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McGill Guide 9th ed. , "Chapter I: The State and the Territory" 291.

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CONSTITUTION OF THE LEBANESE REPUBLIC, PRO-MULGATED ON MAY 23, 1926; AS AMENDED BY THE CONSTITUTIONAL LAWS OF OCTOBER 17, 1927, MAY 8, 1929, NOVEMBER 9 AND DECEMBER 7, 1943, AND JANUARY 21, 1947¹

PART I

FUNDAMENTAL PROVISIONS

CHAPTER I-THE STATE AND THE TERRITORY

Art. 1 (as amended November 9, 1943). Lebanon is an independent, unitary, sovereign state. Its frontiers are formed by the present boundary line: North—From the mouth of An Nahr El Kabir along a line following its course to a point of its confluence with Wadi Khalid its tributary at the height of Jisr El Qamar. East—The summit line separating Wadi Khalid from Wadi El Assi (Orontes) and crossing the villages of Muaissara, Harbi'ana, Heit, Abbish, Fissan, to the height of the two villages Brifa and Matriba; this line follows the northern boundaries of the Casa of Baalbeck in a northwesterly and southeasterly direction, thence along the eastern

¹ English text of all articles not modified after 1929 in League of Nations, Constitution of the Lebanese Republic, Promulgated on May 23, 1926, as Amended by the Constitutional Laws of October 17, 1927, and May 8, 1929, Geneva, 1930 (C.352.1930.VI) (C.P.M. 1075.), pp. 4-13. English text of articles modified after 1929 based on the translation prepared by Captain Lawrence J. Evans, Jr., United States Army, Beirut. The valuable suggestions of Mr. M. F. Abcarius, Professor in the American University of Beirut, for the establishment of a correct text, and the help of Captain Evans in providing his translation and pertinent information are gratefully acknowledged.

The Constitution of 1926 was superseded on May 9, 1932, and dictatorial powers were given to the President of the Republic. On January 2, 1934, an amended constitution was promulgated by the French High Commissioner which remained in force with slight amendments until January 4, 1937, when the Constitution of 1926, with amendments as reproduced below, was restored. The modifications contained in the Constitutional Law of November 9, 1943, constitute repeals of all references to the Mandate, the League of Nations, and the French Republic as the mandatory power. The sole article of the Constitutional Law of December 7, 1943, modified article 5 concerning the Lebanese flag. The Constitutional Law of January 21, 1947, abolished the provisions according to which a certain number of members of the Chamber of Deputies were not elected but appointed, and contains other modifications of minor importance. Note also the Provisional Constitutional Law of May 22, 1948, printed below, p. 306.—ED. boundaries of the Casas of Baalbeck, Baqa, Hassbaya and Rashaya. South—The southern boundaries of the Casas of Sour (Tyre) and Mardjayoun. West—The Mediterranean Sea.

Art. 2. No part of Lebanese territory may be alienated or ceded. Art. 3. The boundaries of the administrative areas may not be altered except by law.

Art. 4. The Grand Lebanon is a Republic; its Capital is Beirut.

Art. 5 (as amended December 7, 1943). The Lebanese flag is made of red, white, and red horizontal stripes, with the cedar in green in the center of the white stripe. The size of the white stripe is equal to the size of the two red stripes together. The cedar is in the middle, its apex touching the upper red stripe and its base touching the lower red stripe. The size of the cedar shall be equal to one third of the size of the white stripe.

CHAPTER II—THE LEBANESE AND THE RIGHTS AND OBLIGATIONS OF THE LEBANESE

Art. 6. Lebanese nationality and the manner in which it is acquired, retained and lost shall be determined in accordance with the law.

Art. 7. All Lebanese shall be equal in the eyes of the law. They shall enjoy civil and political rights and shall also be liable to public charges and obligations without any distinction whatsoever being made.

Art. 8. Personal freedom shall be guaranteed and protected. No person may be arrested or kept in custody except in accordance with the law. No offence may be established and no penalty imposed except by law.

Art. 9. There shall be complete freedom of conscience. While acknowledging the Most High, the Government shall respect all creeds and safeguard and protect the free exercise of all forms of worship on condition that public order is not interfered with. It also guarantees that the personal status and religious interests of the populations, to whatever creed they belong, shall be respected.

