

Cultural Legislation and Regulation in Algeria 2002-2012

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I. Introduction:

Starting from the year of its independence in 1962, Algeria began to legislate the cultural sector. This was not only to manage the infrastructure that was inherited from France, but also to regulate a sector that had gained strategic importance from the ideological perspective of the nascent state.

Of the earliest texts that marked the beginnings of this process, Decree 63-12 of 8 January 1963 on the organization of Algerian Theater is particularly significant. This act of law effectively allowed the state to nationalise the old Opera of Algiers, a measure with symbolic ramifications, as it permitted the creation of the Algerian National Theater (TNA), an institution that would become the beating heart of a socialist and hegemonic cultural policy.

Since that time, the state has continued to legislate the cultural sector with varying degrees of intensity, depending on the period. Overall, the history of cultural legislation and regulation in Algeria can be demarcated into three periods:

The first period (1962-1988):

From independence in 1962 to 1988, the year of violent riots that brought an end to socialism and that paved the way to political party plurality and a market economy, the number of legislative and regulatory texts produced was not very significant. All of the provisions promulgated during this period effectively worked to promote a socialist cultural policy, characterized by the domination of the ruling authorities over cultural structures and

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organizations. They pertained, above all, to the statutes and organizational modes of public cultural bodies concerned with cinema.

The second period (1988-2002):

The second period, from 1988 to 2002, was marked by the cessation of the electoral process in 1991 against the backdrop of an economic crisis that was followed by a major security crisis. Cultural legislation and regulation, for all intents and purposes, ground to a complete halt. This was primarily due to the near standstill of the activities of the Ministry of Culture.

Overwhelmed by these economic and security crises, the government abandoned the cultural sector. As of 1994, it stopped financing public cultural structures, confining cultural funding to a handful of artistic projects of interest to itself. In the face of this reality, not only the Algerian National Theater but also the Regional Theaters of Oran and of Constantine were forced to close their doors, which only reopened several years later, at the beginning of the first decade of the

The third period (2002-2012):

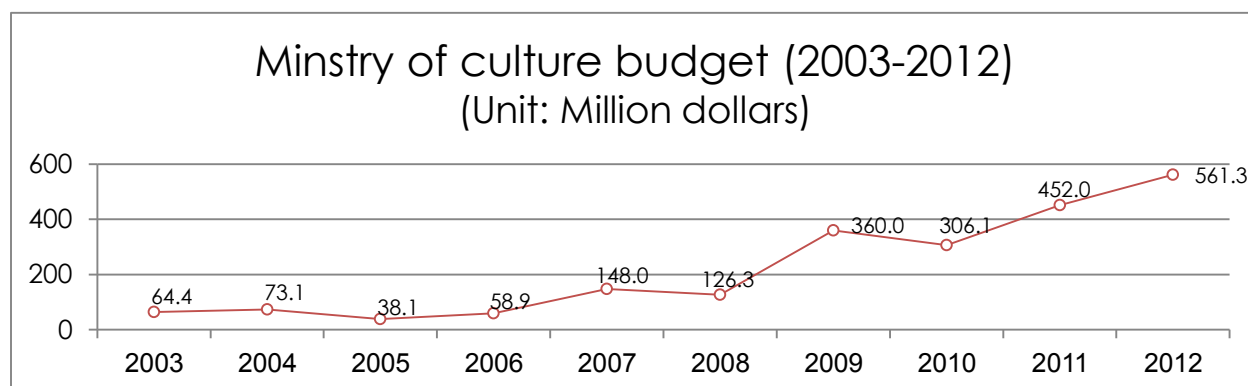
As of 2002, a vast improvement in the economic and security circumstances of Algeria was apparent. This year also saw the Ministry of Culture begin to recuperate, and a new Minister of Culture was brought in who remains in office up to the present (2013).

Endowed with a budget of increasing size from the year 2003 onward, the Ministry of Culture used cultural legislation and regulation as a means to reorganize this sector and set its strategy. This period, the focus of this study, was thus characterised by intensive legislative and regulatory activity. The decision to focus on this period was informed not only by the fact that a large number of critical legislative and regulatory texts were published in the official state bulletin, but also because the sector in question experienced an upheaval that considerably altered the cultural and artistic landscape in Algeria.

II. Cultural legislation and regulation in Algeria (2002-2012)

The decade from 2002 to 2012, representing the third period in the history of cultural legislation and regulation in Algeria, is the most important to study as it constitutes a rupture with the two previous periods, in view of the large number of legislative and regulatory texts that were issued during this decade and the profound effect they had on the cultural and artistic sector.

The arrival of a new minister of culture in 2002 was accompanied by an increase in the budget for culture, which was boosted by the government through special budgetary allocations that it released in order to fund major large-scale cultural events (such as the Year of Algeria in France, Algiers the Capital of Arab Culture, the Algiers Pan-African Festival, Tlemcen: Capital of Islamic Culture, and the 50th anniversary of Algerian independence celebrations). During this decade, the budget of the ministry responsible for the culture portfolio shot up from \$64 million in 2003 to \$561.3 million in 2012, or nine times the 2003 budget (see the graph below).



This financial boon made the launching of numerous projects in the cultural sector possible (the creation of new agencies and organisations, the organisation of cultural events, and so on). This, in turn, required a panoply of legal texts intended to furnish these projects with legal and structural frameworks.

This study enumerated 548 “important” legislative and regulatory texts pertaining to the cultural sector that were promulgated from 2002 to 2012. Nevertheless, the actual number can be estimated to exceed 1,000 if taking into consideration appointments and dismissals of staff in the Ministry of Culture and members of the boards of directors of cultural organisations.

Of the 548 texts that enumerated during this decade, 297 are ministerial orders,² 119 are inter-ministerial orders, 130 are decrees,³ one is an ordinance⁴ and one is a law⁵ (see the following table).

