Women’s Guide to Municipal and Mukhtar Council

© 2016
All rights reserved. No part of this publication maybe reproduced, stored in retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of UNDP. The analysis of this guide does not necessarily reflect the views of the United Nations Development Programme or those of the donors.
The Municipal Council

The municipality is a local administration independent of the central administration. It enjoys financial and administrative autonomy within the scope of its work, and is subject to the supervision and control of the central government.

Each work of public character or interest in the municipal area falls within the scope of the Municipal Council’s competence. The rules promulgated by the Municipal Council regarding the issues falling within its competence shall be binding within the municipal area.
The municipal council is in charge of the following functions, *inter alia*:

- **The municipal budget, including transferring and opening credits**
- **Cutting off budget accounts**
- **Different types of loans for carrying out specific projects that have been studied**
- **Assigning some of the municipal present and future returns to the borrower or the State in return for its guarantee of the debt and mentioning the annual due installments in the consecutive municipal budgets throughout the period of the said debt**
- **Determining the rates of the municipal taxes according to the law**
- **Specifications for deals regarding the supplies, works and services**
- **Specifications for selling the municipal properties**
Contributing to the tuition fees related to the public schools

Naming the streets in the municipal area

Planning, improving and expanding the streets, establishing gardens and public places

Reconciliation

Approval and rejection of donations and ordered funds

Public programs for works, aesthetics, cleaning, health affairs, water projects and lighting

Establishing shops, parks, playgrounds, museums, hospitals, dispensaries, libraries, sewers, waste drainage and others

Contributing to the tuition fees related to the public schools
The Municipal Council is entitled, within its area, to establish or manage directly or indirectly, or contribute to, or help in the execution of the following works and projects:

- Contributing to the fees of projects of public interest
- Rescuing the needy and disabled people and assisting clubs and associations
- Enjoying the right to enter into contracts to conclude agreements with municipalities
- Public schools, nurseries and technical schools
- Public housing, toilets, laundries and swimming pools
- Public hospitals, sanitariums and dispensaries
- Museums, public libraries, theaters, cinemas, amusement centers and clubs
Local means of public transportation
Public shops for buying food, refrigerators for keeping them and threshing floors

The Municipal Council decides on the mentioned subjects within a period of one month as of the date of its notification of the papers related thereto; otherwise it is considered as having given a tacit approval of the subject in question.

Changing the name of the village
Changing the boundaries of the village
Organizing traffic and public transportation
Carrying out projects for improving and delimitating highways in addition to general master designs in the municipal area.
Establishing and transferring or closing public schools, governmental hospitals and dispensaries

Measures related to public emergency

Establishing charitable organizations and offices

Licensing applications for investment in classified shops, restaurants, swimming pools, coffee shops, amusement centers and hotels.
The municipal body consists of:

- A Decision-Making Authority held by the municipal council.
- An Executive Authority held by the president of the municipal council.
The Decision-Making Authority:
held by the municipal council

The municipal council supervises the executive authority and ensures the proper functioning inside the municipality. It is composed of a number of members not exceeding 24, depending on the number of registered residents in the municipal area.

The members of the Municipal Council are elected directly by the registered voters following the same procedure as in Parliamentary elections.

The mandate of the municipal council is for six years. During its first session, the Municipal Council shall elect, by secret ballot, a President and a Vice-President from among its members.

The Municipal Council comprises:

- **< 2,000 residents**: 9 members
- **Between 2,001 and 4,000**: 12 members
- **Between 4,001 and 12,000**: 15 members
- **Between 12,001 and 24,000**: 18 members
- **> 24,000* residents**: 21 members
- **Beirut and Tripoli, since 1953**: 24 members

*Except for municipalities of Beirut and Tripoli*
The Municipal Council is convened by its President at least once a month, and whenever the need arises. The President includes the meeting agenda in the summons. The summons should be written and sent to the place of residence or elected domicile of each council member no later than three days before the meeting. The three-day period could be reduced if necessary.

Voting is carried out by open ballot, and voting by proxy is not allowed. Voting by secret ballot may be resorted to upon the request of the President or the majority of the present members or when the voting is related to an election.

The Head of the Municipality may invite any employee or person to attend and intervene in the meetings of the Municipal Council.

Every voter and interested party in the municipal area may request, at their own expense, a copy of the Municipal Council’s decisions authenticated by the competent official.

The Municipal Council may be dissolved either by virtue of a decision issued by the Council of Ministers and initiated by a detailed proposal of the Minister of Interior, or in the event of loss of half of the Council members for various reasons.
The Executive Authority:
held by the president of the municipal council

The municipal council elects a President and a Vice-president from among its members, by secret ballot and absolute majority, for the same term of office of the municipal council. The election of the President and Vice-president are held during the municipal council's first session, at the time and place specified by the Governor (Muhaiz) or District Commissioner (Qaemqam), within one month following the date of announcement of the elections’ results.

