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À PROPOS DE NOUS

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ABOUT US

The **International Journal of Open Governments / Revue Internationale des Gouvernements ouverts (RIGO)** is an academic journal created and edited by Irène Bouhadana and William Gilles at IMODEV, the Institut du monde et du développement pour la bonne gouvernance publique.

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IMODEV is an international, independent, non-profit scientific organization created in 2009 that promotes good public governance in the context of the information and digital society. This network brings together experts and researchers from around the world who, through their work and actions, contribute to a better knowledge and understanding of the digital society at the local, national or international level by analyzing, on the one hand, the actions of public authorities in the context of the regulation of the data society and the digital economy and, on the other hand, the ways in which digital public policies are implemented within public administrations and open governments.

IMODEV regularly organizes conferences and symposiums on these topics, and in particular every year in November the Academic days on open government and digital issues, whose sessions are published online [ISSN: 2553-6931].

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PARLIAMENTARY OPENNESS AND GOVERNANCE REFORM, THE LAST SHOT TO GAIN PEOPLE'S TRUST IN LEBANON

by **Maryline ZGHEIB**, Lawyer in Digital Law.

Lebanon's history along with its pluri-confessional nature explain the difficulties in carrying out reforms in the country. A culture of secrecy and a lack of political will have created a breeding ground for corruption in the Land of the Cedars. Long disillusioned and disinterested in the country's politics, Lebanese citizens have contributed themselves by their passivity to the worsening of the country's economic, political and social situation.

Exacerbated today by the accumulation of scandals and supported by a new generation, Lebanese citizens took to the streets for the first time in more than 15 years and demanded accountability for political and economic management. In solidarity, the Lebanese people demanded the right to a sincere, transparent, non-corrupt, accountable and responsive government.

The current situation – a mixture of political, economic and health crises – has created or reinforced the “need for statehood” among Lebanese citizens. This need concentrates the expectations of a new form of government, a moral government capable of truly protecting citizens and guaranteeing their welfare. The Lebanese demand a responsible state capable of assuming and fully performing its functions. The establishment of a new governance; one that is more transparent, participatory and collaborative, is more than needed today.

The Open Government Partnership (OGP) is one of the means to re-establish relations, facilitate the modernization of the state and enable Lebanon to benefit from greater openness. Joining the OGP will promote transparency and collaboration within Lebanese public administrations and will lead to a deepening of democratic life.

To better understand Lebanon's interest in joining the OGP, it is necessary to review the main requirements of the OGP, starting with transparency. We will first examine the level of transparency existing in Lebanon (§ 1) and then move on to the importance of developing a policy of openness (§ 2).

§ 1 – WHAT TRANSPARENCY IN LEBANON TODAY?

Lebanon has been committed for several years to improve the level of transparency in public administrations. Although subject to internal and external pressures, the Lebanese State has taken few

steps in this direction. In 2017, the Lebanese Parliament enacted the law n° 28/2017 relating to access to information¹, which supposedly, grants citizens access to public documents. However, is this law effective today? In other terms, is access to information henceforth a recognized right in Lebanon?

Subject to external pressure from international organizations such as the World Bank and the European Union, the Lebanese Parliament had to make efforts to open up and provide more information to citizens. Yet, despite initiatives such as the publication of information on the parliamentary website, the Lebanese Parliament still has a long way to go. Until this day, the political status quo of the country blocks the implementation of the law on access to information and unfortunately, officials, including Members of the Parliament (MPs) are not fully committed to ensuring transparency.

Although recognized by the law, the right of access to information is paralyzed in Lebanon.

In its content, the access to information law, obliges all public administrations – including ministries – to publish annual reports on their websites. These annual reports must contain all necessary information on the management of their activities, including projects and their costs, results and difficulties in the implementation of projects by the administration concerned². Such information is necessary to ensure accountability mechanisms, yet, three years after its entry into force, the above-mentioned provisions of the law are disregarded. The Lebanese authorities do not respect the law (for lack of infrastructure or unavailable digitization of the files or absence of collaboration) and the government has not yet created the institution to oversee its implementation³.

