

Anti-corruption body could go the way of smoking ban

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BEIRUT: Parliament recently endorsed a long-awaited law creating an anti-corruption commission, which proponents say would supercharge efforts to combat graft in a country that regularly ranks among the world's most corrupt. The National Anti-Corruption Commission, once formed, would have the broad scope of combatting, preventing and detecting corruption. It would have the powers to investigate cases and refer them for prosecution, as well as to offer protection and incentives - financial and legal - to whistleblowers.

It would, according to Ghassan Moukheiber, the former MP who submitted the draft bill almost a decade ago, act as a crucial conduit between the people and the judiciary and become a powerful watchdog agency. "We are a corrupt state not just by greed. Lebanon is systematically corrupt. ... The only way to change this is by using systematic tools," Moukheiber told The Daily Star. "This law provides fighters with the tools they need."

In the past two years, Parliament has ratified at least two other anti-corruption laws; the first enshrines the right to access information, and the second protects whistleblowers. A third on combating illicit enrichment is at Parliament's Finance and Budget committee.

Along with those laws, Moukheiber said the endorsement of the anti-corruption commission in June marked "the greatest legal and institutional advance seen since the Chehab era," in reference to the presidency of Fouad Chehab, who served from 1958 to 1964. Chehab is credited as being the father of Lebanon's modern state institutions. The Central Inspection Bureau, currently Lebanon's prime oversight agency, was founded in 1959 during his term.

Sixty years later, those aching to see officials held accountable for widespread corruption can find hope in the law's text, which includes modern language entirely absent from most of Lebanon's legislation.

For example, the law stipulates that the commission must publish periodic reports on its website, including one every six months on the state of corruption in Lebanon.

The commission also has the power to demand lifting banking secrecy and can freeze accounts, which is key to determining whether officials have abused their positions.

But there is good reason to be skeptical. For starters, Parliament Speaker Nabih Berri in his latest count said that 52 laws remained unimplemented by the government.

MP Paula Yacoubian, the only MP to be elected to Parliament on a civil society list, said this piece of legislation would join that pile. "To what extent will it be implemented? On a scale of one to 10, zero," Yacoubian said. "You can't ask a corrupt class to form an anti-corruption committee. It just can't happen. No one is going to combat themselves."

But Moukheiber was more hopeful. As the law's prime architect, he said that he and other MPs had made painstaking efforts to ensure those appointed to the body were independent to the greatest possible extent. For example, the commission would not operate under the tutelage of Parliament or Cabinet, as many other state institutions do.

And the six members of the commission - two judges, a lawyer, an auditor, an expert in banking or economic affairs and an expert in either public administration, public finance or combatting corruption - are all appointed in a similar fashion. They are nominated or elected by their peers, and then submitted to Cabinet for approval.

The two judges, for example, would be selected from among six judges nominated by the judiciary in a vote. The Tripoli and Beirut bar associations would each nominate two lawyers, the Auditors Syndicate would nominate three auditors, the Banking Control Commission would nominate three experts and the minister of state for administrative development would nominate three experts. Cabinet would then choose from among these nominees, appointing the commission for a nonrenewable six-year term.

Yacoubian countered: "I don't think the appointment mechanism is that isolated [from politics]. After all, who has appointed these judges in the first place? Who runs these syndicates? We're going round in the same closed cycle."

While Justice Minister Albert Serhan could not be reached for comment, Shakib Qortbawi, a former justice minister, voiced similar concerns about implementing the commission. He pointed to the failed implementation of the 2012 indoor

smoking ban, and said the issue mirrored the need for a change in political culture, both among Lebanon's ruling class and citizens.

"Like the smoking issue, many people accept that corruption is just part of daily life here. This requires a change in mindset that can't be done with the press of a button."

Qortbawi also pointed to other commissions ratified by Parliament that have so far remained ink on paper, such as the national commission that is supposed to probe the fate of those who disappeared during the 1975-90 Civil War. It has been eight months since Parliament ratified a law calling for its creation.

Meanwhile, the 10-member National Human Rights Institute was appointed more than a year and a half after a law was ratified in 2016 calling for its creation.

According to the newly endorsed law, members of the National Anti-Corruption Commission must be nominated by their respective peers within three months of the law's publication in the Official Gazette.

Cabinet then has a month to appoint the members they select from among those nominated.

Moukheiber said an additional hurdle for the anti-corruption commission was finding funding in the draft 2019 state budget. The document, which includes across-the-board cuts to ministries, institutions and NGOs amid a government push for austerity, is nearing completion in the Finance and Budget Committee, and will soon be put up for a vote in Parliament.

Committee Rapporteur Nicolas Nahas told The Daily Star he did not have information on whether funding for the commission would be included, and committee chair Ibrahim Kanaan could not be reached for comment.

"Everyone agrees that the budget is in a state of disaster due to corruption and mismanagement of public funds," Moukheiber said. "So whatever the cost is, it's peanuts compared to the benefits of the institution."