee the implementation of the law and act as a watchdog over public administrations and local authorities, should be granted full autonomy and adequate resources to fulfil its role.

■ Relevant actors like OMSAR, MoIM, CSOs and international organisation should undertake awareness campaigns and competence development programmes to familiarise citizens, elected officials and public servants with the legal and regulatory framework governing transparency, open data and government integrity. Local authorities should be given guidance and support to share information about their work.

■ In their programming as well as their intervention on the ground, international and civil society organisations must ensure that assistance is conditional on recipients' implementation of a comprehensive and systematic strategy of public outreach and data disclosure in line with the law. This should happen hand in hand with the digitisation of the work of local authorities and the gradual adoption of ICT tools for institutionalised information-sharing purposes.

2. To promote citizen participation in municipal governance:

■ A legal or regulatory framework in the form of a national legislation, model SOPs and bylaws that include a system of incentives and sanctions should be developed to institutionalise inclusive and participatory decision-making mechanisms. Such a framework should leverage public consultative meetings, discussion fora and specialised consultative citizen committees.

■ More representative electoral and participatory decision-making schemes must be developed, allowing residents to participate in deliberations over decisions with a direct impact on their livelihoods. This entails bridging the gap between actual and electoral demographics, so that participatory schemes empower and engage all residents irrespective of their voting status, including displaced Syrians and migrant workers.

■ International and civil society organisations should prioritise community engagement and encourage the growth of participatory channels as an integral part of their programming and assistance.

Decentralisation Reform and Public Service Delivery

The survey data shows there are three main factors hindering effective public service delivery. Firstly, 75% of Lebanon's municipalities are small, understaffed and financially unsustainable. They use outdated management systems, lack the necessary technology and do not have the financial, technical and human resources to plan and implement public services. Secondly, coordination between local authorities and central government agencies is very weak. Thirdly, elected municipal councils can seldom be held accountable because of low awareness of transparency laws and the fact that the electoral laws oblige citizens to vote in their town of origin which is, in most cases, not where they reside.

It is important that decentralisation reform, whether consisting of a revision of the current municipal framework and/or the enactment of the 2014 Administrative Decentralisation Bill that is currently being discussed in the Parliamentary Subcommittee on Decentralisation, ensures that:

- Local authorities are financially viable and able to leverage economies of scale. This entails incentivising municipal mergers, reforming the equalisation system along the lines of the "Decentralised Fund" stipulated in the 2014 Decentralisation Bill (Art. 89– 109), and reforming local taxation to ensure greater and more equitable revenue streams for local authorities.

- The links of institutional coordination and cooperation between local authorities and the line ministries are laid down in an integrated government strategy along the subsidiarity principle. For this, local authorities should be consulted in all stages of policy formulation.

- The use of ICT is institutionalised in all local authorities not only for the purpose of information-sharing but also for service planning and implementation.

- Electoral reforms should result in adequate representation of residents, who are the end beneficiaries of public services, in municipal councils as well as in the decentralised regional councils, both as candidates and voters (as per Art. 10–13 of the 2014 Decentralisation Bill). Currently many Lebanese are not registered in their place of residence, significantly weakening accountability between residents and local bodies.

1. Introduction

The quality of service provision is widely recognised as a key indicator of institutional effectiveness. Public services are usually better where local authorities are answerable not only to the central government but also to their constituency. This is the case in a culture that encourages accountability and transparency and institutionalises participatory mechanisms that transform citizens from beneficiaries of public services into active participants in decision-making.

The political crisis of 2015 brought local authorities and the decentralisation of public service provision into the spotlight. The infamous "waste crisis" was triggered by the failure of Lebanon's waste management system resulting in rubbish piling up across Lebanon's cities. However, the crisis revealed deeper institutional and political problems, rooted in the country's dubious patronage system and the political economy of service provision. It revealed the extent to which complex legal and institutional frameworks are hampering quality service provision.

While the momentum is growing around administrative decentralisation in Lebanon and international aid is increasingly redirected through municipalities, the "Al-Idara bi-Mahalla"[3] campaign has been examining the position of decentralised local authorities in Lebanon and identifying strengths and weaknesses in public service provision and local development.

This study examines the experiences of municipalities in three main policy arenas in which decentralised local authorities play an important role: solid waste management, local policing and public safety, and government transparency and citizen participation.

- What are the lessons learnt from the experience of municipalities to improve the institutional and legal framework of local authorities and their relationship with the line ministries?
- What reforms are needed to enhance the effectiveness of service delivery and development at the local level, thus promoting democracy, local development and citizen participation?
- What lessons can be learnt to improve the 2014 Administrative Decentralisation Bill, which is currently discussed in the Parliamentary Subcommittee on Decentralisation?

The findings of this study are based on an in-depth survey of the municipal landscape. They provide the basis for recommendations and advocate for effective and expanded administrative decentralisation. The study assesses public service provision, the strengths and weaknesses of the existing municipal system and explores avenues for reform and improvement. To this end, the study:

- examines the situation of the municipal system and the role of municipalities in the three public service sectors and identifies the main challenges municipalities face in service delivery;
- analyses the relationship between local authorities as well as between them and other stakeholders – in particular, the central government, the private sector and international donor organisations;
- evaluates the measures in favour of government transparency at the municipal level, facilitates outreach, and encourages citizen participation in local politics.

Research Methodology

The study draws on qualitative data collected through a survey of 18 officials from 11 central government administrations between April and June 2018, and quantitative data collected through a survey conducted between June and October 2018. The survey covered 209 out of 1,058 municipalities, about a fifth of the municipalities in Lebanon. The survey questionnaire was developed by DRI with assistance of the surveying firm ARA for Research and Consultancy. The 209 survey respondents were mayors or persons designated by them in the presence of a DRI representative.

The sampling was based on two variables: the number of municipalities per district and their demographic size based on the number of residents (Table 1). Municipalities with less than 10,000 inhabitants were categorised as small and those with more than 30,000 inhabitants were categorised as large (Figure 1.1).

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3   DRI raises awareness and advocates for better local governance as part of a consortium of local civil society organisations "Al-Idara bi-Mahalla" (a play on words meaning both "local administration" and "the administration in the right place/working correctly"). See https://www.facebook.com/EdaraBiMahalla/.

Table 1. Distribution of surveyed municipalities by size and governorate.

Governorate	Large >30,000 inhabitants	Medium 10,000–30,000 inhab.	Small <10,000 inhab.	Grand Total	Percent
Beqaa	1	5	15	21	10%
Baalback-Hermel	1	6	14	21	10%
North-Lebanon	2	5	16	23	11%
Akkar		2	9	11	5%
Nabatiyeh		3	15	18	9%
South-Lebanon	1	4	24	29	14%
Mount-Lebanon	4	18	64	86	41%
Grand Total	9	43	157	209	100%
Percent	4%	21%	75%	100%	
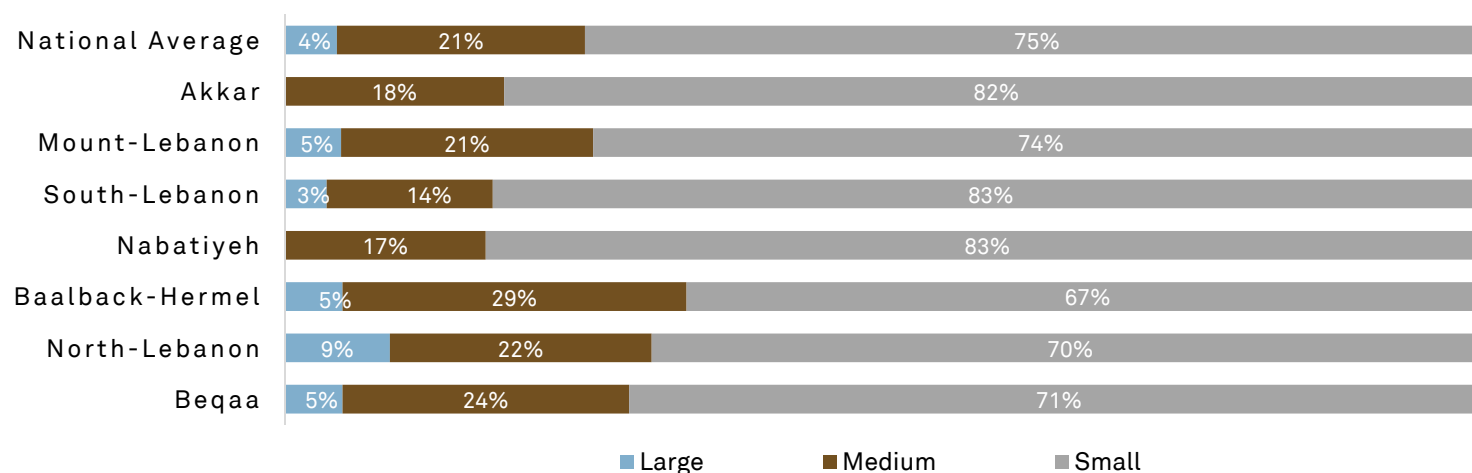
Figure 1.1. Distribution of municipalities surveyed (percentage), by institutional size and governorate.

The questionnaire mostly consisted of close-ended questions, divided in three sections:

1. General information: This section comprised questions about the size and demographics of the municipality. Respondents were asked to provide an estimate of resident population in the summer and winter seasons. These figures are unofficial and based only on the estimates of the respondents. Figures presented here might be grossly over- or underestimated, depending on the perceptions and interests of the respondent. These figures provide some indications based on comparisons between actual and electoral (i.e. officially registered population) demographics. They also helped make preliminary inferences about patterns particular to municipalities where seasonal changes in the size of the resident populations are significant. Similarly, this section asked respondents to give unofficial estimates of the number of displaced Syrians and Palestinian refugees residing in the municipality. The questionnaire also included questions on the number of council members, the number of women in the council and the number of female staff members.

2. The municipality and its structure: Respondents were asked about the size of their municipal councils, the number of female council members, as well as the number of (permanent and non-permanent) staff members employed by the municipality. Respondents were also asked to assess their municipality's staffing level and provide an indication of the size of the municipality's budget, expenditures and revenues.

3. Municipalities and service provision: This section was divided into three sub-sections, each corresponding to the sector examined in this study (SWM, local policing, transparency and participation). Respondents provided their assessment of a) the effectiveness of service provision in their municipality, b) their relationship to other key actors (central government authorities, local community, international organisations and NGOs, municipal unions), c) the challenges facing their municipalities in delivering services, and d) reforms and solutions they deem most plausible.

To complement the quantitative results of the survey, DRI conducted, between April and June 2018, qualitative interviews with 17 officials from 11 central government agencies, including officials from five ministries, the Council for Development and Reconstruction, and four of the eight governorates in Lebanon. The interviews were conducted by junior consultants trained by DRI since 2017 and deployed in a previous survey on public service delivery in municipal unions.[4]

Despite several attempts, our interview requests were not answered by officials from the MoIM, the ministry responsible for local authorities as well as for the provision of public safety at the local and national levels, and the municipality of Beirut, the country's largest municipality and the one at the juncture of controversies as well as reforms and transformations affecting decentralisation and public service provision.

The study encountered several limitations. The data relies exclusively on the survey results. It was not possible to verify or cross-check the accuracy of the answers provided by respondents. Also, it was not possible to deduce patterns and correlations between the political makeup of municipal councils and the role of municipalities in public service provision. Finally, the questionnaire did not explore patterns of cooperation and coordination with other municipalities outside the setting of municipal unions. In the same vein, mayors were asked to assess the cooperation of their municipality with NGOs and INGOs, without distinguishing between local and national civil society organisations versus international donor organisations.

Municipal Politics in Lebanon

Since 1998, Lebanese political parties and international donors have increasingly relied on municipal authorities for governance and service delivery, especially considering the chronic incapacity for effective government at the national level and the dependence on the Syrian regime between 1990 and 2005. This incentivised political parties to turn to municipal politics to expand their political capacities and strengthen their position within their constituencies. Coupled with grassroots mobilisations demanding the reinstatement of the municipal system (the "Baladi, Baldati, Baladiyati" campaign), the government held the first post-war local elections in 1998. Since the reinstatement of the municipal system, more than 350 new municipalities have been established (Fig. 1.2). However, because of the high number of municipalities and the challenges to the municipal taxation system, most of them are institutionally weak.[5]
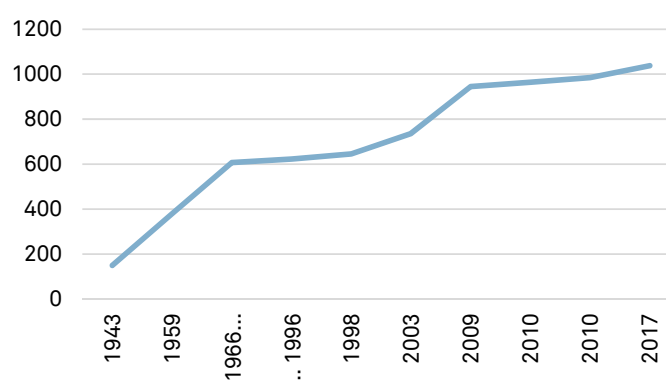

Figure 1.2. Historic overview of the establishment of municipalities in Lebanon
(the long stagnation between 1966 and 1998 was due to municipal elections not being held).

4   DRI. (2017). Public Service Provision in Municipal Unions in Lebanon. Final Report. Beirut: DRI. December 2017.

5   DRI. (2017). Reforming Decentralisation in Lebanon: The State of Play. Briefing Paper No. 80. Beirut: DRI. April 2017. Pp. 4–5.

This commitment to democratic renewal at the municipal level is in stark contrast to the situation at the level of national institutions. Between 2005 and 2015, recurring political impasses prevented the government from holding general elections, forcing dubious extensions of the presidential and parliamentary terms beyond their constitutional duration, and leaving Lebanon without a president (2007–2008 and 2014–2016) and without a government for extended periods.[6] Meanwhile, municipal elections took place on time, in 2004, 2010 and 2016.

Today, Lebanese political parties as well as international donors view local authorities as crucial agents of development and consider that the most challenging questions in Lebanon are better addressed through local interventions, including questions concerning refugee assistance, waste management, and local policing.

Nonetheless, not everyone perceives local government with such optimism. While protesters in 2015 championed the jurisdiction of local authorities over that of the central government in relation to the waste management crisis, an analysis of voter turnout in local elections revealed an overall trend of low and decreasing turnout since 1998, which may signal low trust in public authorities. National voter turnout estimates were as low as 48% in the 2016 local election (with turnout as low as 20% in Beirut). This is comparable to the low voter turnout in the national elections of 2009 (54%) and 2018 (49%). These figures may be explained by the growing disenchantment towards sectarian party politics, which control the municipal agenda, and also by the fact that Lebanese rarely vote in their town of residence.[7]

6　Most recently, Lebanon witnessed a nine-month political deadlock preventing the formation of a government since May 2018, after the country's first parliamentary elections in nine years. A government was finally formed on 31 January 2019 under the premiership of Saad Hariri.

7　A major shortcoming of the municipal and general electoral systems in Lebanon is that individuals are restricted to vote in the districts of their official registration, which corresponds to one's "ancestral" town of origin, customarily traced through the father. Upon their marriage, women are re-registered to their (Lebanese) husband's ancestral town of origin. This system of administrative-geographic designation is an important mainstay of the country's sectarian political system.

While it is possible, in principle, to change the place of registration to correspond with one's actual residence, there are massive bureaucratic and political hurdles to do so in order to maintain the sectarian voting districts. The discrepancy between actual and electoral demographics results in a disconnection between the elected council members and many citizens who receive public services, weakening the ability of non-voting residents to enforce accountability through elections. See DRI. (2017). Assessment of the Lebanese Electoral Framework. Beirut: DRI. December 2017. P. 34.

The Structure and Role of Municipalities

As of mid-2019, Lebanon had 1,058 municipalities, three-quarters of which cooperate within 58 municipal unions. This is, in global comparison, and in relation to the country's surface area and population, a very high number.[8] According to the Municipal Act of 1977, each municipality has jurisdiction over "all matters of public interest within its territory" (Article 47). This includes setting the budget, collecting municipal fees and taxes and managing public properties.

Municipalities are responsible for the provision of public services including the construction and maintenance of roads and highways, the management of hospitals and schools, the collection and disposal of waste, local policing and maintenance of public safety, as well as authorising and regulating zoning, housing, healthcare, commercial establishments and public amenities within their jurisdiction. Municipal unions pool resources and coordinate the efforts of multiple municipalities to deliver larger-scale services and conduct joint projects.

The local authorities are supervised by the Minister of Interior and Municipalities as well as governors and district commissioners.

Municipalities rely on equalisation payments from the central government, dispensed by the Independent Municipal Fund. These payments are a form of central government support, financed through tax revenues and fees on telecommunications and electricity.

Each municipality has a council of between 9 and 21 members, in proportion to the registered population, except for the municipal councils of Beirut and Tripoli, which are made up of 24 members each. Municipal council members elect the mayor and the head of the executive. In Beirut, this position is held by the governor, who is appointed by the CoM.

In relation to the three service sectors, the role of municipalities is organised by legal and institutional frameworks defining the relationship between the various stakeholders involved in each of these sectors, as summarised in Table 2.

8　See DRI's Briefing Paper No. 80.

Table 2. Legal and institutional frameworks.

