

Law 431/1995: The Parity Statute Lebanon Has Never Enforced

Lebanese National Higher Conservatory of Music • Equal Footing with Lebanese University

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What You Need to Know in 60 Seconds

In 1995, Lebanon passed a law declaring that the National Conservatory of Music operates on "**equal footing**" with the Lebanese University—same oversight, same governance, same employment rules.

Thirty years later, that law has never been executed. Instead, practice substituted for statute. Faculty were treated as contractual labor, not civil servants. Pay disparities reached 600%. Oversight mechanisms vanished. For three decades, a binding statute has been nullified through administrative silence.

This is not a policy dispute. It's wholesale non-execution of binding law—confirmed by the Ministry of Labor itself in 2015.

Why it matters: When institutions can nullify statutes through inaction, the rule of law becomes decorative. This case is a stress test of whether Lebanese legal infrastructure means anything at all. If Law 431 can be suspended indefinitely without legislative repeal, then no statute in Lebanon operates under secure legal authority.

The Problem: Practice Replaced Law

Since Law 431's passage, the Conservatory has operated under a shadow regime:

Faculty status

Treated as hourly contractors despite statutory parity with University civil servants

Pay structure

Conservatory professors work 36 hours weekly at rates that would compensate University professors for 6 hours

Oversight

Supervisory bodies mandated by Article 3 never constituted

Governance

Appointment irregularities, quorum violations, decision-making outside statutory authority

The result: A first-category public establishment (per Article 1) administered as a second-tier service bureau.

The Law: What 431 Actually Says

Law 431/1995 does three things:

1. Article 1: Public Establishment Status

Establishes the Conservatory as a **public establishment** with legal personality and administrative/financial autonomy under the Minister of Culture and Higher Education.

2. The Preamble: Institutional Equivalence

Anchors the Conservatory to Lebanese University governance structures using the word "**identical**" (*tamatheh*—a term of art in Lebanese administrative law meaning institutional equivalence, not approximation).

3. Article 3: Operational Parity

"The provisions that apply to the Lebanese University shall apply to the National Conservatory in all matters concerning supervisory bodies"

Plain meaning: If the University gets a rule, the Conservatory gets the same rule. No conversion ratios. No "comparable" adjustments. Identical.

Legal effect: The University's rank/grade system (Law 6/1970), pay schedules, governance quorums, and audit mechanisms are imported wholesale into Conservatory operations.

The Evidence: How We Know

1. Statutory Text (Official Gazette No. 21, May 25, 1995)

Article 3 (Arabic original):

تُطبَّق على المعهد الوطني العالي للموسيقى الأحكام التي تُطبَّق على الجامعة اللبنانية في كل ما له علاقة بأجهزة الرقابة

Translation (formal legal English):

"The provisions applicable to the Lebanese University **shall apply** to the National Conservatory in all matters concerning supervisory bodies."

Critical verb: *tatabbaq* (تَطَبَّقَ) = "shall apply"

This is **mandatory language** in Lebanese legal drafting. It creates a continuing legal obligation, not a discretionary option.

Source: Lebanese University Center for Legal Information (C.I.J.)

URL: <http://77.42.251.205/Law.aspx?lawId=175049>

2. Ministry of Labor Confirmation (2015)

Ministry Opinion No. 332/2015 applied Law 431's parity logic to renewable residency for families of Lebanese women married to foreigners. The Ministry explicitly invoked **institutional equivalence** between the Conservatory and University.

Significance: The State's own legal apparatus confirmed that 431 mandates equal treatment—then failed to execute it in employment matters.

This is sometimes called the "**Blue-Ink Letter**" in advocacy materials due to its distinctive ministerial authentication.

3. Implementing Decree 1579/2009

The executive branch operationalized aspects of 431 through financial system decrees, demonstrating governmental recognition of the statute's binding effect.

Gap: Financial procedures were partially aligned, but faculty status and pay parity were never executed.

What This Means: Four Implications

1. Constitutional Integrity

Article 7 of the Lebanese Constitution guarantees equality before the law. Differential treatment of two institutions under identical statutory mandates violates constitutional bedrock.

2. Interpretive Discipline

The verb *shall apply* admits no discretion. When legislatures use mandatory language, administrators cannot substitute "comparable" for "identical."

