

Time for public participation in Lebanon's democracy

LOGI

Many are the ways in which Lebanon's democracy is flawed — both systemically, and in practice. Over the past year, the Lebanese have clearly stated that the current system has failed to serve them, even in their most basic needs. Cries for reform have gone unanswered, and neither a top-down approach, nor a sudden shock to the system seems likely to bring the desired change anytime soon.

But there are ways to make life in Lebanon better, despite all the issues that seem out of the hands of the average person. One of the major avenues for change is through Parliament. Currently, Parliament works in an opaque, noninclusive manner that distances the Lebanese people from drafting and adopting legislation that will affect their entire lives, from the electoral law, energy issues, to the criminal code.

This needs to change — and the Lebanese Oil and Gas Initiative (LOGI) has supported the development of a draft law that would do so. The Public Consultation Draft Law would ensure an inclusive, participatory approach is followed through the drafting and eventual ratification of laws, which would fundamentally shift the way the average Lebanese person will be able to deal with the matters that affect their lives.

It takes nothing less than a law to change all laws.

Here's how we envision it working:

It starts with the introduction of a draft law into Parliament, either by MPs or by the government. Right now, there is no process to ensure the public will see it before it becomes the law of the land.

But LOGI's proposal, drafted by legal expert Fatima Karaki, would create an online platform onto which the law would be uploaded, along with a brief that explains its main points. The drafting of that brief, and the entire public consultation process, would be overseen by a Public Consultations Committee (PCC) made up of lawyers, judges, and experts. The body will be affiliated with the Justice Ministry, and can resort to ad-hoc advisers depending on the matter involved.

Once the legislation is made public, anyone can submit their opinion, recommendations or proposals via the electronic platform, or directly to the concerned public authority. This includes the average citizen, civil society, interest groups, and businesses.

Anyone should be allowed to see any proposed legislation. Following the written suggestions, physical consultations can take place, open to the public or through private means such as advisory bodies and expert committees, but any decision to limit public participation must be rigorously justified.

Once the proposals are gathered, the PCC will evaluate them and draft a report outlining which recommendations have been adopted and which haven't, and must justify its decisions.

That report, published online and in local newspapers, will again be open for comments by concerned parties. The PCC then re-examines the comments and creates a final report that becomes an integral part of the legislative process, and must be discussed by those drafting the law.

A representative of the PCC will be present at meetings of Parliamentary committees to ensure that the PCC report is adequately taken into consideration.

The total process takes 180 days - 60 for the initial consultation; 60 for the PCC to study and create a draft report; 30 for the public to comment on that draft and another 30 for the PCC to issue its final report.

Half a year may seem like a long time, but Karaki notes: "These laws rule over the lives of people for decades, for more than 50 years, for an entire generation. What are 180 days compared to that?"

And it also takes into consideration when some legislation is urgent by providing an expedited process if the urgency is indeed substantiated. "We have worked to make sure that MPs or governments can't use this 'emergency' designation to avoid the process and smuggle through legislation," Karaki said.

So where to now? True to its philosophy, the public consultations law will itself be put up for public consultations, before being proposed to MPs and later submitted to Parliament, likely before the end of the year.

This commentary has been submitted by the Lebanese Oil and Gas Initiative (LOGI)