



# Decentralization and Federalism Which Path to Lebanon's Salvation?

By

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## Introduction

The concept of decentralization in Lebanon first appeared in the ministerial statement of the former Prime Minister Dr. Abdallah Al-Yafi's government on **August 16, 1953** – the third cabinet during the mandate of President Camille Chamoun. President Chamoun himself later advocated for federalism at the retreat of Our Lady of Beer on **January 23, 1977**. More than half a century has passed since these ideas were first introduced, promoted as the inevitable path to Lebanon's salvation, and heralded as the only means to stave off wars, mainly sectarian strife, foster economic prosperity, and enhance democracy with accountability. But is it truly the case that Lebanon's salvation rests solely on decentralization as a minimum reform, and federalism as the ultimate aspiration for reshaping the system?

### 1. Decentralization in Lebanon: A Masked Centralization

Local councils in Lebanon, from municipalities to municipal unions<sup>1</sup>, fall short of embodying genuine administrative decentralization<sup>2</sup>. They grapple with challenges in revenue collection<sup>3</sup>, operate under restricted powers, and are bound by low spending limits subject to prior oversight, compounded by the scarcity of financial resources<sup>4</sup>.

It is clear that the decentralization proposal put forth by the members of parliament at the Taëf Conference was not well-executed, whether due to a misunderstanding of the concept, a lack of clarity in its explanation, or perhaps by deliberate design. Lebanon's political system is highly centralized, and the legislators at the time had no intention of changing that. True administrative decentralization inherently demands that the councils of decentralized authorities be elected by the people, reflecting their will alone, with the people standing as both the first and final arbiter of their performance.<sup>5</sup>

Thus, in proposing the appointment of a *Qa'im Maqam* (District Commissioner) to preside over the elected Caza Council, as outlined in the National Accord Document, the central authority embraced

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<sup>1</sup> In Lebanon, there are 1,060 municipalities and 60 municipal unions. 70% of these municipalities have a population of less than 4,000 people, and 87% have fewer than six employees (LCPS - 2015).

<sup>2</sup> Legislative Decree No. 118/1977

<sup>3</sup> Law No. 88/60, enacted on August 12, 1988, and amended by Law No. 14 on August 20, 1990, sets forth the framework for municipal taxes and fees. However, much of these fees have become obsolete, providing little to no actual revenue for municipalities. The dramatic depreciation of the national currency has further exacerbated the situation, without any corresponding adjustment by legislators to update the fees. No thorough study has been conducted to evaluate their economic impact, fairness, or their alignment with the minimum wage. Additionally, there is a lack of transparency in identifying those liable for these fees, as well as inadequate efforts to inform them. Moreover, there has been no revision of collection methods, nor have modern electronic systems been adopted to streamline payments through private companies or banks. Processes for filing objections, granting exemptions, enforcing penalties, or exercising oversight over municipalities in setting these fee rates remain insufficient.

<sup>4</sup> A study by the Lebanese Center for Policy Studies (LCPS) indicates that 88% of municipalities in Lebanon consider increasing financial resources a top priority in order to meet the needs of the population and various economic and social bodies.

<sup>5</sup> Zuhair Shukr, *Al-Wasit fi Al-Qanun Al-Dusturi (The Almanac of Constitutional Law)*, Vol. 1, University Institution for Studies and Publishing, 3rd ed., 1994, pp. 49–54.

a solution that France had practiced for over **70** years, only to abandon in **1982**<sup>6</sup>. France's shift marked a turn toward genuine administrative decentralization, where power is rooted in the people as the sole source of authority, allowing for the democratic election of all district and provincial council heads and members.

The Taëf Accord's reforms offered partial solutions, maintaining a veiled form of centralization. It is likely that the parliamentarians who drafted the accord under the pressures of the time were concerned about losing their grip on power to popular will and lacked a forward-looking vision regarding governance. With administrative decentralization, and consequently the financial independence of municipalities, local elites elected through municipal elections would have gained a legitimate tool, liberating them from the dominance of political feudalism and sectarian tendencies. This would have subjected them solely to accountability based on good governance and scientific standards, a prospect that undoubtedly stoked the anxieties of entrenched political, familial, and sectarian powers, who feared losing their control over society.