	Solid Waste Management	Local policing and Public Safety	Transparency and Citizen Participation
Legal framework	■ ISWM Law No. 80 dated 10 October 2018	Currently, there is no comprehensive law specifically organising local police and civil defence units	■ Access to Information Law No. 28 dated 10 February 2017
Other legal and regulatory instruments	■ Municipal Act (1977) ■ Environment Protection Law No. 444 dated 29 July 2002 ■ Decree on public cleanliness No. 8735 dated 23 August 1974 ■ Decentralisation of waste management duties, CoM decision No. 1 dated 9 September 2015 ■ MoE Circular No. 7/1 dated 16 November 2017 on waste sorting, recycling, and the role of local authorities and the private sector in SWM ■ Decree No. 9093 dated 15 November 2002 and Law No. 280 dated 30 April 2014 on financial incentives for municipalities hosting SWM facilities	■ Municipal Act (Art. 74, 83–85, 121, 124–125) ■ Legislative Decree on Arms and Ammunitions No. 137 dated 12 June 1959 (Art. 26) ■ Legislative Decree on National Defence No. 102 dated 16 September 1983 (Art. 1) ■ Code of Criminal Procedure, Law No. 328 dated 2 August 2001 (Art. 38–39)	■ Municipal Act (Art. 44, 55, 76) ■ MoIM Circular No. 13236 dated 6 September 2017
Major stakeholders	■ MoE ■ MoIM ■ CDR ■ OMSAR ■ Municipalities and municipal unions	■ MoIM ■ General Security ■ ISF ■ Municipal police and civil defence units ■ Other security sector stakeholders	■ OMSAR ■ MoIM ■ Municipalities and municipal unions ■ Information officers (to be appointed) ■ Council of State ■ National Anti-Corruption Commission (to be established)

Municipal Personnel

Two-thirds of large and medium-sized municipalities and 60% of small municipalities said they were understaffed. On average, there are 50% more non-permanent employees than permanent ones in municipalities. They are hired on a temporary basis with monthly or daily remuneration rather than on permanent contracts. This negatively affects the municipalities' institutional capacity and ability to provide services.

In general, the more urbanised the municipality, the larger its direct revenues and its share from the Independent Municipal Fund (IMF), and the higher the number of civil servants (permanent staff members) it employs. The average number of permanent and non-permanent staff employed by municipalities in Lebanon, including the unskilled workforce of daily workers, ranges from 10 in small municipalities and 68 in medium-sized municipalities to 132 in large municipalities. The ratio between permanent and non-permanent staff is almost one-to-one in large municipalities, whereas medium and small municipalities rely more heavily on non-permanent staff with ratios of 3:4 and 1:4 respectively (Fig. 1.3). The number of permanent municipal employees is also an important indicator of the socio-economic affluence and the economic vitality of municipalities.

115

117

39

29

8

2

Large municipalities   Medium municipalities   Small municipalities

■ Mean number of permanent staff
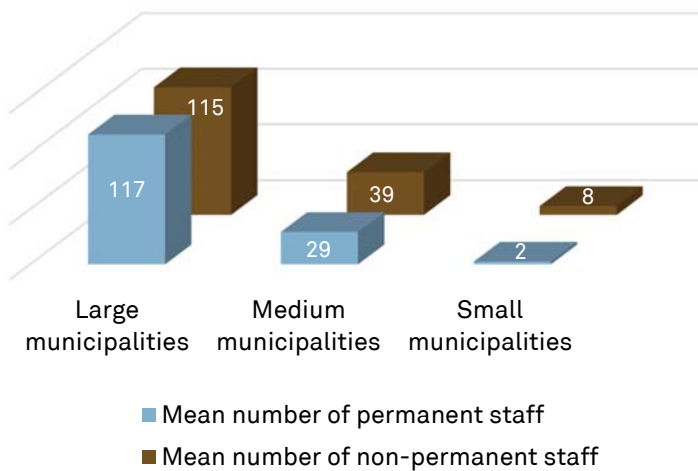■ Mean number of non-permanent staff

Figure 1.3. Average number of permanent vs. non-permanent municipal staff by municipality size.

2. Solid Waste Management

Waste management is one of the most tangible urban services, employing and consuming a large part of the revenues and resources of cities and municipal authorities. SWM has a direct and critical impact on public health, quality of life, and economic performance. An assessment of the SWM sector in a given city or country serves as an overall indicator of sustainable development and a measure of good governance and sound municipal management.[9]

The challenge of SWM in Lebanon is exacerbated by population growth, refugee influx, rapid urbanisation, decreasing availability of land and changing consumer patterns. Data shows that, in 2013, Lebanon generated an estimated 2.04 million tons of waste, with an estimated increase of 1.65% per capita per year (according to a 2010 estimation). Projections in 2010 estimated that the amount of waste would increase to 4.45 million tons by 2024.[10] By 2015, Lebanon had already far surpassed these figures.[11]
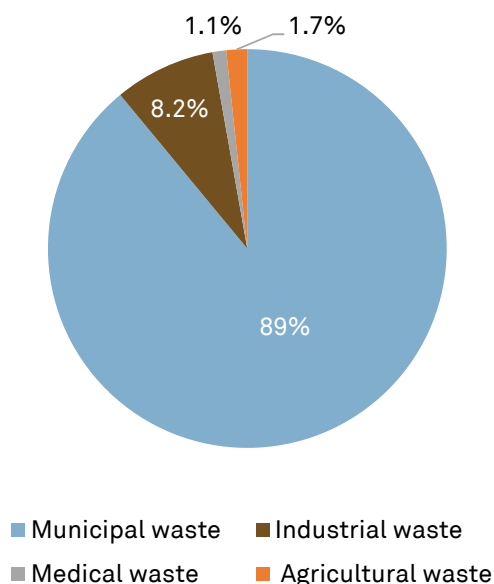
Municipal solid waste (MSW) generated from households, commercial establishments and street cleaning operations constitutes 89% of the solid waste, while industrial, medical and agricultural waste make up 8.2%, 1.1% and 1.7% respectively (Fig. 2.1).[12] More than half of Lebanon's waste is generated in Beirut and Mount-Lebanon (Fig. 2.2).[13]
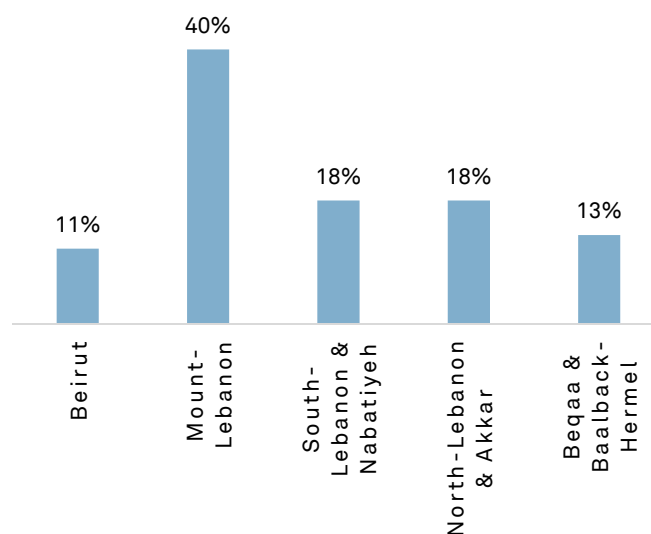

Figure 2.2. Waste generation by region. Source: Ismail Abbas et al (2017).

Figure 2.1. Waste categories in Lebanon. Source: Ismail Abbas et al (2017).

The 2015 Waste Crisis

In the absence of an integrated SWM strategy, SWM has been governed by temporary fixes and emergency plans enacted by the government and funded by the national treasury and international donor organisations. In 2015, Lebanon plunged into a political crisis triggered by popular protests denouncing the growing trash heaps piling up across Beirut and its surroundings. The crisis was sparked by the expiration of the government's contract with its primary waste management service provider in the Beirut and Mount-Lebanon service zone and the closure of the Naameh landfill without a contingency plan. The so-called "waste crisis" revealed the corruption of the country's sectarian power-sharing system, its inefficient SWM policies and incapability of the labyrinthine legal and institutional frameworks to ensure quality service provision, a key indicator of the effectiveness of government.

9   Andrew Whiteman, Peter Smith and David C. Wilson. (2001). Waste Management: An Indicator of Urban Governance. Paper prepared for the UK Department for International Development (DFID). Available at: http://davidcwilson.com. Accessed on 4 March 2019.
10 Sweep Net. (2014). Country Report on Solid Waste Management in Lebanon. Berlin: GIZ.
11 May Massoud and Farouk Merhebi. (2016). Guide to Municipal Solid Waste Management. Beirut: AUB.

12 Ismail I. Abbas et al. (2017). "Solid Waste Management in Lebanon: Challenges and Recommendations". Journal of Environment and Waste Management. Vol. 4 (2).
13 Sweep Net. (2010). The Solid Waste Management Situation in the Mashreq and Maghreb Countries: Challenges and Opportunities. Berlin: GIZ.

Municipalities and SWM in Practice

Of the Lebanese municipalities surveyed, 87% manage their own solid waste (Fig. 2.3). Apart from El-Mina in the North, all municipalities surveyed outside of the governorate of Mount-Lebanon are involved in SWM, in contrast to only 70% in Mount-Lebanon (except Jbeil district). A closer analysis of the data from Mount-Lebanon reveals that larger municipalities and municipalities geographically closer to Beirut are less likely to play a role in SWM. This trend is especially true of the municipalities constituting Beirut's suburbs, e.g. Hazmieh, Hadath, Broummana, Bsalim and Bourj Hammoud. The latter two are home to infamous dumpsites: the Bsalim landfill for inert and bulky waste and the Bourj Hammoud dumpsite, closed in 1997.
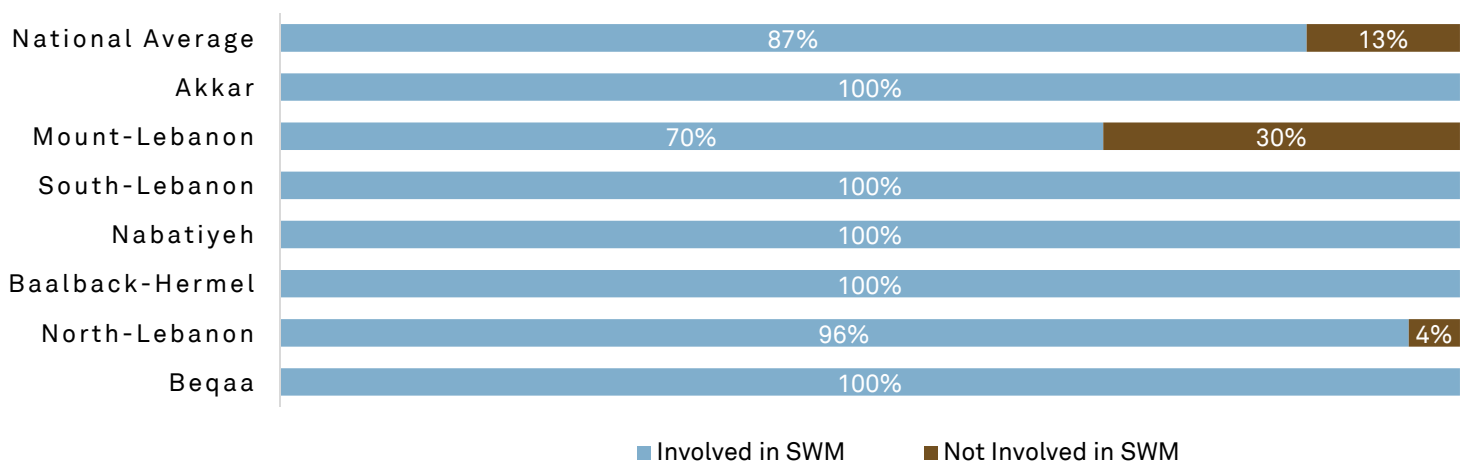
While protesters demanded that SWM be restored as a responsibility of local authorities, as per the provisions of the Decree on Public Cleanliness (1974) and the Municipal Act (1977), central government agencies were quick to accuse municipalities of incompetence. This did not prevent municipalities from colluding with the central government to expand or create makeshift dumpsites. Central to the restoration of this responsibility to the local authorities is the unresolved debate over administrative decentralisation of SWM and mechanisms for financing and cost recovery.

The Legal and Institutional Context

- The SWM sector in Lebanon is organised in accordance with Integrated Solid Waste Management (ISWM) Law No. 80, issued on 10 October 2018, which was drafted by the MoE in 2005 and approved by the government in 2012. The ISWM Law is a significant step toward SWM sector reform, based on three fundamental principles:

- inverting the existing SWM system by leveraging upstream avoidance (reduction, reuse and recycling) over downstream remediation (treatment, incineration and disposal);

- adopting the principle of "polluter pays" by imposing green taxes on the source; and

- adopting the principle of administrative decentralisation by delegating the first stages of SWM to municipalities while considering the advanced stages of waste management a prerogative of the central government, large municipalities and municipal unions.

	Involved in SWM	Not Involved in SWM
National Average	87%	13%
Akkar	100%	
Mount-Lebanon	70%	30%
South-Lebanon	100%	
Nabatiyeh	100%	
Baalback-Hermel	100%	
North-Lebanon	96%	4%
Beqaa	100%	

■ Involved in SWM ■ Not Involved in SWM

Figure 2.3. Municipalities involved in SWM, by governorate.

Of the municipalities involved in the management of MSW, 46% said that SWM duties are managed directly by the municipality while 36% outsource some of these duties to private contractors (Fig. 2.4). Some variations can be identified: for example, 57% of large municipalities hire private companies in contrast to only 35% of medium and small municipalities. Similar variations exist between regions, suggesting that local authorities are still the most important actor in SWM in the Beqaa, the South and the North. By contrast, only 18% of the municipalities in Mount-Lebanon manage solid waste themselves and all municipalities surveyed in the southern suburb of Beirut outsource SWM to private companies.

The results from Mount-Lebanon show that half of the municipalities have hired a private company, while the CDR is still the main entity managing solid waste in 5% of the localities, four years after the 2015 waste crisis. The markedly lower involvement of municipalities in SWM in Mount-Lebanon is unsurprising. Together with Beirut, Mount-Lebanon (excluding Jbeil district) constituted a single SWM service zone managed directly by the central government through CDR, which in turn contracted the company Sukleen between 1994 and 2015, thus bypassing the prerogatives of the municipality of Beirut and other municipalities of Mount-Lebanon to manage their waste, as per law. The Lebanese government maintained control over SWM in the Municipality of Beirut until the end of 2017.

In terms of SWM tasks fulfilled by municipalities, 93% of the municipalities surveyed said they are involved, directly or through contractors, in waste collection, while 40–45% said they are active in waste treatment and sorting (Fig. 2.5). While most small and medium municipalities are involved in waste collection (83% and 77%, respectively), this is the case of only 44% of large ones. This could mean that, in such cases, waste collection is taken up by the central government with little to no monitoring by the municipality.

On the other hand, only 15% of municipalities said they engaged in sanitary landfilling while 21% admitted resorting to illegal dumping.[14] It is noteworthy that municipalities did not admit to open burning of waste, a widespread practice in Lebanon.[15] The real figures about waste dumping and burning are likely to be much higher in reality.

The data on municipal unions reveals a similar trend. Most unions said they are involved in waste collection, raising awareness on waste reduction and sorting at source, and waste sorting. But the real percentage of waste sorting and effective treatment might be much lower, in municipalities and unions alike, according to experts at MoE and OMSAR.[16]

This indicates that small and medium municipalities and unions are markedly more involved in the earliest stage of the waste management cycle, i.e. waste collection, while their involvement in sorting, treatment and the operation of disposal facilities is significantly lower. In larger municipalities and unions, this difference is less pronounced.

Local authorities involved in SWM rely heavily on the personal intervention of mayors and union presidents rather than on specialised technical units (such as the engineering or environmental unit). The data shows that a significant number of local authorities are involved in the operation of waste disposal facilities and that small and medium municipalities continue to operate rudimentary dumpsites and non-sanitary landfills. Interestingly, a quarter of the municipalities claim to impose sort at source while only four admitted waste burning.

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14 In view of the sensitivities surrounding this question, the survey questionnaire referred to "illegal dumping" as "other types of landfilling" (as opposed to "sanitary landfilling").

15 The Daily Star. (2018). "Municipalities burning waste in the open, flouting new law: HRW". Beirut: The Daily Star. 19 October 2018. Available at: https://www.dailystar.com.lb/News/Lebanon-News/2018/Oct-19/466856-municipalities-burning-waste-in-the-open-flouting-new-law-hrw.ashx. Accessed on 8 May 2019.

