



Bawader / Commentary, 30 September 2020

Salvaging Lebanon: Expert Opinions on a Way out of the Crisis

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BEIRUT, LEBANON - SEPTEMBER 11: Flag of Lebanon is hung on a building as firefighters continue cooling works after the fire broken out in one of Beirut Port's warehouses got under control in Beirut, Lebanon on September 11, 2020. © Houssam Shbaro



**** New expert opinions on other areas will be added to this page to continue to contribute to the reform debate in Lebanon.***

Lebanon is facing an unprecedented and multifaceted crisis that simultaneously combines acute financial and economic collapse, lack of political trust, institutional deadlock, health crisis, and environmental degradation, to name a few.

In the face of these challenges, the government of Lebanon should undertake a reform plan that addresses key priority areas to restore trust and salvage the economy.

The Arab Reform Initiative asked experts in fields considered key priority areas for the government. While these opinions do not reflect the organization's position, they open up a debate that can pave the way for an inclusive process to get the country out of the crisis.

What Can Be Done to Support the Educational System in Lebanon during Covid-19?

Maha Shuayb - Director of the Centre for Lebanese Studies (CLS)

The COVID-19 pandemic has further exposed the weak infrastructure of the education system in Lebanon. As demonstrated in a recent study ([Abu Moghli and Shuayb, 2020](#)) conducted by the Centre for Lebanese Studies, it has worsened access to and quality of teaching and learning for most vulnerable children, in particular Syrian refugee children and children with disabilities. The failure of the Lebanese educational system to support students is alarming, especially given that it has received hundreds of million dollars in aid and loans to strengthen both the system and technology in education. While the public sector failed its most vulnerable students, private schools were trying to cope with distance learning while justifying their tuition fees amid one of the worst economic crises to hit the country. The question remains as to what can be done to support the educational



system in Lebanon. Any proposed solution ought to encompass both the public and private sectors. Below are some recommendations:

- **Emphasis on low technology:** Solutions that aim to support teachers and students need to consider that low technologies continue to be the most preferred route for distance teaching and learning, especially given the lack of resources (power cuts, affordable and reliable internet, mobile phones, and laptops) as well as teachers' and students' readiness and familiarity with the use of technology.
- **Time and content:** The duration and quality of teaching online need to be carefully managed in order not to overburden and affect students learning with long hours of online route learning.
- **From didactic to deductive:** Online learning should not reduce teaching and learning to a didactic process where rote learning and transmission of knowledge is the dominant pedagogy. Active, interactive, and critical pedagogies can also be used in online learning.
- **Student participation is essential:** Participation of and feedback from students ought to be sought out in any distance learning activities, otherwise levels of student engagement and learning will be minimal.
- **Develop an interactive and engaging online platform:** An online platform that offers engaging and child-friendly resources is an urgent step that needs to be realised.
- **Partnerships** between the Ministry of Education and Higher Education (MEHE) and the private, UNRWA, and NGO sectors (who have already developed several platforms for teachers and students) can reduce the burden on MEHE to create quick solutions.
- **Professional development** on distance and online learning for teachers and school leadership and administrative team is essential for improving the quality of teaching and learning.
- **Teacher compensation:** teachers' jobs need to be protected and teachers need to be compensated for additional working hours or costs they might incur as a result of distance learning.
- **Students with disabilities,** in particular learning and intellectual disabilities, are often marginalized in distance learning. Alternative solutions that do not depend solely on high technology or



internet/electricity connectivity and high costs of equipment are necessary.

- **Mental health** of all stakeholders involved in the distance learning process including teachers, students, parents, and administration needs to be considered.

Healthcare in Lebanon 2020: Systemic failures and Absence of Leadership

Dr Joseph El-Khoury MD MSc PGCert. (EBPT), FRCPsych

One year of intense political instability and a disaster of epic proportions that almost destroyed an entire capital city have not been enough to convince the political and financial elites to change their *modus operandi* when it comes to ruling the country. Short-sightedness, incompetence, corruption, and clientelism all serve to undermine the provision of essential services. Healthcare is a complex political affair. The ways it is funded, commissioned, and delivered have far-reaching social consequences. The Lebanese healthcare system remains archaic and confusing both for the provider and the end-user, relying on multiple funding streams burdened by bureaucracy and lack of vision. It has also fallen into the easy habit of outsourcing a significant proportion of its operations to the non-governmental sector in its local and international branches. In effect, the ministry of health often operates as a middleman between foreign funding agencies and local organizations tasked with delivering services through the primary care health networks or governmental hospitals. Obvious political and religious affiliations are not a deterrent for being contracted for community services. In fact, the balance of sectarian power within the state apparatus is itself reflected in the distribution of contracts. The Syrian civil war that started in 2011 and the refugee crisis that is ongoing have brought in the usual network of relief agencies, their modern processes, and their efforts to improve the fragile health ecology for the benefit of the Lebanese host communities and the refugees. The hope is that this partnership with the Lebanese state leaves a sustainable impact on their operations.