Moreover, a key criticism of the solutions proposed by the Taëf is that they left ambiguities surrounding the financial powers of municipalities. The Accord did not firmly establish financial autonomy for municipalities by granting them the freedom to determine the bases and rates of certain local taxes. Additionally, it retained the Union of Municipalities structure, resulting in a three-tiered system of administrative decentralization (municipality – Union of Municipalities – caza council) in a country that is geographically small and limited in financial resources (unless the intent was to merge the Union of Municipalities with the Caza Council). This arrangement risks creating overlapping jurisdictions, complicating local tax collection and distribution<sup>7</sup>, and potentially increasing costs for citizens.

It is essential to highlight that, amid Lebanon's economic crisis, certain parliamentary blocs have advanced legislative proposals to establish sovereign funds for the management of State assets. The objective behind these proposals is to reduce the national debt and compensate bank depositors for their losses. However, in the event that expanded administrative decentralization is enacted, municipal public and private assets must remain beyond the reach of such sovereign funds, if approved, to preserve the financial and administrative autonomy of municipalities. This in no way diminishes the urgency of formulating a comprehensive State asset management policy that includes accurate statistical frameworks, legislative facilitation, the enactment of a dedicated law governing

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<sup>6</sup> Act No. 82-213 of March 2, 1982 on the rights and freedoms of local and regional authorities (known as the Defferre Law).

<sup>7</sup> Article 2 of Decree No. 1917/1979, which outlines the principles and procedures for distributing the revenues of the Independent Municipal Fund, mandates that these funds be deposited in the Central Bank of Lebanon under the name of the General Treasury. A dedicated account titled "Independent Municipal Fund" is to be established within the Treasury Department's records at the Ministry of Finance. The movement of this account is subject to regulations determined by a joint decision from the Minister of Interior and the Minister of Finance. As a result, this article effectively denies municipalities their fundamental right to financial autonomy, which is essential to their existence. It places the management of the Independent Municipal Fund's finances under central authority and supervisory control, subjecting it to political decision-making.

municipal assets, and the continuation of demarcation and registration processes. It also requires aligning property valuations between the Ministry of Finance, land registries, and municipalities<sup>8</sup>.

On **November 7, 2012**, the Prime Minister issued Decision No. **166/2012**, forming a committee tasked with drafting an Administrative Decentralization Law, headed by the Minister of Interior and Municipalities Ziad Baroud. The committee held **47** working sessions, culminating in **2014** with the formulation of a comprehensive draft law on administrative decentralization, consisting of **147** articles.

## 2. Prerequisites of Decentralization

**For any decentralization project to be successful, it must meet three essential prerequisites:**

- A. **Political Autonomy in Decision-Making:** This entails holding fair and transparent elections for local authorities, establishing a system of power rotation, directly electing the head and deputy head of the decentralized authority, and actively engaging the opposition and civil society in oversight and accountability measures and mechanisms.
- B. **Administrative Autonomy:** Decentralization must adhere to the principle of subsidiarity, which dictates that decentralized authorities should replace central authorities in all areas not exclusively under central jurisdiction. This requires granting decentralized authorities regulatory powers that cannot be overridden except by law. It involves providing them with contractual freedom, regulatory power over staffing and the management of their human resources and affiliated institutions, and even granting them limited security powers to combat crime and regulate transportation and traffic. Additionally, it necessitates the elimination of all forms of prior administrative oversight, restricting post-administrative review solely to assessing the legality of decisions – a process that should be reserved exclusively for the judiciary.
- C. **Financial Autonomy:** Financial autonomy means empowering local authorities with the right to set local tax rates within the legal framework established by the legislature. While decentralized authorities may not inherently possess the authority to impose taxes or determine their basis and collection methods<sup>9</sup>, the central government must ensure that tax revenues and fees form a significant portion of local authorities' overall resources. The central authority should also provide financial compensation for any responsibilities devolved to local governments, ensuring that resources are proportionate to expenditures in order to promote balanced development across all decentralized entities.