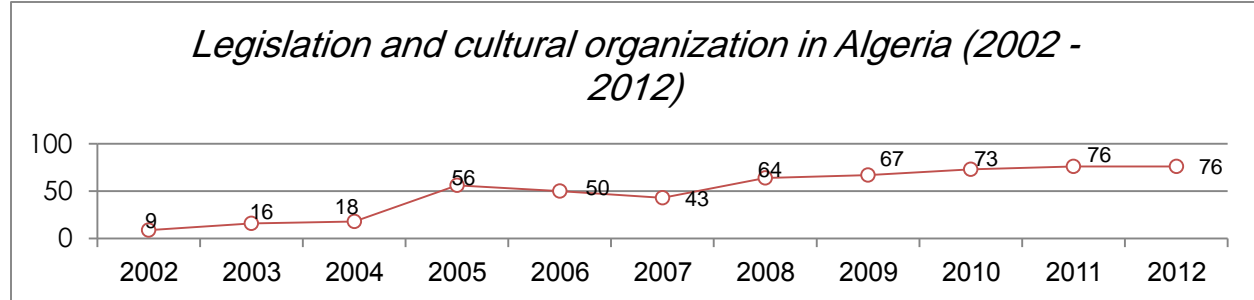
Legislative and regulatory acts related to cultural sector

Published from 2002 to 2012 in Algeria

Year	Ministerial orders	Inter-ministerial orders	Decrees	Ordinances	Laws	Total
2012	33	24	19	0	0	76
2011	52	9	14	0	1	76
2010	49	12	12	0	0	73
2009	32	16	19	0	0	67
2008	41	7	16	0	0	64
2007	20	9	14	0	0	43
2006	30	15	5	0	0	50
2005	27	10	19		0	56
2004	4	12	2	0	0	18
2003	5	1	9	1	0	16
2002	4	4	1	0	0	9
TOTAL	297	119	130	1	1	548

It is worth noting that the total number of legislative and regulatory texts increased from nine in 2002 to 76 in both 2011 and 2012. This evolution in quantity broadly follows the upward

trajectory of the Ministry of Culture budget: the larger the budget, the larger the number of legislative and regulatory acts.



Among these many acts of legislation, some are more critical and have had a greater impact on the cultural sector than others. The following sections attempt to shed light on the most important texts, issued from 2002 to 2012, for each of the following sectors:

١. Cinema
٢. Books and reading
٣. Museum activities
٤. Theater
٥. Heritage
٦. Incentives (taxes, patronage, private investment)

2.1 Cinema

Law 11-03 of 17 February 2011 is the only legal text pertaining to the cultural sector issued as a law during the decade under study. As such, it was passed by parliament and promulgated by the president. Consisting of six chapters, it forms the legal foundation for the cinema sector, in general, as it sets the rules for finance, usage, distribution, importation and publicity for this sector. It also defines the aims of film sector activity (to develop the production of artistic, educational and commercial films, whether fictional or documentary; to promote a culture anchored in national, Islamic, Arab and Amazigh values and open to the world; and to promote the spirit of solidarity, justice, tolerance, peace, civic-mindedness, and so on)

This law also established the principle of a prior authorization from the minister of culture for production, distribution and screening.

The law triggered heated controversy in the cinema sector, especially Article 5 (which prohibits the financing, production and display of any cinematic product that is offensive to religion or the war of national liberation and their symbols and history, that glorifies colonialism, that jeopardises the public order or national unity, or that incites hatred, violence and racism) and Article 6 (which stipulates that the production of films related to the war of national liberation and its symbols must receive prior approval from the government). To many professionals in this sector, these articles promote censorship and therefore constitute an infringement on the freedom of artistic creativity which is guaranteed under the Algerian constitution.

Law 11-03 of 14 Rabie al-Awal 1432 / 17 February 2011 on Cinematography

Chapter 1: General Provisions

Article 1: The purpose of this law is to establish the general rules for the film industry, its operations and its promotion. Notwithstanding its artistic and cultural nature, filmmaking is also an industrial and a commercial activity.

Art. 2: For the purposes of this law, a cinematographic work is understood as any film, regardless of duration, recording media and/or genre, the screening of which took place in a movie Theater using a film projection device.

Art. 3: Cinematographic activity shall aim above all:

- To develop the production of artistic, educational and commercial films, whether fictional or documentary;

- To promote a culture rooted in national, Islamic, Arab and Amazigh values, and open to the world;
- To promote a spirit of solidarity, justice, tolerance, peace and civic-mindedness;
- To further the dissemination and promotion of Algerian culture in the world;
- To further the economic and social development of the country;
- To profile and highlight our historic heritage as well as the great deeds of the national resistance throughout history.

Art. 4: Filmmaking activity includes the production, distribution, usage, dissemination and importation of films, as well as the protection and maintenance of film archives. The production, distribution, usage, dissemination and shooting of films are subject to a prior authorisation issued by the minister of culture.

Art. 5: It is prohibited to finance, produce and exhibit any cinematographic work that is offensive to religion or the national war for liberation and their symbols and history, that glorifies colonialism, that jeopardises the public order and national unity, or that incites hatred, violence and racism.

Art. 6: The production of films related to the war of national liberation and its symbols requires the prior approval of the government.

Art. 7: The production, dissemination, duplication and distribution of video recordings destined for private use among the public require prior authorisation issued by the minister responsible for culture. A permit must be obtained in advance for the sale, rental and distribution of video recordings.

Art. 8: Films that are strictly reserved for private use and are not intended to be marketed, especially films directly related to the activities of juridical persons and amateur films, are not subject to the authorisations and permits stipulated under this Act .

Chapter II: The practice of cinematographic activities

Art. 9: The cinematographic activities defined by this law shall be exercised by juridical persons under Algerian law.

Art. 10: The State, through its public institutions, shall undertake the following tasks:

- The development, organization, support and promotion of film industries;
- The production, distribution and usage, as well as the management of the rights pertaining to films produced with total or partial public funding;
- The preservation, restoration and augmentation of film archives.

Art. 11: The practice of cinematographic activities by juridical persons as defined by private law require an authorisation issued by the minister responsible for culture.

Art. 12: Every person who practices a cinematographic activity and who meets the required conditions has the right to obtain a professional identity card. This card is issued after a review by a joint commission at least half of the members of which are drawn from professionals and persons involved in filmmaking. A list has been created of the professions and occupations that require the above-mentioned professional identity card, together with the criteria and conditions for obtaining it. The measures for applying this article shall be determined by regulatory statute.

Section 1:

Art. 13: Production comprises all activities, procedures and resources that contribute to the design, creation and production of a film, inclusive of executive production for Algerian or foreign enterprises.

