

Achievements of the Change and Reform Bloc: Unofficial Translation

Separation of Power

Proposition of law abolishing the accumulation of functions of a Member of Parliament and Minister, in order to efficiently enhance the collaboration between the people's representatives on one hand, and politicians accountable to the people on the other.

Monday, November 11, 2008, the Reform and Change Bloc presented a proposition for a constitutional amendment, abolishing the accumulation of Parliament Deputy and Minister functions, on the initiative of the following deputies: Michel Aoun, Salim Aoun, Neemetallah Abi Nasr, Abbas Hachem, Nabil Nicolas, Ghassan Moukheiber, Edgar Maalouf, Salim Salhab, Hagop Pakradounian

The proposition includes two articles:

Article 1: Article 28 of the constitution will be repealed and replaced by the following text: "Accumulation of the parliamentary membership and the ministerial function is not allowed. However, it is allowed to nominate ministers among members of the parliament or from individuals that are not members thereof or from both. ."

Article 2: The following provision shall be added to Article 41 as a second paragraph thereto:

"In case a parliamentary seat becomes vacant following the deputy's acceptance of his/her nomination as minister , his/her place in the parliament will be filled by the back up candidate who was selected by the deputy in his/her electoral list. In no case will the mandate of the back up candidate exceed the initial mandate of the original member of parliament who he is substituting for."

The principle stated in this article also applies in case of death of a deputy, or in case the latter has lost his/her membership in the parliament because of his/her resignation therefrom or because of the issuance of a judgment against him, which would have initially

prevented him/her from submitting his/her candidacy in the first place.

The motives for this proposition of law are the following:

1. Article 28 of the Constitution, before being modified by the constitutional law of October 17, 1927, and by the modification of May 8, 1929, provided the following:

“The accumulation of the functions of deputy and minister is authorized provided that the number of ministers chosen from the parliament is neither superior to, nor inferior to the majority of the number of the members of the government. By majority, it is mean half + 1.

Subsequent to the modification of 1929, and until today, Article 28 provides that : “The accumulation of the functions of deputy and minister is allowed, the ministers being chosen among members of the parliament or from individuals that are not members thereof or from both..”

2. Contemporary constitutions, namely the French Constitution of October 4, 1958, have adopted the principle of separation between the parliamentary and ministerial functions, for incompatibility reasons, and this in order to enhance the operation of public authorities and efficiently enhance their productivity.

3. It is to note that the rule of none-accumulation of the parliamentary and ministerial functions was previously mentioned in certain French constitutions, like the one of 1791 (articles 36 and 93), article 44 of the 1852 constitution, and lastly article 23 of the current constitution, the constitution of the V Republic, promulgated on October 4, 1958 (NOTE: I think it should be 1958, as the V republic was established by De Gaulle).

4. It is necessary to give a concrete and realistic explanation of the principle of power separation, from which is issued the concept of incompatibility, since the concept of separation between authorities, from a pure idealistic and objective point of view implies that the different public authorities have to resort to different systems in order for a certain authority to limit another one. In this case, separated authorities will be able to closely cooperate with each others , resulting in the creation of a real parliamentary system, made to be more efficient and productive

since the control role of the parliament is in total contradiction with the duties of the executive power.

5. The legal incompatibility is the natural result of the principle of the separation of powers, not to mention that it confirms the inability of one person to exercise two activities at the same time: representing a region and the management of his/her ministry. In addition to the foregoing, the legal incompatibility has the benefit of clearly indicating that the minister is the one who manages state matters in all that is related to and concerning the functioning of his ministry.

6. The principle of legal incompatibility is a legal necessity if we really want to respect the principle of separation of powers. It should be mandatory that the minister be able to devote all his/her time and effort in order to fulfill his/her function.

7. This proposition lies on two essential principles: a deputy should not be prevented from being entrusted with a ministerial portfolio, but the accumulation of parliamentary and ministerial functions should be prohibited; this rule aims to only prevent to have one person practicing both the control over the ministerial duties and the ministerial duties themselves. On the other hand, this text is inspired by the respect of the parliamentary mandate itself which, because of its fundamental aspect of basis for the State, asks for a rigorous protection of the public order's name. Universal suffrage is considered a matter of public order and the related legislative prescriptions does not support derogation. Respect for the constitution is an aspect of the defense of public order, because every breach to the constitutional order is a factor of anarchy and disorder, seriously prejudicial for the public peace.

8. This proposition preserves the democratic order since it is a necessary prerequisite to a modern political order. It is for this set of reasons that we are proposing this law to the parliament, asking that it be voted for high interest of the nation.

Proposition for a constitutional amendment to reduce the minimum age for the right to vote to 18 years

Deputies Ibrahim Kanaan and Ghassan Moukheiber signed a proposition for a constitutional law regarding the amendment of article 21 of the Constitution. They presented it to the parliament on Wednesday, October 29, 2008.