In parallel with their spending autonomy, local authorities must adhere to budgetary balance, and certain restrictions may be imposed, such as prohibitions on funding religious associations. Local authorities must be granted the freedom to exercise their borrowing rights, albeit strictly for financing productive projects, infrastructure development, or essential equipment purchases.

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<sup>8</sup> G. Maarawi, "Municipal Assets: Between Challenges and Available Opportunities".

<sup>9</sup> Stéphanie Damarey, *Public Financial Law, The Financial Autonomy of Local Authorities*, Dalloz, 2021, p. 585.

**Therefore, does the draft decentralization law currently under review by the subcommittee in the Lebanese Parliament fulfill these three essential prerequisites?**

In terms of political autonomy, the proposed law establishes administrative divisions that demand an exceptional level of political consensus, yet they are not grounded in clear economic or social data. Furthermore, it abolishes municipal unions and introduces a majoritarian electoral system for electing members of the General Assembly within the caza councils. Such a framework risks sidelining the opposition and enabling dominant familial, partisan, or sectarian factions to secure a significant share of council seats, even without an absolute majority of voters. All it takes is the strategic fragmentation of opposing votes for these factions to seize absolute control over the election outcomes for extended periods, thus hindering true accountability and genuine representation.

The proposed law grants a select number of residents in a given Caza, namely those not officially registered in civil status records, the right to elect their representatives to the General Assembly of the caza council. This approach inherently diminishes their representation in the General Assembly compared to that of registered residents, even if their numbers surpass those listed in the civil records. Such a provision risks being contested before the Constitutional Council on the grounds of unequal treatment among citizens, whether candidates or voters, who either reside in the caza or are officially listed in its civil records.

The proposed law stipulates the election of the members of the Caza Administrative Council by the General Assembly members, including the President and Vice-President, through a proportional representation system. However, the indirect election method does not inherently grant the Caza Administrative Council political independence or guarantee equitable representation for citizens. This mechanism is akin to the election system of the French Senate, which serves as a representative body for local councils. Accordingly, the Caza Administrative Council becomes a representative body for the towns and cities that constitute the caza. This necessitates an improvement in the electoral system for the General Assembly members by replacing the majority system with an alternative voting system (ranked-choice voting). Under this system, voters in each village or town cast their votes using sequential numbers to rank the candidates according to their preferences, provided that they vote for at least one candidate. The candidates who obtain the highest percentage of votes based on the ranking of preferences are declared elected, provided that the qualifying threshold for any candidate is set at 5% of the total votes cast. Finally, the proposed law does not address the right to a referendum, whether initiated by the voters or by the Caza Administrative Council.

As for administrative autonomy, the proposed law grants extensive powers to the Caza Councils, including the authority to produce electricity and establish infrastructure. It abolishes the position of *Qa'im Maqam*, prior oversight, and eliminates the role of the Governor of Beirut after dividing the latter into **12** electoral districts. Furthermore, the law vests the Caza Council with the authority to hire personnel, establish an armed police force, and engage in public-private partnership projects without the need for a special law in accordance with Article **89** of the Constitution. While the proposed law respects all standards of administrative autonomy, does it ensure these councils have the financial resources necessary to exercise their new powers?

Regarding financial autonomy, the proposed law allocates **20%** of the state's total expenditure to the Caza Councils, thereby raising the total funds allocated to local administrations in Lebanon (municipalities and caza councils) to a minimum of approximately **25%** of the state's overall spending. While the rationale for not granting the caza councils the authority to impose taxes is understandable, as such authority would require a constitutional amendment, it would have been prudent to allow these councils the power to adjust their respective shares of the taxes allocated to them under the proposed law.

The proposed law also establishes the Decentralized Fund to replace the Independent Municipal Fund, endowing it with legal personality as well as administrative and financial autonomy. The Fund's activities would be overseen by a Board of Trustees elected by the caza councils and municipalities, and its funds would be distributed according to demographic, economic, and social criteria in line with the principle of balanced development.