Art. 14: The producer who underwrites the executive production of foreign films must cooperate with Algerians working in the film industry in Algeria, in accordance with designated conditions, forms and percentages. The means for implementing this Article shall be established by regulatory statute.

Art. 15: Coproduction that does not fall under a governmental agreement shall be governed by the law of the country where the headquarters of the company of the coproducer who is the majority funder is based. In the event that coproduction funding shares are equal, the film shall be subject to Algerian law. A co-produced film cannot acquire dual nationality outside of the framework of governmental cinematographic agreements.

Section 2: Distribution

Art. 16: Distribution comprises all activities relating to the national marketing of national and foreign films, as well as to activities related to their commercial promotion and their export or import.

Art. 17: Distributors of feature-length and short films in all film media used in Algeria shall, at the expiration of usage rights, submit a copy of each film to the institution responsible for the preservation of films. Copies of the films deposited at the institution responsible for the preservation of films may not be commercially exploited. Nevertheless, these films may be screened for cultural and educational purposes upon the agreement of the holders of the titular rights.

Section 3: Usage

Art. 18: Usage comprises all activities related to the screening and dissemination of cinematic works in movie theaters and other spaces for displaying films.

Art. 19: A board of review tasked with previewing films shall be created under the Ministry of Culture. This board shall consist of members appointed by decree from the Minister of Culture for a term of two years, non-renewable for the two subsequent years. The composition, duties and functions of the board shall be determined by regulatory statute.

Art. 20: Any commercial usage of a motion picture as well as related promotional material in the national territory requires a permit issued in advance by the Minister of Culture, following the approval of the board of preview, within sixty (60) days of the date of submission of a copy of the film that is the subject of the permit application. If the afore-stated period lapses without a response this shall be deemed an approval.

Art. 21: Diplomatic missions accredited in Algeria, foreign cultural centers and international organizations may exhibit films to the public on the condition of obtaining a permit from the minister responsible for culture and in compliance with international conventions ratified by the Algerian state.

Art. 22: The use of movie theaters is subject to specifications determined by a ministerial order from the minister responsible for culture.

Art. 23: The Ministry of Culture shall undertake the responsibility to restore and put to use unused movie theaters. The conditions for applying this Article shall be laid down by regulatory statute.

Section 4: Legal Repository

Art. 24: The producer must submit a positive copy of any film produced in Algeria or in the framework of a coproduction, with the exception of commercials, to the legal repository of the institution charged with the preservation of films.

Art. 25: Films previously produced or co-produced in Algeria 5 since July 1962 that have not been yet been filed for legal deposit, as well as productions or co-productions pertaining to the war of national liberation, must be registered together with the submission of a positive copy of the work at the legal repository office.

Section 5: The infrastructure and technology sector

Art. 26: The infrastructure and technology sector comprises all activities involving the manufacture, sale or rental of technical equipment or specialised supplies for the production, distribution, and usage of films in all media, as well as the creation of studios and laboratories for the development of film and kinescoping and digitalising exhibited works.

Chapter III: Funding and Promoting Cinema

Art. 27: Companies incorporated under Algerian law and operating in the production, distribution and usage of films may benefit from state aid in the framework of the performance of their activities. The means for implementing this Article shall be established by regulatory statute.

Art. 28: Direct financial assistance provided by the state for the production of cinematographic films is made either through the appropriation account No. 302-014, entitled "Fund for the Development of the Art, Technology and Industry of the Cinema," and/or through the assistance of public institutions and bodies.

Art. 29: A percentage of the revenues from commercials shall be allocated annually to the appropriation account No. 302-014, entitled "Fund for the Development of the Art, Technology and Industry of the Cinema."

Art. 30: The direct financial assistance granted by the state for cinema production through the above-mentioned appropriation account No. 302-014, entitled "Fund for the Development of the Art, Technology and Industry of the Cinema," is subject to the approval of a review committee consisting of experts and professionals. The means for the creation of the review committee, as well as for its composition, organization, functions and renewal shall be established by regulatory statute.

Art. 31: The financial assistance provided by institutions, bodies and public companies for cinematographic film production outside of the framework of appropriation account 302-014, entitled "Fund for the Development of the Art, Technology and Industry of the Cinema," shall be subject to the approval of the review committee mentioned above in Article 30 of this law.

Art. 32: The institutions, bodies and public companies that grant, directly or indirectly, financial support and assistance for any cinematographic production must, immediately after granting such support, furnish the minister of culture with the

statements and documentation pertaining to the grants, the resources allocated for this purpose, and the identity of the beneficiaries.

Art. 33: The State is committed to the promotion of national cinema production and shall raise awareness of it through diverse means and disseminate it through audiovisual means. Television channels must broadcast national cinema production. The means for implementing this Article shall be determined by regulatory statute.

Chapter 4: Training in the filmmaking professions

Art. 34: The State is responsible, through its specialized agencies and other means, for training in the field of cinema.

Art. 35: Any natural or juridical person may create film training institutions in accordance with the effective laws and regulations after consultation with the minister responsible for culture.

Art. 36: Cinema production companies shall accept graduates of the training institutes and benefit, thereby, from the advantages provided under current laws and regulations.

Chapter 5: Punitive Provisions

Art. 37: Violators of Articles 4, 6 and 7 of this law shall be subject to a fine of no less than DA 500,000 and no more than DA 1,000,000.

Art. 38: Violators of the provisions of Article 17 of this law shall be subject to a fine of no less than DA 30,000 and no more than DA 200,000.

Art. 39: Anyone who makes commercial use of any film that has not obtained the usage permit stipulated in Article 20 of this law shall be subject to a fine of no less than DA 200,000 and no more than DA 400,000.

Art. 40: Failure to comply with the obligations stipulated in Article 24 of this law incurs the penalties stipulated under the aforementioned Ordinance 96-16 of 16 Safar 1417 / July 2, 1996.

Art. 41: Subject to the provisions of the Penal Code, anyone who exhibits a motion picture that has been altered after obtaining the exhibition permit is punishable by a fine of no less than DA 50,000 and no more than DA 500,000.