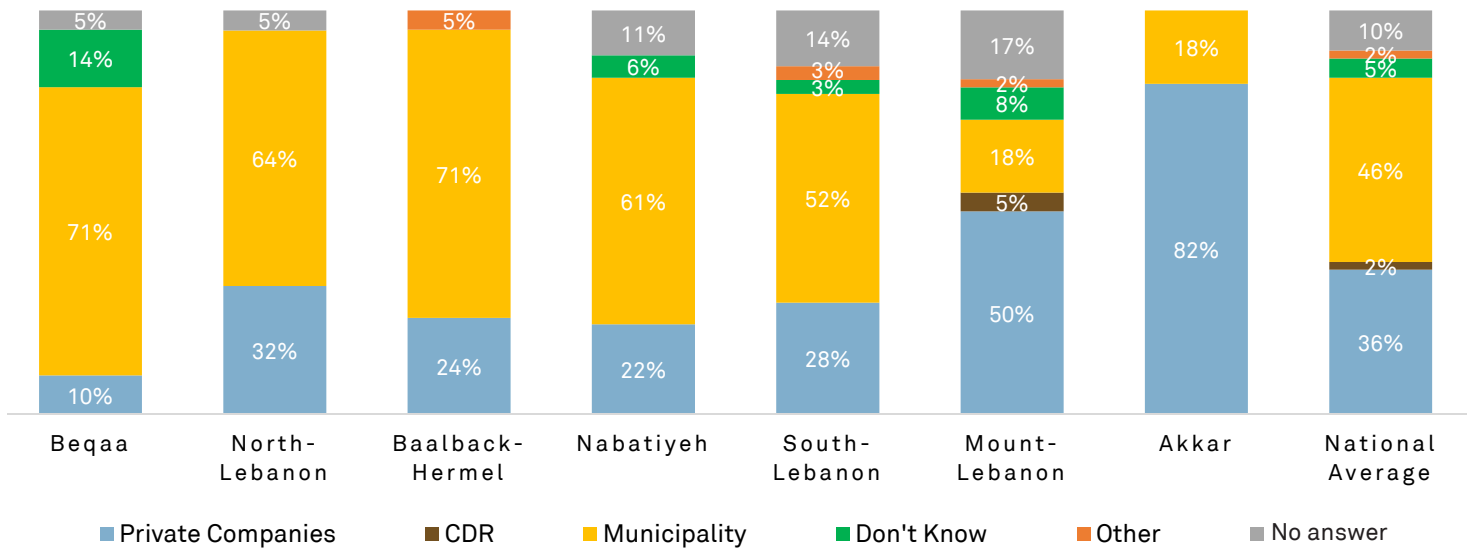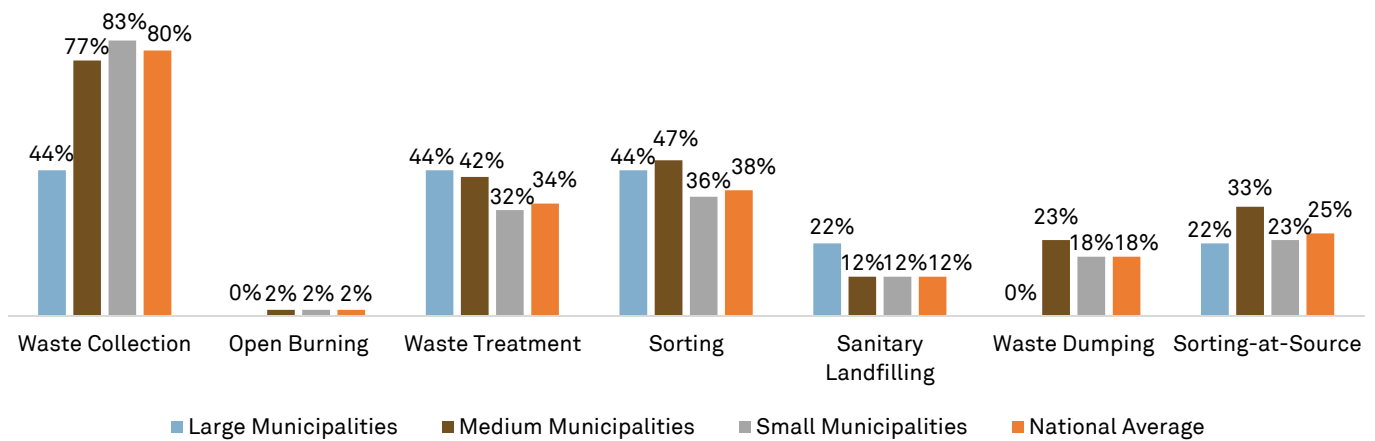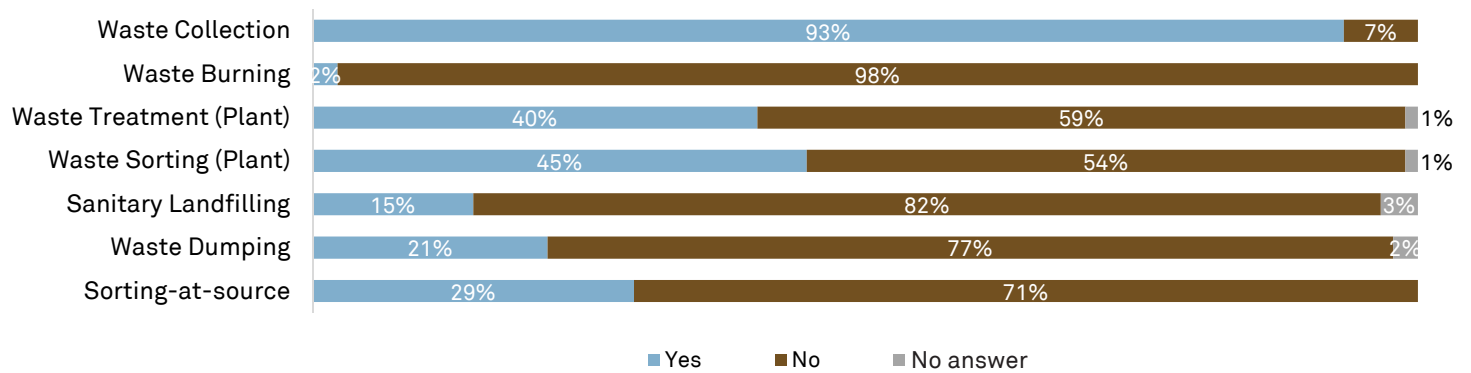16 Informal exchanges held in March and April 2019.

Figure 2.4. Actors managing solid waste locally, by governorate.

Figures 2.5. a/b. SWM tasks fulfilled by municipalities, by type and size.

Coordination Partners in SWM

Cooperation between central government agencies and local authorities in the field of SWM is low. 20–22% of the municipalities surveyed cooperate with CDR, MoE and MoIM, 13% with OMSAR, and 5–9% with other ministries (Fig. 2.6).[17]

Corroborating this, officials from the MoI and MoE complain that municipalities are not responsive to initiatives and policy proposals for the SWM sector reform formulated by the ministries. For example, only 70 municipalities engaged with the MoI's 2016 SWM Sector Reform proposal.[18] Similarly, the MoE launched, in 2017, a large-scale survey to assess the municipalities' technical capabilities and needs in administering the stages of SWM and to collect policy proposals. The survey was intended to inform the MoE's National Strategy for Integrated Solid Waste Management, which is still in the works.[19]

According to a MoE official however, only one municipality in five responded to the survey. Irresponsiveness to initiatives by ministries, she explained, is because "municipalities either do not trust the central government or do not care about policies enacted centrally […] and some are just in political disaccord with the minister".[20] By contrast, municipalities complained that the questionnaire distributed by the MoE was too technically advanced, if not incomprehensible, for them. Furthermore, the deadline set by the ministry for the completion of the questionnaire was deemed too short.

By contrast, the strongest coordination partner for 57% of the municipalities surveyed is the municipal union, followed by citizens and volunteers (48% and 40% respectively), even though three-quarters of the respondents consider cooperation with citizens as uneasy. 38% of the municipalities indicated that they cooperate with NGOs, reflecting the fact that a significant number of municipalities are recipients of technical and financial assistance from development organisations. Donor-funded SWM projects include clean-up and rehabilitation of landfills, building small and medium sorting and treatment facilities, and training municipal staff, volunteers, elected council members and government employees on operating and managing these facilities. Among the organisations active in Lebanon are the EU, USAID, MercyCorps, UNDP and Italian development cooperation agencies. Many donor-funded projects are implemented in collaboration with governmental implementing partners and municipalities.

Local authorities are more likely to develop SWM plans and implement them in collaboration with private companies (29%), unions, NGOs and citizens, rather than in cooperation with central government ministries and agencies.
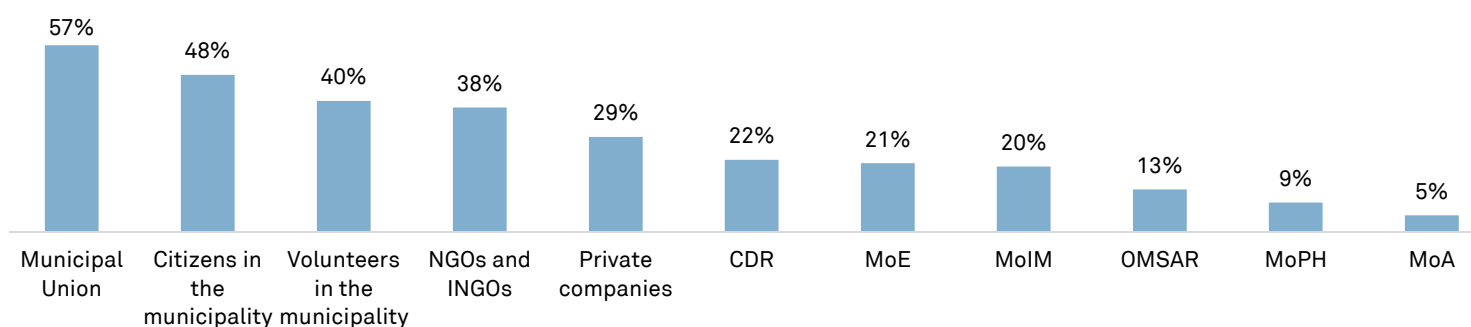

Figure 2.6. Municipalities' coordination partners in the field of SWM.

17 In Mount-Lebanon (except the Jbeil district) and the southern suburb of Beirut, 63% of the municipalities cooperate with CDR. This variation reflects the lopsided logic of the interaction between municipalities and governmental agencies in the Beirut and Mount-Lebanon service zone as a result of CDR's intervention and Averda's monopoly over the full waste cycle.

18 Interview with Dany Gedeon, Director General at the Ministry of Industry, Beirut, April 2018.

19 As per the ISWM Law No. 80/2018, the MoE has to adopt a national strategy for ISWM within 6 months of the publication of the law, i.e. before May 2019.

20 DRI interview with Lina Yammout, Ministry of Environment, Beirut, 10 May 2018.

SWM Sector Reform

In the aftermath of the 2015 waste crisis, Lebanon has repeatedly expressed its commitment to formulating an ISWM strategy in line with international standards and good practices. In the latest of a series of attempts to resolve the crisis, the ISWM law of October 2018 outlines general principles and provisions for SWM sector reform. Most importantly, the law stipulates that local authorities should "take on the stages of integrated solid waste management in whole or in part in accordance with environmental and economic viability" (Article 9). Advanced stages of the waste cycle (treatment, sorting and disposal) are relegated to the central government and to larger municipalities and municipal unions.

This reflects a realisation that a sustainable ISWM strategy must leverage economies of scale, whereby the capacities of smaller municipalities are limited to street sweeping, collection, sorting at source and basic composting. Smaller municipalities unable to undertake the advanced stages of waste management are therefore integrated into programs carried out by the government.

The survey data indicates that 60% of municipalities consider integrated and decentralised solutions to SWM as the most plausible answer to the waste crisis, thus sharing a preference for the decentralisation of waste management, a pivotal reform advanced in the newly ratified law (Fig. 2.7). This view is predominant among small- and medium-sized municipalities (70%), but significantly less so in Mount-Lebanon (46%) and not at all in the southern suburbs of Beirut where the central government has been running waste collection over the past decades, bypassing the responsibilities of the municipalities.

Of the respondents adhering to the opinion that SWM must be decentralised, 75% are convinced that implementation of reforms should start at the level of municipalities and/or municipal unions, while 15% said that reforms must be implemented simultaneously at the levels of local authorities, districts and governorates. Thus, local authorities are, in their vast majority, supportive of a bottom-up decentralised SWM solution.
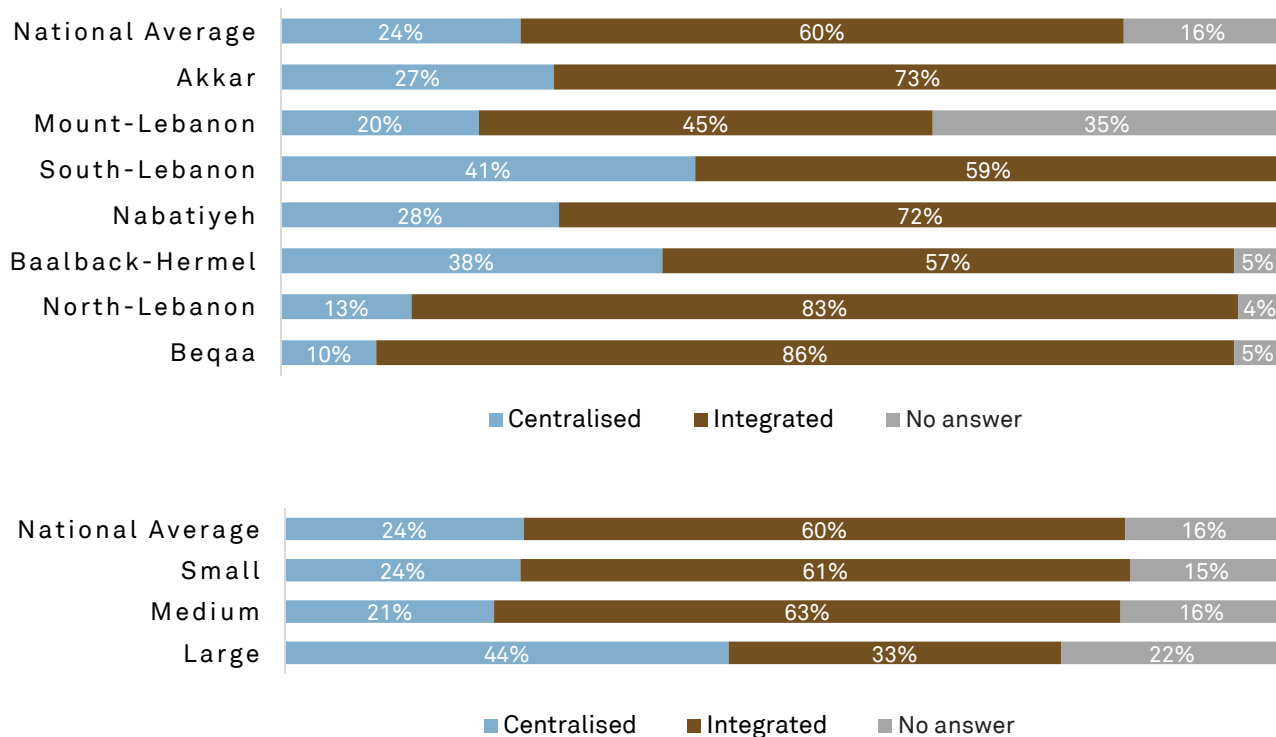
Figures 2.7. a/b. Municipalities' views on integrated and decentralised solutions to SWM, by governorate and size.

"Centralised solutions" are, on the other hand, understood either as central government oversight and guidance or as direct management by central government agencies through subcontracted companies that plan, design, finance, build, operate, and maintain centralised waste management facilities. Integrated solutions on the other hand rely on decentralised policy options and implementation strategies, enacted and implemented by local authorities in coordination with local community, private sector partners and line ministries. They are regulated by national laws, which should ensure the principle of subsidiarity in SWM. Integrated SWM solutions can be financed through governmental funding, public-private partnership schemes, and decentralised cost recovery strategies.

