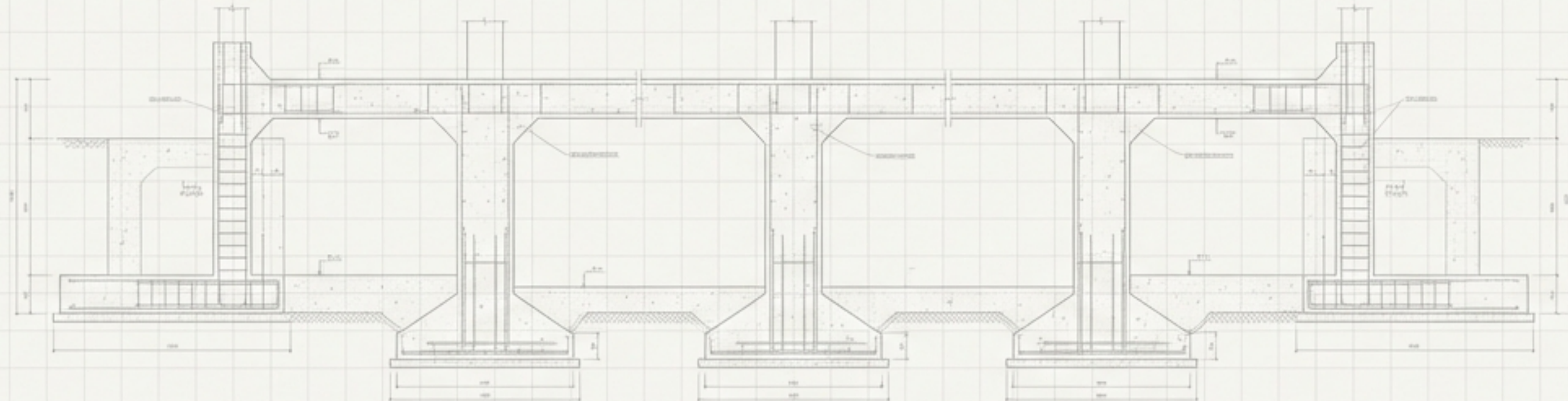
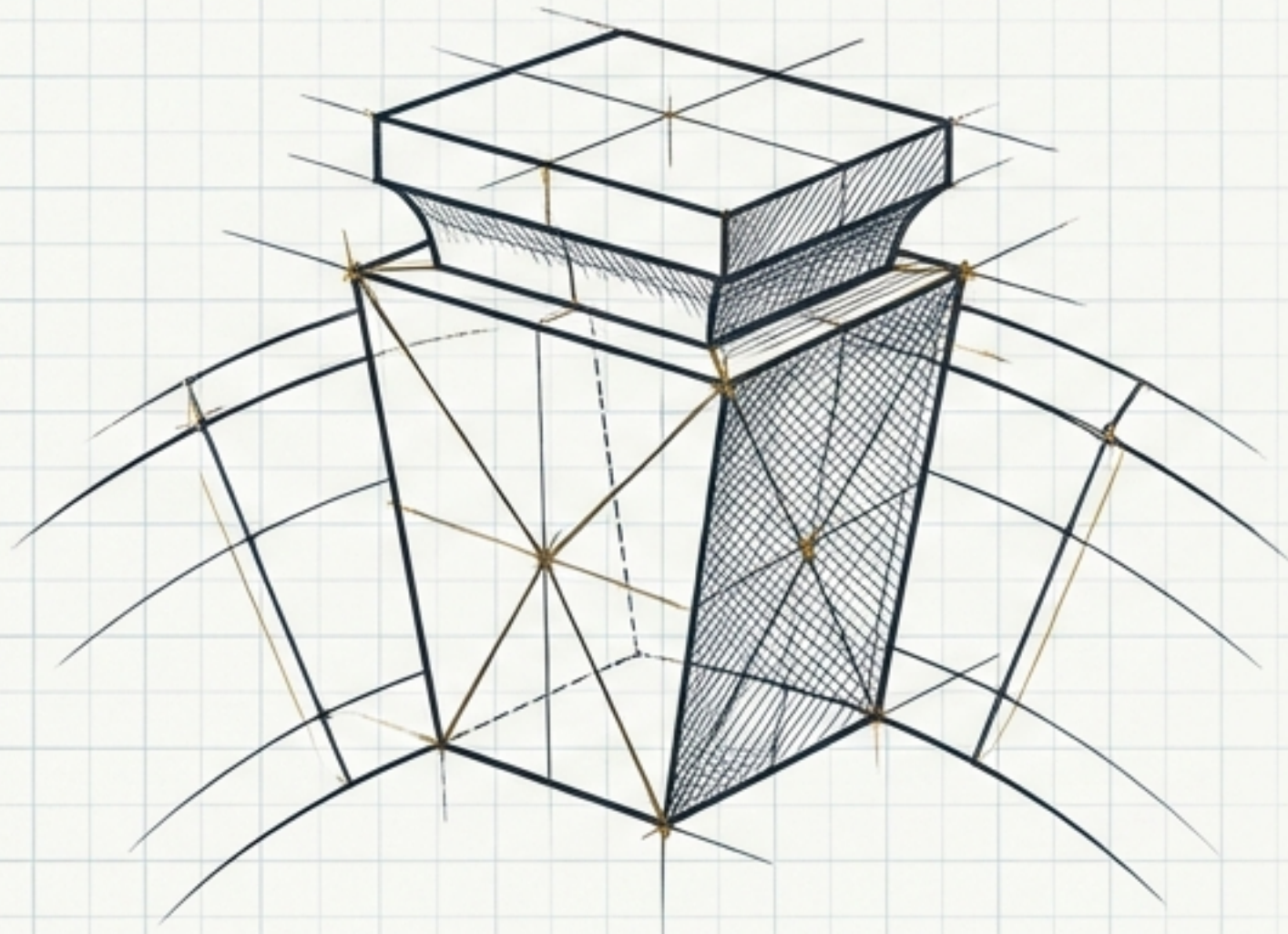


The Legal Fortress: The Non-Discretionary Mandate for Execution

An analysis of the binding legal architecture mandating the execution of financial obligations established under Lebanese Law.