Art.10. There shall be no interference with public instruction as long as it is not contrary to public order and morals and does not affect the dignity of the various creeds. The communities shall be entitled to maintain their own schools, provided that they conform to the general requirements relating to public instruction laid down by the State.

Art. 11 (as amended November 9, 1943). Arabic shall be the official national language. The cases in which French is to be used shall be determined by a special law.

Art. 12. All forms of public employment shall also be open to all Lebanese citizens in accordance with the conditions laid down by law, preference being given solely to merit and capacity. The conditions applicable to State officials shall be embodied in a special Statute, according to the department to which they belong.

Art. 13. Freedom of speech and of writing, the freedom of the Press, freedom to assemble together and freedom of association shall be guaranteed within the limits laid down by the law.

Art. 14. Dwellings shall be inviolable. No one may enter therein except in the circumstances and in the manner prescribed by law.

Art. 15. Rights of ownership shall be protected by law. No person may be expropriated except on grounds of public utility in the circumstances defined by law and on condition that fair compensation is paid beforehand.

Part II

PUBLIC POWERS

CHAPTER I-GENERAL PROVISIONS

Art. 16 (as amended October 17, 1927). The legislative power shall be exercised by a single Assembly: the Chamber of Deputies.

Art. 17. The executive power shall be entrusted to the President of the Republic, by whom it shall be exercised with the assistance of the Ministers, under the conditions laid down in the present Constitution.

Art. 18 (as amended October 17, 1927). The right to introduce laws shall be vested in the President of the Republic and the Chamber of Deputies.

Art. 19 (as amended October 17, 1927). Before a law can be promulgated, it must be adopted by the Chamber.

Art. 20 The judicial power, functioning within the limits of a Statute established by law and affording the necessary guarantees to the judges and the persons amenable to their jurisdiction, shall be exercised by the courts of various classes and degrees. The limits of the judges' powers, the conditions governing the exercise of those powers and the irremovability of judges shall be fixed by law. Judges shall be independent in the exercise of their functions. The decisions and judgments of all courts shall be rendered and executed in the name of the Lebanese people.

Art. 21. Every Lebanese citizen who has completed his twentyfirst year and fulfils the conditions laid down by the electoral law shall be an elector.

CHAPTER II-THE LEGISLATIVE POWER

Art. 22 (abrogated October 17, 1927).

Art. 23 (abrogated October 17, 1927).

Art. 24 (as amended October 17, 1927, and January 21, 1947). The Chamber of Deputies shall consist of elected members. Their number and the manner of election shall be determined by the electoral laws in force.

Art. 25 (as amended January 21, 1947). Should the Chamber of Deputies be dissolved, the instrument ordering dissolution must call upon the electors to take part in new elections, which must be held in accordance with Article 24 and within a period not exceeding three months.

CHAPTER III---PROVISIONS RELATING TO THE CHAMBER

Art. 26 (as amended October 17, 1927). The Chamber and the Executive Power shall sit at Beirut.

Art. 27 (as amended October 17, 1927, and January 21, 1947). A member of the Chamber shall be deemed to represent the whole nation. No binding mandate may be imposed upon him by his electors.

Art. 28 (as amended October 17, 1927, and May 8, 1929). A Deputy may also at the same time discharge the functions of Minister. Ministers may be selected either from among the members of the Chamber or from persons outside the Chamber.

Art. 29 (as amended October 17, 1927). The cases in which persons are disqualified from becoming Deputies shall be determined by law.

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Art. 30 (as amended January 21, 1947). The Chamber of Deputies shall alone be competent to decide on the validity of the mandate of members. No mandate may be invalidated except by a majority of two-thirds of the votes of the whole Assembly.

Art. 31 (as amended October 17, 1927). Meetings of the Chamber outside the period of session fixed by law shall be unlawful and *ipso facto* null and void.

Art. 32 (as amended October 17, 1927). The Chamber shall hold two ordinary sessions each year. The first shall open on the first Tuesday following March 15th and shall terminate at the end of the month of May. The second shall open on the first Tuesday following October 15th. It shall be primarily devoted to the discussion and adoption of the budget. It shall last until the end of the year.

