

Legislative Decree No.5

Establishment of the Council for Development and Reconstruction

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The President of the Republic ,

In accordance with the Constitution ,

In accordance with law number 76/2 dated 30-xii 1976 (which empowers the Government to issue legislative decrees),

In accordance with legislative Decree number 9 dated 12-xi - 1939 (wich specifies the date whereon laws and decrees go into effect) ,

Having consulted the State Council ,

In accordance with the recommendation of the Prime Minister and of the Minister of Planning and of the Minister of Finance .

Decreases the following : --

ARTICLE I :

A public organization named Council for Development and Reconstruction shall be created with corporate status , enjoying financial and administrative independence , and to be subject to the provisions of this legislative decree .

The Council for Development and Reconstruction shall be directly attached to the Council of Ministers.

ARTICLE II :

With due consideration to consultation and co-operation with the various ministries and with public institutions and municipalities concerned , the Council for Development and Reconstruction shall undertake the tasks mentioned in the following texts : --

ARTICLE III :

The Council shall undertake the following planning tasks :

- (i) To prepare a general plans , and programs for reconstruction and development , and to recommend economic, financial and social policies compatible with the general plan , within the framework of specific development and financial targets, the whole to be submitted to the Council of Ministers for approval .
- (ii) To prepare the budget pertaining to the implementation of the general plan , and to secure co-ordination between the general budget and the general plan through the expression of views on the general budget bill :--
- (iii) To recommend bills of a reconstruction and development nature to the Council of Ministers;
- (iv) To prepare the general directive framework bill for town planing, and to submit it to the Council of Ministers for approval .

ARTICLE IV :

The Council shall undertake the following consultative and steering tasks : --

- (i) To advise the Council of Ministers on economic and financial relations with various states, and international and foreign organizations, bodies and institutions ;

- (ii) To maintain contact , through the ministries concerned , with states and with organizations, bodies , and institutions abroad, with regard to all economic , cultural , technical and social aid ;
- (iii) To prepare and publish statistical studies related to the various aspects of economic and social activity ;
- (iv) To specify and carry out necessary research in the field of development and reconstruction, or to recommend entrusting qualified agencies with said research , and to present recommendations aimed at mobilising scientific potential for the benefit of development and reconstruction;
- (v) To request the various ministries , public departments , institutions and municipalities concerned to prepare projects that are compatible with the general development and reconstruction targets ;
- (vi) To provide information for ministries , public departments , municipalities , mixed enterprises and private firms ;
- (vii) To present recommendations pertaining to the creation , development and orientation of financial establishments and mixed enterprises concerned with development , and of public institutions related to development .

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ARTICLE V :

The Council shall undertake the following executive tasks :--

- (i) To prepare feasibility studies for reconstruction and development projects mentioned in the general plan or programs , as well as studies necessary for the preparation of the general plan and successive plans .
- (ii) To undertake the execution of projects mentioned in the general plan , successive plans and programs and also to undertake the execution of any project in the field of reconstruction and development that the Council of Ministers may decide to entrust the Council with the execution thereof .  
Execution shall be carried out through any public institution , department or municipality or any mixed or private enterprise that the Council may choose .  
The execution shall be carried out by any appropriate legal means , be it through bidding or tenders, or mutual arrangement , or participation in any form .
- (iii) In projects whose execution is entrusted thereto, the Council shall replace all public departments, institutions and municipalities with regard to the granting of administrative licences and permits with the exception of those issued by the Council of Ministers .

ARTICLE VI :

The Council shall undertake the following financial tasks : --

(i) The Council shall finance any project or program the financing of which the Council of Ministers may decide to assign to it . For this purpose, the Council shall be empowered to contract internal and external loans , and shall be able to contract these loans through the issue of bonds .

The Government shall be authorised under decrees promulgated by the Council of Ministers to guarantee the Council's loans , provided that the amount of these guaranteed loans does not exceed L.L 300 millions in each of the first three years , and 15 per cent of the total budget for the previous year , in each subsequent year thereafter .

(ii) The Council shall be empowered to give loans in any form and to any public institution or municipality or mixed or private enterprise.

(iii) The Council shall also have the right , subject to approval by the Council of Ministers to participate in any institution whatsoever or to relinquish such participation .

(iv) The Council may entrust the National Bank for the Development of Industry and tourism with the management of the Council's funds and investments, within terms specified in contracts between it and said Bank .

ARTICLE VII :

The Council shall undertake the following control tasks :--

- (i) The Council shall by its virtue control all projects mentioned in the general plan and successive plans and programs , and shall control the projects whose financing or the supervision of the execution of which is entrusted thereto (Council) by the Council of Ministers and there shall be no other control except that exercised by the Auditing Office in legally imposed cases. The Council shall be obliged to submit periodic reports to the Council of Ministers on the progress and good performance of work . The Council shall supervise the steering of foreign economic and financial aid to its targets.
- (iii) The Council shall control the utilization of the revenues from loans within their development and Reconstruction aims .