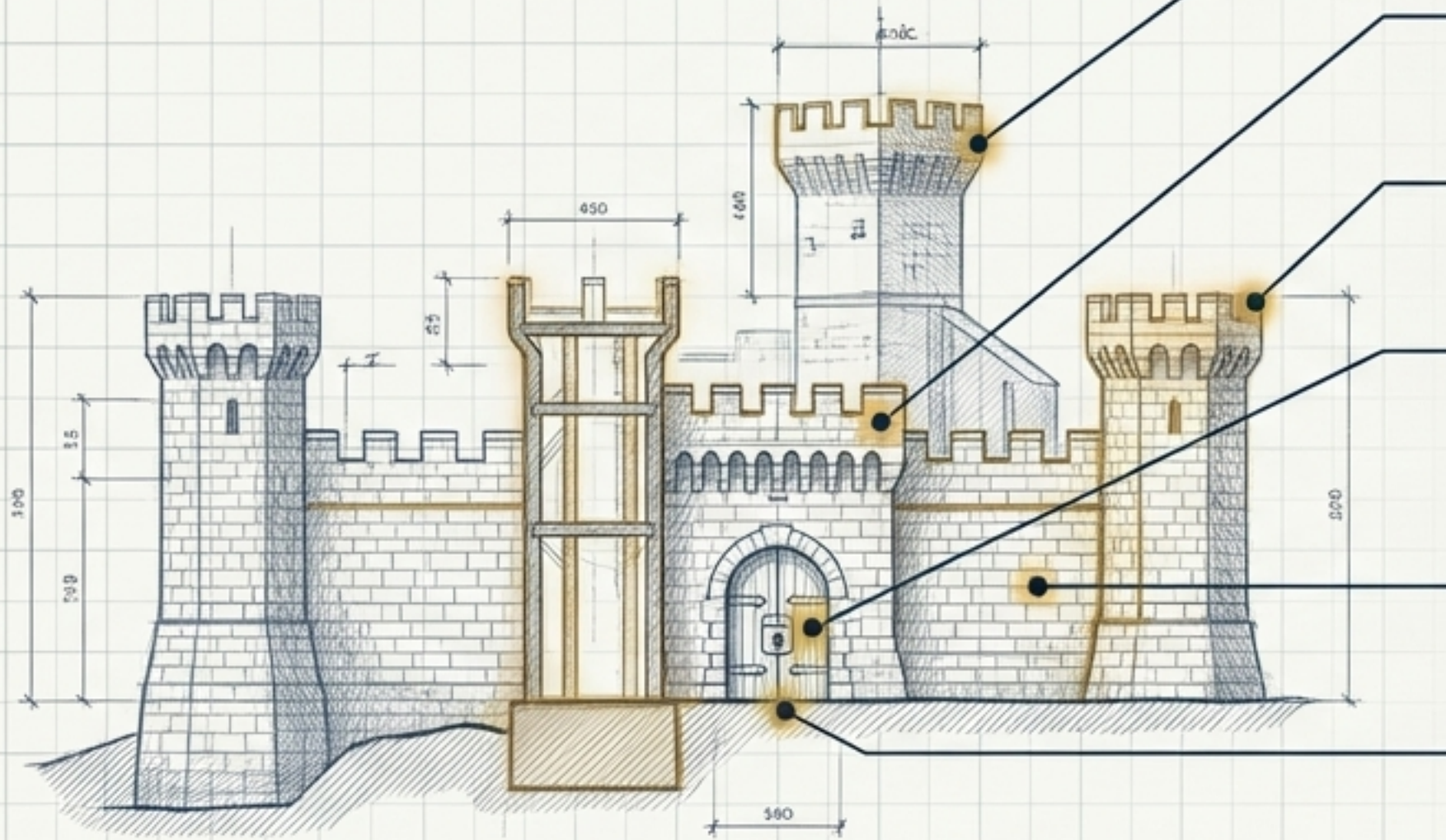
The Core Assertion: Execution is a Legal Inevitability



- **Central Thesis:** The confirmation of Professor Thomas Hornig's "First Category" civil servant status under Law 431/1995 activates a series of **legally binding, non-negotiable** financial obligations.
- These obligations are not aspirational; they are **mandatory executions** of existing law, binding jurisprudence, and prior administrative admissions.
- The established financial roadmap, with a conservative baseline of **\$14.4M**, is the direct numerical expression of these **pre-existing legal duties**.
- **Conclusion for this Audience:** Given the established legal record, any administrative path other than **full execution** is no longer legally defensible.

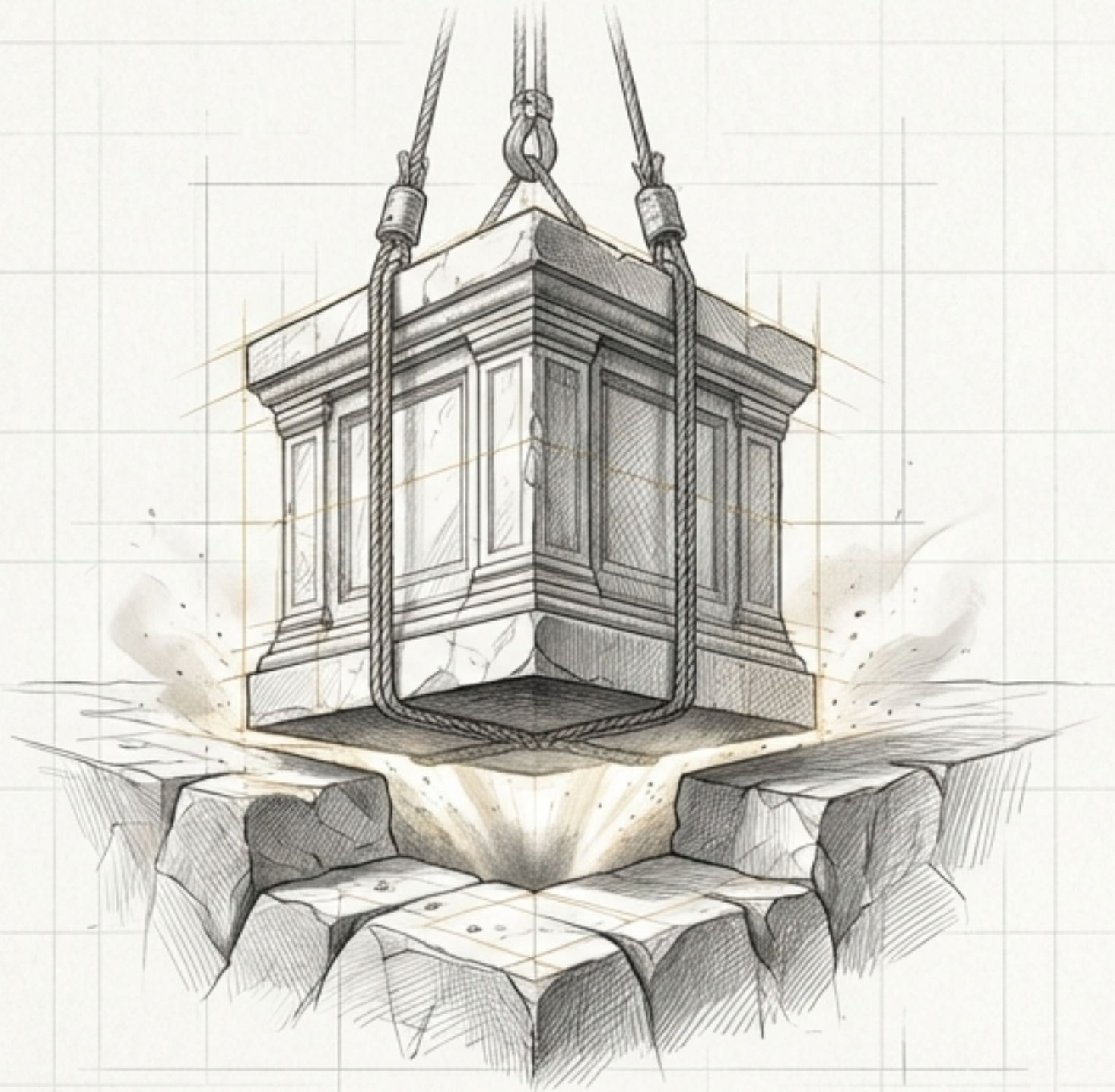
Architectural Blueprint of the Legal Fortress