In terms of financing decentralised SWM solutions, 17% of the respondents indicated that reforms should be financed through donations and foreign funding while 29% said that they should be financed through the Independent Municipal Fund or a similar funding mechanism put in place by the central government (Fig. 2.8). Only 14% expressed a preference for PPP modalities, which may be indicative of the municipalities' low familiarity with this concept. Municipalities in North-Lebanon (43%) are more likely to favour foreign funding as a method to finance decentralised SWM solutions while Akkar municipalities count on the IMF transfers. To no surprise, municipalities did not mention recovery systems as a possible funding solution.
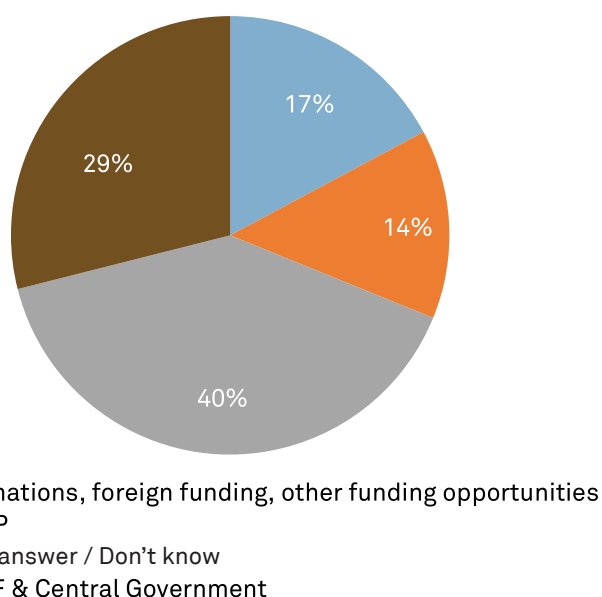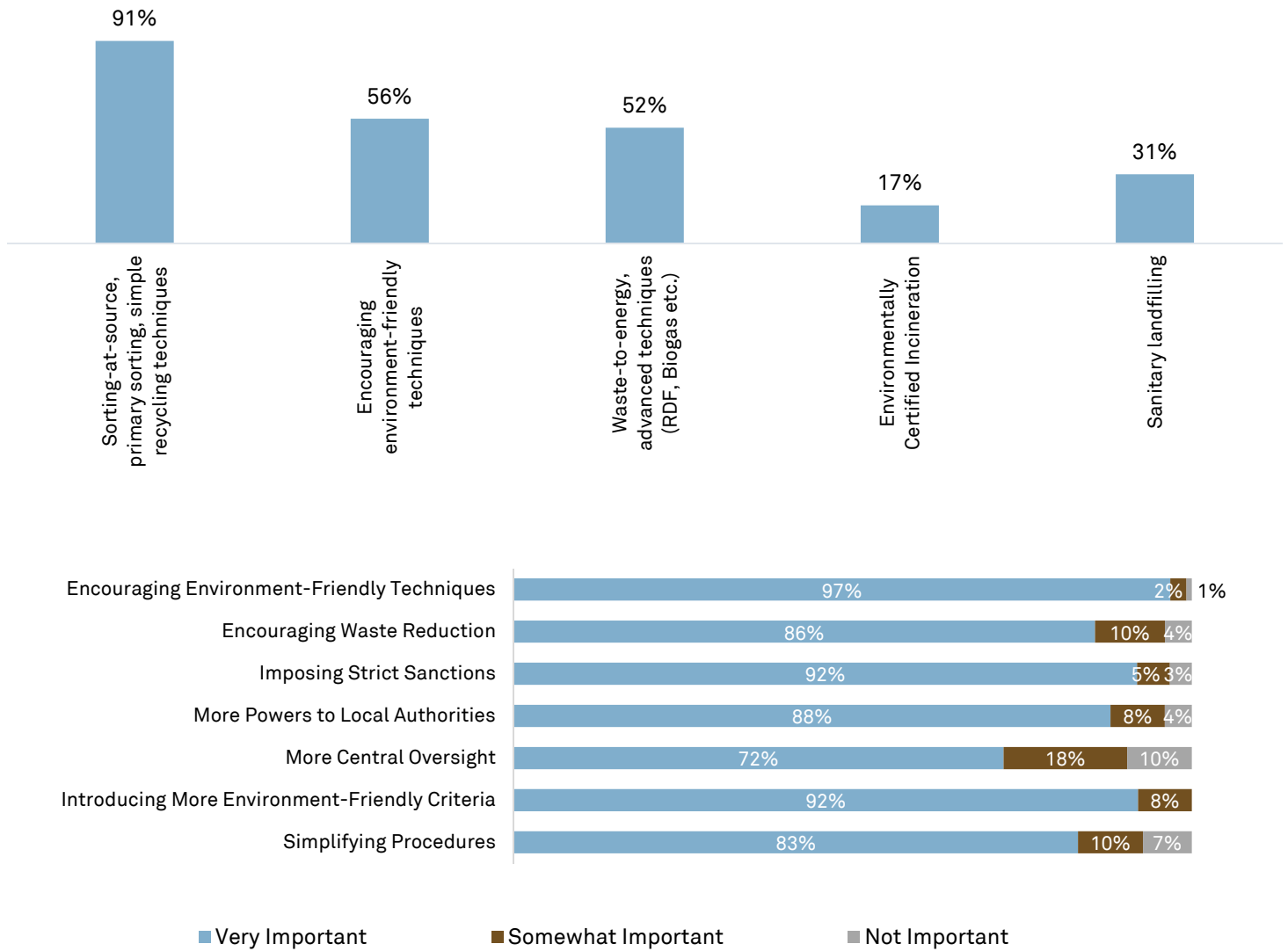
Despite their preference for decentralised solutions to SWM, local authorities also expressed the need for central government guidance to organise and reform the SWM sector, with 46% indicating that this is best achieved through a governmental master plan put forth by the MoE, 43% indicating the need for a coordinated, inter-ministerial policy, and 27% arguing that a new law organising SWM is required.[21] Only the union of municipalities of Jbeil, which has been independently managing its own waste for a long time, said that central intervention is not required.

The data shows that municipalities' policy preferences regarding SWM match the MoE's policy and the provisions and guidelines of the new ISWM law. Remarkably, 91% of municipalities expressed a preference for an upstream reduction of waste generation and popularisation of sorting at source while around 24% stated their scepticism regarding cost recovery techniques. While 56% and 52% indicated a preference for policies encouraging the use of environmentally friendly and energy efficient waste treatment and disposal mechanisms. Some municipalities prefer sanitary landfilling and incineration and 44% reportedly seek to impose sanctions on open-air incineration and rudimentary waste dumping, methods that are commonplace throughout Lebanon.

Contradictions in the answers related to policy preferences indicate that municipal officials often lack the technical understanding of SWM and are unclear about what these choices entail, especially in relation to incineration, sanitary landfilling, waste-to-energy or cost recovery. This also reveals deeper contradictions between local leaders' professed commitment to environmentally friendly policy options and their pursuit of technologies perceived as lucrative, like waste-to-energy (which enjoys high interest), or even "easy fixes" like "environmentally certified incineration", the understanding of which is unclear.

■ Donations, foreign funding, other funding opportunities
■ PPP
■ No answer / Don't know
■ IMF & Central Government

Figure 2.8. Lebanese municipalities' views on financing methods for decentralised SWM.

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21 The survey was concluded right before the adoption of the ISWM law.

	91%	56%	52%	17%	31%
	Sorting-at-source, primary sorting, simple recycling techniques	Encouraging environment-friendly techniques	Waste-to-energy, advanced techniques (RDF, Biogas etc.)	Environmentally Certified Incineration	Sanitary landfilling

	Very Important	Somewhat Important	Not Important
Encouraging Environment-Friendly Techniques	97%	2%	1%
Encouraging Waste Reduction	86%	10%	4%
Imposing Strict Sanctions	92%	5%	3%
More Powers to Local Authorities	88%	8%	4%
More Central Oversight	72%	18%	10%
Introducing More Environment-Friendly Criteria	92%	8%	
Simplifying Procedures	83%	10%	7%

■ Very Important   ■ Somewhat Important   ■ Not Important

Figures 2.9. a/b. SWM solutions according to Lebanese municipalities.

Challenges to Municipal SWM

There are several factors with an adverse effect on SWM sector reform and decentralisation. These are:

■ Incomplete legal and regulatory frameworks

About 67% of the municipalities surveyed consider the current legal framework organising SWM as ineffective and inadequate and 21% expressed the need for legal reform (vs. 27% of municipal unions) (Fig. 2.10). As the survey was conducted before the enactment of the ISWM law in October 2018, further research should look into the municipalities' understanding of this law and how they plan to benefit from its provisions to achieve sound and sustainable SWM within their jurisdiction.

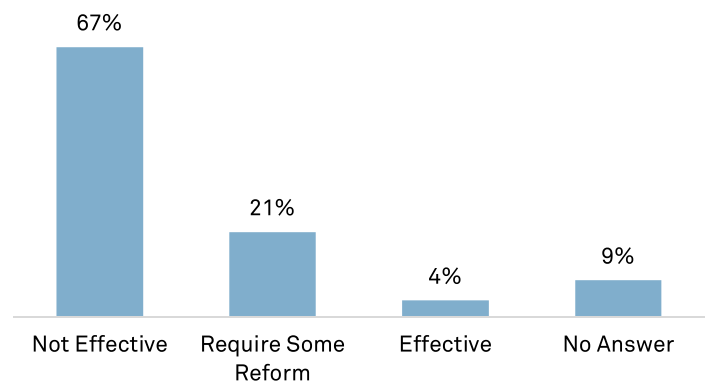| 67%	21%	4%	9%
Not Effective	Require Some Reform	Effective	No Answer

Figure 2.10. Effectiveness of current laws and regulations to enable municipalities to achieve sustainable SWM.

The new ISWM law foresees the development, by MoE, of a national master plan for SWM premised on the decentralisation of SWM, cooperation and shared responsibility between the central government, the private sector and local authorities. This national master plan would, according to the law, serve as a framework for regional and local SWM plans, ideally to allow local authorities to benefit from economies of scale in this regard.

While the new law fills, in part, a legislative void by giving legal status to broad strategic goals and establishes definitions, principles and responsibilities, it presents several shortcomings in terms of governance. Firstly, it includes many unnecessary implementation details that should be regulated by secondary legislation detailing legal specifications and subsidiary regulations such as ordinances, guidelines, or statutes.

Secondly, the law does not provide a clear institutional framework for an integrated waste management system. Although the creation of a National Solid Waste Authority could be a positive step for central government projects, the law does not address the issue of developing regionalised waste management systems that will provide economies of scale by unifying several local authorities in broader geographical areas. In other terms, ISWM cannot be achieved by national and municipal efforts without regionalised structures. Without a policy component that consecrates the concept of subsidiarity, the principle of decentralisation, stipulated in Article 9 of the law, will remain hollow. This is where the enactment of the 2014 Decentralisation Bill can prove instrumental for sound ISWM.

Thirdly, the funding section is poor and there is no cost recovery strategy on the national level. According to the ISWM law, SWM should be funded through the national budget, municipal budgets, loans and donations – all of which seem unrealistic given the state of Lebanon's public finance. It is imperative to ensure that the real cost of waste management is covered not only by central government subsidies but also the waste producers themselves, which are the locality's permanent residents as well as seasonal visitors – for example through taxation on touristic services and activities. The law should better reflect this principle and encourage municipalities to charge and collect their fees as the main pillar for financial viability and sustainability of the SWM system. Reforming municipal taxation is therefore necessary. Otherwise the discussion on waste management decentralisation would shift this burden from the central to the local authorities without giving them the means to address the problem.

■ **Lack of a strategic vision and over-reliance on national and international funding**

Three-quarters of the municipalities surveyed do not have a clear plan for SWM, in contrast to 23% of them that reportedly have a documented, detailed strategic plan for this sector (Fig. 2.11). Small municipalities are markedly less likely to have a detailed plan, with figures as low as 14% in the Beqaa and 23% in Mount-Lebanon. In the southern suburb of Beirut, where municipalities favour the centralisation of SWM, none of them has reported having a plan for this sector. Municipal unions are marginally more likely to have a strategic plan in this regard.
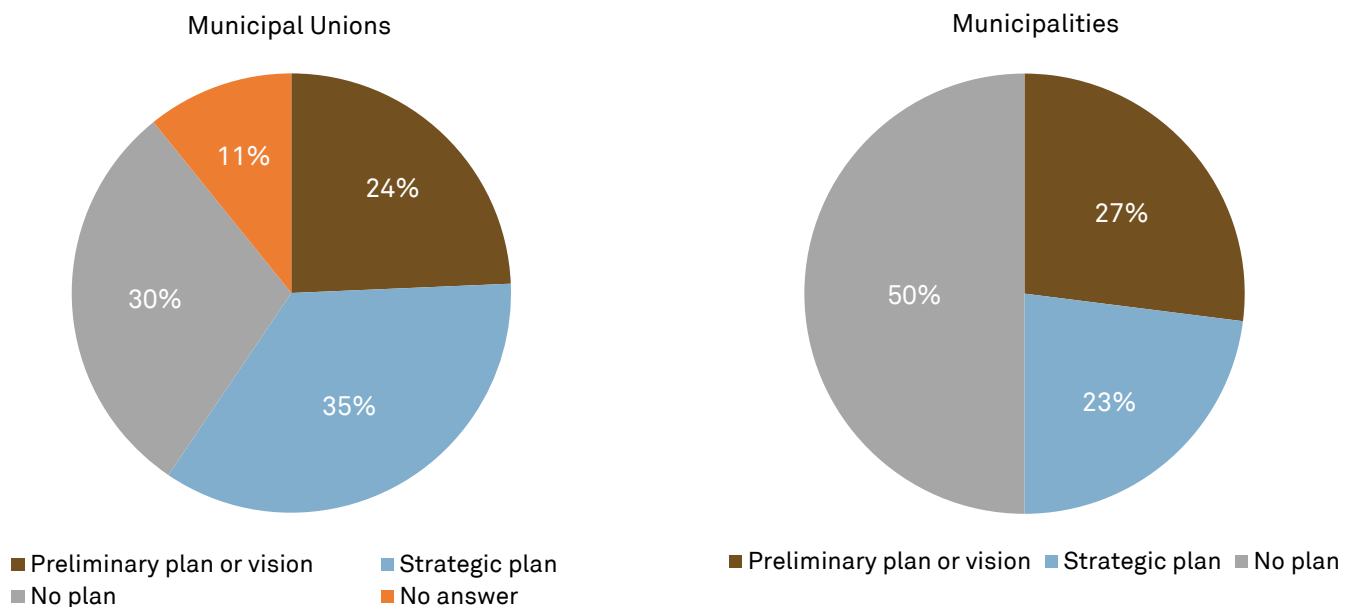
Figures 2.11. a/b. Local Authorities and Strategic Planning for SWM.

In other words, while Lebanese local authorities advocate decentralised solutions for SWM, they still lack a concrete vision for it. This is especially true of municipalities, 50% of which have no plan for SWM (compared to 12% of municipal unions). This also applies to sources of financing decentralised SWM solutions, with three-quarters of the municipalities hoping for central government funding or international donor assistance. This is even more evident in local authorities that benefit from considerable aid because of the high number of displaced Syrians on their territory. While 60% of the municipal unions consider Syrian refugees an "additional burden" as far as waste generation and management are concerned, only 13% of them have a specific waste management strategy for refugee camps or the areas of concentration of Syrian refugees, despite the advantageous amounts of assistance they receive.

In sum, a national SWM strategy has to be centrally defined and agreed, then the decentralised regional and local authorities should transform it into tangible targets and plans.

■ Local authorities lack resources and know-how

Local authorities also cite shortage of financial and human resources as a major challenge for the design and implementation of SWM policies. More than half of the municipal unions surveyed in 2017 complain that unions are understaffed and that the number of union staff working on SWM is not enough, and 38% indicated that the number of union staff working on SWM must be doubled, posing an institutional and financial burden they cannot afford. But local authorities are particularly understaffed with regards to technicians, engineers and experts with the required know-how for managing waste. Therefore, merely hiring staff members and daily workers for street sweeping could be ineffective in terms of management. Instead, local authorities should hire skilled employees or seek the expertise of external consultants, relevant officials in the line ministries, knowledgeable volunteers or even specialised party advisors.

Internationally recognised good practice suggests that SWM is best dealt with in partnership with private contractors that are closely supervised and monitored by the local authority. Lebanese local authorities could therefore outsource some stages of SWM (collection, transportation and some forms of treatment) and hire technical staff who are dedicated to monitoring these activities and holding the contractors accountable based on strategic policy objectives and key performance indicators (KPIs). This should not prevent local authorities from running SWM facilities (landfills, treatment plants), directly or indirectly, with the technical support of the private sector. SWM is an essential service of common public interest because it relates to health and environmental protection. The responsibility for it cannot, therefore, be privatised.In parallel, local authorities should also be allowed to introduce cost recovery schemes that ensure economic sustainability and accountability for waste generation, collection and treatment at the community level.

■ Local authorities do not cooperate enough with citizens

Most municipalities perceive cooperation with citizens in the field of SWM as "not easy" and assess prospects for cooperation with citizens negatively (Fig. 2.12). While this is a view expressed by 39% of the municipalities surveyed, this view is even more prevalent among larger municipalities (71%). This shows that small and medium-sized municipalities are significantly better equipped and more likely to cooperate with citizens in the field of SWM.

Central government officials have also expressed a negative view of the prospects for cooperation with citizens in the field of SWM. One government official stated that an "iron-fist" SWM policy imposed by the central government is more suitable than participatory policies and administrative decentralisation.

A sustainable ISWM strategy and the role of municipalities in SWM should however be premised on the view that citizens are partners in formulating and implementing SWM systems because they are the key stakeholders in waste reduction and sorting. Central and local authorities should not only inform citizens and engage them in policy debates (through public consultations or townhall meetings), they should lead awareness-raising campaigns advocating waste reduction, reuse, recycling and sorting-at-source that foster long-term behavioural change and nurture a sense of civic responsibility at the level of individuals and households. Only then can cost recovery fees yield the desired sustainability at the community level.
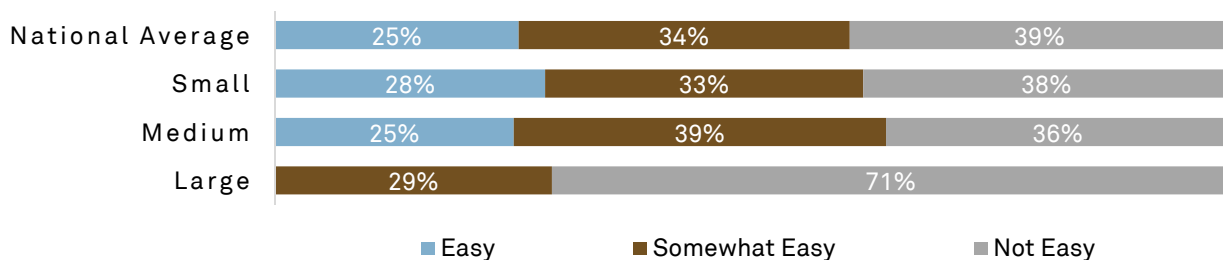
	Easy	Somewhat Easy	Not Easy
National Average	25%	34%	39%
Small	28%	33%	38%
Medium	25%	39%	36%
Large		29%	71%

Figure 2.12. Respondents' assessment of the possibilities and opportunities for cooperation with citizens in SWM.