ARTICLE VIII :

The resurces of the Council for Development and Reconstruction shall be composed of : --

- (i) amounts allocated to it in the general budget;
- (ii) any taxes and dues introduced or assigned in its favour .
- (iii) the loans it contracts ;

- (iv) revenues from its investments ;
- (v) any other revenues for which special provision is made ;
- (vi) treasury advances , the amount and methods of repayment of which shall be determined by decree of the Council of Ministers .

ARTICLE IX :

The management of the Council for Development and Reconstruction shall be undertaken by a board of Directors , composed of 12 members at the most , who shall be appointed by decree of the Council of Ministers , and it shall be a prerequisite that each member be a holder of a recognised University degree.

The decree appointing the said members shall name a chairman , and two vice-chairmen and a secretary who , between them , shall constitute the office of the Council . They will, as full-time officers, devote their time to the affairs of the Council.

The full -time members shall be appointed for a period of five years , and the non-full-time members for a period of three years .

The services of the non-full-time members may at any time be terminated by decree of the Council of Ministers .

With the exception of voluntary resignation, the services of full-time members may not be terminated except for duly established health incapacitation or for failure in the accomplishment of the duties of said member's position as stated in Section 1 chapter 3 of the Penal Code , or for violating the provisions of Article 10 of this Legislative Decree, or for a serious mistake in management .

ARTICLE X :

Full -time members should devote their whole time to the Council , and shall not have , in addition to their posts at the Council , any Parliamentary membership or public office or any activity in any institution whatsoever , or any professional work, irrespective of whether such activity or work be with or without pay .

During the period of their appointment it shall be forbidden for them to participate in , or to be full or part owners of , consultancy practices or engineering or project concerns .

They shall, however , subject to the approval of the Council of Ministers, have the right to be appointed in committees formed by the Government to represent Lebanon at international conferences or to be entrusted with missions abroad .

ARTICLE XI :

A Government commission shall be established at the Council for Development and Reconstruction .

The functions and powers of the Government commissioner and the organization running and manning of the Government commission , together with the job classifications, grades , salaries and employment terms of its staff shall be defined by decree of the Council of Ministers.

ARTICLE XII :

The Council shall be subject to the ultimate control of the Auditing office in accordance with special regulations to be prepared by the Board of Directors , in agreement with the Auditing Office, and submitted for approval by the Council of Ministers .

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ARTICLE XIII :

The Ministry of General Planning shall be abolished, together with the law promulgated on 12-vi-1962 and the following decrees relating to the above Ministry:--

No. 2863	of 16-xii-1959
No. 12679	of 2-v-1963
No. 8373	of 30-xii-1961
No. 8374	of 30-xii-1961
No. 12492	of 9-iv-1963
No. 12493	of 9-iv-1963
No. 16101	of 17-iv-1964

All employees of the Ministry of General Planning abolished by virtue of this Legislative Decree shall continue to carry out their duties in their respective posts and to receive their salaries and related benefits, until such time as their situation is resolved in accordance with the provisions of para,3 of the following Article XIV .

ARTICLE XIV :

The Council of Ministers shall determine by decree:--

- (i) The statutes of the Council for Development and Reconstruction (rules of procedure financial and other regulations ), the functions and powers of the board of Directors , and of the office of the Council and the emoluments of full and part-time members .
- (ii) The regulations , manning table , job classification, salary scales and benefits of staff employees and contract personnel at the Council for Development and Reconstruction, in additions to the terms of their employment or contracts ;

(iii) The resolution of the employment situation of all employees of the abolished Ministry of Planning, with the approval of the Civil Service Commission .

ARTICLE XV :

Subject to the provisions of Article XIV above, the rules and regulations pertaining to the functioning of the Council for Development and reconstruction shall be determined by decision of the Council's Board of Directors .

ARTICLE XVI :

The functions of the Council for Development and Reconstruction shall be subject solely to the provisions of this Legislative Decree , and to the provisions of the regulations mentioned in Articles XIV and XV hereabove .

ARTICLE XVII :

All provisions contrary to or inconsistent with the provisions of this legislative Decree are hereby revoked.

ARTICLE XVIII :

This Legislative Decree shall go into effect one day after it is posted on the door of the offices of the Prime Minister .

Issued by the President of the Republic .

Baabda 31 January, 1977

Signed: Elias Sarkis

Promulgated on behalf of the  
President of the Republic  
The Prime Minister  
Signed : Salim AL-HOSS

The Prime Minister  
Signed: Salim AL-HOSS

The Minister of  
Planing

Signed: Michel Doumit

The Minister of  
Finance

Signed: Farid Raphael