

Brief of the Public Consultation Draft law

The Public consultation is one of the key regulatory tools employed to improve transparency, and effectiveness of regulation, and the right to participate in decision-making.

The public consultation law is considered one of the key of the rule of law, where all people are equal before the law, are accountable to the law, and have the right to participate in decision-making.

In Lebanon, a large segment of the population feels excluded and completely alienated from any legislative process or decision.

Hence, the need arose in Lebanon to enact a law for public consultation that would serve as a means to involve the Lebanese citizen in decision-making, give them the right to express their opinion on any Legislation initiative, and secure true participation of political and Human rights.

Therefore, LOGI in collaboration with ICNL requested a draft on Public Consultation Bill to be the Foundation to enhance Citizen right to participate in decision-making.

what are the most prominent articles of this law draft?

The Scope of the Law:

This law shall apply to all public consultations, which are organized by the public authorities with regard to any Legislative Initiative. The provisions of the Public Consultation law shall not apply to the public drafts that are related to Any exceptions provided for under the law.

The Goals of the Consultations

1. Providing information about a draft law or legislation to the concerned groups.
2. Deliberating over the views of the concerned parties regarding a proposed legislation or policy.
3. Determining the areas of disagreement that may arise over a public draft, and the ways to avoid them.
4. Verifying the extent to which the proposed legislation is consistent with other legislation and the extent to which the citizens accept such a proposed legislation.
5. Engaging the concerned parties in the drafting of the public draft, particularly the people of expertise and the most affected parties.

Who will be involved in the public consultation, how to inform them and reach the largest number of the Concerned Parties and to encourage them to participate in the Public consultation process?

In general, they are the groups affected by the legislative initiative.

They will be notified electronically, through the electronic Platform proposed to be established as a means of public consultations,

and the notification must be also made through audio-visual and printed media, as well as through mediators representing the civil society and non-governmental organizations with the ability to communicate largely with the public of citizens.

How the public consultation will be conducted, who will direct it, supervises it, and how long should it last?

Public consultation shall be open to the public, although the concerned authority may decide to conduct public consultations using private means (public hearings, advisory bodies, expert committees), the public authority, in the event of choosing one of those private means, must state the reasons for this choice.

A committee composed of judges, lawyers, specialists and representatives of the public authority calling for public consultation shall manage and supervise the smooth conduct of public consultations, assisted by an administrative department, and affiliated with the Ministry of Justice.

How to present opinions, recommendations and suggestions?

Opinions, recommendations and proposals are submitted either electronically via an electronic platform that will be established as a means of public consultation.

Or directly by registering it in the registry of the administrative department that will be helping the Public Consultation Committee.

How to analyze these recommendations, opinions and suggestions?

These recommendations, opinions and proposals should be collected, examined and analyzed by the Public Consultation Committee, and then a preliminary report should be organized showing the recommendations, opinions and proposals that have been accepted and those that have been rejected with justification of the reasons for rejection and exclusion.

How to monitor the proper conduct of the consultation process?

Monitoring the proper conduct of the public consultation process takes place in two stages:

The first stage: by the concerned parties themselves:

After the end of the public consultation and the organization of the Preliminary Report by the Public Consultation Committee, the committee publishes its report via the electronic Platform and via a well-known national newspaper, and the concerned parties have the right to express their comments on the report and their objections regarding what has been accepted or rejected.

After the objection period expires, the Consultation Committee re-examines and analyzes the new received Comments, and organizes a final report that should be considered an integral part of the legislative initiative,

The second stage: The Parliament:

When the legislative initiative is presented to the Parliament for Study, the latter conducts oversight over the proper implementation of the public consultation law, and the legal position is taken in the event that violations are found when holding public consultation.