Art. 42: Under the penal code it is a punishable offence:

- To obtain or attempt to obtain a practitioner's license or professional identity card by making false statements or by submitting fraudulent information, certificates or documents.
- To furnish or attempt to furnish the afore-mentioned types of documents to a person who is not rightfully entitled to them.
- To use such documents under a name other than one's own.

Art. 43: It is a crime of forgery, punishable by one of the two penalties stated in Article 153 of Ordinance 03-05 of 19 Jumada el-Ula 1424 / 19 July 2003, mentioned above, to record by any means a film during its screening in a movie Theater.

Art. 44: In addition to officers of the judicial police, the following officials are authorized to ascertain any violation of the provisions of this provisions of this law:

- Cinema inspectors;
- Cinema controllers.

Authorized officials shall take the following oath before the presiding judge of the competent court:

“I swear by God Almighty to perform the duties of my office faithfully and honestly and to observe at all times the responsibilities incumbent upon me.”

Chapter 6: Final Provisions

Art. 45: The conditions and procedures for granting and rescinding the authorizations and permits stipulated under Articles 4, 7, 11, 20, and 21 of this law shall be established by regulatory statute.

Art. 46: Ordinance 67-52 of 17 March 1967 regulating the arts and film industry, as amended and supplemented, has been repealed. However, the provisions pertaining to the operation of the appropriation account No. 302-014, entitled "Fund for the development of the art, technology and industry of the cinema", will remain in force until the provisions for its application are promulgated.

Art. 47: This law shall be published in the official bulletin of the Popular Democratic Republic of Algeria.

Algiers on 14 Rabie al-Awal 1432 / 17 February 2011.

Abdelaziz Bouteflika

2.2. Books and Reading

Legislative and regulatory development in the book sector was marked by the creation of the National Book Center in 2009 (by Presidential Decree 09-202 of 27 May 2009 establishing the National Book Center). The foremost aims of the Center are to encourage all forms of literary expression, to further the dissemination of literary works of all forms, to propose actions and initiatives that can act to stimulate the publication and distribution of books and to encourage reading among the public, to support all phases of creation of books, and to offer an opinion, upon the request of the Ministry of Culture, on any project submitted to the Ministry of Culture with the purpose of obtaining aid or support for the those involved in the various stages of creation of books.

To date, the Center has not played a major role in the landscape of books in Algeria. A book law is anticipated this year (2013).

With regard to reading, Executive Decree 12-234 of 24 May 2012 defining the status of Central Public Libraries designates the criteria for such libraries (located in an administrative center of a governorate, catering to all segments of the public, etc.), their responsibilities toward the local public (allocating a reading space appropriate to the needs of the child, facilitating the development of basic data processing and computer skills, etc.), and their internal organisational structure and bylaws. This is the first decree of its kind dedicated to public reading.

Executive Decree 12-234 of 24 May 2012, establishing the status of Central Public Libraries

Chapter 1: General Provisions

Article 1: The purpose of this decree is to change the designation of the public libraries under the supervision of the Minister of Culture and regulated by Executive Decree 07-275 of 6 Ramadan 1428 / 18 September 2007, referred to above, to Central Public Libraries, and to establish their legal status.

Art. 2: Central Public Libraries shall meet, above all, the following criteria:

- They shall be located in the administrative center of the governorate or, alternatively, in a city in the government with a large potential readership or with cultural, educational or university institutions.
- They shall have headquarters that offer lending services and reading spaces capable of accommodating a daily flow of at least 500 persons.
- They shall house multidisciplinary holdings.
- They shall cater to all segments of the public.
- They shall have reading spaces dedicated for different categories of users.

Chapter 2: Creation – Seat – Missions

Art. 3: Central Public Libraries are administrative public institutions endowed with a juridical personality and financial autonomy.

Art. 4: Central Public Libraries are created in each governorate by executive decree based on a proposal from the minister responsible for culture. The seat of each central public library is stated in the establishment decree.

Art. 5: Central Public Libraries may have branches, known as Public Libraries, throughout the governorate. Public Libraries are created by inter-ministerial order issued jointly by the minister of finance, minister of culture and the official responsible for the civil services.

Art. 6: It is the mission of Central Public Libraries to provide reading materials in diverse media with the purpose of encouraging and promoting reading among the public. As such, they shall undertake, in particular:

- To place their various holdings, reading services and associated services at the disposal of users;
- To allocate a reading space appropriate to the needs of children;
- To allocate a space for study and the preparation for exams;
- To facilitate the development of basic data processing and computer skills;
- To furnish the means to ensure access to public reading for the handicapped;
- To organize cultural activities concerning books.

Chapter 3: Organisation and Operation

Art. 7. Central Public Libraries are administered by a steering committee headed by a director.

Art. 8. The internal organization of the Central Public Libraries and public libraries is determined by a joint order issued by the minister of culture, minister of finance, and the official responsible for the civil services.

Section 1: The steering committee

Art. 9: The steering committee is made up of:

- The director of culture of the governorate as Director;
- The representative of the governor;
- The president of the popular assembly of the governorate or his representative;
- The representative of the minister of finance at the governorate level;
- The director of education of the governorate;
- The director of youth and sports of the governorate;
- The director of the post, information technology and communications of the governorate;
- The speaker of the municipal people's assembly, or his representative, in the city of the public library branch scheduled for discussion on the steering committee agenda;
- Two figures from the realm of books and culture designated by the minister responsible for culture.

The director of the central public library attends steering committee sessions in an advisory capacity.

The steering committee may invite to its meetings anyone capable of clarifying its work.

Art. 10: The steering committee deliberates on:

- The annual and multi-year action plans, and the progress reports on the previous year's activities;
- The draft budget;
- Revenue and expenditure projections;
- The annual accounts;
- The internal bylaws and organisation of the Central Public Library;
- The general conditions for approving conventions, agreements, contracts and transactions;
- The acceptance of gifts and bequests.

Art. 11: The members of the central public library steering committee are appointed for three year, renewable terms. In the event of the interruption of the term of a member, that member shall be replaced by another, in accordance with the same methods, for the remainder of the term. The membership list of the steering committee is established by order of the minister responsible for culture.

Art. 12: The steering committee meets in ordinary session, convened by the director, twice a year. It may meet in an extraordinary session at the request of the supervisory authority or two-thirds of its members. Notification of a forthcoming meeting accompanied by the agenda must be sent out at least 15 days in advance. This period may be reduced for extraordinary sessions, but not to less than eight days.