Art. 33 (as amended October 17, 1927). The ordinary sessions shall begin and end automatically on the dates fixed in Article 32.

The President of the Republic may convene the Chamber in extraordinary session. The date of the opening and termination of extraordinary sessions shall be fixed by Decree.

The agenda shall be fixed in the Decree summoning the Chamber to assemble.

The President of the Republic shall be required to summon the Chamber of Deputies to assemble at the request of an absolute majority of its lawful members.

Art. 34 (as amended October 17, 1927). The Chamber shall not be validly constituted unless the majority of its lawful members are present.

Decisions shall be taken by a majority vote. Should the votes be equal, the question under discussion shall be rejected.

Art. 35 (as amended October 17, 1927). The discussions of the Chamber shall be public. Nevertheless, at the request of the Government or of five of its members, the Chamber shall meet in private. It shall decide later whether the discussion on the same question is to be continued in public.

Art. 36. Votes shall be given verbally or by the members rising or remaining in their seats, except in the case of elections, when a secret vote shall be taken. In the case of all draft laws and when the question of confidence is raised, the vote shall always be taken by roll-call and verbally.

Art. 37 (as amended October 17, 1927, and May 8, 1929). Every Deputy is fully entitled during ordinary and extraordinary sessions to call upon Ministers to justify their action.

A proposal of this kind may not be discussed and voted upon until at least five days after it is submitted to the Assembly and communicated to the Minister or Ministers concerned.

Art. 38 (as amended October 17, 1927). No bill which has been rejected by the Chamber may be re-introduced during the same session.

Art. 39 (as amended October 17, 1927). No member of the Chamber may be prosecuted or steps taken for his arrest in respect of opinions expressed or votes given by him during the term of his mandate.

Art. 40 (as amended October 17, 1927). During the session, no member of the Chamber may be prosecuted or arrested for a criminal offence without the authorisation of the Chamber, unless he is taken in the act.

Art. 41 (as amended October 17, 1927, and January 21, 1947). In the event of a vacancy occurring in the Chamber, the seat shall be filled within two months. The new member's term of office shall terminate with the expiry of his predecessor's term of office. The vacancy shall not be filled if the mandate of the Chamber has less than six months to run.

Art. 42 (as amended October 17, 1927). General elections for the renewal of the Assembly and the designation of appointed Deputies shall take place within the sixty days preceding the expiry of their mandate.

Art. 43 (as amended October 17, 1927). The Chamber shall draw up its own rules of procedure.

Art. 44 (as amended October 17, 1927, and January 21, 1947). Every time a new Chamber is elected and at the opening of the October session, the Chamber, under the presidency of its oldest member, the two youngest members acting as secretaries, shall elect separately, by secret ballot and by an absolute majority of the votes cast, a President, Vice-President and two Secretaries. At the third

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ballot, a relative majority shall be sufficient. Should the votes be equal, the oldest candidates shall be elected.

Art. 45 (as amended October 17, 1927). Members of the Chamber shall only vote if they are present at the meeting; voting by proxy shall not be allowed.

Art. 46 (as amended October 17, 1927). The Chamber alone has the right to maintain order at its meetings through its President.

Art. 47. (as amended October 17, 1927). All petitions to the Chamber must be made and submitted in writing. They may not be presented in person or at the bar of the Chamber.

Art. 48. (as amended October 17, 1927). The remuneration of members of the Chamber shall be determined by law.

CHAPTER IV-THE EXECUTIVE POWER

Art. 49 (as amended October 17, 1927, May 8, 1929, and January 21, 1947). The Chamber of Deputies shall elect the President of the Republic by secret ballot and by a two-thirds majority of the votes. After the first ballot, an absolute majority shall be sufficient. The President shall be elected for a term of six years.¹ He may be re-elected only after an interval of six years. No person shall be eligible for the office of President of the Republic unless he fulfils the conditions of eligibility for the Chamber of Deputies.

Art. 50. Before assuming office, the President of the Republic shall take an oath of fidelity before Parliament to the Lebanese Nation and the Constitution, in the following terms:

"I swear by Almighty God to observe the Constitution and laws of the Lebanese People and to maintain the independence of the Lebanon and its territorial integrity."

