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Editorial/Subscription Office: Al Borj Bldg, 4th Fl., Beirut Central District, Lebanon Tel: (961-1) 983008/9,(961-3) 262376 Fax: (961-1) 980630 E-mail: liMonthly@information-international.com Web: www.information-international.com © Information International SAL. All rights reserved. License No. 180/2003

Another three years...

Amending Lebanon's constitution: Article 49



Widespread uncertainty over the upcoming presidential elections has ended with the endorsement of a draft bill to extend President Emile Lahoud's term for three additional years. The bill, which formally requested an extraordinary cabinet session to convene on 3 September in order to make the necessary amendments to Article 49 of the constitution, was passed with 96 votes in favor, 29 against and three absentees.

As for other sections in Article 49, there are those who advocate an amendment to the clause prohibiting the election of judges and Grade One civil servants during their term in office or within two years following their resignation.

The article below takes a look at the conditions required to amend the constitution, and Clause 49 in particular.

Historical background

The basic principles shaping Lebanon's constitution were established by the writer Michel Shiha on 23 May 1926.

The constitution is divided into 6 parts, with a preamble and 102 clauses that organize legislation and the responsibilities of the legislative and executive bodies in government.

The constitution has seen several changes and amendments over the last few decades, especially in 1942 (end of the French Mandate) and 1990 (signing of the Taif Agreement).

Constitutional amendments Amendments to the constitution can be made in one of two ways:

- Upon the proposal of the president, in which case the government submits a draft law to the Parliament.
- Upon the request of the Parliament. In this case, it must be at the request of at least 10 members during an ordinary session (spanning the first Tuesday after 15 March-end of May, or the first Tuesday after October 15-end of the year). A majority of two thirds of the Parliament is required to recommend a revision of the constitution. If the government approves, it must prepare the draft amendment and submit it to the Parliament within four months.

If the government rejects the proposal, however, it returns to Parliament for reconsideration; and if three fourths of the deputies approve it, the president must either accept it or dissolve Parliament and hold new elections within three months. If the new Parliament insists on the amendment, the government must then submit the draft amendment within four months.

Article 49 and its amendments

Article 49 states: "The President of the Republic shall be elected by secret ballot and by a two-thirds majority of

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