The Municipal Council is convened by its President at least once a month, and whenever the need arises. The President includes the meeting agenda in the summons. The Head of the Executive Authority is in charge of the following functions, *inter alia*:

- Executing the decisions of the municipal council
- Preparing municipal budget forecasts
- Managing and supervising municipal departments
Control authorities

Being semi-independent, municipalities are subject to control by the central government. Municipal works are subject to restrictions and are expected to abide by the law and its general principles. Members of the municipal body shall not engage in any abuse of power or conflict of interest with the supreme interests of the state. The administrative control mechanism was established to protect the public interest. The decisions of municipal councils are subject to administrative control by the Qaimqam, Muhafiz and the Minister of Interior.

Managing the municipal funds and real estate properties and carrying out all the works necessary to maintain the assets of the municipality.

Granting construction permits, housing permits, certificates of completion for the routing of water, electricity and telephone, following the approval of the competent technical departments.

Organizing and facilitating traffic and circulation in public streets, squares and roads as well as ensuring cleaning, lighting and litter and debris removal, and protecting all that relates to the environment, landscapes and monuments, maintaining trees and forested areas, and preventing pollution.

(Except for Beirut municipality where the Governor holds the executive authority as provided for in Article 67 of the Municipality Law).
The mukhtar council in towns and villages is composed of one mukhtar and three council members. In neighborhoods, only a mukhtar is elected, without any council members. The mukhtar is elected by a general direct vote, along with council members whose number shall be specified in the Call for Election. The term of office for mukhtars and mukhtar council members is six years.
The mukhtar is in charge of processing papers that facilitate the needs of the citizens and issuing official and physical documents upon which are based all administrative registration entries including birth, marriage, divorce and death, in addition to residence and travel certificates. Mukhtars authenticate the identity of citizens who reside within their municipality area. They abide by the applicable laws and regulations on public administration and general security, personal status, financial affairs, real estate, agriculture, health, public schools and fine arts.

The mukhtars document all incoming and outgoing transactions on a record file which pages are signed and sealed by the Muhafiz or Qaimqam. They shall have their signature and seal registered with and recognized by the Caza (district) center. The seal of the mukhtar is made according to a standardized model approved by the Ministry of Interior. Should the mukhtar lose the seal, he/she shall request another one from the Ministry of Interior.
The mukhtar office is not salaried. However, mukhtars may collect fees, established by decree, in return for the original documents that they issue for:

- Traveling
- The devolution of estate
- The conclusion of mortgage or sale contracts
- The legal authentication of signatures
- Proving the attachment of property
- The registration of an estate inventory
- Confirming the devolution of estate
- Personal registration data
- The needs of individuals, subject to the applicable regulations.

If the mukhtar or mukhtar council member commits a crime related to their office, the Qaimqam or Muhafiz may order an investigation of the matter and submit the investigation report to the Interior Minister who either authorizes a judicial investigation or freezes the mandate of the concerned mukhtar or council member pending the release of a judicial decision on the matter. The mukhtar or council member may not return to office until proven innocent or not guilty by the court.
Sources

The Ministry of Interior and Municipalities
• The Municipal Elections Law/ Legislative decree 1977 /118 and its amendments
• Law 665 of 1997 (amendments to certain provisions of the Parliamentary Elections Law, Municipality Law and Mukhtar Law)
• The Law on Mukhtars and Mukhtar Councils, issued on 1947/11/27
  www.elections.gov.lb

The National Commission for Lebanese Women (NCLW)
• Results of Women's Participation in the 2010 Municipal Elections in Lebanon
  www.nclw.org.lb/Statistic
• Fourth and fifth periodic reports of States parties – CEDAW 2014

The Lebanese Council of Women- United Nations Development Programme (UNDP)
• Women's Guide to Municipal and Mukhtar Elections 2010
  http://lcw-cfl.org/home
UNDP is the UN's global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. We are on the ground in 170 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and our wide range of partners.

The UNDP Lebanese Assistance Elections Project (LEAP) aims to strengthen the capacity of stakeholders for the conduct of transparent and inclusive elections in Lebanon. Through a multi-component approach, the project’s intended outcomes is to provide a strengthened capacity for: (1) the management and administration of Elections (2) the supervision of election campaigns and accreditation of observers (3) the provision of voter education initiatives (4) the resolution of electoral disputes, and (5) initiatives to improve election opportunities for women. LEAP is funded by the European Union.

www.lb.undp.org

www.lebanon-elections.org