This presentation will demonstrate the legal certainty by assembling six immovable pillars:



1. **The Foundation:** Law 431/1995 – The Legislative Mandate for Parity
2. **The Framework:** Decree 112/1959 – The Automatic Activation of Civil Servant Rights
3. **The Towers:** Cassation Jurisprudence – The Binding Judicial Interpretation
4. **The Locked Gate:** Ministry of Labor Letter 1266/2015 – The Irrefutable Administrative Admission
5. **The Mortar:** Administrative Law Principles – The Doctrines Mandating Execution
6. **The Bastion:** Institutional Mandates – The Translation of Law into Non-Discretionary Action

Pillar I: The Foundation – Law 431/1995 Preamble



- **The Preamble as Controlling Doctrine:** In Lebanese administrative law, the preamble is not merely introductory; it establishes the **legislative intent** that controls the interpretation of the law's operative articles.
- **Explicit Legislative Intent:** The preamble to Law 431/1995 explicitly and unambiguously links Conservatory professors to Lebanese University First-Category Professors across all material conditions.
 - **Rank**
 - **Remuneration & Salary**
 - **Allowances**
 - **Working Conditions**
 - **Retirement & Social Benefits**
- **Legal Implication:** Ministries cannot invent interpretations that contradict the preamble's clear intent. The foundation for full parity is set at the **highest legislative level**.

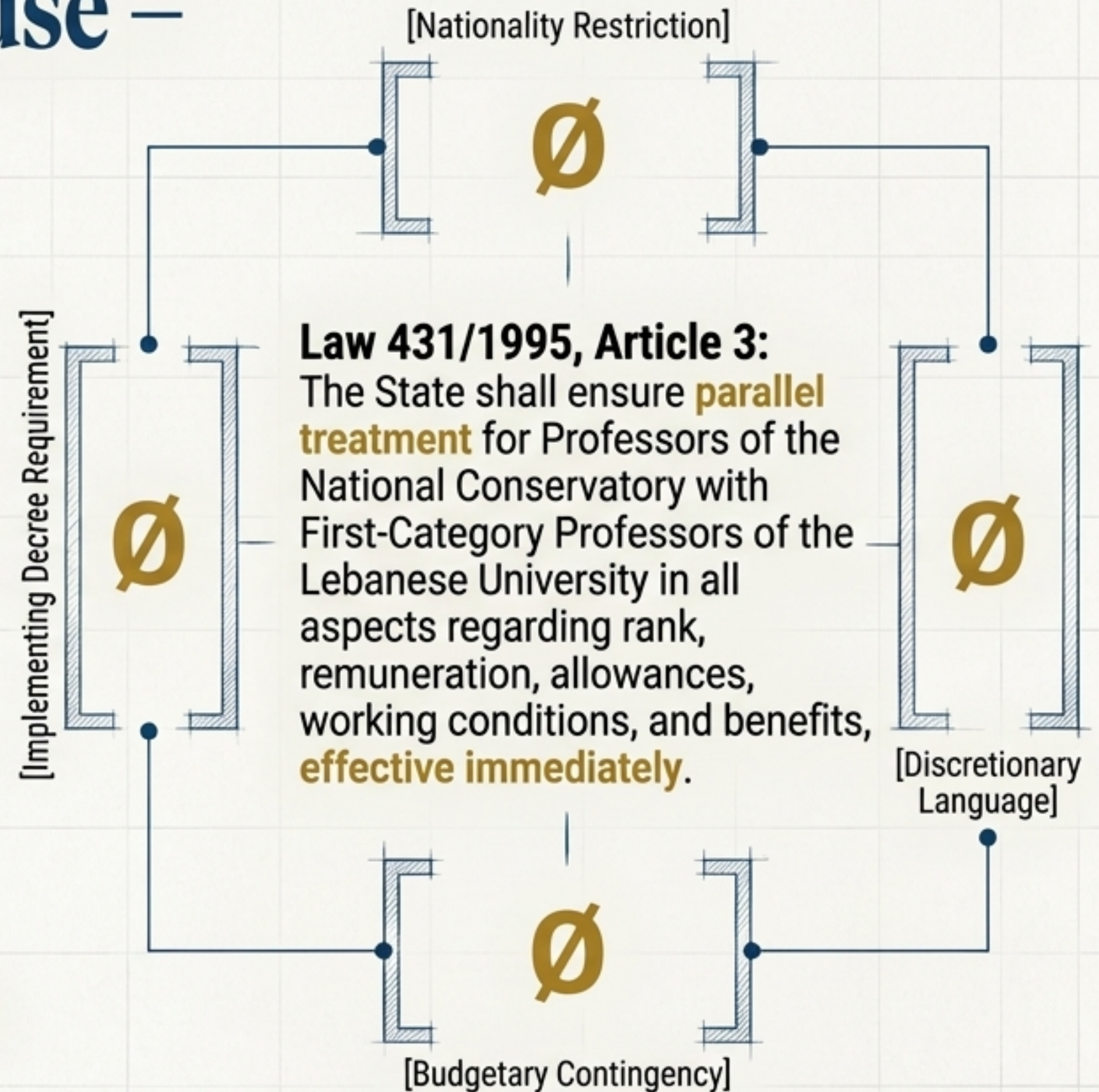
Pillar I: The Operative Clause – Article 3 Parity Mandate

Unconditional Legal Mandate: The operative text of Law 431/1995 mandates **parallel treatment** for Conservatory professors with their Lebanese University First-Category counterparts.