Unfortunately, nine years later, there is little tangible signs of a qualitative leap forward for public healthcare in Lebanon.

Changing how the Lebanese receive and perceive healthcare does not necessarily require a revolution. Short of a systemic overhaul, an initial step would be for a full independent auditing of public health expenditure over the years and of the impact on the community. Simplification and automatization of public health subsidies would stifle corruption. National epidemiological data should be gathered regularly in partnership with local academic expertise that is both available and enthusiastic. Positive engagement of various professional groups and other stakeholders in a national health council would bring accountability and optimize cooperation. Vulnerable population groups should be prioritized, starting with those excluded from access to any level of private healthcare. Pilot public community health initiatives should be created on micro-local levels, through a process of twinning with local and global centres of excellence. Their implementation should be assessed and analysed with a view to upscaling and replicating nationwide. Ring-fenced budgets should be allocated to mental health, community health, preventive care, and rehabilitation services in all their aspects.

Such regulatory, legislative, and operational reform requires the political will to challenge established networks of interests crossing professional disciplines, business groups, political influence, and religious monopolies. It requires a team effort backed by a popular mandate. Hoping for a guardian angel in a white coat at the helm of the ministry to reverse the tide would be a serious error of judgment.

The government's first mission: Regaining trust

Jamil Mouawad - Senior Research Fellow (Beirut) at the Arab Reform Initiative

It has become a habit for Lebanon's government in the last decades to violate the constitution, public laws, and regulations. In post-war Lebanon, specifically post-2008, the so-called 'national unity governments' have hindered the good



functioning of the state. All decisions were almost always made outside state institutions by a handful of elite. The government and parliament were transformed into institutions to validate these decisions and vote on them, never to discuss or debate them. Consequently, all decisions were finalized only when unanimous agreements were secured, often influenced by sectarian considerations or political bargaining (*muhasassa*). As a result, the lack of trust in state institutions prevails and Lebanese citizens no longer look at the government as a source of justice where policies are drafted, enacted, and evaluated to serve the interests of Lebanon.

In order to regain trust, any government should bring back decision making to its proper institutional frameworks as defined by the Constitution and away from unelected and informal fora and should give sense to institutional practices starting from obtaining the confidence vote of parliament based on a clear and applicable general statement of policy to abiding by the rule of parliamentary accountability. The government should have a vision based on which it will govern and most importantly, respect the constitution. Decision-making within the government, as per the constitution, should be taken by consensus. If this is not possible, it should make its decisions by vote of the majority of attending members. Therefore, all ministers are equal irrespective of their portfolios.

Revalorizing institutional practices and putting the constitution and other laws and regulations centre-stage in the governance system will bring trust to the Lebanese who are longing for the state as a source of justice.

Improving reconstruction practices in Beirut: How to avoid pitfalls of the past

Ismael Sheikh Hassan - Urbanist and activist

Successive post-war reconstruction processes in Lebanon have often benefited political elites competing for international funds channelled through humanitarian relief. The international actors, in turn, find in this an opportunity to support their local political clients. As a result, the system refashions itself to the detriment of



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dissenting Lebanese voices, all while remaining immune to any form of accountability.

The government should break with this tradition by ensuring that funds after the Beirut Blast do not serve as an economic bail-out for the ruling elites that have contributed to financial and economic collapse.

Furthermore, government policies should ensure that international reconstruction funding is not tied to the privatization of public assets, especially since international rescue-packages have often been conditioned on privatization (under the guise of implementing reforms).

The government should also protect the housing rights of vulnerable groups (such as preventing evictions in these difficult times) and put in place transparent methods of damage assessment and compensation while providing immediate financial assistance, in particular to families with dire economic conditions. Such assistance would include providing homeless families with alternative temporary housing or rent subsidies, as well as providing emergency economic assistance to facilitate essential house repair for homes with minor damages.

Parallel to this, reconstruction strategies should look at a broader new vision for Beirut that can address the results of the problematic urban policies implemented in the city over the past decades. Such a vision should thus protect neighbourhoods and buildings of cultural and historic significance, develop alternative forms of mobility, and increase green and public spaces.

Theoretically, such reconstruction strategies and urban visions should be produced in collaboration with the various initiatives, activist-professionals, and campaigns that have lobbied in the past decades for progressive urban policies and bottom-up reconstruction strategies. However, at time of critical political transformations, such activist groups will understandably refuse to collaborate with the government and thereby legitimize it, unless the government is willing to prosecute those responsible for both the financial collapse and the Beirut blast. That is why reconstruction today needs to be premised on accountability if it is to avoid the pitfalls of the past.