The text of the proposition of the constitutional law aiming at amending article 21 of the Constitution.

Article 1:

Article 1 of the Constitution will be amended as follows: “Every Lebanese citizen who has completed 18 years of age shall have the right to vote, provided that he/she fulfills the conditions required by the electoral law”.

Article 2:

This constitutional law shall enter in force upon its publication in the Official Gazette. The motives for this proposition of law are the following:

Whereas, the right to vote constitutes one of the fundamental political rights as mentioned by the international conventions, state constitution and laws; and .

Whereas the text of Article 21, the amendment of which is requested, deprives Lebanese citizens aged between 18 and 21 years from practicing this right; and

Whereas this deprivation raises a series of questions on the legal, political and social levels for individuals.

1. On the legal level

The Lebanese law considers that the legal capacity of an individual is acquired when said individual reached the age of 18, thus the individual will be able to acquire rights and execute obligations , as well as being fully liability for his/her actions and behaviors, on both the civil and criminal levels.

Despite the foregoing, he/she remains deprived from his right to vote until he/she completes the age of 21 . Given that the legal capacity cannot be fractioned since an individual cannot be, at the same time, legally capacitated and politically incapacitated.

And since the individual having completed 18 years of age is capable of participating in the political, partisan and syndical life, as well as getting enrolled in the military life and occupying administrative functions in the public sector

And since it is not legally logic nor rightful for an individual to be fully responsible in practicing his/her civil duties, but not capable of practicing the right to choose who will represent him/her in the legislative power

And since it is not correct for an individual to be able to enroll in the military and be entrusted with the mission of defending his/her country and people, sacrificing his/her life on their behalf , and be able to fulfill public functions, yet, at the same time, not to be able to elect those who will represent him in the parliament

And because article 21, subject matter of the amendment request, has defined a special capacity for the voter, different from the civil capacity and the provision in the constitution has determined who is a voter, and no text determining the age of the candidate was provided.

And this case makes it theoretically possible at least to modify the age required for candidacy , reducing it to 18 years though the amendment of the electoral law, while the minimum age required for the right to vote would remain 21 years, and this cannot be legally or constitutionally logical

And whereas the minimum age required for the right to vote has been reduced to 18 years in most of the developed countries such as the United Kingdom (since 1970), France (since 1974), Italy, Germany, Spain, Switzerland, as well as in most of the Arab countries: Egypt, Jordan, Syria.... with a tendency to reduce said minimum to a lesser age .

And whereas the reforms provided for by the the proposition of law drafted by the commission formed by the government and presided by M. Fouad Boutros have included the reduction of the minimum age for the right to vote in the legislative elections to 18 years.

And whereas a great number of fellow parliament members have previously submitted a proposition of law, and a parliamentary petition aiming at reducing the minimum age required for the right to vote to 18 years

Based on these legal arguments, we find it inadmissible to deprive this section of the Lebanese youth from their right to participate in the election of their representatives in the parliament.

2. On the socio-political level

Since the youth represents an essential section of the Lebanese society, and since it remains deprived from expressing or formulating its political choices, wishes and hopes in participating in the construction of the political life.

And this means depriving the Lebanese society from the power and spirit of the youth of this section of the population, between 18 and 21 years of age, and which consists mainly of university students

And since the absence of this part of citizens and depriving them from their political rights makes them feel marginalized and rejected, thus limiting their patriotic fervor to serve their country and encourage in them the spirit of indifference as far as the future of the country is concerned

And since this group, deprived from practicing its right to vote, forms an essential composite in the political and partisan forces in Lebanon, and their continuous absence from the political life through the exercise of the right to vote would push some of them to think of expressing their existence through means that would not be in the interest of the country and its institutions

And since the demographical evolution annually increases the number of electors, and according to the current state of things, the portion of the population aged between 18 and 21 years will eventually integrate the list of electors in 4 years, thus what is currently happening is simply delaying their participation

And since the protection of the correct representativeness of all strata of the Lebanese society is ensured by the electoral order and

the size of each electoral circumscription, and not by depriving the youth from its right to vote.

Based on these political and social arguments, we consider that continuing to deprive this essential section of the Lebanese youth from its right to political participation has severe negative repercussions on the role of the youth in building the future of Lebanon.

The appropriations of foreigners

The Reform and Change bloc submitted a proposition of law organizing the acquisition of real estate by foreigners according to national standards.

The text for the proposition of law:

Below is a proposition of law for the organization of acquisition by non-Lebanese of real estate rights in Lebanon.

Article 1: This law organizes the acquisition by non-Lebanese persons, whether natural or juristic, of real estate right n Lebanon.