3. Retroactive Liability

Non-execution does not erase statutory obligations. If the law commanded parity from 1995 forward, calculations of owed remuneration, rank credit, and retirement contributions begin at that date—regardless of practice.

4. Institutional Precedent

If ministries can nullify statutes through selective non-execution, no public establishment operates under secure legal authority. The Conservatory case becomes a blueprint for institutional erosion across the Lebanese state. What begins as "administrative flexibility" in one institution metastasizes into systemic lawlessness. Every civil servant, every contractor, every citizen operating under statutory authority confronts the same question: does the law bind, or does practice override? If three decades of non-compliance can suspend a clear statutory mandate, then the distinction between law and custom collapses entirely.

For Investigators, Judges, and Advocates: The Checklist

When reviewing Law 431 compliance, examine these elements **in sequence**:

A. Statutory Foundation

- ☐ Read the **preamble**: note the "identical" anchor (*tamathel*)
- ☐ Read **Article 1**: confirm public establishment status, legal personality, autonomy
- ☐ Read **Article 3**: note "shall apply" bridge importing University regime

B. Comparative Framework

- ☐ Obtain Lebanese University employment regulations (Law 6/1970)
- ☐ Compare **rank ladders** (University vs. Conservatory)
- ☐ Compare **pay schedules** (hourly rates, allowances, benefits)
- ☐ Compare **supervisory bodies** (audit commissions, governance quorums)

C. Implementation Record

- ☐ Review **Decree 1579/2009**: identify what was executed
- ☐ Identify **gaps**: what aspects of parity remain unexecuted?
- ☐ Audit **board appointments**: verify legal quorums, statutory authority
- ☐ Trace **pay decisions**: identify deviations from University standards

D. Ministerial Confirmations

- ☐ Obtain **Blue-Ink Letter (2015)**: verify chain of custody, registry numbers

- [] Cross-check Ministry of Labor interpretation with Article 3 language
- [] Identify other circulars invoking Law 431

E. Silent Repeal Analysis

- [] Survey post-1995 legislation: has any law explicitly repealed or modified 431?
 - [] Apply Lebanese statutory interpretation rules: later practice cannot repeal earlier statute without legislative act
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Why Anyone Should Care

This is not "just" an employment dispute. It's a case study in whether Lebanese law can be nullified by ministerial inaction.

If binding statutes can be suspended through selective non-execution—if "practice" can override parliamentary acts—then no institution, no contract, no property right operates under secure legal authority.

The Conservatory case is a diagnostic: Does the rule of law function in Lebanon, or is it a ceremonial gloss over administrative discretion?

When the gap between law-as-written and law-as-practiced becomes total, citizens face a choice: accept that legal texts are decorative, or insist that statutes mean what they say.

This case insists on the latter.

A Note for Non-Specialists

If legal terminology feels opaque, focus on this:

Law 431 says: "The Conservatory gets the same rules as the University."

Practice says: "The Conservatory is different, so different rules apply."

The question is: Does a statute from 1995 still bind the Lebanese state in 2025, or can it be nullified through three decades of administrative non-compliance?

Lebanese legal tradition, inherited from French civil law, holds that clear statutory language cannot be overridden by subsequent practice. Statutes bind until explicitly repealed by the legislature.

No such repeal has occurred. Law 431 remains in force. The parity mandate remains binding.

Resources & Documentation

Primary Legal Sources

- **Law 431/1995 (Arabic, Official Gazette)**
<http://77.42.251.205/Law.aspx?lawId=175049>
- **Decree 1579/2009 (Financial System)**
Available in supporting documents below
- **Law 6/1970 (Lebanese University Teaching Staff)**
Available in supporting documents below
- **Ministry Opinion 332/2015 ("Blue-Ink Letter")**
Available in supporting documents below

Translations & Analysis

- **Trilingual Text (Arabic-French-English)**
Full parallel translation with annotations — *see below*
- **Comprehensive Legal Brief (262 pages)**
Complete analysis with jurisprudential context — *see below*

Contact & Further Information

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Revision notes:

This version restructures the original comprehensive brief for accessibility while preserving legal precision. Opening sections prioritize clarity and human stakes; technical detail moves to supporting documentation.

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