Power sector reforms

Jessica Obeid - Independent energy policy consultant

There can be no thriving economy without a well-functioning power sector that is based on sustainable and cost-effective planning. Lebanon's power sector has not only been a heavy contributor to the public debt; it has also been detrimental to businesses and, subsequently, the economy. The high reliance on expensive diesel generators reduces business competitiveness on the regional and international levels.

Building a better economy requires setting up institutions with clear mandates to promote accountability and achieving a continuous and secure power supply at optimal costs. Fiscal analysis and cost-effective planning have historically been missing from the policies of the power sector. Moving forward, a solid plan for the power sector cannot be elaborated in the absence of a national financial plan. Currently, neither the state nor the citizens can foot the bills of the electricity sector or related upcoming projects. Policymakers should direct their focus to engaging the private sector and improving the business environment, including by adopting consistent regulations and a standardized transparent procurement framework. Eliminating all kinds of monopoly becomes a necessity to reduce costs. Issuing the law on the distribution of renewable energy and encouraging new energy models, including hybrid diesel-solar generations, should be done effectively immediately.

Parliamentary change paving the way to reform

Yara Nassar - Expert on Electoral law

The legitimacy of the current parliament and its representation of all Lebanese men and women has been contested since the May 2018 elections, for several reasons, most notably:



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- The Election Law 44/2017 is considered non-democratic, lacks gender equality, and did not meet international standards for electoral democracy.
- Undermining the freedom of many male and female voters in Lebanon by establishing a clientelist relationship with the parties at the helm of the country, as well as by marginalizing the State and its institutions as a primary source of access to services.
- Foreign interference in Lebanese political life favours parties at the expense of others, either financially or morally or both.
- The electoral administration is not neutral.
- Practices of bribery and exerting pressure on the voters during the election campaigns.
- Abuse of power and the state resources of those in power for electoral purposes.

The dissatisfaction of the Lebanese with the performance of those in power has accumulated, with many announcing the fall of the popular legitimacy of the parliament and the pillars of power since the beginning of the October 2017 HIRAK popular movement.

The most remarkable demands raised by the October HIRAK were mostly about the parliament (The Independence of the Judiciary Act, Recovering Stolen Assets Act, and Corruption Prevention Act.) Hence, the demand for early parliamentary elections under a new Election Law was associated with making a meaningful change in terms of correcting the authorities' performance and reorganizing it.

Holding the parliamentary elections under the current law, even if it were to result in a certain change at the representation level, would remain undemocratic, because the law itself is undemocratic and exclusionary. Therefore, any elections held without amendments will remain short of the legitimacy of Lebanese representation, regardless of their results. An inexhaustive list of these amendments includes the following:

- Ensuring the independence and impartiality of the elections administration by removing the Ministry of the Interior and other State



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organs as election organizers.

- Involving all the citizens, including the youth (18-21), people with special needs, the military, and citizens who are living abroad, in the electoral process.
- Ensuring the real confidentiality of the polls to reduce the effect of the stick-and-carrot approach on voters' choices.
- Ensuring gender equality between candidates in the media and in election spending.
- Ensuring fair representation by amending the current electoral system.

Therefore, the approval of a new mechanism through which the new election law will be enacted is more important than the law itself. Any government should embark on a participatory mechanism for the quick and effective discussion of an election law that represents the people rather than the interests of those at power. This must take place through the formation of an independent body to develop the next election law after wide consultation and start preparing for an electoral process that should take place as soon as possible.

Judicial reform

Ali Mourad, Assistant Professor of Public Law at the Faculty of Law and Political Science at Beirut Arab University - Lebanon.

There is no doubt that 17 October was a turning point in political life in Lebanon. It brought about major transformations in Lebanese social life. In the context of Lebanon's worst-ever economic and financial collapse, 17 October came to change the status-quo. It brought issues such as social conflict, corruption prevention, and institutional reconstruction to the forefront of public debate. These issues have now become the cornerstone for political action in Lebanon and a focal point for political discourse.

The independence of the judiciary and its impartiality were the key issues discussed by the activists on 17 October, mainly due to the participation of a large number of lawyers in the protest movement and in the defence campaign for the



detainees. This was helped by the Lebanese Judges Association also siding with the protest from the first day before later supporting the elections of the Beirut Bar Association. All these factors turned the independence of the judiciary into a cause of concern for every citizen, and not just human rights bodies and activists.

In light of the condition of the judiciary in Lebanon and its transformation into a tool in the hands of the authorities, or at least its failure to uphold justice and the rule of law, there is an urgent need today for any political programme to demand the enacting of legislation that ensures the independence of the judiciary. This is based on paragraph (E) of the preamble to the Constitution, which stipulates that the system is based on the principle of separation of powers, their balance, and cooperation; Article 7, which stresses the equality of the Lebanese before the law; and Article 20, which guarantees the necessary safeguards for the judiciary and litigants.

