

Development Cooperation Transparency

LEBANON CASE STUDY



Lebanon Case Study

In October 2018, the Council for Development and Reconstruction (CDR) initiated a project titled “Construction Works of the Faculty of Public Health and Central Parking within President Michel Sleiman Campus in North Lebanon” that is projected to end in November 2023, aiming to add buildings to the Lebanese University campus in North Lebanon.

The project space amounts to 17,800 m², in addition to the technical areas and underground car parking with a space of 1,800 m² and 14,300 m² for the parking area. The total cost of the project is 29,621,558 USD, with only 2,733,352 USD generated from the CDR’s budget, and a loan of 26,888,206 USD from the Islamic Development Bank (IsDB).

As in the Moroccan Noor Solar Power Project Case Study, the “Development Cooperation Transparency Index” is applied on this project to measure its transparency, which will allow for more due diligence from CSOs and investigative journalists, whether to monitor the progress of the project or the level of community participation, in addition to assessing the anti-corruption measures in place to ensure the prevention of corrupt practices within the project.

The Index shows that the CDR has a dashboard to monitor all its projects, in addition to a dedicated webpage to the project itself. However, both provide general information on the project, such as the total cost, the source(s) and types of funds, contractors, progress in spending, status of the project, distribution of costs, etc. However, neither detailed information on the procurement procedures nor information on the operation itself, such as at which stage of construction the project is are provided. Only the status of the project is indicated: ongoing, complete, or under preparation. On the other hand, the IsDB webpage dedicated to Lebanon projects does not provide any information on this project in particular.

As for procurement documents, both the CDR and the IsDB do not provide any procurement documents related to this project, such as bidding documents or contracts. For the application of the “Harm vs. Public Interest Test” that enhances transparency and acts as a safeguard to guarantee that the Right to Access Information is exercised, in accordance with international standards, Article 5 (amended) of Law No. 28/2017; the Right to Access Information Law, does not allow for the application of this test on information falling under the exceptions to the Right to Access Information.

Only the CDR publishes information on the project on its dashboard in a Citizen Budget form. The dashboard provides comprehensive and forward-looking information. However, the publication of this information is not timely: the contract was signed on October 31, 2018, the works started on January 25, 2019, the total cost is USD 29.63 million, and in November 2022 (time of the application of the Index), the information on the work progress shows that less than 20% of the total amount is spent, knowing that the project is set to finish on November 11, 2023, which means that there is less than a year left to finish more than 80% of the project. Even if the economic and monetary crises in Lebanon have affected the implementation of the project, the CDR should provide explanation on the delay in finishing the project, and not just state that it is ongoing and that they will finish more than 80% of it in less than one year.

As for the methodologies and criteria used in the implementation of the project, the CDR does not provide direct information on these methodologies and criteria. However, it is bound by the Lebanese public procurement legal framework. On the IsDB level, it only publishes general information on how procurement is handled by IsDB financed and/or co-financed projects.

Community engagement within this project does not record well also: the CDR does not provide for any public consultations' framework, nor does Lebanon have a public consultations framework. Although the IsDB includes civil society and non-governmental organizations (NGOs) in its work on humanitarian aid projects and considers "CSOs as elements of the network of developers in IsDB development interventions", no information is published as to whether civil society and NGOs were consulted under this project. Also, no other information on public consultations is made available by the CDR and the IsDB.

Under anti-corruption measures, only the CDR publishes information on financial matters related to the project. Although there are no specified measures by the CDR, it is bound by the Lebanese legal framework, which includes measures directed at ensuring the independence of enforcement mechanisms. Implementation of this framework is weak in Lebanon and yet to be tested on a large scale. On the other hand, the IsDb publishes information that includes guidance notes on Complaint Management, Conflict of Interest, Eligibility Requirements, Expedited Process and Fast Track Procurement, etc.

On the whistleblower protection level, Lebanon has a Whistleblower Protection Law under No. 83/2018 amended by Law no. 182/2020. This framework is yet to be tested to show its efficiency or inefficiency. The IsDB does not publish any information related to whistleblowers, and the Complaint Management mechanism it has in place is only limited to Potential and Actual Bidders.

There are no specific tax evasion measures within the project itself, however, the Lebanese legal system has its own regulations combatting money laundering including tax evasion. In addition to tax evasion, Lebanon also has Law No. 214/2021 on Asset Recovery. However, this law is yet to be tested as no cases have been recorded since its entry into force in 2021.

Development Cooperation Transparency Index; Construction Works of the Faculty of Public Health and Central Parking within President Michel Sleiman Campus in North Lebanon - Lebanon