Art. 13. The steering committee proceedings are only valid when two-thirds or more of its members are present. If this quorum is not reached, a new meeting is held within eight days.

In this case, the steering committee's proceedings are considered valid regardless of the number of members present. Decisions of the steering committee are taken by majority vote. In the event of a tied vote, the director casts the deciding vote.

Art. 14: The minutes of steering committee proceedings are recorded in a special ledger, numbered and initialed. The minute ledgers shall be submitted to the supervisory authority for approval within 30 days.

Section 2: The director

Art. 15: The director of the Central Public Library is appointed by order by the minister responsible for culture. He is dismissed in the same manner.

Art. 16: The director is responsible for managing the Central Public Library in compliance with current laws and regulations. In this capacity he shall:

- Design action plans and submit them to the steering committee;
- Act in the name of the Central Public Library and represent it in court and in all areas of civil life ;
- Exercise hierarchical authority over the entire staff ;
- Recruit, appoint and terminate the appointment of the personnel under his authority, apart from personnel for whom another method of appointment is stipulated;
- Develop revenue and expenditure projections;
- Ratify all conventions, agreements, contracts and transactions;
- Draft internal organisation systems and rules;
- Prepare the steering committee meetings and ensure the implementation of its decisions;
- Submit to the Ministry of Culture for approval lists of publications to build and enrich the library's acquisitions;
- Produce at the end of each financial year, an annual progress report detailing results of activities, complete with accounting balances, and addressed the supervisory authority;
- Delegate to the directors of Public Libraries authorities as secondary officer.

Chapter 4: Financial Provisions

Art. 17: Membership fees for Central Public Libraries and Public Libraries are set by inter-ministerial decision by the minister of culture and minister of finance.

Art. 18: The budget of the Central Public Libraries comprises:

Revenues:

- Subsidies from the state, local authorities and public bodies;
- Gifts and bequests;
- Revenues derived from their activities.

Expenditures:

- operating costs
- expenditures for equipment
- all other expenditures related to their activities

Art. 19: Auditing the accounts of Central Public Libraries is performed in accordance with the rules for public accounting.

Art. 20: Financial record-keeping records and the handling of assets is entrusted to an accounting officer appointed or approved by the minister of finance.

Chapter 5: Transitional and final provisions

Art. 21: All public libraries created before the promulgation of this decree in the official state bulletin shall be renamed Central Public Libraries and operate in

accordance with the provisions of this decree. The branches of the Central Public Libraries shall be named Public Libraries.

Art. 22: All provisions of law that conflict with this decree, including Executive Decree 07-275 of 6 Ramadan 1428 / 18 September 2007, mentioned above, are repealed.

Art. 23: This decree shall be published in the official bulletin of the Popular Democratic Republic of Algeria.

Algiers, 24 May 2012.

Ahmed OUYAHIA.

2.3 Museum activity

Following the promulgation of Executive Decree 11-352 of 5 October 2011, establishing the status of museums and centers of a museum-like nature, the development of the museum sector was marked by the promulgation of the inter-ministerial order of 6 March 2012 pertaining to the admission fees to museums and centers of a museum-like nature. This text, for the first time, sets standardized admission rates for all museums around the country. The pricing system not only aims to increase museum revenues (the abilities of museums to finance themselves), but also to increase the numbers of visitors. Revenues generated by ticket sales are deemed an indicator of the efficacy and dynamism of a museum in its relationship with the public.

Inter-Ministerial Order of 6 March 2012 Pertaining to Entrance Fees to Museums and Museum-like Centers

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Article 1: Pursuant to the provisions of Articles 7, 10 and 28 of Executive Decree I1-352 of 7 Dhu al-Qa'da 1432 / 5 October 2011 on standard legislation for museums and centers of a museum-like nature, this order seeks to set entrance fees for national public museums and centers of a museum-like nature.

Art. 2: The revenues from entrance fees to museums and centers of a museum-like nature constitute indicators of a museum's dynamism in its relationship with the public. The entrance fee for national public museums and centers of a museum-like nature is DA 200. The admission fee for certified museums is brought to DA 300.

Art. 3. Payment of admission fees to national museums does not allow entrance to repositories, access to which is strictly restricted to experts and specialists duly authorized by the Ministry of Culture for the purposes of conservation and protection.

Art. 4: A 30 per cent discount is granted for the group purchase of ten or more tickets. Artists and cultural workers are entitled to a 30 per cent reduction. Students, trainees and apprentices are entitled to a 50 per cent reduction.

Art. 5: The following categories of persons are entitled to free admission to national public museums and centers of a museum-like nature:

- persons under 16 years of age;
- unemployment and basic welfare benefits claimants;
- handicapped persons and their companions;
- seniors aged 65 or older;
- national service conscripts.

Admission to museums located within the cultural parks of the far south (Tamenghasset and Illizi) is free for local residents.

Art. 6: Admission to national public museums and centers of a museum-like nature is free-of-charge on the following occasions:

- International Day for Monuments and Sites, which falls on 18 April of every year;
- International Museum Day, which falls on 18 May of every year;
- Algerian Revolution Day, which falls on 1 November of every year;
- From Independence Day to Youth Day, which is from 3 to 5 July every year;
- Science Day, which falls on 16 April every year;
- International Women's Day, which falls on 8 March every year.

Art. 7: The cost of guide services in national public museums and centers of a museum-like nature is:

- DA 200 for a single person.
- DA 400 for groups of two or more.

Art. 8: The use of camcorders and other photographic apparatuses for non-commercial purposes may be authorized by the director of a national public museum or center of a museum-like nature. Such authorisation must ensure the preservation, conservation and protection of the cultural property on display and safeguard intellectual property rights.

In the event of authorisation, a person must pay a fee of DA 200.

Photographic or cinematographic projects carried out in national public museums or museum-like centers are subject to an agreement with the administration of the museum or museum-like center after authorisation from the Ministry of Culture

services. The agreement must specify the fees applied and the conditions of use for the photographic or cinematographic product.