3. Local Policing and Public Safety

In response to growing domestic and cross-border security threats, and the influx of refugees from Syria, Lebanon has witnessed multiple intra- and inter-departmental arrangements and response plans between the government's security agencies, such as the Lebanese Armed Forces (LAF), General Security, the ISF, State Security and others. In parallel, municipalities and municipal unions have played a larger role in fulfilling tasks such as law enforcement, protection of public property, curbing building violations, and safeguarding security and public safety.

Driven by a growing need for local policing[22] and the conviction that local authorities should undertake increased security, civil defence and law enforcement functions at the local level, the Lebanese government has encouraged local authorities to establish and expand municipal police. In 2017 and 2018, the MoIM introduced, with the assistance of UNDP, model bylaws that guide municipalities and municipal unions in the institutionalisation of their local police forces in terms of defining their competencies, internal hierarchy, the terms of appointment, promotion, training and social benefits.[23]

On the ground, however, local police forces remain modest in size and their efficacy is limited. The tasks local police forces undertake vary from one municipality to another. This is due, in part, to the ambiguity of the legal framework governing the municipal police sector, the absence of a national law organising the sector, which leads to confusion about the legal status of the force and its prerogatives and gives mayors discretionary leeway.

The Legal and Institutional Context

Municipal police and civil defence units are established in accordance with the 1977 Municipal Act and its amendments, which entrusts mayors with broad executive powers, to assist and ensure the proper exercise of these powers and enforcement of municipal regulations. According to Article 83 of the Municipal Act, a municipality is entitled to establish a police force, civil guard, firefighting and rescue units. These may be established by individual municipalities or jointly between two or more municipal councils. Articles 121 and 124 of the law allow municipal unions to establish similar police units.

However, the legislators neither defined the legal status

of the municipal police nor developed a framework detailing its powers and duties. There is currently no law defining the distribution of responsibilities between municipal police forces, the MoIM and other security agencies. In the absence of a comprehensive law, municipal police forces face uncertainty and incoherence about procedures for the recruitment and training of personnel, the fulfilment of judicial police and public safety duties, and the right to carry firearms.[24] Granting local police the judicial police status would boost its role in the law enforcement system as it would make it partly responsible for the enforcement of criminal law, thus placing it under the competence of the judiciary power.

Survey data reveals that only 78% of municipalities and 59% of municipal unions surveyed have a local police force (Fig. 3.1). Other municipal civil defence forces are available to even fewer local authorities: only 39% of municipalities and 19% of municipal unions command a guard unit, 8% of the municipalities and a similar percentage of the unions have a firefighting unit, and 18% and 3% respectively have a rescue unit.
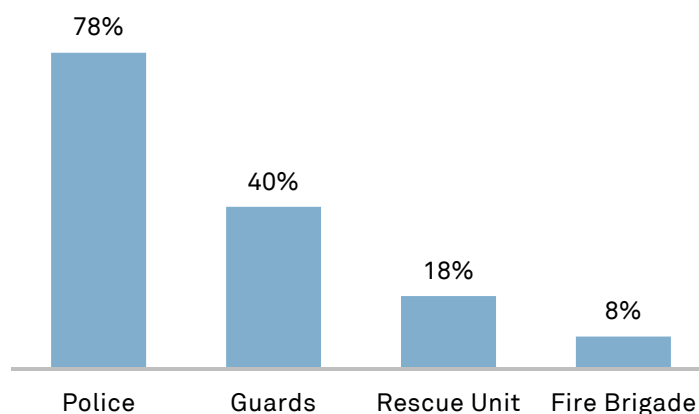

Figure 3.1. Percentage of Lebanese municipalities with a police force and civil defence units.

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22 In this publication, the use of the terms "local policing" and "local police force" refers to police, guard, firefighting and rescue units in local authorities.

23 MoIM Circular No. 18971, issued on 19 February 2018, provides non-binding standard municipal policing procedures that clarify the role of the municipal police forces as first responder, their communication with ISF and other counterparts.

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24 For further insights, see DRI. (2017). Local Governance in Lebanon: The Way Forward. Briefing Paper No. 93. Beirut: DRI. December 2017. Pp. 10–15.

These figures vary according to the size of the municipality: all large municipalities and 93% of medium-sized municipalities have a police force, in contrast to 73% of small municipalities (Fig. 3.2). The variation is even more significant between the governorates, with results between 28% in Nabatiyeh to 91% in Akkar (Fig. 3.3). The districts of Sour, Bint-Jbeil and Marjeyoun, a border region patrolled by the UN peacekeeping force, the United Nations Interim Force in Lebanon (UNIFIL), is a noticeable exception, with only one-third of its municipalities commanding a police force.
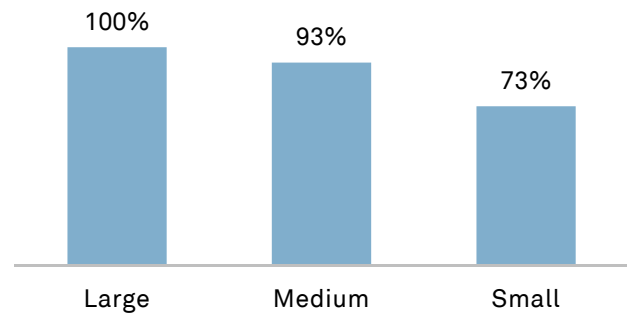
There are stark discrepancies in the size of the municipal police forces. On average, municipal police forces employ around 6 permanent and 6 non-permanent officers (Fig. 3.4). This average however obscures a noticeable variation between small, medium and large municipalities, where the average number of permanent officers employed is 1, 4 and 35 respectively and the number of non-permanent officers is 2, 9 and 33, respectively. This contrasts with municipal unions, where variations in force size do not correspond to the size of the union or its population.[25]

Figure 3.2. Percentage of Lebanese municipalities with a police force, by size of municipality.
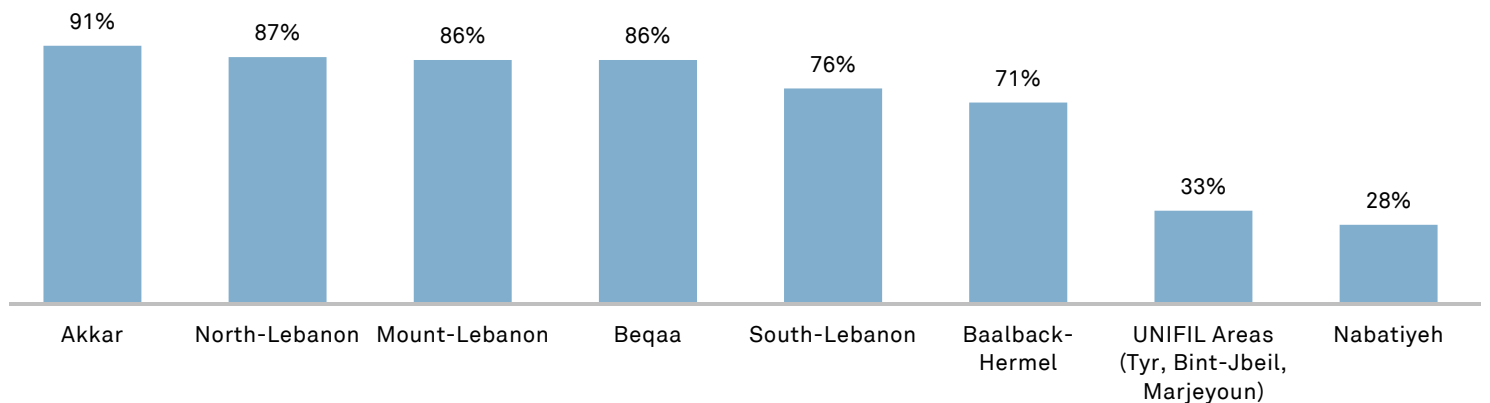
Figure 3.3. Proportion of Lebanese municipalities with a police force, by governorate.

25   DRI. (2017). Public Service Provision in Municipal Unions in Lebanon. P. 20.
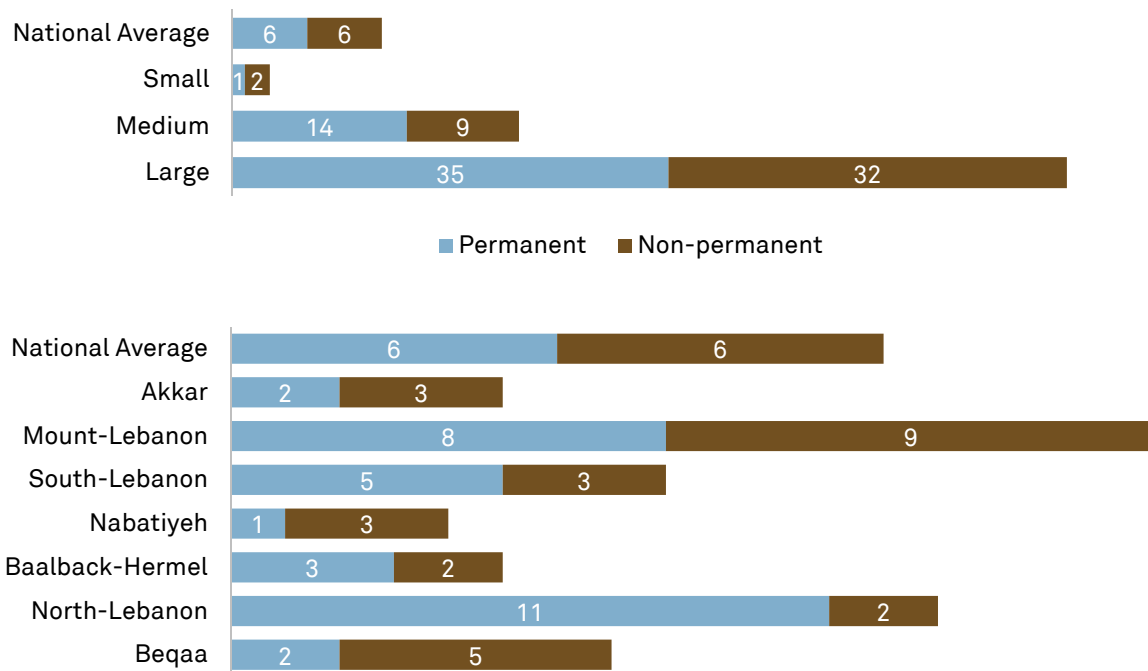
Figure 3.4. a/b. Average size of municipal police force (number of permanent vs. non-permanent officers), by municipality size and governorate.

The data also shows that the average size of municipal police forces varies considerably between the governorates. But overall, municipal police units face a shortage in technical, financial and human resources. 77% of the municipalities consider their police units understaffed. This assessment is higher in larger municipalities (89%) as these tend to complain more about central government interventionism that hinders police recruitment, and legal loopholes that compromise law enforcement efforts. Understaffing is cited as a major challenge by 73% of medium-sized municipalities and 78% of small municipalities.

Noticeable exceptions are the municipalities of Haret Hreik and Lailaki, whose police units employ an average of 24 permanent and 25 non-permanent officers each. This may be explained by the security concerns in the southern suburbs of Beirut ("Dahiyeh"), a densely populated area inhabited largely by Shi'i Muslims and deemed the stronghold of Hezbollah. Dahiyeh has been the target of many attacks attributed to belligerents in the Syrian war. Moreover, it was the site of an ambitious reconstruction effort in the aftermath of the July 2006 War between Israel and Hezbollah, coupled with a major reorganisation of its municipal structures, including municipal police, municipal civil defence forces and the establishment of a "Contingency Centre" at the Union of Dahiyeh Municipalities. The political actors predominant in Dahiyeh have even helped organise and train local policing and public safety in different forms prior to the establishment and expansion of the municipal and union police and municipal civil defence forces.

Tasks Fulfilled by Municipal Police Forces

Article 74 of the Municipal Act outlines some responsibilities that fall under the scope of local law enforcement forces. These include taking preventative measures against fires, explosions, and floods, and even ensuring "public ethics and public decency". Many of the local police's prerogatives are scattered across several legal and regulatory texts, which exacerbates the ambiguity of their role. The MoIM's Circular No. 18971, issued on 19 February 2018, tried to address this by compiling them, albeit selectively, in a single source.

The main ambiguity to be solved in whichever decentralisation reform the Lebanese government will choose is the legal status of the local police. As per the Municipal Act, the mayor should "maintain security through the municipal police in the latter's capacity as judicial police and in close coordination with the ISF in the event of any crime or any disturbance of the public security and proceed with the required investigations" (Article 74).
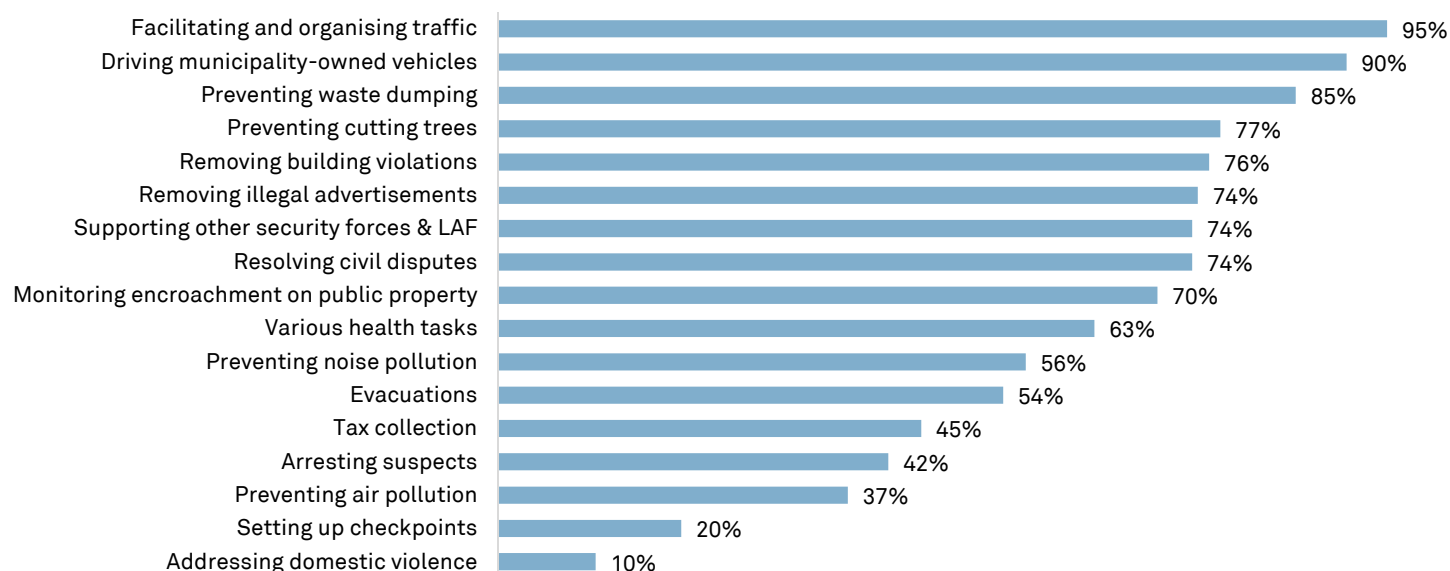
Figure 3.5. Tasks fulfilled by the municipal police force.

Survey results indicate, however, that local police forces are averse to tasks deemed responsibilities of a judicial force, which, by law, is charged with conducting preliminary investigations and arresting offenders for crimes committed in flagrante delicto and crimes threatening public safety. Compared to municipal union police forces, municipal police units are less reluctant to take on such tasks, with figures noticeably higher than their municipal union counterparts (Fig. 3.5). For example, 42% of the municipalities surveyed said they arrest offenders and suspects, in contrast to only 20% of municipal union police units. Similarly, 74% of municipal units are likely to intervene in civil disputes between community members, compared to only 19% of municipal union police units. Municipal and municipal union police forces alike demonstrate a reluctance to the setting up of checkpoints (15% and 22% respectively).

These figures indicate that municipal police forces are closer to their community than their municipal union counterparts and intervene more in local matters. They are also more likely to perform tasks associated with the judicial police than their municipal union counterparts, but a considerable number of these units remain ambiguous as to their prerogatives and averse to tasks that involve the use of force and arresting of suspects and offenders.

Like their municipal union counterparts, municipal police forces are involved in tasks beyond their competencies and prerogatives, such as driving municipality-owned vehicles (90%) or tax collection (45%). Similarly, both unions and municipalities prefer not to intervene in domestic conflicts: only 10% of the respondents said their municipal police forces address domestic violence, compared to 5% of municipal union police units. Even though Lebanon's Domestic Violence Law, passed in April 2014, establishes important

protection measures and policing reforms, which allow the intervention of police forces to stop domestic violence, the latter continues to be considered a "private affair" in which outsiders, even law enforcement forces, should not meddle.

On the other hand, municipal police forces perform tasks that are crucial to the enforcement of core municipal competencies and administrative prerogatives, such as collecting municipal taxes, removing illegal advertisements (74%), removing building violations (76%), preventing waste dumping (85%), and monitoring encroachments on public property (70%). Preventing noise pollution and air pollution are less common (56% and 37%, respectively). While these figures indicate that municipal police forces are lacking capability of assisting municipalities in fulfilling their environmental responsibilities, they are significantly higher than figures for municipal union police units (11% and 16%, respectively).