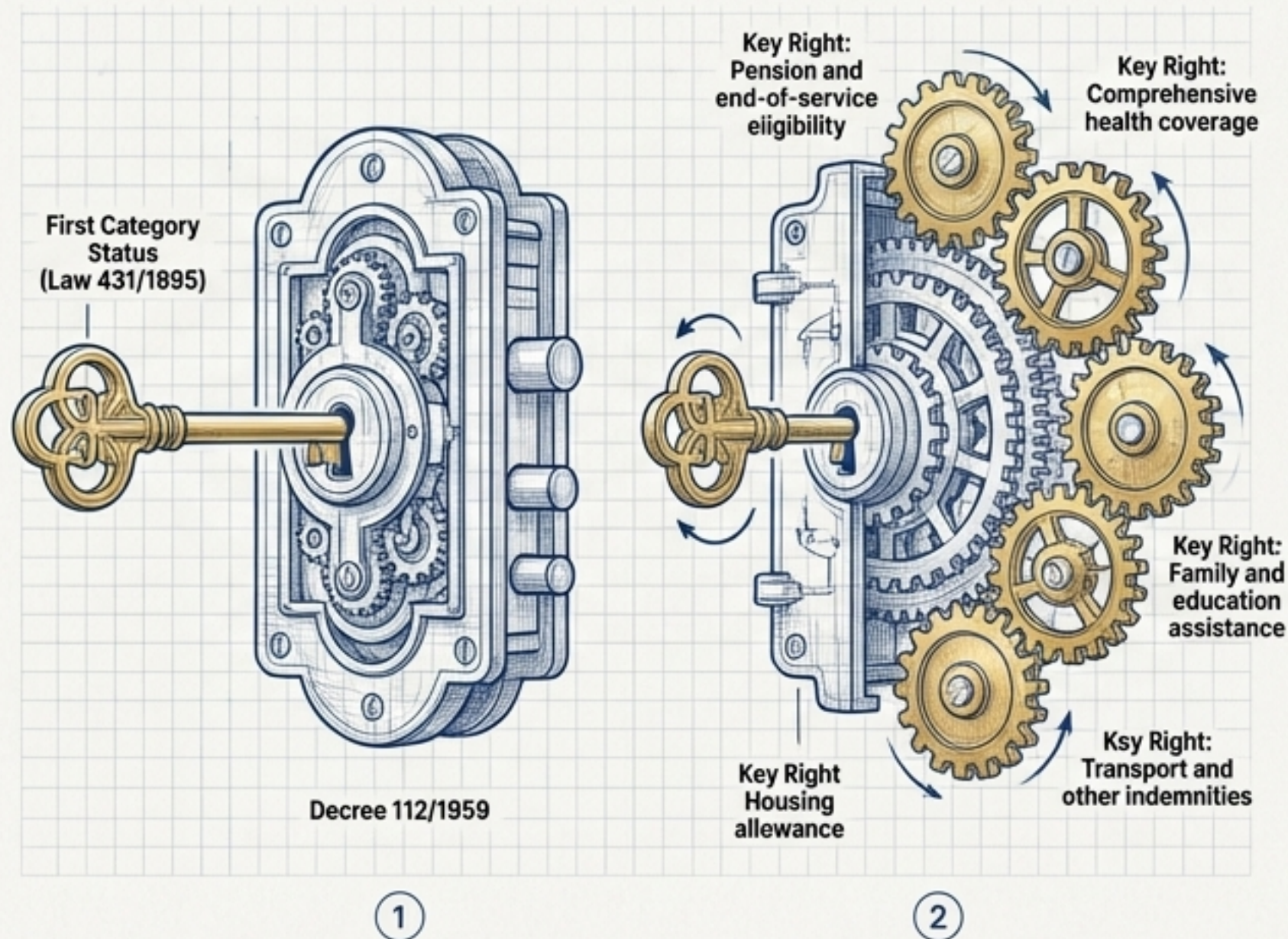
Absence of Limiting Language is Intentional: The law's text is notable for its lack of qualifiers. There is:

- **No nationality restriction:** The law applies to the function, not the citizenship of the holder.
- **No discretionary language:** Phrases like 'may' or 'if possible' are absent. The mandate is **absolute**.
- **No 'if budget allows' qualifier:** Execution is not contingent on administrative convenience or budgetary status.
- **No requirement for an implementing decree:** The law is **self-executing**.

Conclusion: Law 431/1995 creates a **direct and immediate legal obligation** on the Conservatory and the State to apply the Lebanese University scale and benefits from 1995 forward.



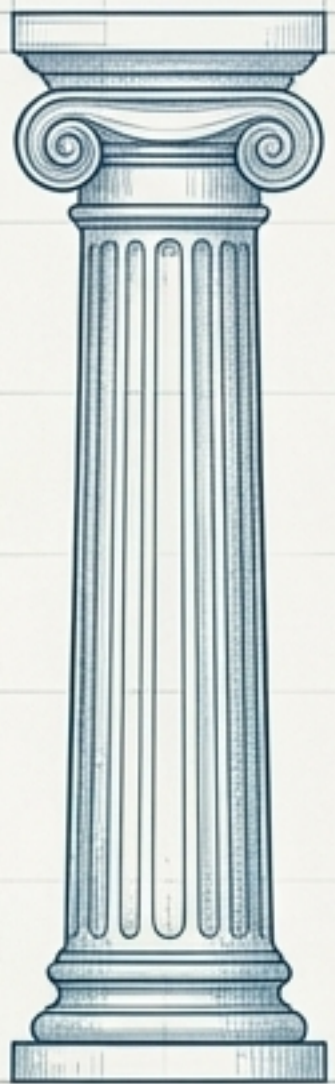
Pillar II: The Framework – Decree 112/1959 (Civil Servants Law)



- **The Automatic Trigger Mechanism:** Recognition as “First Category” is not a symbolic title. It is a legal classification that automatically activates the entire framework of rights and obligations defined in Decree 112/1959.
- **First Category Status Activates by Law, Not by Negotiation:** Once a person is legally classified as First Category, the associated rights attach automatically. Administrative bodies have no legal discretion to select which provisions to apply.
- **Key Rights Attached by Decree 112/1959:**
 - Pension and end-of-service eligibility
 - Comprehensive health coverage
 - Housing allowance
 - Family and education assistance
 - Transport and other indemnities
- **Implication:** The State cannot recognize the status without being legally bound to execute the corresponding benefits package in its entirety.

Pillar III: The Towers – Binding Cassation Jurisprudence

The Court of Cassation as Final Interpretive Authority: Decisions 103/2023 and 45/2024 are not arguments; they are binding legal precedents that settle the interpretation of Law 431/1995.