Ultimately, there are no guarantees for the caza councils to secure their shares of taxes, as the central authority retains the ability to amend, reduce, or even abolish these shares. Moreover, the current tax shares are significantly lower compared to international standards, which undermines the caza councils' ability to fulfill the primary purpose for which they were established<sup>10</sup>.

Therefore, it is essential to enact constitutional amendments that fully secure the political, administrative, and financial autonomy of local authorities, similar to the framework in decentralized Western nations<sup>11</sup>. Moreover, the Constitution should grant local authorities the latitude to broaden their powers after an initial trial phase during which the central authority delegates specific services and facilities to them<sup>12</sup>.

In **August 2016**, MP Sami Gemayel introduced the administrative decentralization bill, originally drafted by the Special Committee on Administrative Decentralization. Since then, the bill has been under review by the Administration and Justice Committee, alongside a sub-committee that has met numerous times without reaching an agreement on key provisions. These provisions include the number of caza councils and their election processes, the women's quota, the status of the city of Beirut, administrative and financial powers, the authority to impose taxes, employment matters, police powers, and the establishment of the decentralization fund. The ongoing impasse reflects the efforts of certain parliamentary bloc representatives to strip the bill of its essential components, signaling their fundamental rejection of the concept of decentralization itself<sup>13</sup>.

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<sup>10</sup> *Fiscal Decentralization, Local Public Sector Finance and Intergovernmental Fiscal Relations: A Primer*, World Bank, 2021: <https://documents1.worldbank.org/curated/en/099225502022316135/pdf/P1754490fe142c0db095050e3808607c8ff.pdf>

<sup>11</sup> Article 72 of the French Constitution, Article 114 of the Italian Constitution, Article 142 of the Spanish Constitution, Article 28-II of the German Basic Law, and Article 82 of the Danish Constitution.

<sup>12</sup> Article 72-4 of the French Constitution and the Italian law known as the Calderoli Law dated June 26, 2024.

<sup>13</sup> See attached Comparison Table, Annex No. (1).

### 3. Is Federalism the Answer?

Amidst the evident lack of political will from certain Lebanese factions to embrace decentralization, the contested presence of Hezbollah's arms, systematic obstruction of institutional functions, and the undermining of Lebanon's democratic foundations, calls for federalism<sup>14</sup> as a solution to Lebanon's sectarian diversity have re-emerged. Advocates warn that if the current situation persists, it will inevitably lead either to the erosion of Lebanon's diversity—and thus the demise of Lebanon as we know it—or to the country's eventual fragmentation<sup>15</sup>.

The majority of federalism advocates in Lebanon come from the Christian community, driven by a historical sense of marginalization within a predominantly Muslim environment and heightened concerns over demographic shifts favoring the Muslim population. These concerns have been further compounded by some Shiite intellectuals and historians who are increasingly calling for the dismantling of the Greater Lebanon Project<sup>16</sup> and rejecting the parity principle enshrined in the Taif Agreement. These Christian voices lament the growing dominance of Shiite political parties over state institutions, the establishment of a parallel, armed, and lawless state, and Lebanon's entanglement in regional power struggles.

They argue that Lebanon's sovereignty and the rule of law have been undermined under the guise of "consensual democracy" at times, and at other times by introducing the novel concept of a "blocking third" in government formation under the pretense of ensuring constitutional legitimacy or promoting the "People-Army-Resistance" slogan. This has paved the way for a trajectory that justifies presidential or governmental vacuums, border smuggling operations, tax evasion, and sectarian-based power-sharing that conceals corruption. It has weakened the central state and concentrated power in the hands of a small cadre of six individuals representing the dominant sects, with Shiite parties wielding veto power in Parliament and publicly declaring themselves as an Islamic resistance movement, pursuing an agenda to establish an Islamic Republic in Lebanon aligned with the Islamic Republic of Iran.<sup>17</sup>

In the face of this identity-based, religious, and socio-institutional conflict, several draft federal constitutions for Lebanon<sup>18</sup> have been published. The majority of these drafts uphold the unity of Lebanese territory and recognize the supremacy of the federal constitution over the constitutions and laws of local authorities<sup>19</sup>. They establish a distribution of powers between federal authorities and federal and local units, based on the principle of subsidiarity, which prioritizes lower authorities in

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<sup>14</sup> <https://plato.stanford.edu/entries/federalism>

<sup>15</sup> <https://federallebanon.org> ; <https://fedleb.org>.