Art. 51 (as amended October 17, 1927). The President of the Republic shall promulgate laws after they have been adopted by the Chamber. He shall supervise their execution and for that purpose he shall have the power to issue regulations, but not to modify the actual laws or set aside their provisions.

He shall have the right to pardon. Amnesties may not be granted except by law.

Art. 52 (as amended October 17, 1927, and November 9, 1943). The President of the Republic shall negotiate and ratify treaties. He

¹See the Provisional Constitutional Law of May 22, 1948, art. 1 (p. 306 below).—ED.

shall bring them to the knowledge of the Chamber as soon as the interest and safety of the State permit.

Treaties involving a charge upon the finances of the State, commercial treaties and, in general, treaties which cannot be denounced at the expiry of each year shall not be definitive until they have been adopted by the Chamber.

Art. 53 (as amended October 17, 1927, and January 21, 1947). The President of the Republic shall appoint and dismiss Ministers, from among whom he shall select a Prime Minister; he shall make all appointments in regard to which the method of appointment is not otherwise determined by law; he shall preside over national ceremonies.

Art. 54. Every instrument issued by the President of the Republic, with the exception of those relating to the appointment and dismissal of Ministers, must be countersigned by the Minister or Ministers concerned.

Art. 55 (as amended October 17, 1927, and May 8, 1929). With the approval of the Cabinet, the President may by Decree, the reasons being specified, dissolve the Chamber of Deputies before the legal expiry of its mandate.

In that case, the electoral bodies shall meet as provided for in Article 25, and the new Chamber shall be convened within fifteen days after the results of the elections have been proclaimed.

Art. 56 (as amended October 17, 1927). The President of the Republic shall promulgate laws within one month after the date on which the law, definitively adopted, is transmitted to the Government. When the promulgation of a law has been declared urgent by a special vote of the Chamber, he must promulgate it within five days.

Art. 57 (as amended October 17, 1927). Within the time allowed for promulgating laws, the President of the Republic may request, not more than once, a further discussion of a law; this request may not be refused.

When the President of the Republic makes use of this right, he shall not be required to promulgate a law unless it has been adopted by the Chamber, after a second discussion, by an absolute majority of the lawful members of that Assembly. Art. 58 (as amended October 17, 1927). By means of a decree issued with the approval of the Cabinet, the President of the Republic may put into force any bill which has previously been declared to be urgent by the Government in the order for its transmission issued with the Cabinet's approval, and on which the Chamber has not given a decision within forty days of its communication to the Assembly.

Art. 59 (as amended October 17, 1927). The President of the Republic may adjourn the Chamber for a period not exceeding one month. He may not do so more than once during the same session.

Art. 60 (as amended January 21, 1947). The President of the Republic may not be called to account for acts performed by him in the discharge of his duties except in the case of violation of the Constitution or high treason; his responsibility in respect of offences under the ordinary law shall be subject to the ordinary law. He may not be charged with these offences or with violating the Constitution or high treason, except by the Chamber of Deputies, its decision being adopted by a majority of two-thirds of the members of the whole Assembly; he may not be tried except by the High Court provided for in Article 80. The functions of the Public Prosecutor at the High Court shall be exercised by a judge appointed each year by the Court of Cassation at a general meeting.

Art. 61. Should the President of the Republic be arraigned, he shall be suspended from his functions and the Presidency shall be vacant until the High Court has rendered its decision.

Art. 62. Should the Presidency of the Republic be vacant for any reason whatsover, the executive power shall be temporarily exercised by the Cabinet.

Art. 63. The salary of the President of the Republic shall be fixed by law. During the President's term of office, it may not be increased or reduced.

Art. 64. The Ministers shall have the supreme direction of all the services of the State which come under their respective Departments. They shall be responsible, each in so far as he is concerned, for the application of the laws and regulations.

Art. 65. No person may be a Minister who is not a Lebanese. Art. 66 (as amended October 27th, 1927). Ministers shall be jointly and severally responsible to the Chamber for the general policy of the Government, and individually responsible for their personal actions. The Government's general programme shall be drawn up and put before the Chamber by the Prime Minister or by a Minister acting on his behalf.