Coordination Partners in Local Policing and Public Safety

In fulfilling their duties, municipal police units coordinate with other security actors, such as the ISF, the General Security and the MoIM. Around 87% of the municipalities said their police unit coordinates with the ISF, 80% with the MoIM and 73% with the General Security (Fig. 3.6). While these figures are promisingly high, it is thought-provoking that between 13% and 27% of municipal police units undertake duties of judicial policing in the absence of coordination with the main entities constituting the backbone of the security sector. This should be examined further and rectified as necessary.
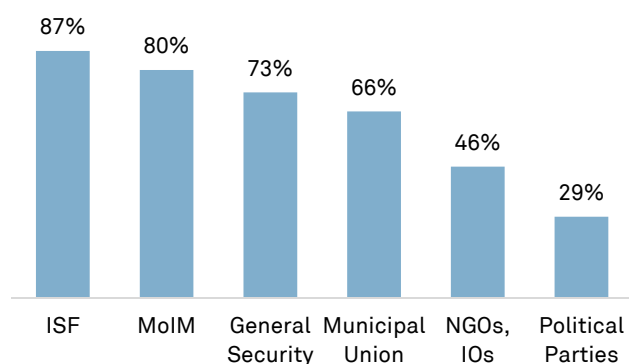
Figure 3.6. Coordination partners of municipalities' police and civil defence units.

The survey also shows that the police units from two-thirds of the municipalities coordinate with the police unit of the municipal union. This should be encouraged and institutionalised to prevent duplication and conflict as well as to enhance law enforcement across and between municipalities. It is a positive indicator that political parties are a coordination partner to "only" 29% of the police units from the municipalities surveyed.

There has been a considerable increase of international assistance programmes and interventions implemented in collaboration with local CSOs and international organisations, but less than half of the municipalities said their police units coordinate with such organisations. Programmes include UNIFIL projects to assist municipal police in south Lebanon to fulfil community and preventive policing and undertake "first responder" duties in remote areas.

In the Beqaa for example, UNDP projects are designed to enhance municipal police units' capabilities to assume crisis response duties in light of the influx of Syrian refugees, including defusing tensions between host communities and refugee populations, safeguarding the respect of refugees' basic rights and safety, and enhancing citizens' and refugees' access to safety and justice. The UNDP project "Community Security and Access to Justice" supports the professionalisation of local police by assisting MoIM and pilot local authorities to deliver better security to the most vulnerable in host communities (both Lebanese and Syrian refugees, with an emphasis on women). But core legal and institutional gaps hindering the professionalisation of local police are not sufficiently addressed in these donor-funded programmes, which raises the need for more evidence-driven policies building on surveys like this one.

Challenges to the Role of Municipalities in Local Policing and Public Safety

Overall, municipalities assess their police units' capabilities to fulfil public safety tasks positively, with small variations across regions and municipality size. Only a small number of municipalities disagreed with this evaluation and said the capabilities of their police units are very weak.

In contrast, some experts and central government officials have a different perception. To them, municipal police officers struggle to command the respect, authority and recognition required to fulfil law enforcement duties as members of the national security sector, to the extent of being sometimes seen as mere "daily workers", "part-timers" or, at best, civilians elevated temporarily to the status of municipal employees as a personal favour of the mayor. The precarity of appointments of municipal police officers and the general appearance of the police force – from its vehicles and emblems to its officers' uniforms – often undermines the image of strong security enforcement.[26] Professionalising the local police and boosting its role in maintaining public safety and law enforcement would help solve this problem.

■ The absence of a unified and comprehensive law organising the municipal police sector

Three-quarters of the municipalities with a police unit consider the existing legal framework as too weak and plagued with loopholes (Fig. 3.7). This reduces municipalities' ability to enforce laws and regulations and undermines municipal police forces' capability to fulfil local policing and public safety duties.

26 DRI interviews with Bachir Khodr, Governor of Baalback-Hermel, Baalback, 6 June 2018; and Ret. Gen. Elia Obeid, Expert on Community and Local Policing, Beirut, 10 May 2018.
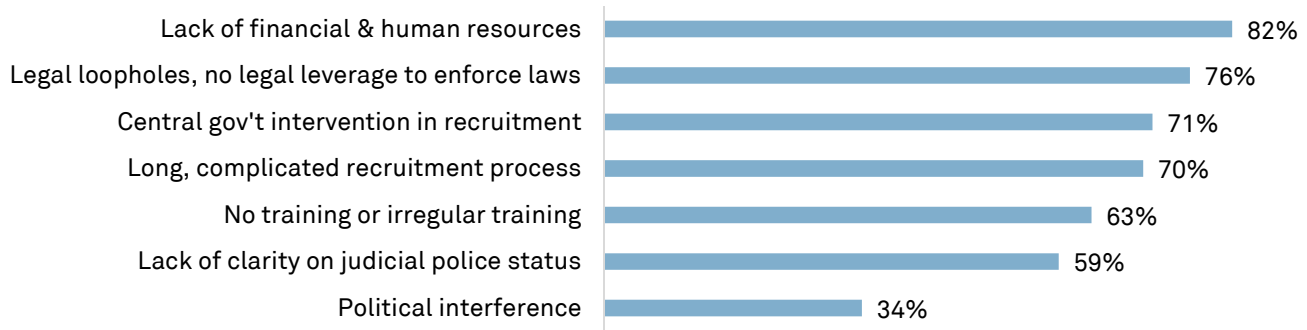
Lack of financial & human resources	82%
Legal loopholes, no legal leverage to enforce laws	76%
Central gov't intervention in recruitment	71%
Long, complicated recruitment process	70%
No training or irregular training	63%
Lack of clarity on judicial police status	59%
Political interference	34%

Figure 3.7. Challenges limiting the effectiveness of the municipal police.

National Average	29%
Small	27%
Medium	28%
Large	56%

Figure 3.8. Percentage of municipalities whose police force carries firearms, by size of municipality.

The legal framework does not establish the legal status of municipal and municipal union police units. On the one hand, the Municipal Act refers to the municipal police as a "judicial police" in cases of flagrante delicto (Articles 74 and 124) but other legislation contradicts this status. The Council of State and the Ministry of Justice even issued contradictory advisory opinions on the legal status of municipal police units.[27] According to 59% of the municipalities, this ambiguity poses as a significant challenge to the role of municipalities in local policing. Without a univocal legal provision that establishes the local police as judicial police, i.e. a public force that is entitled to carry firearms, municipal public safety would be reduced to a mere community police consisting of local citizen-volunteers with no legally binding coercive power.

But some municipalities benefit from this legal shortcomings, especially large ones, which are more likely to have good ties with political parties. 56% of them said their police force carries firearms – a right exclusively granted to agents of the judicial police (Fig. 3.8). Medium-sized and small municipalities lie closer to the national average (29%).

In truth, and as summarised by the Governor of Baalback-Hermel, the absence of a unified, comprehensive legal framework organising the local police sector leaves the latter in a grey legal area and prone to the discretionary powers of mayors, each of whom has a very different view and approach to local policing and public safety. In many localities, municipal police officers are reduced to status symbols or personal assistants, serving the private interests of municipal council members and local elites. This is also reflected in the variations in size of the police force and proportion of permanent to non-permanent officers employed.

■ Overlapping prerogatives and unclear guidelines for inter-agency coordination

Legally, there is no difference between the mandate of the municipal police and that of the municipal union police. While the municipal police operate within the boundaries of their municipality's administrative borders, the union's police are deployed across the union's area without a regulatory framework for their coordination. To avoid overlapping actions in the same area, both should delineate their scope of intervention and coordinate their tasks. Moreover, the law requires that local police forces coordinate with and act as first responder until the arrival of the ISF and General Security. According to Mahmoud Al-Mawla, Governor of Nabatiyeh, even though there is a clear division of authorities, municipal police forces are often prevented from performing their duties by the intervention of another security force or public authority, with which they do not sufficiently coordinate.[28]

27 On the ambiguity around the legal status of the local police and recommendations in this regard, see DRI's Briefing Paper No. 93. Pp. 10, 13 and 15.

28 DRI interview with Mahmoud El-Mawla, Governor of Nabatiyeh, Nabatiyeh, 12 April 2018.

Occasionally, this has resulted in a clash between local and central police authorities, with municipal police officers being questioned or reprimanded and punitive measures taken against them for what central security forces deem a violation of their competencies. In short, without clear lines of authority and further details on the force's prerogatives, municipal police units risk ending up in uncomfortable situations with regards to the central security forces. This discourages municipal units from fulfilling their role as judicial police. It is therefore crucial to confirm the legal status of local police as judicial police that enjoy important law enforcement competencies, as Article 62 of the 2014 Administrative Decentralisation Bill outlines, with the establishment of joint operations rooms at regional level to ensure operational and field coordination between security agencies and local police forces (Article 63).

■ Recruitment and training

70% of the municipalities cite "long and complicated recruitment processes" as a major challenge to the performance of their police units and criticise interventions by centralised authorities. They do not complain about "political interference" in recruitment but there is a perception among public officials we have interviewed that the recruitment of municipal police officers – and more generally municipal civil servants – is based on favouritism and nepotism by the mayor or municipal council members.

The introduction of standardised merit-based recruitment procedures would help address this perception. Until that is provided for by national legislation on the municipal police sector, recruitment could be temporarily organised through standard regulations and bylaws templates sanctioned by MoIM and the Council of State, such as a Personnel Code and a Municipal Police Code. This should lead to recruitment being less bureaucratic by limiting the lengthy cycle of approval between local authorities and central government agencies.

In addition, 63% of survey respondents cite "the absence of training" or "irregular training" as a challenge to their police units. There is no municipal police academy. A centralised municipal police academy charged with training recruits and junior officers is proposed in the reform of the 2014 Administrative Decentralisation Bill, currently discussed in Parliament.

Meanwhile, local police units receive limited and sporadic training administered by the ISF Academy consisting of an introduction to the laws governing local authorities, some physical training, minimal training on the use of light weapons, and a brief introduction on how to deal with civilians. The establishment of a specialised training curriculum for municipal police officers and the establishment of a municipal police academy is imperative to standardise the training of members of municipal police force members as well as the recruitment procedures for entry, admission and promotion in the force.

■ The municipal police remain a male-dominated sector

Images of female municipal police officers directing traffic in short pants in the municipality of Broummana resulted in controversy and mockery in July 2018. This has again brought the need for more female municipal police officers and more inclusive municipal police forces to the forefront. Over the past months, several municipalities have tried to increase the representation of women in the police forces, so far a highly male-dominated realm of local government, such as the towns of Al-Mina where, out of 21 new municipal police recruits, 6 are women, and Zahlé, which counts 14 female municipal police agents out of 82. Overall, the surveyed municipalities in Mount-Lebanon have the highest number of female officers (10 permanent and 64 non-permanent), followed by the Beqaa (17 non-permanent) and North-Lebanon (9 permanent and 3 non-permanent). None of the surveyed municipalities in the other governorates had any female officer.

Women's underrepresentation in the municipal police mirrors their underrepresentation in municipal politics. Our survey showed that the average number of women in municipal councils is 0.7, with the highest ratios being in North-Lebanon (1.5 women councillors per municipality) and Mount-Lebanon (0.8), and the lowest in Baalback-Hermel (0.1), Nabatiyeh (0.3), Akkar and the Beqaa (0.5).

Municipal Police and Violations of Human Rights and Public Freedoms

Being in direct and daily contact with the local community, local police officers are first responders and immediate point of reference in matters of security and public safety. This is especially important as the Municipal Act entrusts the mayor with vague tasks, such as taking the necessary measures to ensure security, ethics and public decency within the municipal area (Article 74). Sometimes, this has led to violations of rights and freedoms and the fostering an environment of discrimination.

Vulnerable populations are particularly exposed to violations at the hands of municipal police officers. Local police units have repeatedly targeted LGBTQ individuals,[29] and Syrian nationals. Despite MoIM's regulations efforts on the organisation of makeshift settlements and the registration of displaced persons in the municipalities, by 2014, more than 45 municipalities had imposed curfews on Syrian refugees, restricting their movement and contributing to a climate of discriminatory and retaliatory practices against them. From 2016 through early 2018, at least 3,664 Syrian nationals were evicted from at least 13 municipalities.[30]

In response to condemnations by activists and international rights defenders, the MoIM declared discriminatory curfews and discretionary violence by municipal police against Syrian refugees illegal and took disciplinary measures against municipal police officers involved in some of the more heavily publicised incidents of unlawful detention and humiliation of Syrians in Lebanon.[31] The MoIM also issued a circular instructing governors and municipalities to "take strict measures, ensuring that local police forces abide by the law and do not abuse their authorities or mistreat Syrian nationals and refugees". Nonetheless, cases of abuse continue to be reported.

29 See Karim Nammour. (2013). "Examinations of Shame in the Public Sphere: The Municipality of Dekwaneh declares 'No Gay Land'" (Arabic). The Legal Agenda. 26 April 2013. Available at: http://www.legal-agenda.com/article.php?id=356&lang=ar. Accessed on 8 May 2019.

30 Human Rights Watch. (2018). Our Homes are not for Strangers: Mass Evictions of Syrian Refugees by Lebanese Municipalities. Available at: https://www.hrw.org/report/2018/04/20/our-homes-are-not-strangers/mass-evictions-syrian-refugees-lebanese-municipalities. Accessed on 8 May 2019.

31 Lama Mourad. (2017). "Standoffish" Policymaking: Inaction and Change in the Lebanese Response to the Syrian Displacement Crisis. Middle East Law and Governance. 9 (3).

4. Government Transparency, Outreach and Citizen Participation

The Lebanese lawmakers have recently expanded the right to access information to bolster anti-corruption measures, improve accountability and encourage public scrutiny. In the ATI Law No. 28, issued on 10 February 2017, municipalities and municipal unions are listed among the public administrations to which the law applies. The duty of transparency in local government was followed up with MoIM circular No. 13236, issued on 6 September 2017, which requires local authorities to take all the necessary measures and procedures to implement the provisions of the ATI law.[32]

The law requires that public administrations publish electronically their budgets, decisions, financial statements, annual reports and completed tenders as well as ministerial decrees, circulars and enforcement regulations. Moreover, Lebanese and foreign parties are entitled to seek further information from public administrations by means of submitting a request, as outlined in Article 14 of the law. Administrations are obliged to appoint Information Officers charged with processing requests for information within fifteen days of receiving the request. The deadline may be extended by another fifteen days under specific conditions.

Two years after the adoption of the ATI Law, however, there are serious doubts on whether it will be effectively mainstreamed into the work of Lebanese public administrations. A report published by the Gherbal Initiative in August 2018 showed that, out of 147 public administrations surveyed, only a quarter responded to requests for information and only 14% did so within the legal deadline. Moreover, according to the report, only two public administrations are implementing the provisions of the ATI Law, devoting a special section on their websites or assigning an Information Officer to receive and respond to requests for information.[33]

This is mainly because, to date, there is no mechanism that ensures sound implementation of the law and defines channels of dispute resolution. As per the law, failure to comply with its provisions, hampering access to information or not sharing information within the legal deadline shall be examined by a National Anti-Corruption Commission, which has not yet been established (a special legislation on this authority is being currently examined in the parliamentary committees). Meanwhile, the Council of State performs the duties of the anticipated National Anti-Corruption Commission while common law courts may rule on cases where private entities are operating public services or facilities for the public sector.

Transparency and Access to Information at the Municipal Level

46% of the surveyed municipalities said they were familiar with the ATI Law. These figures vary according to municipality size, ranging between 66% of large municipalities, 56% of medium-sized municipalities and 43% of small municipalities (Fig. 4.1). But regional variations are more significant, with 79% of the municipalities of South-Lebanon saying they were familiar with the law but only 29% in the Beqaa and Baalback-Hermel, while 60% of the municipalities in the more urbanised and densely populated governorate of Mount-Lebanon, much of which constitutes Beirut's immediate surroundings, said they were unfamiliar with the law. This is also the case of rural municipalities.

In comparison, 78% of municipal unions said the ATI Law had no impact on their work, with the Beqaa also ranking lowest. Some unions (8%) even asserted that the law had a negative impact on their work.

These variations can be attributed to several factors. Outreach and transparency are less of a concern for municipalities with smaller population sizes, limited resources, with the burden of growing populations or that are disproportionately affected by the influx of Syrian refugees. This is the case of municipalities in the Beqaa and Beirut's immediate surroundings. It could be that small municipalities prefer to rely on interpersonal and informal channels of communication while those with pressing challenges or home to many residents without the right to vote locally seem to prioritise other issues.

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32 As early as 1977, the Municipal Act required that local authorities publish their decisions and all public information pertaining to their activity. Although the Act safeguards the secrecy of municipal council meetings (Article 35), it stipulates that decisions must be made accessible to the public (Article 55) and that voters and stakeholders are entitled to request a copy of the municipality's decisions (Article 45).