<sup>16</sup> Badr Al-Hajj, *The End of the Greater Lebanon Project*, *Al-Akhbar Newspaper*, Saturday, August 31, 2024.

<sup>17</sup> Aboultaif, E. W. 2021. *The Federal Question in Lebanon: Myths and Illusions*, *50 Shades of Federalism*.

<sup>18</sup> See Appendix No. (2) for a comparative table highlighting the key pillars of three proposed federal constitutions in Lebanon.

<sup>19</sup> One draft federal constitution stipulated that "cantonal sovereignty is the ultimate source of authority", indicating that the federal government holds no sovereign rights over the cantons or municipalities. In cases of conflict, cantonal law takes precedence over federal law.

matters of jurisdiction. These drafts divide Lebanese territory into cantons, states, or cazas, primarily composed of religious ethnicities (Christian, Sunni, Shiite, or Druze). However, they allow for the formation of multi-ethnic states or districts if the majority of each ethnicity consents to it, without requiring geographical continuity between these cantons, states, or cazas.

Local authorities shall have the right to establish their own constitution, as well as legislative, executive, financial, and judicial powers, while exclusive competencies shall remain vested in the federal authorities in matters concerning foreign affairs, defense, nationality, freedom of movement, passports, banking, currency, customs, and treaties related to trade, navigation, and border security.

Executive authority at the federal level shall be vested in a Federal Council that represents the major sects. This Council shall replace both the presidency and the entire cabinet. The presidency of the Council shall rotate among its members, with decisions made either by unanimous vote or by a qualified majority.

The religious sects shall have broad powers over the management of their internal affairs, enjoying full authority over religious matters and personal status issues. However, their jurisdiction in the sectors of education, health, and culture shall be limited to account for the prevailing public order at the state level or the federal authority in the case of districts not integrated into a specific state.

In addition to the federal authority's jurisdiction over foreign policy, the cantons or states are granted the authority to establish international relations at varying levels. However, all proposed constitutional drafts have adhered to the principle of neutrality as the exclusive means of managing divergences in federal foreign and defense policies. This principle is regarded as essential to ensuring the success of the federal arrangement and achieving its intended purpose.

The federal constitution drafts emphasized the tax autonomy of local authorities, suggesting that approximately **20%** of tax revenues be allocated to the federal authority, with the remaining **80%** designated for local or regional levels, thereby granting them legislative authority in this domain.

In relation to the equitable distribution of wealth among the various cantons or states, some proposed federal constitutions recognized that natural resources belong to the entire Lebanese people, with their revenues being distributed fairly in accordance with the population distribution throughout the country. These proposals stipulated that the share of the producing states or cazas should not be less than fifty percent of the total revenues. On the other hand, other proposals considered these natural resources to be the exclusive property of the citizens of the canton. As for balanced development, it was proposed to establish a general authority to oversee the allocation of federal revenues, ensure fairness in the distribution of grants, aid, and international loans, and verify the optimal use and fair division of federal financial resources.

The constitution of each canton explicitly establishes the right of its residents (in the case of municipal authorities) and its citizens (in the case of the canton) to resort to referendums as a fundamental democratic instrument. Additionally, the proposed federal constitutions have embraced the principle of expanded administrative decentralization at the municipal level and in relation to their powers.



All these proposals reveal a fundamental challenge in their adoption, as any constitutional amendment in Lebanon mandates the approval of a two-thirds majority in Parliament, a two-thirds majority in the Council of Ministers, and the signature of the President of the Republic<sup>20</sup>. Given that the current parliamentary system is based on a sectarian electoral law that entrenches power-sharing among the major parties responsible for the Lebanese Civil War, achieving this supermajority becomes nearly insurmountable—especially when the proposed amendment aims to introduce federalism.