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Data Transparency	1. Availability of a public tool to monitor the performance of the development cooperation (An Index)	https://www.cdr.gov.lb/Projects/ProjectDetail.aspx?contractId=20094 https://portal.cdr.gov.lb/contracts?lang=en https://www.isdb.org/lebanon	<p>The Lebanese Council for Development and Reconstruction (CDR) provides two tools to monitor its projects, both provide general information on the “Construction Works of the Faculty of Public Health and Central Parking Within President Michel Sleiman Campus in North Lebanon”, on the total cost of the project, the source(s) of funds, contractors, types of funds, progress in spending, status of the project, distribution of cost, etc., however, it doesn't provide detailed information on procurement procedures nor the operation itself, such as at which stage is the project; it only specifies if it's ongoing, complete or under preparation.</p> <p>The Islamic Development Bank (IsDB) webpage, on Lebanon, does not provide any information on this particular project.</p>	1/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Data Transparency	2. Availability of a dedicated website to the specified development cooperation	https://www.cdr.gov.lb/Projects/ProjectDetail.aspx?contractId=20094 https://portal.cdr.gov.lb/contracts?lang=en	On the CDR's website, there's a dedicated page for the project with general information on the project.	1/2
	3. Availability of procurement documents related to the specified development cooperation	https://www.cdr.gov.lb/Projects/ProjectDetail.aspx?contractId=20094 https://portal.cdr.gov.lb/contracts?lang=en https://www.isdb.org/lebanon	Both, the CDR and the IsDB, do not provide procurement documents.	0/2
	4. Possibility to apply the "Harm vs. Public Interest Test" by the public body when requesting information that is subject to exceptions on the Right to Access Information	http://www.legallaw.u.edu.lb/LawView.aspx?opt=view&LawID=269965 http://www.legallaw.u.edu.lb/Law.aspx?lawId=288586	Article 5 (amended) of Law No. 28/2017; the Right to Access Information Law does not allow for the application of the "Harm vs. Public Interest Test" on information that falls under exceptions to the Right to Access information.	0/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Data Transparency	5. Availability of financial information on the development cooperation in a Citizen Budget form	https://portal.cdr.gov.lb/contracts?lang=en	The CDR website includes a dashboard that provides information on the project in a Citizen budget form.	2/2
	6. Disclosure is timely, comprehensive and forward looking	https://portal.cdr.gov.lb/contracts?lang=en https://www.isdb.org/project-procurement/tenders?loc=LB&tender_type=&status=active	The CDR website includes a dashboard that provides comprehensive and forward-looking information. However, the publication of this information is not timely: the contract was signed in 2018, the total cost is USD 29.62 million, and today, in November 2022, the information on the work progress shows that less than 20% of the total amount is spent, knowing that the project ends November 11, 2023. The IsDB has a webpage for publishing documents, however, the page dedicated to Lebanon does not include any documents.	1/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Data Transparency	7. Availability of methodologies used, and criteria adopted in the specified development cooperation	https://www.cdr.gov.lb/Projects/ProjectDetail.aspx?contractId=20094 https://www.isdb.org/project-procurement/ https://www.isdb.org/project-procurement/documents	<p>The CDR website doesn't provide direct information on the methodologies and criteria used. However, it is bound by the Lebanese public procurement legal framework.</p> <p>The IsDB published general information on how procurement is handled in IsDB financed and/or co-financed projects.</p>	1/2
Public Consultations	8. Availability of a public consultation's framework for development cooperation	https://www.cdr.gov.lb https://www.isdb.org/civil-society-ngos	<p>The CDR does not provide for any public consultations' framework, and Lebanon does not have such framework.</p> <p>The IsDB does include civil society and NGOs in its work in humanitarian aid projects and considers "CSOs as elements of the network of developers in IsDB development interventions", however, no information is published as to whether civil society and NGOs were consulted under this project.</p>	0/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Public Consultations	9. Anyone can participate in the public consultation	https://www.cdr.gov.lb https://www.isdb.org/civil-society-ngos	No information is available under this indicator by both, the CDR and the IsDB.	0/2
	10. Availability and accessibility of the information related to the public consultation	https://www.cdr.gov.lb https://www.isdb.org/civil-society-ngos	No information is available under this indicator by both, the CDR and the IsDB.	0/2
	11. A requirement to justify the adoption and rejection of recommendations in a public consultation	https://www.cdr.gov.lb https://www.isdb.org/civil-society-ngos	No information is available under this indicator by both, the CDR and the IsDB.	0/2
	12. Public consultations with the private sector require the presence and engagement of civil society organizations	https://www.cdr.gov.lb https://www.isdb.org/civil-society-ngos	No information is available under this indicator by both, the CDR and the IsDB.	0/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Anti-Corruption Measures	13. Availability of measures improving fiscal transparency related to the specified development cooperation	https://www.cdr.gov.lb https://www.isdb.org/lebanon	<p>The CDR only publishes general information on financial matters related to this project.</p> <p>The IsDB does not publish any related information.</p>	1/2
	14. Availability of measures to strengthen the independent enforcement mechanisms	https://www.cdr.gov.lb https://www.isdb.org/project-procurement/documents	<p>No specified measures by the CDR, however, it is bound by the Lebanese legal framework that includes measures directed at ensuring the independence enforcement mechanisms, nonetheless, implementation of such framework is weak in Lebanon.</p> <p>The IsDB publishes guidance notes on Complaint Management, Conflict of Interest, Eligibility Requirement, Expedited Process and Fast Track procurement, etc.</p>	1/2

CATEGORY	PRINCIPLE	SOURCE	NOTES	SCORE
Anti-Corruption Measures	15. Availability of measures for whistleblowers' protection	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=278575 http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=286034	<p>Lebanon has a Whistleblower Protection Law No. 83/2018, amended by Law No. 182/2020; this framework is yet to be tested in Lebanon.</p> <p>The ISDB does not publish any type of regulation related to whistleblower protection, and its Complaint Management is only limited to Potential and Actual Bidders.</p>	1/2
	16. Availability of measures combatting tax evasion		No specific measures to combat tax evasion within the Project, however, the Lebanese legal system has its own regulations combatting money laundering including tax evasion.	1/2
	17. Availability of measures for asset recovery	http://www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=287057	Lebanon has Law No. 214/2021 on Asset Recovery; however, this law is yet to be tested.	1/2
			Total score	11/34
			Percentage	32.35%
			Grade	Weak