Article 2: A non-Lebanese is a natural person holding a nationality issued by a recognized country, or a non-Lebanese juristic person, or a person considered by the provisions of this law as non-Lebanese

Article 3: The real estate rights that non-Lebanese are allowed to acquire are:

Ownership, right to dispose, right to benefit, real estate servitudes, , real estate security and the real estate privilege provided for in articles 117 and seq. of Decision No. 3339/1930 dated 12/11/1930 and its amendments (law related to real estate ownership)

Article 4: It is not allowed for a non-Lebanese person, whether natural or juristic, , to acquire by contract, legal fact or any other legal act made amongst living persons, any of the real estate rights listed in article 3 above, unless after obtaining a special license that would be granted in a decree taken in the Council of Minister

pursuant to a proposition from the minister of finance. The license would be granted following the review by the Council of Ministers of the report submitted by the commission mentioned in article 24 of this law.

Article 5: It is not allowed to acquire any of the above indicated real estate rights by any person not holding the nationality of a recognized country, nor to any other person whomsoever, if said acquisition would contradict the provisions of the constitution related to the rejection of the permanent establishment of Palestinians in Lebanon. .

Article 6: for the purpose of enforcing the provision of this law, shall be considered as a non-Lebanese juristic person:

1. The partnership companies and the limited liability companies whose all parts are not owned by natural Lebanese persons, and which articles of association do not prohibit the transfer of their parts to non-Lebanese or to other than purely Lebanese companies.

2. All kind of Joint Stock companies and companies in the form of Commandite par Action which all shares are not nominative and undividable, nor owned by natural Lebanese persons, or purely Lebanese companies, and which articles of association do not prohibit the transfer of their shares to non-Lebanese natural persons or to other than purely Lebanese companies

Article 7:

With due regard to Article 4 of the present law, Article 231 of Decision No. 3339 of 12/11/1930 (Law of real estate ownership) and the principle of reciprocity, shall be exempted from the license:

1. The acquisition by non-Lebanese person, whether natural or juristic, of sectioned real estate rights which total area in all the Lebanese territory does not exceed 1000 sqm of build property per individual/juristic entity.

2. The acquisition of real estate rights pursuant to the provisions of articles 33 and 40 of law No. 58 of 29/5/1991 (expropriation law)

3. The acquisition of real estate rights through the following:

1. Inheritance with respect to the heirs

2. The right resulting from a will or a donation contracted between non-Lebanese persons and any of their heirs, particularly the ascendants, descendants and spouses.

3. The rights resulting from a mortgage, a security or a right of use.

4. The right of use and the normal lease right which are each for a period exceeding 10 years are subject to licensing prior to acquisition.

Any non-Lebanese creditor, whose debt results from a mortgage or a security, may not acquire the real estate right through judiciary public auction unless said creditor obtains the necessary license. If the creditor is a bank, the purchase will be subject to article 154 of the Money and Credit law.

Article 8:

Non-Lebanese persons, whether natural or juristic, shall not have the right whatsoever to acquire any real estate right in the border regions or in the proximity of ministerial buildings, public establishments, military or security areas. Are considered as border regions for the purpose of this law, the areas that are located within a 10km radius from the borders of the Republic of Lebanon and 3km from the location of ministerial buildings, public establishments, military and security areas.

The government should re-acquire all real estate rights that were purchased by non-Lebanese in the border region until the date of enforcement of this law. This should be done pursuant to the rules set out in the Expropriation law, with regard to the evaluation and the re-acquisition processes.

Article 9:

With due regard to any special provision that may be contrary to the below:

1. It is not allowed to grant a license for any one non-Lebanese natural person to acquire a real estate right in an area that exceeds 2000 sqm in all the Lebanese territory, amongst which 1000 sqm are in the Mohafazat of Beirut. Shall be considered as part of the

above calculation any areas previously owned, whether licensed or not.

2. It is not allowed to grant a license for a juristic non-Lebanese person to acquire a real estate right in an area that exceeds 5000 sqm in all the Lebanese territory, amongst which 2000sqm are in the Mohafazat of Beirut. Shall be considered as part of the above calculation any areas previously owned, whether licensed or not.

Article 10:

In any event, it is not allowed that the total area owned by non-Lebanese persons, whether natural or juristic, in all the Lebanese territory, exceeds 3% of the total area of each of the Lebanese land districts, and 10% of the total area of the Mohafazat of Beirut.

Shall not be taken into consideration for the purpose of calculating the above indicated percentages the following areas: the commonly owned lands (Mushaa) the public and private lands owned by the State and the municipalities, the reserves, the protection areas and all areas in which it is prohibited to build totally or partially, for any reason, whether public or private, and any areas which its general investment portion does not exceed 5%.