Art. 67 (as amended October 17th, 1927). Ministers shall have free access to the Chamber and shall have the right to address it whenever they so request. They may be accompanied by one or more officials from their Department.

Art. 68 (as amended October 17th, 1927). When, in accordance with Article 37, the Chamber declares that a Minister no longer possesses its confidence, that Minister shall be so required to resign.

Art. 69 (abrogated May 8th, 1929).

Art. 70. The Chamber of Deputies shall have the right to arraign Ministers for high treason or for grave dereliction of their duty. The decision to arraign a Minister may only be taken by a majority of two-thirds of the members of the whole Assembly. The civil responsibility of Ministers shall be determined by a special law.

Art. 71. A Minister who is arraigned shall be tried by the High Court.

Art. 72. A Minister shall leave office as soon as he is arraigned. The Minister's resignation shall not prevent proceedings being taken or continued against him.

Part III

(a) Election of the President of the Republic

Art. 73 (as amended October 17th, 1927). One month at least and two months at most before the expiry of the term of office of the President of the Republic, the Chamber shall be summoned by its President to assemble for the purpose of electing the new President of the Republic.¹

Should it not be thus summoned, the Chamber shall meet of its own accord on the tenth day preceding the expiry of the President's term of office.

Art. 74 (as amended October 17th, 1927). Should the Presidency become vacant through the death or resignation of the Presi-

¹ See the Provisional Constitutional Law of May 22, 1948, art. 2 (p. 306 below).—ED. dent, or for any other cause, the Assembly shall meet immediately and of its own accord to elect a new President. If the Chamber is dissolved at the time the vacancy occurs, the electoral bodies shall be convened without delay and, as soon as the elections have taken place, the Chamber shall meet as of full right.

Art. 75 (as amended October 17th, 1927). When the Chamber meets to elect the President of the Republic, it shall constitute a purely electoral body and not a deliberative Assembly. It shall proceed solely, without delay or discussion, to elect the Head of the State.

(b) REVISION OF THE CONSTITUTION

Art. 76 (as amended October 17th, 1927). The Constitution may be revised on the initiative of the President of the Republic.

In such a case, the Government shall submit to the Assembly a draft constitutional law.

Art. 77 (as amended October 17th, 1927). The Constitution may likewise be revised on the initiative of the Chamber of Deputies. This right shall be exercised as follows:

During an ordinary session and on the proposal of at least ten of its members, the Chamber may recommend, by a two-thirds majority of its lawful members, the revision of the Constitution. The articles and questions referred to in the recommendation must be specifically enumerated and defined.

The President of the Chamber shall transmit the recommendation to the Government, requesting it to prepare a draft constitutional law.

Should the Government approve the Assembly's recommendation, it shall prepare the respective draft law and submit it to the Assembly within four months; if the Government does not agree with the Assembly, it shall return the recommendation to the latter for further discussion. Should the Assembly maintain its recommendation by a majority of three-fourths of its lawful members, the President of the Republic may either accede to the Assembly's request, or issue an order for its dissolution, and proceed to new elections within three months.

Should the new Assembly decide that revision is necessary, the

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Government shall be obliged to carry out the Assembly's recommendation and submit the draft law within a period of four months.

(c) PROCEDURE OF THE ASSEMBLY

Art. 78 (as amended October 17, 1927). When a draft constitutional law is submitted to the Chamber, it shall, until a final vote is taken, confine itself to revision.

It may only discuss and vote on articles and questions specifically enumerated and defined in the draft submitted to it.

Art. 79 (as amended October 17th, 1927). When a draft constitutional law is submitted to the Chamber of Deputies, it may only be validly discussed and voted upon when a majority of two-thirds of the lawful members of the Chamber are present. Decisions shall be taken by a majority of two-thirds of the lawful members of the Assembly.

The President of the Republic shall be required to promulgate the constitutional law under the same conditions and in the same form as ordinary laws. He may request a further discussion of the law within the time fixed for promulgation. In that case also, the decision shall be taken by a two-thirds majority.