Art. 9: Special temporary exhibitions organized by museums or centers of a museum-like nature permit for an increase in admission fees calculated on the basis of the importance of the exhibition. The amount of this increase is determined by order from the minister responsible for culture on the basis of a recommendation from the director of the museum or museum-like Center concerned.

Art. 10: Admission fees are collected at the entrance to national public museums and centers of a museum-like nature at ticket sales booths. Visitors receive, in exchange for payment, tickets from ticket books, imprinted by the relevant financial services, containing the name of the institution, a pre-printed serial number, the price, the nature of the fee to be paid, and the date of admission. Beneficiaries of free or reduced admission rights must present documentary proof to establish that they are among the categories of persons mentioned in Articles 4 and 5 of this order.

Art. 11: This order shall be published in the official bulletin of the Popular Democratic Republic of Algeria

Algiers, 6 March 2012

Finance Minister, Karim Djoudi

The Minister of Culture, Khalida Toumi

2.4 The Theater

In 2009, Executive Decree 09-81 of 11 February 2009 on the status of the Algerian National Theater (TNA) replaced Decree 70.38 of 12 June 1970 on the organization of TNA. This new decree defines the status of the TNA (as a public enterprise of a commercial and industrial nature endowed with a juridical personality and financial autonomy), designates its mission (to present classic and modern theatrical works of Algerian and foreign production, to further the vitalisation and awareness of national cultural and artistic life, etc..), and establishes its internal organizational structure.

This decree does not significantly change the operations of TNA, but it gives this institution a more important role through the functions and services with which it is charged.

Executive Decree 09-81 of 11 February 2009

on the status of the Algerian National Theater (TNA)

Chapter 1: Name – Purpose – Seat

Article 1: The purpose of this decree is to establish the status of the Algerian National Theater created by Decree 63-12 of 8 January 1963 on the organization of Algerian Theater.

Art. 2: The Algerian National Theater, designated hereafter as the TN), is a public enterprise of a commercial and industrial nature endowed with a juridical personality and financial autonomy. The TNA is governed by the rules applicable to government administration in its relationship with the state while it is regarded as a merchant in its relationship with third parties.

Art. 3: The TNA is based in Algiers. Its seat can be transferred to any other place in the country on the basis of a proposal from the minister responsible for culture.

Art. 4: The TNA falls under the supervision of the minister responsible for culture.

Art. 5: The TNA is charged above all with:

- Presenting classical and modern works of Algerian and foreign production;
- Contributing to the enrichment and development of national cultural heritage through the production and dissemination of artistic performances in the theatrical and lyrical arts;
- Furthering the vitalisation and awareness of national cultural and artistic life;
- Creating an authoritative, artistic and professional organisational framework conducive to the improvement of conditions for professional artistic practice in the country;
- Renovating and development the creative capacities of artists by organising specialised training courses;
- Promoting occupations connected with theatrical activity by including professionals in the field in the creation of theatrical works;
- Promoting the Algerian theatrical experience by raising awareness of it at the national and international levels;
- Working to strengthen the relationship between the Algerian public and the Theater;
- Establishing an institution for information and documentation

The NTA may organize, in the halls allocated for its use, diverse cultural and artistic events, and may participate in tours and festivals in the country or abroad.

Art. 6: The NTA shall perform a public service in accordance with the Specifications appended to this decree.

Chapter 2: Organisation and Operation

Art. 7: The NTA is headed by a director-general and administered by a board of directors

Art. 8: The internal organisation of the NTA is established by ministerial order issued by the minister responsible for culture on the basis of a proposal submitted by the NTA director-general upon the approval of the board of directors.

Section 1: The board of directors

Art. 9: The board of directors of the NTA shall consist of the following:

- The minister responsible for culture or his representative - chairman;
- A representative for the minister responsible for interior and local communities
- A representative for the minister of finance;
- A representative for the minister of national education;
- A representative for the minister of higher education;
- A representative for the minister of occupational training and education;
- A representative for the minister of youth and sports;
- A representative for the director-general of the national copyright bureau;
- A representative for the National Television Organisation;
- A representative of the National Broadcasting Company;
- Two representatives of employees in the NTA elected by their peers;
- Two representatives of the world of the Theater chosen by the minister of culture.

The director-general of the NTA attends meetings of the board of directors in a consultative capacity and supplies the staff of the secretariat.

The NTA board of directors may invite anyone to its meetings who could help it with its duties.

Art. 10: The NTA board of directors deliberates, above all, on the following matters:

- The internal bylaws of the NTA and its proposed internal organization;
- Annual and multi-annual activity programs and the progress reports on the activities of the previous year;
- Conventions, agreements, contracts and transactions;
- The acceptance of gifts and bequests;
- Revenue and expense projections;
- The annual accounts;
- The draft budget.

Art. 11: Members of the NTA board of directors are appointed for three year terms, renewable on the basis of a recommendation from their respective authorities. In the event that the term of a member is interrupted, he shall be replaced by a new member selected in accordance with the same procedures and serve the remainder of the term. The membership list of the board of directors is established by ministerial order issued by the minister of culture.

Art. 12: The board of directors will meet in ordinary session, convened by the chairman, at least twice a year. The board of directors may meet in extraordinary session at the request of the supervisory authority or two-thirds of its members. Notification of a forthcoming meeting accompanied by the agenda must be sent out at least 15 days in advance. This period may be reduced for extraordinary sessions, but not to less than eight days.

Art. 13: The proceedings of the board of directors are only valid when two-thirds or more of its members are present. If this quorum is not reached, a new meeting shall be held within eight days. In this case, the steering committee's proceedings are considered valid regardless of the number of members present. Decisions of the steering committee are taken by majority vote. In the event of a tied vote, the director casts the deciding vote.

Art. 14: The minutes of the board of directors proceedings are recorded in a special ledger, numbered and initialed by the chairman of the session. The minutes ledgers shall be submitted to the supervisory authority for approval within the eight days following. Decisions adopted by the board of directors come into force 30 days after the supervisory authority receives the minutes ledger. The exception to this are those decisions for which approval is expressly required by laws and regulations, such as decisions concerning budget projections, accounting and fiscal balances, and NTA heritage.

Section 2: The director-general

Art. 15: The director-general is appointed by decree on the basis of a nomination by the minister responsible for culture. He is dismissed in accordance with the same procedures.