Article 11:

The acquisition by non-Lebanese of real estate rights is subject to the following purposes:

1. In respect of the natural person, the purpose for acquiring a build property should be his/her personal residency or use, and in case of non-build property, the purpose should be to erect a building thereon for personal residency or use. No other purpose shall be accepted in both cases.

2. In respect of the non-Lebanese juristic person, the purpose of acquiring a build property should be for its personal use or for the accommodation of its labor and personnel. As for the non-build property, the license to acquire such property should be granted only to carry out construction thereon that serve the purpose of its presence in Lebanon or to make the property as its head office or to execute its object if said object is of the following natures: industrial, touristic, agricultural, real estate, social, scientific or cultural, and it is evidenced by the license application and the

documents attached thereto that said object is beneficial to the country and provides employment opportunities for Lebanese citizens.

It is not allowed to change the purpose for which the license was granted, no matter what the reasons therefor are. Otherwise, the license shall be considered cancelled and the ownership of the property shall return to the State which shall pay the price of the land according to its declared price upon purchase in addition to the price of any constructions erected thereon.

The computerized center in the Land Department of the Ministry of Finance shall be responsible for organizing the data and statistics required to reveal the above indicated percentages. When such percentages reach the legal percentages provided for in Article 10 above, said Department shall take all appropriate measures to stop the registration of real estate rights in the name of non-Lebanese persons, and notify the Ministry of Finance of the foregoing. The Department shall also publish every six month in the Official Gazette and in two local widely spread newspapers the data related to the acquisition by non-Lebanese and said data shall include: the total areas acquired during the last six month, the total areas previously acquired until the date of the data and their percentage with regard to the legally authorized percentages.

In any event, the Land Department should announce when the legal percentages are reached in a decree to be taken in the council of ministers based on a proposition by the Minister of Finance. Said decree will suspend the acquisition by non-Lebanese of real estate rights in Lebanon, unless said acquisition is still undergoing.

Article 12:

In this law, spouses and minor children are considered as one person. Is considered a minor the child that has not reached 18 years of age.

Article 13:

The request for a license should be submitted to the Land Department in the Ministry of Finance and should include: the name of the applicant, his/her hometown address, residency address, his/her job and work address, the reasons behind the acquisition, whether or not he/she previously owns any of the real estate rights

mentioned in Article 3 hereof, the number of the plot or the real estate right requested to be acquired and the land district where said plot or right is located.

The applicant should attach the following document to his/her application:

- o A complete land certificate of the right requested to be acquired, showing its area or a measurement certificate issued by a sworn topographer if the area of the land intended to be acquired is approximate, or if said land has not been yet subject to topography.

- o Complete land certificates with final area measures or measurement certificates issued by a sworn topographer of all the lands previously owned by the applicant, whether they have been subject to topography or not.

- o A map showing the location of the plot intended to be acquired together with its border limits with similar maps related to plots previously owned by the applicant.

- o Certificate issued by the competent land departments showing all the rights mentioned in Article 3 hereof that are owned by the applicant in the Lebanese territory together with the dates of their acquisition and the reasons therefor.

- o A certificate issued by the Municipality or by the Moukhtar in villages where there are no municipalities, showing the contents of the plot intended to be purchased and the plots previously owned.

- o A copy of the Articles of Association and the Certificate of Registration in case the applicant is a juristic person, together with a list of the authorized signatories on its behalf and the name of the shareholders/partners, their nationalities, and the number of parts/shares owned by each of them.

- o With regard to industrial, touristic, agricultural companies or in companies which object includes construction of buildings for sale, a copy of the project to be executed should also be attached to the application, in addition to an economic feasibility study showing the capital required and a proof of solvability and a schedule of execution.

- o A certificate of reciprocity, issued by the competent authority in the country of the applicant. Failure to provide said certificate will result in the application being rejected.

- o A declaration signed by the applicant and duly notarized, in which the applicant shall list all the rights owned from those rights

mentioned in Article 3 above. If the applicant is a juristic person, the declaration should be signed by the duly authorized signatory.

o Within one month from the date of its registration, the Land Department shall transfer the application together with its attachment to the committee established pursuant to Article 24 of the present law. Said committee shall review the application and shall have the right to carry out any and all investigations and gather all information that would reveal the reasons behind the application and to make sure that said application is in compliance with the laws and regulations in force. The committee shall draft its report and submit it to the Minister of Finance within three months from the date of registration of the application with the committee.

o The Minister of Finance shall submit the application to the Council of Ministers within one and a half month from the date of submission to the Ministry, together with the Minister's recommendation to accept or reject said application.