33 Gherbal Initiative. (2018). The Right to Access Information: A Study on the Lebanese Government's Commitment to the Right to Access Information Law. Beirut: Gherbal Initiative. Available at: http://elgherbal.org/en/category/right-to-access-information-project/. Accessed 4 March 2019.
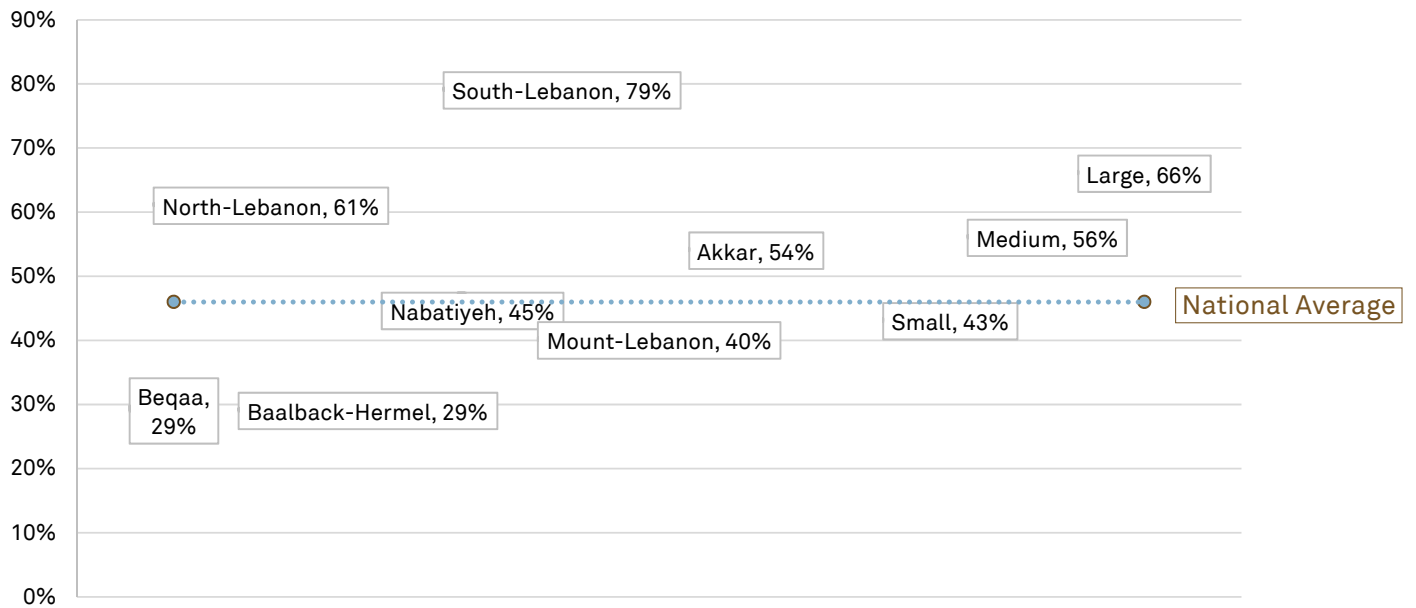
Figure 4.1. Percentage of municipalities familiar with the ATI Law, by governorate and municipality size.

Figure 4.2. Percentage of municipalities familiar with ATI Law vs. the MoIM Circular No. 13236 on implementing ATI.

Curiously, three-quarters of the municipalities surveyed were familiar with the MoIM Circular No. 13236, which requires municipalities and municipal unions to take the necessary measures to implement the ATI law, with little variation between regions and size of municipalities (Fig. 4.2). This could be a sign that, while municipalities may be unconcerned with legislation that prescribes additional duties in fields perceived as secondary (like transparency and information sharing), they are – or are keen to appear to be – familiar with ministerial directives and circulars issued by the MoIM, the line ministry to which they are directly answerable. However, MoIM circulars are non-binding directives with no regulatory specifications to enforcement, monitoring or sanction in case of failure to implement them.

Among the respondents who said they were familiar with the ATI Law (46% of municipalities surveyed), 73% believed the law is (very or somewhat) effective in improving transparency and informing citizens, while 27% said it does not meet its objectives. More broadly, almost half of the municipalities surveyed said they had taken some concrete measures to improve access to information, while a quarter said they had not.

With reference to online outreach, 61% of municipalities and 48% of municipal unions surveyed reportedly have an official website, 81% and 43% an official Facebook page, while 36% of the municipalities said they use smartphone applications for public outreach purposes (Fig. 4.3). These figures vary depending on the size of the municipality. All large municipalities surveyed said they had an official website and Facebook page in contrast to 77% of medium-sized municipalities and half of the small municipalities – but 82% of the latter had an official Facebook page. Regional variations are not significant.

When asked about the information they published in the last 12 months, half the municipalities claimed to publish their decisions, budgets and yearly financial statements in paper or electronically, and 41% said they published completed tender documentation in full (Fig. 4.4). These figures are generally consistent across the regions of Lebanon, except in the Beqaa region where local authorities are the least likely to share information.

Variations according to size of municipalities is more significant, with larger municipalities being reportedly more likely to make their documents publicly accessible (71% compared to 54% of medium-sized municipalities and 44% of small municipalities), even though small municipalities are reportedly more aware of the ATI law.
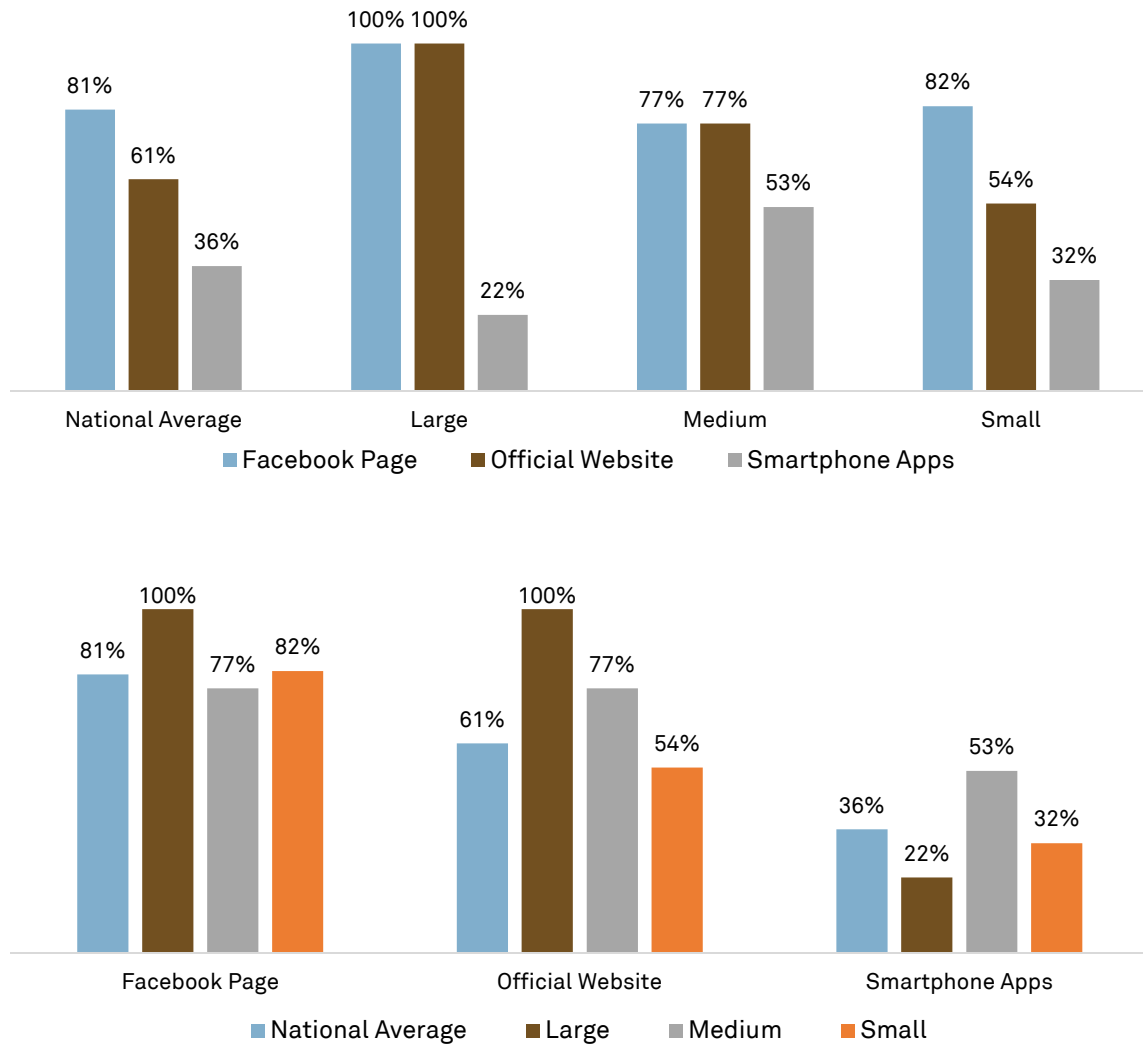
Figures 4.3. a/b. The use of digital communication channels by Lebanese municipalities, by type and size.

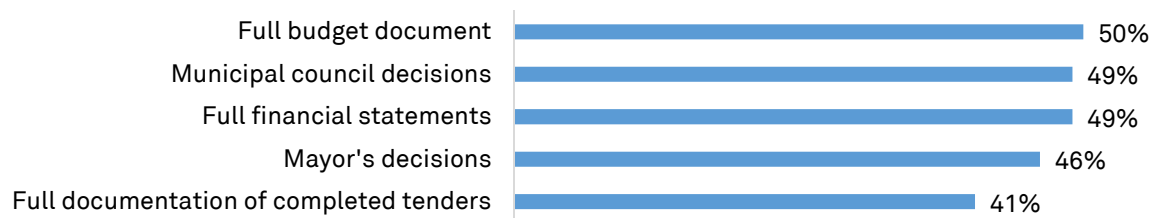Figure 4.4.Documents reportedly published, in paper or electronically, by the municipalities surveyed.

To the observers familiar with municipal governance in Lebanon, it is obvious that the numbers on official websites and smartphone applications seem intentionally inflated. A brief, non-systematic investigation of local authorities' online portals and ICT use suggests that these figures are very far from reality. This may indicate that local authorities are keen to show that they publicise their performance and promote their achievements, less out of a legal obligation, but to seek validation for their policies and take credit for their accomplishments. It may also indicate that elected local leaders are keen to demonstrate their willingness to share information even though no measures are effectively taken.

Further research is required to validate these figures and to assess the extent to which municipalities disclose their financial information as much as they said they do. But whatever the case may be, municipalities and municipal unions seem to apply a selective policy of disclosure which, instead of applying ATI, is geared towards self-promotion to secure electoral gains or garner support for their political backers. In this regard, local authorities' performance is comparable with that of central government institutions.34 This raises concerns about the extent to which local authorities are more effective and democratically accountable agents for service provision.

Cooperation partners for municipalities

59% of the municipalities said they cooperate with municipal unions and 52% with the MoIM to achieve transparency and enhance citizen participation, while 41% indicated that they also work with NGOs and international organisations (Fig. 4.5). By contrast, only 6% and 4% of the municipalities said that they work with the two government ministries directly involved with ATI, namely OMSAR and OMSACA.35 Overall, municipalities rated their cooperation with all five coordination partners favourably, with OMSACA and OMSAR ranking comparably much lower.

This shows that the strongest coordination partners of municipalities in this regard are municipal unions and the MoIM as well as civil society and donor organisations This suggests that NGOs and international organisations are a suitable entry point for foreign-funded support to improve government transparency and promote citizen participation. However, it also provides further evidence of the poor linkage between local authorities and other government ministries concerned with administrative reform and government transparency. Foreign-funded programmes should, therefore, be designed to bolster linkages between local authorities as well as between local and central government authorities.
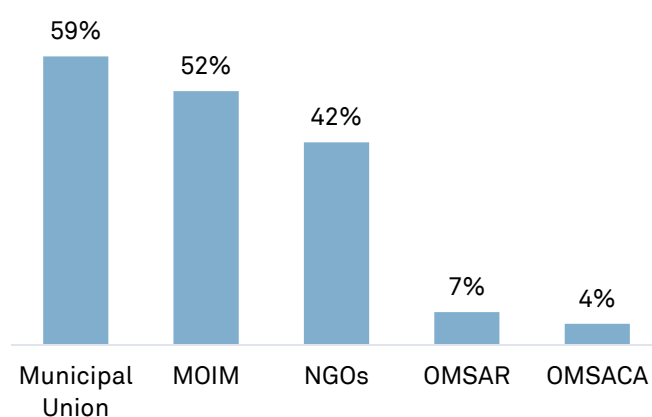

Figure 4.5. Coordination partners in government transparency and citizen participation.

Citizen Participation in Local Government

Another key aspect of local governance is its capacity to engage citizens in decision-making. Municipalities are not only local governance bodies that are elected to represent their community, they are also entities with a mission to maintain direct contact with citizens and address their day-to-day concerns. In Lebanon, despite the proliferation of smaller municipalities since 1998, their ability to involve inhabitants in decision-making remains modest.

Overall, municipalities' self-assessment of citizen engagement is very low. Only 7% of the respondents said that residents are engaged in decision-making and 47% said their citizens are "engaged when needed" (Fig. 4.6). On the other hand, 46% of the municipalities said that citizens are somewhat engaged or not engaged at all. Regional figures indicate that citizen disengagement reaches a peak of 62% in Baalback-Hermel, followed by the Beqaa (52%), while engagement seems to be highest in Akkar. This corresponds to regional variations in their familiarity with the ATI Law (Fig. 4.1). Government transparency and citizen participation therefore seem to go hand in hand.

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34 As per the findings of Gherbal Initiative's report (2018).
35 OMSACA was discontinued after the formation of the Lebanese government in January 2019.
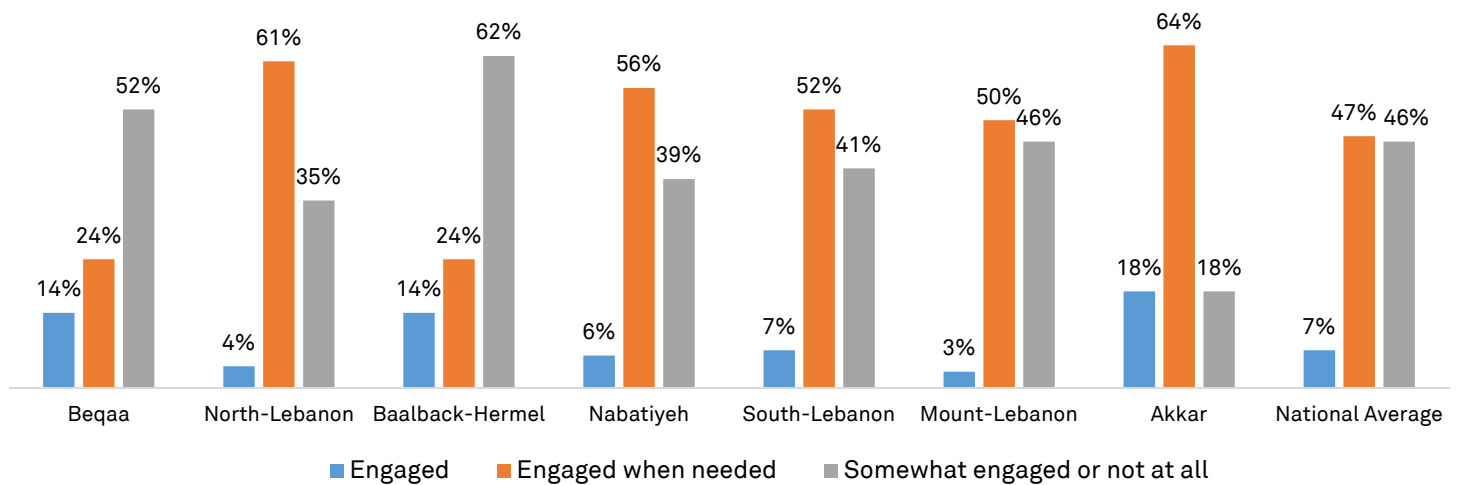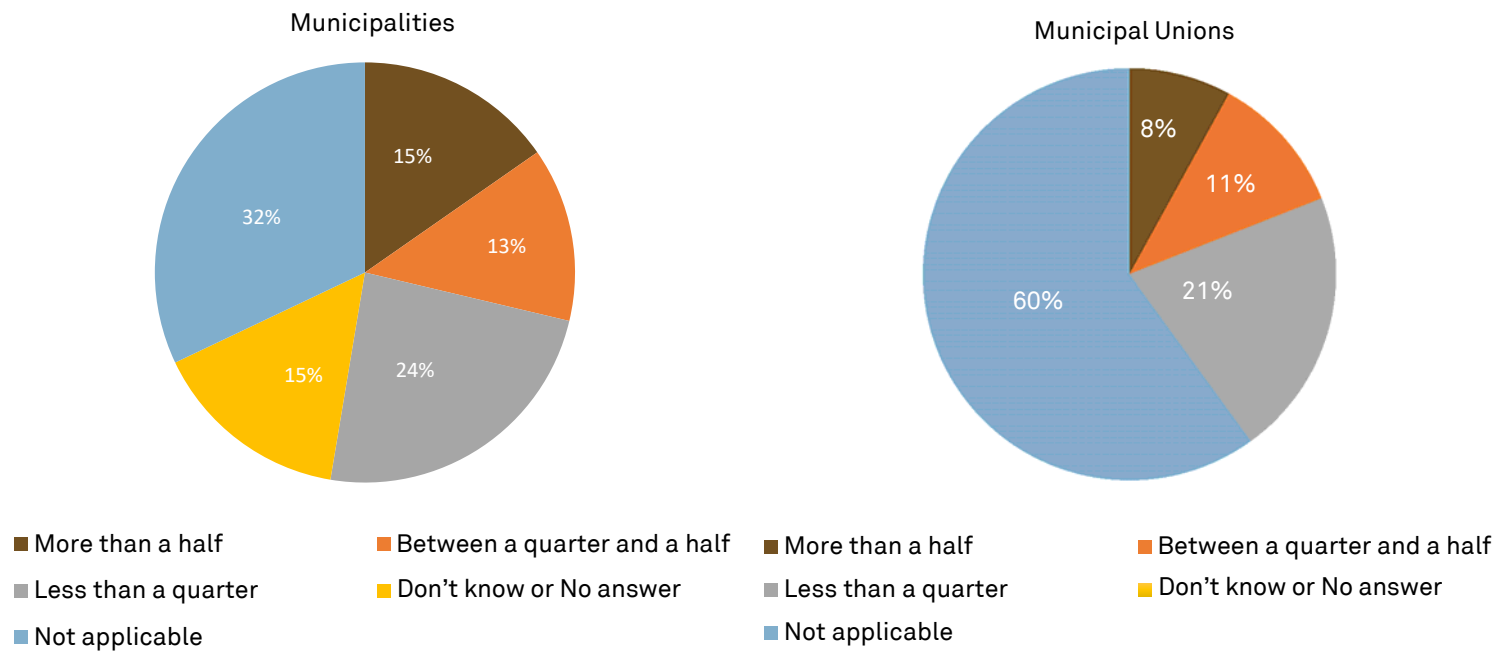
Figure 4.6. Municipalities' assessment of citizen engagement in municipal decision-making, by governorate.