Art. 16: The director-general ensures the sound functioning of the NTA. As such,

- He acts in the name of the NTA and represents it in courts and in all areas of civil life;
- He exercises hierarchical authority over the entire staff and makes staff appointments, apart from personnel for whom another method of appointment is stipulated;
- He prepares budgetary projections and financial accounts;

- He prepares activity programs and progress reports for the NTA;
- He prepares meetings of the board of directors and follows through on the implementation of its decisions;
- He develops the draft internal organization flowchart and the draft bylaws for the NTA;
- He undertakes and organizes expenses;
- He signs contracts, agreements, conventions and transactions within the framework of current laws and regulations.

The director-general may delegate, at his own responsibility, the right to sign to one of his assistants within the scope of their areas of responsibility.

Chapter 3: Financial Provisions

Article 17: The budget of the NTA consists of:

Revenues:

- The income derived from NTA activities;
- The contributions of the State in fulfilment of its public service obligations;
- Gifts and bequests.

Expenditures:

- Operating costs;
- Equipment outlays;
- All expenses necessary to realise the aims of the NTA.

Art. 18: Accounts of the NTA are kept in keeping with commercial practices and in accordance with current laws and regulations.

Art. 19: Inspection and auditing of the financial administration and accounts of the NTA is undertaken by an authorised auditor appointed in accordance with current regulations.

Art. 20: The director-general of the NTA shall submit all balance sheets, end-of-year statements, annual activity reports, together with the report from the delegated accountant to the minister responsible for culture and the minister responsible for finance, following their adoption by the Board of Directors.

Art. 21: All provisions that contradict this decree, including those of Ordinance 70-38 of 12 June 1970 on the reorganization of the Algerian National Theater, are hereby repealed.

Art. 22: This decree shall be published in the official bulletin of the Popular Democratic Republic of Algeria.

Algiers, 11 February 2009

Ahmed Ouyahia

Public Service Specifications

Article 1: These specifications delineate the public service obligations of the Algerian National Theater (TNA) in accordance with the provisions of this decree.

Art. 2: The TNA organizes cultural and artistic performances and events for the public at the national level in order to raise awareness of national and universal artistic and cultural heritage.

Art. 3: The TNA contributes to the promotion and development of theater for children.

Art. 4: The TNA contributes to the emergence of young talent by encouraging creation and production in the field of dramatic arts.

Art. 5: The TNA participates in cultural and artistic events scheduled by the supervisory authority in the framework of international cultural exchanges.

Art. 6: The TNA organizes meetings, conferences and roundtables in order to disseminate theatrical culture among youth, and involves toward this purpose universities, vocational training institutes and national education institutions.

Art. 7: The TNA prepares an annual program in the above-mentioned areas.

Art. 8: The TNA is required to submit to the supervisory ministry a report on the status of the execution of the set and approved annual program.

Art. 9: The contributions payable by the State in the framework of these specifications shall be paid to the Algerian National Theater in accordance with the procedures established by current laws and regulations.

2.5 Heritage

While the heritage sector in Algeria is regulated by Law 98-04 of 15 June 1998 on the protection of cultural heritage, legislative activity in this sector during the past decade was marked by the creation, in 2006, of the National Cultural Heritage Fund. This occurred by means of Executive Decree 06-239 of 4 July 2006, which defines the operations of the appropriations account 302-123 named the National Cultural Heritage Fund. The purpose of this fund is to support this sector by covering expenditures allocated to studies and restoration work necessary to safeguard and enhance the protected cultural property held by its title owners, to financing preliminary studies and expertise needed to safeguard and enhance protected immovable cultural property, to the acquisition of movable cultural property to enrich the national collections, and so on.

Executive Decree 06-239 of 4 July 2006, establishing the terms of operation of appropriations account 302-123 bearing the name, “National Cultural Heritage Fund”

Article 1: Pursuant to the provisions of Article 69 of Law 05-16 of Dhu al-Qa'da 1426 / 31 December 2005, pertaining to the Finance Act of 2006, this decree aims to establish the terms of operation of appropriations account 302-123, bearing the name, “National Cultural Heritage Fund.”

Art. 2: Appropriations account 302-123 entitled “National Cultural Heritage Fund” has been entered into the account ledgers of the head of the treasury. The primary authorising officer for this account is the minister responsible for culture.

Art. 3: This account records:

Revenues:

- The share derived from the use of tangible and intangible cultural heritage;
- The share derived from the revenues from the tyre tax;
- The tax applicable to the added value generated by enhancement of the value of cultural heritage;
- The income from fines exacted for breaches of laws pertaining to the protection of cultural heritage;
- Contributions from natural or juridical persons;
- Subsidies from the State and local authorities;
- Gifts and bequests.

Expenditures:

- Expenses incurred for studies and restoration work necessary to safeguard and enhance protected cultural property held by its title owners;
- Expenses incurred for funding the studies and expertise needed to advance the preservation and enhancement of protected immovable cultural property;
- Acquisitions of moveable cultural property for the enrichment of national collections;
- Expenses incurred in the course of the exercise of the pre-emptive right of the State over immobile cultural property to be disposed by their owners;
- Expenses incurred for the completion of major archaeological excavations;

- The funding of propaganda, awareness-raising and other activities geared to promoting civic-mindedness and a culture of protecting and safe-guarding cultural heritage.

An inter-ministerial order by the minister responsible for finance and the minister responsible for culture will determine the nomenclature for the revenues and expenditures itemized in this account.

Art. 4: The arrangements for monitoring and evaluating appropriations account 302-123 bearing the name, "National Cultural Heritage Fund." are designated by an inter-ministerial order issued by the minister of finance and the minister of culture. An action plan shall be drawn up by the authorising officer, specifying envisioned targets and deadlines for completion.

Art. 5: This decree shall be published in the official bulletin of the Popular Democratic Republic of Algeria.

Algiers, 4 July 2006.

Abdelaziz Belkhadem

2.6 Incentives (taxes, patronage, private investment, etc.)

There are dozens of legislative texts that feature incentive measures intended to promote cultural and artistic activity. Among them are Law 09-09 of 30 December 2009, pertaining to the Finance Act of 2010, which allows private investors in the cultural domain to benefit from a number of tax incentives. Article 48 of this law states, "Without prejudice to current laws and regulations, investments made by companies in cultural activities, especially those related to

the cinema and books, are eligible for the provision of Ordinance 01-03 of 20 August 2001, as amended and supplemented, pertaining to the development of investment.”