The Constitutional Council

After 25 years since its establishment, the Constitutional Council in Lebanon as a constitutional authority with judicial capacity, remains ineffective in guaranteeing respect for the provisions of the Constitution. This is due to the political interference and legal loopholes that have plagued its organization. Therefore, there is an urgent need to amend the Constitutional Council Act to ensure its independence from political power and increase its effectiveness. The most notable among these needs being:

- Amendment of the council's working mechanisms by reducing the quorum of meetings (currently eight out of 10) and reducing the majority required for decision-making (currently seven out of 10), since maintaining the status quo increases the ability of the political authority to exert pressure on council members.
- Adoption of a mechanism that allows male and female citizens to access constitutional justice by appealing to the Constitutional Council through a sub plea of unconstitutionality.
- Adoption of the principle of the constitutional council's oversight over laws related to the main subjects (electoral Law, reviewing administrative divisions, budget, Personal Status laws, etc.)



- Granting the Constitutional Council the original and exclusive authority to interpret the Constitution.

Administrative Courts

The rapid establishment of the lower administrative courts at the governorate level, as stipulated by law 27/2000 passed 20 years ago. These courts have not yet been set up, a fact which is both in conflict with the explicit legal provision of law 27/2000 and a violation of the principle of double-degree jurisdiction.

- Organizing annual contests for access to the Institute of Judicial Studies to gradually fill vacancies.
- Developing the system of the summary court before the State Shura Council, especially in cases of stay of execution, freedoms issues, and in public deals.
- Ensuring internal and external transparency of the Supreme Council of Administrative Judiciary and ensuring that the rulings of the administrative courts are published promptly after their issuance.

The Common Courts

There is a need to amend the judicial system and its work. Primary among these is the Judiciary Act, which should be amended to ensure the effective independence of the judicial system as an institution and of judges as the means to achieve such independence. To achieve this goal, we propose the following amendments:

- Reforming the structure and the way members of the Supreme Council of the Judiciary are chosen, including judges representing all types and classes of courts, so that they are elected and not appointed as is the case currently (eight out of 10 members are either government officials or appointed members).
- Electing the President of the Supreme Judicial Council from among the members of the Council.
- Granting the Supreme Judicial Council an independent budget to cover all expenses related to the judiciary.



- Making and adopting objective and transparent criteria in the nomination, transfer, and promotion of judges, based solely on the principles of competence, specialization, and experience, without any political or sectarian considerations.
- Establishing the right of Lebanese judges to freedom of expression, associations, and assembly.

Special Courts

- Abolish the Judicial Council and transfer its powers to ordinary courts.
- Abolish the Supreme Council for the Prosecution of Presidents and Ministers and transfer its powers to ordinary courts.
- Annul the authority of military courts to try civilians and transfer their powers to ordinary courts.
- Place military courts under the supervision of the Supreme Council of Justice, which appoints or approves judges.

Towards a zero-COVID Lebanon: A call for action

Joelle M. Abi-Rached, Nahla Issa, Jade Khalife, Pascale Salameh, Ayah Karra-Aly, Michèle Kosremelli Asmar

The Lebanese government has the responsibility to protect the health of all its citizens and residents. The early and decisive interventions implemented in the spring to address the COVID-19 pandemic allowed Lebanon to avoid what would have been an exponential rise in cases. These included thorough contact tracing, border closure, partial lockdown and (initially) centralized case isolation in hospitals.

However, the government failed to carry through long-term measures necessary for the maintenance of this early success. It did not adopt policies to assist both an



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impoverished population and small businesses in facing an unprecedented socioeconomic crisis, which ultimately led to local resistance to strict lockdown measures. Above all, the government failed to develop a long-term strategy to counter the pandemic despite repeated calls and widespread knowledge that the novel coronavirus was going to remain a threat beyond 2020. The majority of cases and deaths have occurred in the past 4 weeks (see figures below), in the absence of clear interventions and consistent communication with the public. We, the Independent Lebanese Committee for the Elimination of COVID-19 (zerocovidlb.com), a group of concerned citizens with various health-related expertise, have come together to sound the alarm and offer paths out of the current crisis. Overall, and in the light of the evolution of COVID-19 in the country, we are highly concerned with the absence of both a clear and comprehensive national strategy and a sound action plan to respond to the critical situation.

In this first report, we address weaknesses in current government policy formulation and then highlight several directions and actions for a more coherent and sustainable national strategy. A series of more pointed policy briefs on some of the issues that are raised here will be published in the coming period. [READ MORE](#)



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