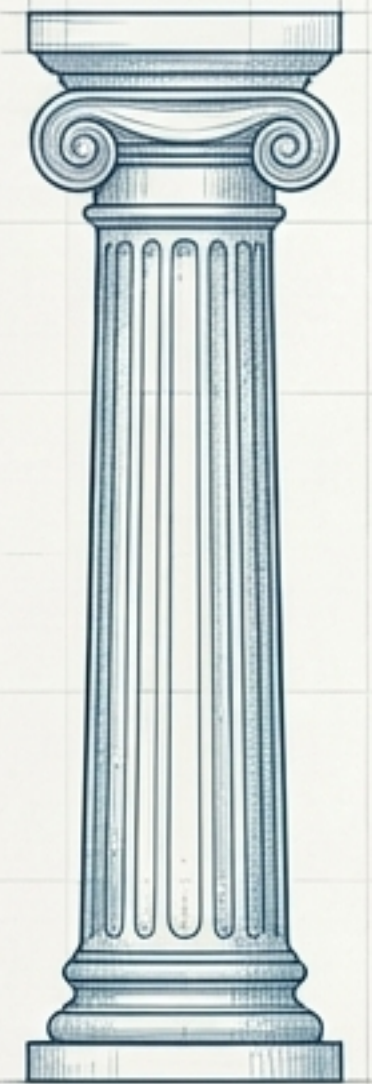
Key Holdings – Cassation Decision 103/2023:

- Confirms Conservatory professors are tied to Lebanese University professors.
- Establishes that this parity obligation is enforceable and retroactive to 1995.
- Blocks the Conservatory from creating a parallel, lesser system to evade parity.

Legal Implication: These decisions **lock in the interpretation of Law 431/1995**. Any **administrative** body attempting an alternative reading is acting in **direct violation of established, binding jurisprudence**.

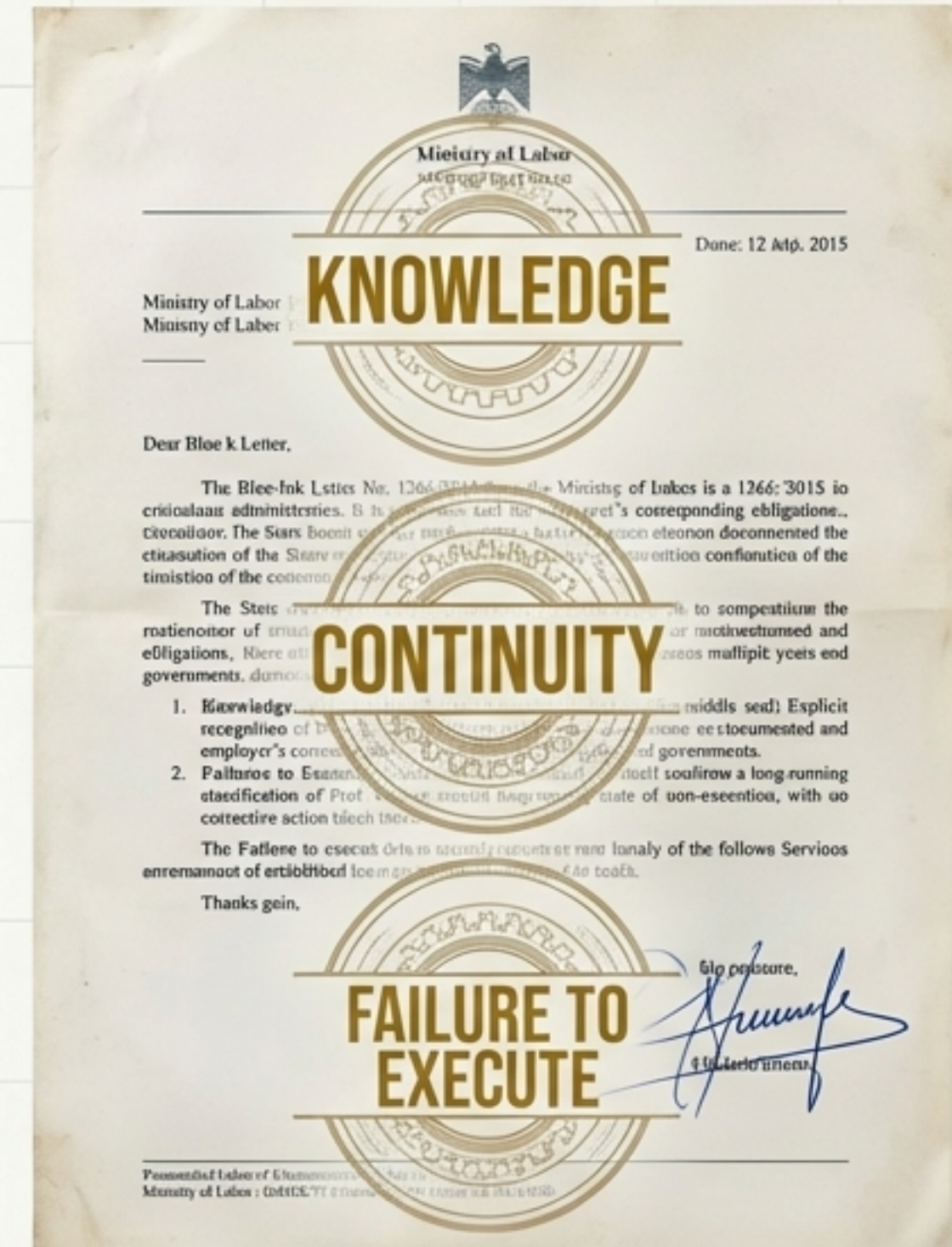
Key Holdings – Cassation Decision 45/2024:

- Reinforces that any compensation owed for denial of parity must be calculated retroactively.
- Confirms that denying parity constitutes a violation of administrative legality.



Pillar IV: The Locked Gate – Ministry of Labor Letter 1266/2015

- **The State's Own Admission:** The Blue-Ink Letter No. 1266/2015 from the Ministry of Labor is a critical administrative admission. It is not an external claim, but the State's own documented understanding of the situation.
- **The Letter Confirms Three Crucial Facts:**
 1. **Knowledge:** (linked to the top seal) Explicit recognition of Prof. Hornig's First-Category classification and the employer's corresponding obligations. The State knew the law.
 2. **Continuity:** (linked to the middle seal) The State's awareness of the violation was documented and persisted across multiple years and governments.
 3. **Failure to Execute:** (linked to the bottom seal) The letter itself confirms a long-running state of non-execution, with no corrective action taken.
- **Legal Implication:** This document proves that the 31-year failure is not a "mistake" or a recent discovery. It is a **sustained, documented, and conscious non-execution of established law**, acknowledged by the relevant state authority.