Article 14:

The License shall be granted in a decree taken in the Council of Ministers within a period of three months from the date of receipt of the application by the Secretary General of the Council of Ministers. If the license is not issued within said period, the application shall be considered rejected and the applicant shall not have the right to apply anew before the lapse of a period of two years from the date of the first application. The Council of Ministers shall have an absolute discretionary right in accepting or refusing to grant the license and its decision in this regard, whether express or implicit, shall be final and shall not be subject to any recourse, including annulment for cause of abuse of authority.

Article 15:

The effect of the decree granting the license shall be forfeited after one year from the date of its publication in the Official Gazette, unless the delay is caused by a judiciary dispute between the licensee and the person who received the right on his/her/its behalf and said dispute was registered with the Land Register within the above mentioned period, or if the delay was caused by a legal or material impediment outside the control of the applicant. In such cases, the period will be suspended until the end of the judiciary procedure or until said impediment disappears.

Article 16:

The person, whether natural or juristic, acquiring the build real estate right should realize the purpose for which it has acquired said right. In case the real estate right is not build, the foreigner should erect a building thereon within a period of five years from the date of registration of the real estate in his/her/its name in the Land Register. This period may be renewable once in a decree taken in the Council of Ministers. Failure to carry out the construction within the prescribed period shall lead to the right being forfeited and the agreement cancelled, and the real estate shall be sold by the Ministry of Finance, together with any building erected thereon, on behalf and to the benefit of the infringer pursuant to Legislative Decree No. 147 of 12/6/1959 (Procedures related to the payment of direct taxes and similar duties). The profit generated by the sale shall be confiscated to the benefit of the national treasury and the initial price of the property shall be paid to the rightful owner together with any legal expenditures. The Court of First Instance looking into real estate matters in the jurisdiction where the property is located shall be the competent court to resolve any dispute arising out of the application of this Article.

Article 17:

The foreigner is prohibited from selling the real estate right he/she/it has acquired pursuant to this law, or pursuant to previous laws, before the lapse of a period of 5 years from the date of acquisition and before realizing the purpose for which the right was acquired in the first place and based on which the license was granted. The Land Registrar should indicate this prohibition in writing on the land registration certificate and on the deed of ownership.

Article 18:

The companies mentioned in Article 16 and in paragraph (b) of Article 9 and which have acquired a real estate right according to the present law, are not allowed, except in the case of death of one

of the partners/shareholders, to introduce any amendment to their articles of association which effect is to reduce the number of parts or shares owned by Lebanese individuals in said companies. Failure to abide by the foregoing will render the act null and void and shall expose the partners/shareholders which have approved the amendments and the directors which have implemented them, subject to the sanctions provided for in Article 27 of the present law.

Article 19:

Upon liquidation of non-Lebanese companies and establishments which were granted a license to acquire real estate rights in Lebanon, it is prohibited to divide these rights and distribute them in kind amongst non-Lebanese partners/shareholders unless in strict compliance with the provisions of this law. Otherwise, these rights can be sold in public auction and the proceeds of the sale shall be to the benefit of the liquidation fund, in accordance with Legislative Decree No. 147 of 12/6/1959 (Procedures related to the payment of direct taxes and similar duties).

Article 20:

Any person who submits a false certificate or declaration shall be punished in accordance with Article 27 hereof and any properties he/she has acquired based on such certificate or declaration shall be confiscated. The confiscation shall be pronounced in the judgment declaring the sentence.

Article 21:

The license mentioned in Article 4 hereof can be granted for the acquisition of areas exceeding the authorized limits set out in Article 9 hereof, according to the following rules:

First: in respect of industrial, touristic and agricultural companies or companies whose object is to construct buildings and sell sectioned or non-sectioned parts thereof and which require for the realization of its object, the acquisition of one of the real estate rights mentioned in this law, the following conditions shall apply.

1. if the applying company is a partnership or a limited liability companies, then 51% of its parts should be owned by natural Lebanese persons who are prohibited in the Articles of Association from transferring said parts to non-Lebanese persons or to companies which are not purely Lebanese, and its directors should be Lebanese at all times.

2. If the applying company is a joint stock company or a in the form of a Commandite par Action, then all its shares should be nominative and non-dividable, and 51% owned by natural Lebanese persons or pure Lebanese companies who are prohibited in the Articles of Association from transferring said shares to non-Lebanese persons or to companies which are not purely Lebanese, and its chairman of the board and one third of its directors should be Lebanese at all times.

3. That the total area requested to be acquired does not exceed 50,000 sqm in all the Lebanese territory, amongst which 5000 sqm in the Mohafazat of Beirut.

4. That it executes its project within the period prescribed in Article 16 of this law.

5. The areas previously owned shall be calculated as part of the areas indicated in paragraph (c) above.

Second: In respect of diplomatic and consulate missions and scientific, cultural and charitable organizations, the following conditions apply:

1. The acquisition of the real estate right should be essential for the realization of its object.

2. That the total area licensed to be acquired does not exceed (i) 7500 sqm in all the Lebanese territory, amongst which 2500 sqm in the Mohafazat of Beirut with regard to diplomatic and consulate missions and (ii) 15,000 sqm in all the Lebanese territory, amongst which 4000 sqm in the Mohafazat of Beirut with regard to scientific, cultural and charitable organizations.