Regrettably, the Lebanese experience has shown that any constitutional amendment is only achievable amidst a presidential vacuum and in the aftermath of wars or security crises, where the victor dictates terms to the defeated. Furthermore, such amendments require regional and international sponsorship<sup>21</sup>, particularly concerning Lebanon's neutrality. This can only be realized if all regional stakeholders deem it beneficial and subsequently urge their Lebanese allies to support its adoption. It is worth noting that incorporating the principle of neutrality into the existing constitution—regardless of federalism—would, in itself, help allay fears among Lebanon's diverse communities and improve the prospects for peaceful coexistence.

## Conclusion

The federal solution faces significant criticism<sup>22</sup>, stemming partly from misconceptions about the federal system and partly from concerns that it could empower extreme sectarian agendas within the cantons, states, or cazas. Such empowerment could potentially suppress secular and non-sectarian aspirations among Lebanese citizens. There are also fears regarding the delineation of boundaries for these federal units, given the scattered and interwoven nature of Lebanon's religious communities and the lack of geographical continuity between them. Additionally, concerns persist over the risk of heightened regional and ethnic fragmentation, as well as the emergence of pronounced economic and developmental disparities, which could further complicate the management of disputes and the distribution of powers between federal and local authorities.

It is crucial to acknowledge the distinct differences among Lebanon's sectarian communities, which are reinforced by a discouraging historical legacy, antagonistic geographical borders, and regional conflicts that have turned Lebanon into a proxy battleground. No governance system can single-handedly resolve these deep-seated issues. Moreover, numerous sectarian tensions stem from social, class-based, and philosophical crises tied to each group's understanding of its faith, its freedom to discuss its beliefs, and its willingness to embrace diversity. These fundamental matters cannot be fully addressed from within Lebanon alone. They require an education system designed to liberate minds, promote critical thinking, and cultivate creativity, rather than entrenching outdated, intolerant, and regressive mindsets. Such a cultural transformation is vital to fostering citizenship, advancing

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<sup>20</sup> Articles 76, 77, 78, and 79 of the Lebanese Constitution.

<sup>21</sup> Soeren Keil, *Federalism as a tool of conflict-resolution: The case of Bosnia and Herzegovina*, *Journal of Studies on European Integration and Federalism (L'Europe en Formation)* 2012/1 (n° 363), pages 205 to 218.

<sup>22</sup> <https://www.washingtoninstitute.org/policy-analysis/can-federalism-work-lebanon>

economic development, and building social consciousness—a process that demands long-term commitment over generations.

In the interim, and to pave the way for this transformation, it is necessary to rectify the flaws in the Taëf Accord exposed by past experiences. This involves preventing constitutional voids, avoiding undemocratic obstruction, endorsing Lebanon's neutrality, restoring a balance of power among institutions, reinforcing the independence of the judiciary, enhancing accountability mechanisms, regulating the media, improving public administration, and reforming electoral laws to secure fair representation and ensure the rotation of power. It also includes prohibiting religious-based political parties, combating corruption, adopting a policy of non-exclusivity, and promoting decentralization, which is the gateway to genuine development and public accountability. All these efforts require constitutional amendments in accordance with internationally recognized norms and procedures.

Integrating the principles and frameworks of decentralization into the constitution would strengthen the administrative and financial autonomy of municipalities and caza councils, thereby establishing a foundational step towards a federal system. Empowering district councils with the authority to levy specific taxes or exercise certain central powers on a trial basis—similar to the Italian model<sup>23</sup>—could facilitate a gradual evolution of Lebanon's political structure. Such measures could serve to mitigate the risks of engaging in futile internal or external conflicts and safeguard Lebanon's diversity against demographic shifts or the influence of unauthorized power. However, realizing this vision necessitates an informed and proactive inclusive citizenship, courageous and patriotic leadership, and favorable external circumstances.

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<sup>23</sup> <https://www.iris-france.org/187452-lautonomie-differenciee-des-regions-vers-une-italie-federale/>

## Authors' Short Bio

***Rabih El-Chaer is an appellate lawyer registered with the Beirut Bar Association and a graduate of the French National School of Administration (École Nationale d'Administration).***

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