But there is no conclusive evidence that localities that have many more non-voting residents than non-residing voters are prone to citizen disengagement from municipal work and lack of accountability – a common thesis that is based on the assumption that municipal officials marginalise residents that are not eligible to vote. Many eligible voters in Baalback-Hermel, Nabatiyeh, North-Lebanon, Akkar and the Beqaa reside elsewhere, yet this does not translate into similar results on citizen disengagement in these regions. Conversely, areas that are mostly populated by non-eligible voters like Mount-Lebanon, a diverse region with densely urbanised municipalities that constitute Beirut's suburbs (e.g. Choueifat, Aley, Hadath, Bourj Hammoud, Bshamoun, Hazmieh, and Jdeide-Bauchrieh), do not fare worse than others in terms of citizen disengagement and remain close to the national average. Further research based on citizen perception surveys is needed to substantiate the link between voter eligibility and citizen engagement.

Citizen participation in municipal governance is achieved through local committees and initiatives that involve community members in consultations and discussions over projects, plans and policy choices. Despite legal provisions that allow such participation, Lebanon lacks a political culture fostering participatory governance mechanisms. The Municipal Act not only allows local authorities to convene civil society representatives, stakeholders or community members for consultation, it also enables the institutionalisation of citizen participation:

"The municipal council is entitled to elect committees among its members in order to study the issues falling within its scope and may call for the help of further committees that it shall appoint from other than its members." (Article 53, § 2)

This provision does not, however, result in an obligation or incentive for local authorities to ensure participation. The modest growth of participatory initiatives is sustained by individual initiatives or efforts of mayors in response to funding conditions imposed by international donor organisations. Overall, municipalities fare a little better than municipal unions in involving citizens in local consultative committees (Fig. 4.7 and 4.8).

Municipalities

Municipal Unions

- More than a half
- Between a quarter and a half
- Less than a quarter
- Don't know or No answer
- Not applicable

- More than a half
- Between a quarter and a half
- Less than a quarter
- Don't know or No answer
- Not applicable

Figures 4.7. a/b. Percentage of citizen participation in municipal committees vs. municipal union committees.

When asked if they used participatory methods to consult local population and engage citizens in decision-making, only half of the municipalities gave a positive answer. 40% of them said citizens participate – frequently or occasionally – in the work of municipal committees, 50% said they convened closed ad-hoc meetings with experts and stakeholders for a specific project or activity, and only 29% said they hold consultative townhall meetings (Fig. 4.8). This shows that local authorities are more likely to involve external experts or project-specific stakeholders who represent political or business interests. As such, consultative decision-making for project design and implementation purposes should be distinguished from participatory initiatives or mechanisms that are designed for democratic and inclusive purposes.

The average number of attendees of open consultative meetings varies. 50% of the large and medium-sized municipalities surveyed and 37% of the small municipalities claim on average more than 50 attendees in open consultative meetings. Regional variations are noticeable, with few local authorities in the North and the Beqaa regions claiming attendances of more than 50 persons. Townhall meetings convened by municipal unions show similar trends.

Townhall meetings, public consultative meetings: 12% | 17% | 69%
Citizens participate in municipal committees: 25% | 15% | 59%
Closed ad-hoc meetings with experts and stakeholders: 21% | 29% | 50%

- Frequently
- Occasionally
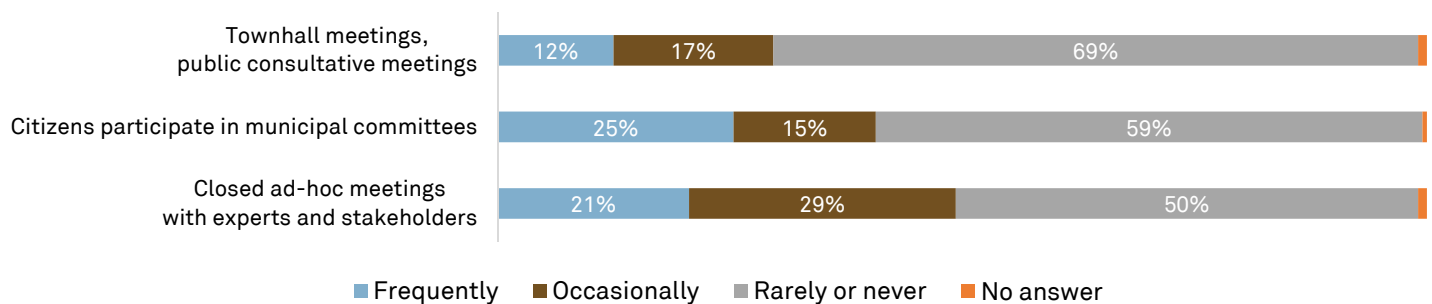- Rarely or never
- No answer

Figure 4.8. Methods employed by municipalities to consult the local community.

Engaging Non-Lebanese Populations

Since only Lebanese nationals and naturalised citizens are entitled to vote in parliamentary and municipal elections, the question arises to what extent local authorities involve non-Lebanese populations in participatory initiatives, public consultations and deliberations pertaining to decisions and policies directly affecting them.

It is increasingly common for Lebanese local authorities to implement development projects and crisis response plans designed to alleviate the burden of displacement for Syrians and host communities. However, they rarely do so by consulting the population groups most affected by such interventions. On the other hand, displaced Syrians and Palestinian refugees are particular targets of measures imposed by Lebanese public authorities, such as restrictions on their freedom of movement, the right to undertake certain professions or to work altogether, as well as regulations affecting labour wages for Syrians.[36] To the dismay of foreign and national observers, many Lebanese have deemed these measures necessary, citing "justified" concerns over the country's economy and security.

This marginalisation is further reflected in the fact that only 8% of the municipalities surveyed indicated that representatives of displaced Syrians were invited to participate in municipal committees or in open consultative meetings in the last 12 months (Fig. 4.8).[37] With the exception of Saida, South-Lebanon's biggest city, these are mostly peripheral towns in the Beqaa and the North close to Syria that receive considerable international assistance. The number of Syrian refugees in these localities varies significantly with numbers as high as 50,000 and 60,000 in the border towns of Al-Mohammara (Akkar) and Arsal (Baalback-Hermel) respectively, and as low as 100 and 400 in Harf El-Siyad (Menieh-Dannieh, North) and Kefraya (West-Beqaa, Beqaa).
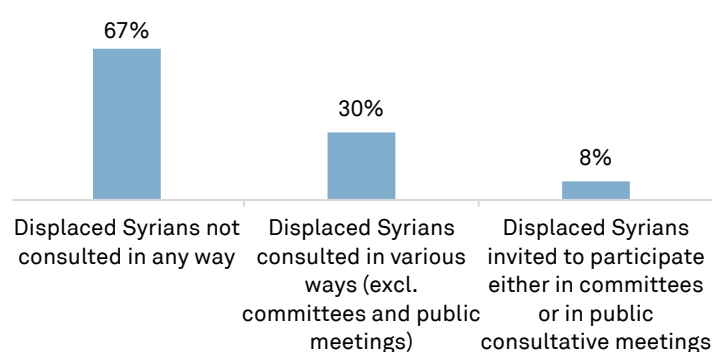

Figure 4.8. Municipalities' engagement with displaced Syrians

These figures suggest that local authorities in Lebanon are not inclined to include the representatives of Syrian communities. This is likely to also be the case with other disenfranchised and disadvantaged population groups in Lebanon, including Palestinian refugees and migrant workers (often from Sri Lanka, Ethiopia, Nepal, Bangladesh and the Philippines). A few localities with geographical proximity, confessional affinities and social and economic connections with Syria are an exception to this trend. Moreover, the dynamics of the conflict in Syria, spill-over effects into border towns, and international assistance conditional on the engagement of displaced Syrians in decision-making have a direct effect on the involvement of displaced Syrians in participatory initiatives and local governance. For example, the municipalities of Arsal and Bebnine and municipalities in the district of Minieh and the border region of Akkar claim to involve Syrian representatives in municipal committees and other consultation mechanisms.

36 Paul Tabar. (2016). Regulations and Policies on Syrian Refugees in Lebanon. Berlin: Bundeszentrale für politische Bildung. Available at: http://www.bpb.de/gesellschaft/migration/laenderprofile/233351/regulations-and-policies. Accessed on 4 March 2019.

37 An additional 51 municipalities said they consulted displaced Syrian refugees in ways other than open consultative meetings and mixed-membership municipal committees, without specifying how.

Prospects of Government Transparency and Citizen Participation in a Decentralised Setting

Lebanese local authorities remain largely unfamiliar or unconcerned with the implementation of the ATI Law. It is also apparent that they selectively choose to disclose or withhold information, motivated not by the provisions of a national strategy for government transparency, but by a desire to validate projects and policies. This is primarily driven by electoral and political considerations rather than a commitment to values of government integrity.

Similarly, there is little genuine interest by municipal officials to promote citizen participation in local decision-making. Despite generous funding, disenfranchised populations, Lebanese and non-Lebanese, are largely excluded from open public consultative meetings and municipal committees. The voting public is invited to partake in such initiatives only occasionally and only by a small number of local authorities. Citizen participation and public accountability are seen as limited to elections.

Beyond this, increased accountability at the local level requires more than financial and human resources, or awareness-raising for citizens, elected representatives and municipal staff members. While the institutionalisation of participatory mechanisms and e-government would contribute to better local governance, part of the solution also resides in the accession of a new élite to municipal posts. This could be achieved by the introduction of new eligibility criteria to run for office and elect one's representatives.

Some of these limitations are addressed in the 2014 Administrative Decentralisation Bill. The current draft law foresees the establishment of elected regional councils (qada' councils) that ensure the right to participate, whether as a candidate or as voter, in all activities of the decentralised regional councils (Articles 10–12 of the Bill). Residents are represented in a general assembly that monitors the council's executive board of directors and that can exert various mechanisms of internal oversight and accountability (Articles 23–24, 37 and 143).

Moreover, the Bill foresees the creation of specialised departments dedicated to improving the internal governance of these regional authorities, and the establishment of an IT department dedicated to developing the use of information technology and automating the work of the regional administration for administrative, financial and information-sharing purposes (Articles 137–138).

Finally, the establishment of decentralised regional councils would institutionalise the appointment of specialised advisory committees that are formed by volunteers and experts dedicated to the welfare of their region (Articles 23 and 139).

Following the principle of affirmative action provided for in the Article IV of the CEDAW convention, to which Lebanon acceded in 1996, the Bill also advocates the adoption of a gender quota in the distribution of seats within the general assembly of the regional councils (Articles 18 and 29). Taking measures in this direction would increase Lebanon's female representation in local and regional politics.[38]

ABOUT DEMOCRACY REPORTING INTERNATIONAL

Democracy Reporting International (DRI) is a non-partisan, independent, not-for-profit organisation registered in Berlin, Germany. DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps find local ways of promoting the universal right of citizens to participate in the political life of their country, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

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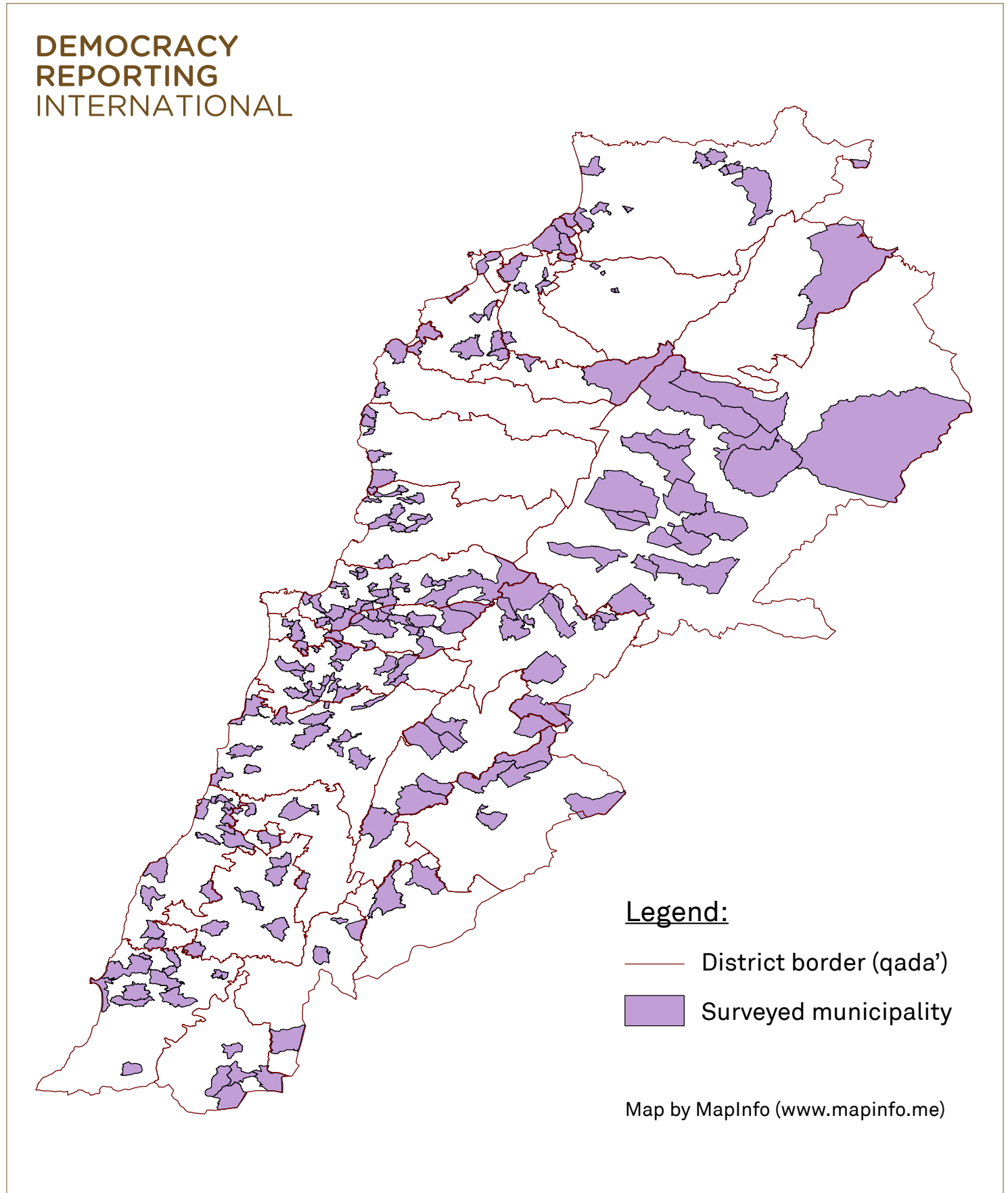
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38 The average female representation in political offices in Lebanon (parliamentary and municipal) is 5.5%.

List of Abbreviations

ATI	Access to Information
CDR	Council for Development and Reconstruction
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CoM	Council of Ministers
CSO	Civil Society Organisation
DRI	Democracy Reporting International
EU	European Union
ICT	Information and Communications Technology
IMF	Independent Municipal Fund
INGO	International Non-Governmental Organisation
IO	International Organisation
ISF	Internal Security Forces
ISWM	Integrated Solid Waste Management
LAF	Lebanese Armed Forces
LGBT+	Lesbian, Gay, Bisexual, Transgender/Transsexual plus
MoA	Ministry of Agriculture
MoE	Ministry of Environment
MoI	Ministry of Industry
MoIM	Ministry of Interior and Municipalities
MoPH	Ministry of Public Health
MSW	Municipal Solid Waste
NGO	Non-Governmental Organisation
OMSACA	Office of the Minister of State for Anti-Corruption Affairs
OMSAR	Office of the Minister of State for Administrative Reform
PPP	Public-Private Partnership
SWM	Solid Waste Management
UNDP	United Nations Development Programme
UNIFIL	United Nations Interim Force in Lebanon
USAID	United States Agency for International Development

Map of the surveyed municipalities

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Legend:

— District border (qada')

Surveyed municipality

Map by MapInfo (www.mapinfo.me)