3. That it realizes its project within the prescribed legal period under penalty of applying article 16 of this law.

Article 22:

Lebanese individuals who are residing in the region where the land is located or are real estate owners therein shall have a preferential right to acquire said land if its is to be acquired by

non-Lebanese. They shall have a period of one year from the date of registration with the land department to exercise said right. In case of several potential purchasers, the preferential right shall be granted to the purchaser who owns the closest property to the land subject matter of the sale.

Article 23:

With due regard to the provision of this law, and within a period of one year from the date of enforcement thereof, non-Lebanese persons, whether natural or juristic, shall be granted the right to request that all real property rights that they have previously acquired under borrowed names be registered in their names, either voluntarily or judiciary. Failure to do so shall forfeit said right as well as the right of recourse to courts. If they do so, they and the persons whose names were borrowed and those who certified the sale agreement, shall be exempted from any punishment whether criminal, civil or disciplinary.

The government should repossess the areas that are in excess of the limits set out by the law against payment of the price thereof as per the price declared in the initial sale agreement, in addition to an annual interest of 5% per year.

Article 24:

A committee should be established in order to review all the applications submitted to acquire real estate rights, and to give an opinion in their respect. Said committee shall be composed of:

- The president of the Court of First Instance looking into Real Estate matters and the Real Estate Judge of the jurisdiction in which the real estate is located. The judge with the higher grade shall preside the committee.

- The Director of the Geographical Matters in the Lebanese Army together with one of his assistants with a Captain grade: two members

- The president of the General Security Post of the Caza where the real estate is located: one member

– The President of the Land Register where the real estate is located: one member

The remuneration of the committee's president and members shall be determined in proportion to what is determined for the Expropriation Committees of First Instance.

Article 25:

Any Lebanese person purchasing a real estate right in Lebanon from a non-Lebanese shall be exempted from the registration fees.

Article 26:

Within the area limits provided for herein, Non-Lebanese persons, whether natural or juristic, shall have the right to enter into agreements for the acquisition of real estate rights that are conditional upon the obtention of the required license. These agreements shall be considered null and void without the need for any procedure, upon the expiry of the period fixed in the agreement for the obtention of the license, provided that said period does not exceed one year. In case said period exceeds one year or in case the agreement is silent as to the period required, said period shall automatically be considered as a period of one year.

Article 27:

Shall be considered null, void and inexistent any and all agreements or acts that are made or taken in infringement to the provision of this law. The perpetrators of such acts/agreements as well as their accomplices, those who have intervened in its making in any way whatsoever, those who have knowingly certified it or registered it, shall be punished by temporary hard labor in addition to a fine which amount shall vary between the price of the real estate at the time of issuance of the sentence and three times that price.

Every Lebanese with interest, whether local residents or real estate owners in the jurisdiction where the real estate is located, and the public prosecutor shall have the right to claim voidance and

the court may raise it on its own. All court cases raised in this regard shall be exempted from judiciary charges.

The above provisions shall be applicable on all legal acts carried out through a third person and aiming to avoid the application of said provisions. Shall also be considered null and void any provision or acknowledgment or undertaking which aims at guaranteeing the execution of such null acts or aims at compensating its non-execution.

Article 28:

This law shall not be applicable to licenses issued prior to the date of its implementation, unless less than one year has elapsed since the date of their issuance.

Article 29:

The fees applicable on non-Lebanese before the implementation of Law No. 296 of 3/4/2001 are reinstated.

Article 30:

The provisions of the law implemented by Decree No. 11614 issued on 4/1/1969 and as amended by the law implemented by Decree No. 5131 dated 19/3/1973 as well as law No. 296 dated 3/4/2001 are hereby cancelled, in addition to any provision that are contrary to the provision of the present law or in discrepancy therewith.

Article 31:

This law shall be published in the Official Gazette and shall be notified whenever necessary and shall enter into effect upon publication.

Reasons behind the change in legislation:

The law related to the acquisition by non-Lebanese of real estate rights in Lebanon and which is currently in effect and issued in Decree No. 11614 on 4/1/1969 as amended by the Law implemented by Decree No. 5131 of 19/3/1973 and then by law

No. 296 dated 3/4/2001, this law lacks some of the major general legal principles which are necessary in any legislation, and suffers from weaknesses when it comes to controlling the execution of its provisions or their suspension, which will lead, if not properly amended, to considerable damages to the interest of the country, the citizen and the foreigners desiring to acquire real estate in Lebanon.