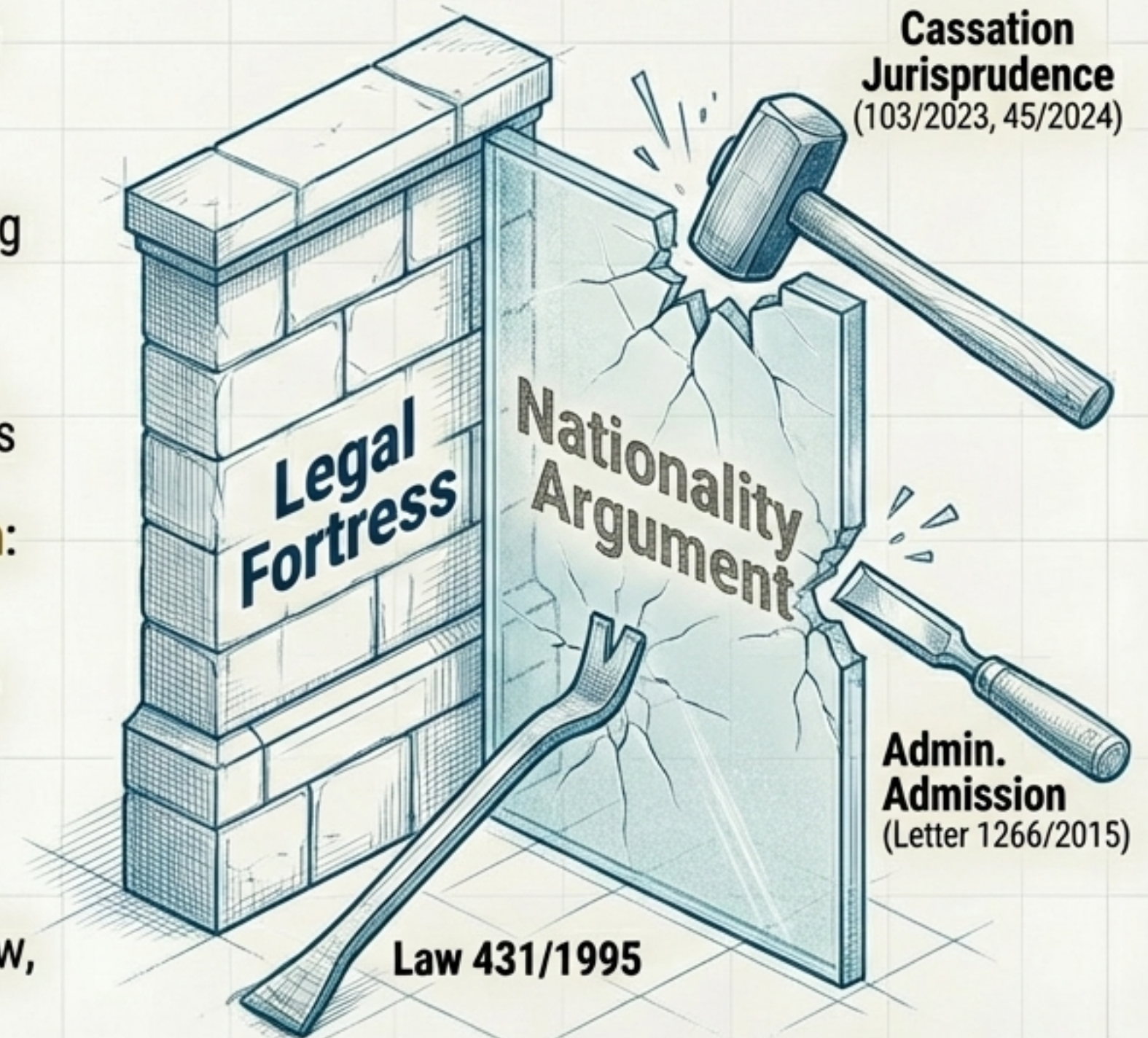
Deconstructing the Nationality Fallacy

The Argument's Premise: Opponents may invoke the 1925 Nationality Law or general *kafala* logic to argue that civil service rights are reserved for citizens.

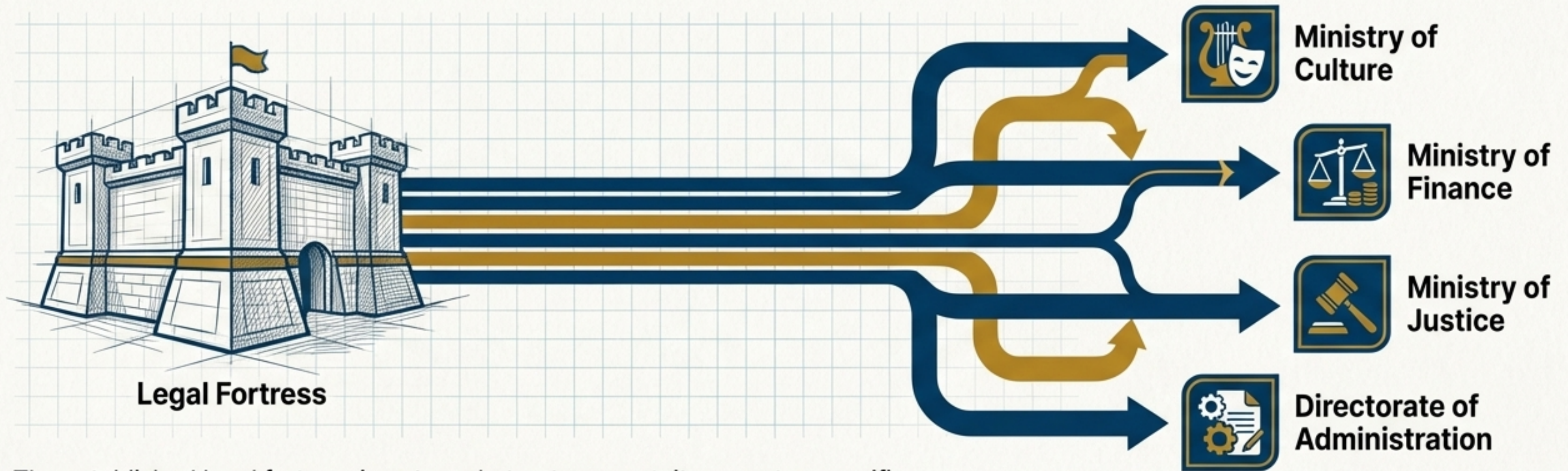
Why This Argument Fails in Law: This position is directly contradicted by the specific, superior legal instruments governing governing this case.

1. **Law 431/1995 is Silent on Nationality:** The law attaches First-Category parity to the *job function* at the Conservatory, not the citizenship of the professor. The legislator's silence is legally significant.
2. **Cassation Jurisprudence Confirms Parity without Condition:** The Court of Cassation's rulings (103/2023, 45/2024) enforce parity without adding a nationality requirement.
3. **Administrative Admission Ignores Nationality:** The Ministry of Labor's Letter 1266/2015 acknowledges First-Category status and obligations for Prof. Hornig specifically, despite his foreign nationality.