PART IV

VARIOUS PROVISIONS

(a) HIGH COURT

Art. 80 (as amended October 17th, 1927). The High Court shall consist of seven deputies elected by the Chamber of Deputies and of the eight highest Lebanese magistrates in order of rank or, should their rank be equal, in order of seniority, under the presidency of the magistrate of highest rank.

The sentences of the High Court shall be rendered by a majority of ten votes. The procedure to be followed by this Court shall be determined by a law.

(b) FINANCES

Art. 81 (as amended January 21st, 1947). Taxes shall be established for purposes of common utility. Taxes may only be levied in the Lebanese Republic in accordance with a uniform law which shall apply to the whole territory without exception. Art. 82. No tax may be modified or removed except by virtue of a law.

Art. 83. Each year at the beginning of the October session the Government shall submit to the Chamber of Deputies, for examination and approval, the general budget estimates of State revenue and expenditure for the following year. The budget shall be voted upon article by article.¹

Art. 84 (as amended October 17th, 1927). During the discussion of the budget and draft laws involving the opening of supplementary or extraordinary credits, the Chamber may not increase the credits proposed in the budget estimates or above-mentioned draft laws, either by amendment or by means of an independent proposal. The Assembly may, however, adopt laws involving further expenditure after the close of this discussion.

Art. 85 (as amended October 17th, 1927, and January 21, 1947). No extraordinary credit may be opened except by a special law.

Nevertheless, should unforeseen circumstances arise making urgent expenditure necessary, the President of the Republic may, by Decree adopted with the approval of the Cabinet, open extraordinary or supplementary credits or effect any transfers of credits. These credits may not exceed 15,000 pounds per item. The measures thus decreed shall be submitted to the Chamber for ratification at the first ensuing session.

Art. 86 (as amended October 17th, 1927). If the Chamber of Deputies has not given a final decision on the budget estimates before the expiry of the session devoted to the examination of the budget, the President of the Republic shall convene an extraordinary session to terminate at the end of January for the purpose of continuing the discussion on the budget; if at the end of this extraordinary session the budget has not been finally voted, the President of the Republic may, by a Decree adopted with the approval of the Cabinet, give effect to the budget estimates in the form in which they were submitted to the Chamber.

¹ The word "article" refers to the Head of Expenditure such as Department of Defence, Department of Finance etc. (Information through the courtesy of Professor M. F. Abcarius, Beirut.)—ED.

The President may not exercise this right unless the budget estimates were submitted to the Chamber at least fifteen days before the commencement of the session.

During this extraordinary session, imposts, contributions, taxes, duties and other revenue shall continue to be collected as hitherto.

The expenditure for the month of January shall be based on the "provisional twelfth" of the expenditure for the previous financial year, plus the permanent additional and supplementary credits and minus the permanent reductions.

Art. 87 (as amended October 17th, 1927). The final accounts of the financial administration for the closed financial years shall be submitted to the Chamber and approved before the promulgation of the budget for the second financial year after that to which the accounts refer.

A special law shall be issued to govern the formation of an Accounting Department.¹

Art. 88. No public loan or obligation involving a charge upon public funds may be contracted except by virtue of a law.

Art. 89. No concession for the exploitation of natural resources of the country or a service of public utility and no monopoly may be granted except by virtue of a law and for a limited period.

Part V

PROVISIONS RELATING TO THE MANDATORY POWER AND THE

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Arts. 90 to 92 (abrogated November 9, 1943). Art. 93 (abrogated January 21, 1947). Art. 94 (abrogated November 9, 1943).

Part VI

FINAL AND TRANSITORY PROVISIONS

Art 95 (as amended November 9, 1943). As a provisional measure and for the sake of justice and concord, the communities shall be equitably represented in public employment and in the composition of the Cabinet, such measure, however, not to cause prejudice to the general welfare of the State.

¹ According to information received through the courtesy of Professor M. F. Abcarius, Beirut, this paragraph, which is not in the text published by the League of Nations, appears in the original Arabic text.—ED.

Arts.96 to 100 (abrogated January 21, 1947).

Art. 101. As from September 1st, 1926, the State of "Grand Lebanon" shall be known as "The Lebanese Republic" without any change or modification of any kind.

Art. 102 (as amended November 9, 1943). All legislative provisions contrary to the present Constitution are hereby repealed.