First: the general principles that are absent from the present law and which requires amendment are:

- o Ignoring the rule that the “land is the land of Lebanon and the Lebanese people”, and that the acquisition by the foreigner is the exception to the rule, thus easily and quickly authorizing the acquisition and sometimes, in a non-serious manner.
- o Not providing for the principle of reciprocity which is a principle adopted in all countries worldwide
- o Not providing for the prohibition of acquisition in the Border region
- o Not providing for a ceiling as to the area which each foreigner may acquire which has allowed some individuals to acquire hundreds of thousands of square meters each, without any economical or public interest;
- o Not controlling the acquisition by the foreigners and to which extent said acquisition is in compliance with the country's high interest, especially those related to security and stability
- o No determining the purposes behind the acquisitions, which should be the public interest and the states highest interest
- o Not preserving the rights of the treasury through the reduction of the registration fees from 17.2% to 5.65% as well as the reduction of the multiplication rate in respect of lease value from 20 to 12.5
- o Not exempting the Lebanese from the registration fees upon purchasing a real estate from a foreigner

Second: As for the control procedures in the presently applied law, these are weak and easy to avoid and they were later suspended. These are:

- o Not applying the provisions of Article 7 with respect to the publication of the acquisition data in the Official Gazette every six month.

- o Not applying the provisions of Article 11 regarding the sale of the real estate to the foreigner through public auction in case the legal period has elapsed without execution of the object for which it was acquired

- o Not providing for the obligation to submit the land to full topography upon its sale to a foreigner

- o Not applying the penalties provided for by Article 16 in respect of the infringers.

- o Not applying the penalties provided for by Article 16 in respect of the persons whose names were borrowed.

Based on the foregoing, we are proposing to vote the attached law, in which we have tried as much as possible to

- Fill the present loopholes and to create a detailed and clear control procedure which will be difficult to avoid or to circumvent.

- Ensure an area that would suffice the foreigner wishing to acquire a real estate for his personal residency or use (2000 sqm for the natural person and 5000 sqm for the juristic person).

- Attract foreign investment and encourage foreign investors to come to Lebanon through the provision of some exceptions which allow companies and organization to acquire wider areas than those indicated above (up to 50,000 sqm for companies and 15,000 sqm for organizations) which creates equilibrium between the national and private interest and job opportunities to Lebanese on the one part, and the interests of the foreign investor and investments on the other part. These interests are sometimes contradictory and seem in some instances to be outside the scope of legislation.

Text of the proposition of law prepared by the Change and Reform bloc aiming at the adoption of the Caza as electoral district

Monday 23-06-2008, the Change and Reform bloc presented the proposition of law aiming at the adoption of the Caza as electoral district. The suggestion is signed by MPsgeneral Michel Aoun, Ibrahim Kanaan, Ghassan Moukheiber and Neemtallah Abi Nasr.

Single Article

The administrative caza will be adopted as electoral district in the whole Lebanon, with the exception of the marjayoun–hasbaya cazas, baalbeck–hermel and the Bekaa West rachaya, considered as single districts according to the electoral law of 1960.

With regard to the district of Beirut, its division and the seat distribution will be done as follows:

- The first district: Achrafieh – Rmeil – Saïfi (5 representatives)
- The second district: Bachoura – Medawar – Marfa/The Harbor (4 representatives)
- The third district: Minat el Hosn – Aein el Mreisse – Mazraa – Msaitbe – Ras Beirut – Zkak El Blat (10 representatives).

The seats will be distributed over the number of representatives of the different districts according to the list above.

The law will be applied as early as its publication in the official Gazette.

The reasons for the suggested change:

In implementation of the agreement reached at the national dialog congress in Doha, on May 16th to the 21st, 2009, with the participation of the political Lebanese leaders who were members of the national dialog; and

Since the attendants agreed to adopt the Caza as electoral district to Lebanon according to the electoral law published on April 26 1960, with some amendments regarding the electoral districts in the Mohafazat of Beirut; and

since the attendants also agreed to open for discussion, according to established norms, the suggestions made to the parliament by the committee on Electoral law, presided by the minister Fouad Boutros. There remains nevertheless an urgent

need to validate the modifications in districts in a detailed way, provided that the final reforms are made after debating and approval by the appropriate parliamentary committees; and,

since the representatives of the Change and Reform bloc have made some reservations in Doha, regarding the non inclusion of the Christian minorities seat in the first district, they ask the parliament of re-evaluate this refusal in order to satisfy the request of the churches represented by this unique seat. This is the reason why, this suggestion of law was presented to the parliament and we hope that it will be ratified.

Presentation by the representative Michel Aoun of a suggestion of decree law for the spacing out of the salaries as well as the payment of the retroactive ones combined since 1998 until this day and not having been paid.