Conclusion: Using nationality to block execution is a misuse of law, attempting to apply a general principle to override a specific, explicit, and judicially confirmed statutory mandate.



From Legal Architecture to Institutional Mandates



The established legal fortress is not an abstract concept; it generates specific, **enforceable**, and **non-discretionary** obligations for individual state institutions.

Each ministry and directorate involved has a **discrete statutory duty**. The failure of one institution to act does not legally relieve the others of their independent obligations.

The following slides detail the **mandatory actions** required from each responsible body, derived directly from the legal pillars already established.



Mandate 1: Ministry of Culture / National Conservatory

Legal Basis: Law 431/1995; Decree 112/1959; Cassation 103/2023 & 45/2024.

Mandatory Administrative Acts:

1. Issue a **formal, written reclassification decision**: This act must confirm Prof. Hornig as a **First-Category professor**, with **retroactive effect to 1995**.
2. Produce a **corrected salary scale** and **service certificate**: Must align with the Lebanese University First-Category scale, including all seniority steps and adjustments over 31 years.
3. Reconstruct and approve **all due allowances**: This includes, but is not limited to, housing, transport, and education assistance as per Decree 112/1959.

Consequence of Inaction: Failure to perform these acts is a direct violation of the **principle of legality** and a refusal to execute binding judicial interpretation.



Mandate 2: Pension Directorate / Ministry of Finance

Legal Basis: **Decree 112/1959** (triggered by Law 431/1995).

Mandatory Administrative Acts:

1. **Register Prof. Hornig in the First-Category Civil Servant Pension Scheme:** This must be done retroactively to reflect 31+ years of service.
2. **Calculate and regularize all retroactive contributions:** This includes the full employer share and the theoretical employee share for the entire service period.
3. **Issue a formal, written recognition of vested pension rights:** This decision must state the years of service counted, the final salary reference, and the pension percentage (target: 85% for 30+ years service).

Clarification: These are not discretionary social benefits; they are the required execution of statutory pension rights attached to the First-Category classification.

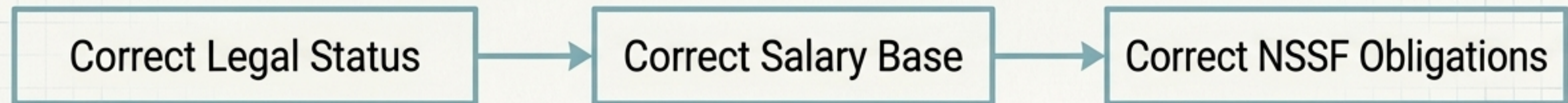


Mandate 3: National Social Security Fund (NSSF)

Legal Basis: **Social Security Law**, based on the corrected legal status and salary data from the Ministry of Culture.

Mandatory Administrative Acts:

1. **Reconstruct the official wage history:** The NSSF records must be corrected to reflect the full **First-Category** salary, not the previously under-recorded contractual pay.
2. **Compute and process payment for all arrears:** End-of-Service Indemnity based on the corrected final salary. SICMAT (sickness & maternity) obligations. Family Allowance arrears.
3. **Regularize all contributions:** Ensure all funds previously deducted from salary are correctly recorded and applied.



The Causal Chain



Mandate 4: Treasury / Ministry of Finance

Legal Basis: General public finance rules; doctrine of illicit enrichment; obligation to rectify state arrears.

Mandatory Administrative Acts:

1. **Restitute all withheld but unremitted funds:** Refund all contributions deducted from Prof. Hornig's salary that were never transferred to the NSSF or a pension fund.
2. **Calculate and pay interest:** Settle the time-value of money on all long-delayed payments across all categories.
3. **Compensate for illicit enrichment:** Settle liabilities arising from the currency collapse, where the State received full-value services while paying a fraction of the hard-currency value, as quantified in the **\$14.4M** roadmap.

Connecting the Legal Fortress to the Financial Roadmap

The \$14.4M financial roadmap is not a separate claim; it is the direct financial manifestation of the legal architecture.

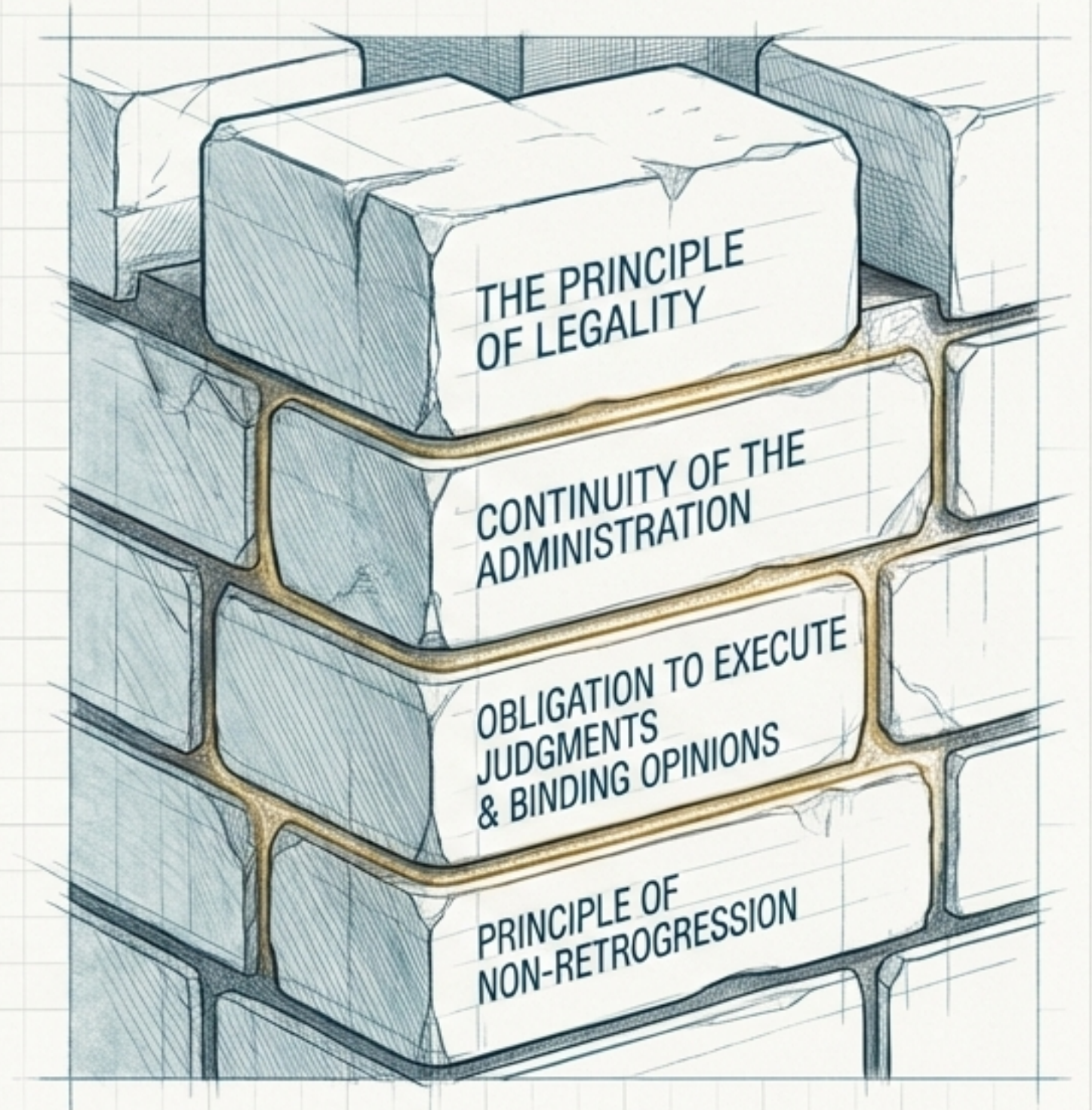
	Legal Source / Pillar	Direct Financial Consequence (within the \$14.4M Baseline)
	Law 431/1995 (Parity Mandate)	<ul style="list-style-type: none">• Salary Parity Bucket (\$4.0M)• Workload Disparity (\$1.05M)
	Decree 112/1959 (Civil Servant Rights)	<ul style="list-style-type: none">• Allowances Bucket (\$850k)• Pension Entitlement (\$3.8M)
	Social Security Law (Applied to Corrected Salary)	<ul style="list-style-type: none">• NSSF Liability Bucket (\$1.8M)
	Doctrine of Illicit Enrichment & Public Finance	<ul style="list-style-type: none">• Currency Collapse Bucket (\$700k)• Treasury/Interest (\$2.2M)