All these provisions show the urgent need for administrative reform to modernize the State by introducing e-government, which should enable public administrations to comply with the law on access to information. According to the World Bank (2016 report), administrative reform and change in governance must be a priority for Lebanon, and to ensure the effective implementation of this reform, Lebanon must consider the adoption of appropriate mechanisms, including the use of e-government and new

¹ Law No 28/2017 related to access to information. See: [http://transparency-lebanon.org/Modules/PressRoom/News/UploadFile/4811_Ar_20,01,YYAti-law.pdf], (consulted on the 26/08/2020).

² Article 8 of the Law No 28/2017. For more information, see: [http://transparency-lebanon.org/Modules/PressRoom/News/UploadFile/4811_Ar_20,01,YYAti-law.pdf], (consulted on the 26/08/2020).

³ HUMAN RIGHTS WATCH, *Lebanon: Access to Information Law Stalled Many Authorities Don't Comply; No Enforcement*, September 2019 (traduction française: auteur à partir de la version anglaise).

See: [<https://www.hrw.org/news/2019/09/27/lebanon-access-information-law-stalled>], (consulted on the 26/08/2020).

technologies that will allow for greater transparency⁴. The means are there but the question is to know whether the Lebanese officials are really committed to promoting transparency in the country.

Since the last CEDRE conference, the Lebanese government has committed itself to ensure compliance with international standards of transparency, accountability and anti-corruption. The support of the international community is conditioned on the promotion of greater transparency within the country and the Lebanese government has set itself in motion to adopt the requested reforms, particularly in the fight against corruption and for the modernization of the public sector⁵. Two years after the CEDRE conference, it must be noted that the Lebanese government has not fully respected its commitment. It is true that the Lebanese Parliament has made efforts to improve transparency with the adoption of the law on access to information, but this law has not yet achieved the expected results, especially without the promulgation of the required decrees.

For Linnea Mills, an independent research consultant who has conducted studies on the issue, Lebanon has not yet reached a sufficient level of transparency. This is due to the way public administrations operate, but also to the absence of a defined policy on the matter. According to her, the Lebanese deputies would explain the lack of implementation of laws by the lack of knowledge and interest of the citizens. The absence of high demand from the citizens has helped grow the culture of secrecy within the Parliament and the Lebanese public administrations. As an example of this culture of secrecy, article 51 of the Parliamentary Rules of Procedure stipulates that the sessions of the Parliament are public, unless the majority decided otherwise⁶. In that same regard, article 34 of the same rules mentions that committee sessions, its work, discussions and votes are confidential⁷. These provisions show that the current practices of the Lebanese Parliament run counter to the notions of openness and transparency, particularly with regard to the secrecy surrounding the work of the committees and the lack of available information

⁴ WORLD BANK GROUP, *FY 2016 Lebanon Country Opinion Survey*, Public Opinion Research Group, March 2017.

See: [<https://openknowledge.worldbank.org/bitstream/handle/10986/28841/120656-WP-LB-cos-fy16-report-PUBLIC.pdf?sequence=1&isAllowed=y>], (consulted on the 25/08/2020).

⁵ CEDRE, *Economic Conference for Development through Reforms with the Private sector*, Paris 6 April 2018.

See: [https://www.diplomatie.gouv.fr/IMG/pdf/fr_finale_cle8c8318.pdf], (consulted on the 25/08/2020).

⁶ Article 51 of the Parliamentary Rules of Procedure adopted on the 18th of October 1994 under No. 52, the 13/11/2003.

See: [<https://www.lp.gov.lb/CustomPage.aspx?id=37&masterId=1>], (consulted on the 25 August 2020).

⁷ Article 34 of the Parliamentary Rules of Procedure adopted on the 18th of October 1994 under No. 52, the 13/11/2003.