The leader of the Change and Reform bloc, the representative Michel Aoun, presented to the Chamber a suggested law: "Suggestion of decree law of which the only object is the law modification 98/717".

The unique object: the suppression of the amendments of the item 14 of the law 98/717 and replacing it with the following text: "The sums necessary to make the retroactive payments, from 01/01/1996, to those who are entitled by law, will be included in the budget".

The reasons behind the changes in the law

Under any circumstance, and in the case of implementing the law or responding to requests concerning incremental salary increases and promotions, and their retroactive effect, the law 98/717 reminds us that we have a mission, albeit a duty, towards a large portion of citizens who impatiently awaited the effective implementation of this law, and especially item 14 that imposes on the government the obligation to submit suggested laws to the Chamber to immobilize the sums required to pay retroactive dues from 01/01/1996.

To use the language of the citizens asking about the implementation of this law, we will say: "Where are our rights?"

These laws concern a valuable category among citizens. I refer to those employed in the administration and professional body of the Lebanese University. Since 1998, the latter, particularly supported by the students that form the soul of the country and whom we must protect, have been claiming their rights that are granted to them by the law 98/717.

It is our national duty to not neglect the claims, otherwise the legal rights, of the members of the professorial body, as well as others who profit from this law since 1998, especially given that money did not lack in the cash registers of the state. As representatives we have a duty to not cross our arms and wait for these sums become available to pay the salaries of people that deserve our material and moral support, while committees within the parliament poured huge sums of the same budget and wasted state money. Since it is our national duty to not abandon the university professors, a large portion of the citizens, and to have them face an uncertain future, it would be illogical to thus burden them, especially while we prepare the projected budget. Since it is of our national duty to increase the effort to implement all the items of this law as quickly as possible and to use the available means towards the support of those who educate our children and our students, we propose this law project that aims to modify the law 98/717.

We present you with the text of a petition to qualify as decree consisting of one point, the suggested law concerning modifying article 14 of the law 98/717.

Since the issue was that of raises and promotions, which was brought up repeatedly in recent years, and especially at every legislative deadline,

and since the mentioned suggestion constitutes for us a duty towards a major portion of citizens,

and since it is the duty of the chamber of representatives to compensate a large portion of the citizens according to the law 98/717, especially as claims became more and more numerous,

and as the agenda of the Chamber of representatives, which was supposed to meet on the 26/11/2008, comprised in its sixth item the issue of raises and salaries,

we present this petition with the hope that your honorable counsel will discuss the law, quoted above, and will submit it for implementation to the assembly that meets on 26/11/2008.

The representative Kanaan

The representative Ibrahim Kanaan explained, in a speech to the Chamber, the details of this suggestion, by saying "as we had promised, and as the leader of the bloc for change and reform, the general Michel Aoun had promised, we presented today the project of decree law in one item, aiming to modify the law 98/717, concerning raises and retroactive payments accumulated since 1999, and paid to this day. I wish for this project to be carried out by the legislative counsel, especially that the salaries issue is listed in the sixth item of this session's agenda, which implied discussing and dealing with this subject.

There is also a project of law presented by the government. We take this initiative knowing that all the representatives to the parliament have expressed their point of view on this subject, and made several promises to conclude this subject and to pay the retroactive dues. The suggestion of the general Aoun and the bloc for Change and Reform is the only means to realize this goal. We no longer want to see votes that contradict previous positions and the promises. We no longer want to hear pretexts and more technical, political or constitutional excuses, and claims that poor as we are we cannot afford such expenses. They who can impose direct and indirect taxes on the citizen can at least warrant this same citizen, and especially the administrative employee, his/her rights. We are talking about the universities, army, and administrative employees. When would they have the right to cash their salary? Maybe it is their children or their grandchildren that will cash them one day? Is it possible that the law 98/717 remains an illusion? Is it possible that there will remain a clause in this law (item 14) that ties payments and all project of law to the available budget in the cash registers of the state? Would someone pass a law that is conditional on the availability of funds? Who can tell me how, when and where do we locate these sums? Let us for once in this

republic spare the citizen our political merchandizing. Let us quit, for once, these maneuvers at the expense of the citizen.

I do not speak here of democracy but of reform. For we know very well how we have suffered ever since the electoral law, and regarding the separation of the legislative and executive powers, and several other issues. I do not speak even of reform but of reality, of a citizen that has rights in this state. It is not allowed that we enter into this room tomorrow, and that we use our legal intellectual capacities to flee our responsibilities with respect to the Lebanese citizen. Be frank with the Lebanese; do you want to pay or not? This law must not be subject to schemes. This is a law that everyone approved in the past. Be honest in the future... that there be no more political or media confrontation and let us leave here with a gift that the Lebanese have long awaited.