Conclusion: The financial roadmap is the state's own legally mandated bill, calculated according to its own laws.

The Inescapable Conclusion: Why Execution is Not Optional

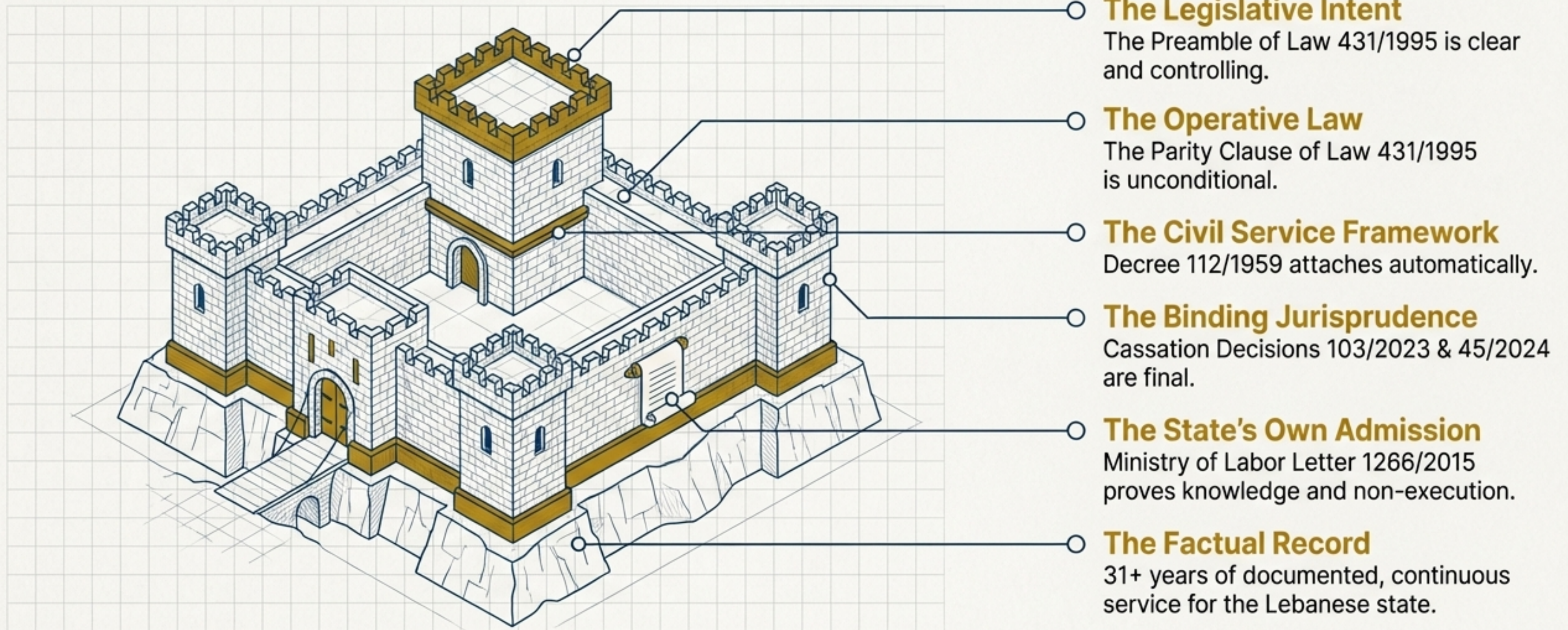
The complete legal fortress is held together by fundamental principles of Lebanese administrative law that eliminate discretionary delay or refusal.

- These doctrines transform the State's obligations from a matter of policy into a matter of **compulsory legal duty**.
- They establish a clear hierarchy of norms where law and jurisprudence supersede administrative convenience.
- The following principles render **non-execution a continuing violation of law**:
 1. **The Principle of Legality**
 2. **The Continuity of the Administration**
 3. **The Obligation to Execute Judgments & Binding Opinions**
 4. **The Principle of Non-Retrogression**



The Six Immovable Pillars of the Legal Fortress

The State's obligation rests on six pillars, none of which can be removed or altered by any administrative act or political decision.



These six pillars form a complete, interlocking, and irreversible legal structure.

The Only Lawful Outcome is Full Execution

The hierarchy of norms—Law, Decree, and binding Cassation jurisprudence—sits above administrative convenience.

The state's own admissions and the 31-year factual record eliminate any possibility of procedural denial.

Once the Ministry of Justice confirms the First-Category status, it locks all other ministries into a narrow legal corridor where execution is the sole exit.

Therefore, non-execution is no longer a policy choice; it is a continuing violation of binding Lebanese law.

The only lawful outcome is the complete and immediate execution of all mapped financial and status obligations.