Another is Ordinance 10-01 of 26 August 2010 pertaining to the Supplementary Finance Act of 2010 which provides for a special tax to bolster the Fund for the Development of the Art, Technology and Industry of the Cinema (FDATIC). Article 63 states, “An advertising tax shall be levied on the turnover generated through advertising activity. It is due monthly by every person who generates sales through advertising. The tax rate is set at 1 per cent and applies to monthly turnover. Revenues from this tax are paid into the special allocations account 302-013 named the Fund for the Development of the Art, Technology and Industry of the Cinema.

In like manner there is the inter-ministerial decree of 1 October 2012 establishing the nomenclature for the revenues and expenditures itemised in the special allocations account 302-123 named the National Cultural Heritage Fund, one article of which earmarks 10 per cent of the tyre tax to this fund.

Another is Executive Decree 11-129 of 22 March 2011 on the deduction of expenses for the backing, sponsorship and patronage of culture-oriented activities from the gross personal income tax or taxes on corporate profits. This decree is significant in that it introduces significant benefits to patrons and sponsors who wish to fund cultural or artistic activities.

Executive Decree 11-129 of 22 March 2011 on the deduction of expenses for the backing, sponsorship and patronage of activities of a cultural nature from the gross personal income tax or corporate profit tax

Article 1: The purpose of this decree is to apply the last provision of Article 169 of Ordinance 76-101 of 9 December 1976, aforementioned, as amended and supplemented, relating to the deduction of the expenses entailed in the sponsorship, patronage and backing for activities of a cultural nature from the gross personal income tax or corporate profit tax.

Art. 2: The activities of a cultural nature that benefit from the deduction laid down in Article 1, above, are the following:

All activities for literary and artistic production and dissemination organized in the framework of institutionalized cultural festivals pursuant to Executive Decree 03-297 of 13 Rajab 1424 / 10 September 2003, aforementioned, namely:

- The artistic and literary production and dissemination activities organized in the framework of major cultural events;
- The cultural activities organized by national and regional museums, culture parks, and institutions for the conservation, preservation, dissemination and use of cultural heritage;
- The cultural activities organized by the Ministry of Culture on its own behalf or on behalf of the cultural directorates in the governorates;
- The cultural activities organized by the Houses of Culture, libraries and institutions for the dissemination and distribution of cultural products;
- The cultural activities organized by promoters of cultural events and cultural societies;
- The symposia, seminars, workshops and other meetings that aim to promote cultural heritage and to advance the national languages of Arabic and Amazigh.

Art. 3: The enterprises that dedicate expenses for the sponsorship, patronage and backing of the activities that serve institutionalized cultural festivals, or that fall in the framework of activities that contribute to the promotion of cultural heritage, the dissemination of culture, and the advancement of national languages, as stated in Article 2, above, shall benefit from a 10 per cent deduction from the amount of taxable income from the turnover of the financial year, provided that the amount deducted does not exceed a ceiling of DA 30 million.

Art. 4: To benefit from the deduction, the establishment that has undertaken such sponsorship, patronage and backing expenses must submit, when filing annual tax returns, a declaration form, a model of which is appended to this decree, endorsed by the services of the ministry responsible for culture.

Art. 5: This decree shall be published in the Official bulletin of the Popular Democratic Republic of Algeria.

Algiers, 22 March 2011

Ahmed Ouyahia

III. Conclusion

Although cultural legislation and regulations were used in Algeria from 1962 to 1988 to structure the cultural sector in accordance with a socialist doctrine heavily infused with the concept of a planned economy and a hegemonic tendency, this legislation had been, for all intents and purposes, abandoned between 1988 and 2002, a period characterized by the near total cessation of the activities of the Ministry of Culture which had been plagued by a lack of funding and poor management for over 20 years.

However, since 2002, more than 1,000 legislative and regulatory texts concerning the cultural sector have been published in the official bulletin of the state. Of these, we have counted 548 texts that are of particular importance. In the course of a decade, these texts have considerably altered the cultural and artistic landscape.

For the state, this heavy intervention by means of legislative and regulatory text was aimed at reasserting state control over a sector it had neglected for over a decade.

Today, due to so much cultural legislation and regulation, the cultural and artistic sector has come under heavy intervention by the state, which controls all cultural structures as well as all cultural events and initiatives. This form of hegemony resembles that which existed between

1962 and 1988. In other words, the authorities appear bent on repeating the same scenario that led to the failure of the cultural sector as of 1988: the state as the regulator of a sector in which the state is the sole entrepreneur.

Thus, rather than working to enhance the role of the state as regulator and to broaden the scope for the independent and private sectors to initiate projects in the cultural sector, this prolific publication of legislative and regulatory texts over the past ten years became an instrument that poses a grave threat to the freedom of cultural and artistic creativity, as this sector is now dominated by a single entrepreneur, namely the state.

However, the first six months of 2013 brought only ten regulatory texts. At this rate, one might think that the legislative and regulatory machine is “running out of gas”. If this is the case, it is not due to a decline in the budget allocated to culture. Rather, it is undoubtedly because this sector has become oversaturated, as a result of which the Ministry of Culture was hoisted on its own petard. So intent was it on consolidating itself as sole entrepreneur in this sector that it is no longer able to fulfil its responsibilities.

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2 A ministerial or inter-ministerial order is a decision of general or particular application issued by one or more ministers.

3 A decree is an executive act of general or particular application issued by the president of the republic or the prime minister who exercises regulatory power.

4 An ordinance is a legal measure taken by the government in matters that normally fall within the scope of existing law. The government may not issue ordinances unless empowered to do so by parliament. Treated as regulations, ordinances come into force upon their promulgation. However, they only acquire legislative validity when ratified by parliament within a given deadline.

5 A law is a provision, based on a bill proposed in parliament (by representatives or senators) or on a proposal submitted to parliament by the executive, that is passed by parliament and promulgated by the president of the republic. It is thus a measure adopted by parliamentary resolution as opposed to a regulation which is issued by administrative authorities constitutionally endowed with regulatory powers.