See: [<https://www.lp.gov.lb/CustomPage.aspx?id=37&masterId=1>], (consulted on the 25 August 2020).

on the votes and other behavior by individual Members of Parliament.

With the on-going events, MPs should see transparency and openness as their last resort to try and gain the people's trust. But, will they grasp the opportunity in time?

§ 2 – OGP, THE WAY TOWARDS SOLVING THE LEGITIMACY CRISIS IN LEBANON?

One of the main roles of transparency is to help induce accountability. In Lebanon, the information currently disclosed by the Parliament and other public administrations is not of the sort that would promote accountability. Joining the OGP is a way to close this gap by promoting a reform on parliamentary openness and transparency as part of the larger governance reforms as called by the international community.

In theory, transparency (reliable, accessible and timely information) is a key mechanism for achieving improved accountability as voters will punish politicians when they have credible information about them shirking their responsibilities or acting corruptly or opportunistically⁸.

However, in the case of the Lebanese parliament, transparency does not necessarily translate in accountability. This is related to the information disclosed. In reality, based on current practices, a Lebanese citizen voting in a parliamentary election would not be able to use information provided by the parliament to punish or reward MPs for their accomplishments as legislators.

Therefore, one way to enhance transparency in relation to parliamentary meetings would be to get the voting records out in the open. A simple way of doing this would be to make use of the existing electronic voting system. This system was established a number of years ago with financial assistance from USAID. However, it has to date never been used.

Today, the Lebanese MPs are given very low levels of trust compared to MPs in other countries. The 2016 Global Corruption Barometer showed that, 79% (a very significant percentage) in Lebanon consider that MPs are involved in corruption. This lack of trust in MPs can have serious repercussions for democracy. In fact, corruption encourages low engagement in political participation because it makes citizens feel as they have no influence on politics. This may explain the relatively low voter turnout in the May 2018 parliamentary elections⁹.

⁸ WORLD BANK GROUP, *FY 2016 Lebanon Country Opinion Survey*, Public Opinion Research Group, March 2017.

See: [<https://openknowledge.worldbank.org/bitstream/handle/10986/28841/120656-WP-LB-cos-fy16-report-PUBLIC.pdf?sequence=1&isAllowed=y>], (consulted on the 25/08/2020).

⁹ BERTELSMANN STIFTUNG, *BTI 2018 Country Report – Lebanon*.

See: [<https://www.bti-project.org/en/reports/country-reports/detail/itc/LBN/>], (consulted on the 25 August 2020).

The question to be asked here is can an openness reform resolve the crisis in legitimacy in Lebanon?

Disclosing the right information will boost the citizens interest in the country's politics and will help them hold accountable their MPs and officials when needed. Therefore, information and transparency can be enablers for promoting trust between the citizens and their officials. In fact, an openness agenda could present an opportunity for MPs to clean their image and thereby help them renew their relationship with the people.

This is where the OGP comes to play. Joining the OGP could serve as a platform for Lebanon's new commitments to parliamentary transparency and openness.

Launched in 2011, the OGP now has 79 participating countries and 20 subnational governments. In the MENA region, Jordan joined already in 2011, Tunisia joined in 2014, and Morocco joined as recently as 2018¹⁰. The OGP process brings together government reformers and civil society leaders to create national action plans that make governments more inclusive, responsive and accountable. The commitments made in the national action plan are then independently assessed, which brings accountability to the process.

To become a member of the OGP, participating countries must demonstrate a minimum level of commitment to open government principles in four key areas (Fiscal Transparency, Access to Information, Asset Disclosures, and Citizen Engagement). All of which Lebanon can deliver through a national action plan agreed upon between the different stakeholders, including civil society.

Becoming a member of the OGP could end the decade long impasse and get the ball rolling for Lebanon towards a more responsive, open and participative government. But are the politicians aware of this crucial need for change and if so, who will champion this reform so long awaited by Lebanese citizens?

¹⁰ For more information, see: [<https://www.opengovpartnership.org/>], (consulted on the 26 August 2020).