

Insights into Cultural Policies in Lebanon

EDITED BY

Hanane Hajj Ali and Nadia von Maltzahn

An initiative of the working group
on cultural policies in Lebanon

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Introduction

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For a little more than a decade now, between 2009 and 2020, cultural policies have been transformed from a term generally not known in the Arab world—or at best not used—to a subject many local, regional and international organisations are interested in. States have put cultural policies on the agenda of their public policies, whether voluntarily or by force. This increased interest has become clearly visible in the revolutionary times that took many Arab states by surprise, and which pushed many civil society actors to demand either putting effective cultural policies in place where they were absent; to fundamentally change cultural policies supporting defunct regimes; or to introduce essential reforms on several levels, including legislation regulating cultural work, frameworks for financially supporting it, organisational structures of the ministry of culture and other concerned ministries, etc. The final demand was to establish strategic plans to make culture and arts a bearer for non-centralised sustainable economic development reaching both the centre and the margins.

What has become of this interest in light of the relative or complete decline of the revolutionary movement, its fluctuation depending on the circumstances, its complete absence under the pressure of the “new” old totalitarian regimes, or as a result of the fragmentation of some Arab countries into semi-warring cantons? There is no simple answer, especially if we know that there are implicit policies¹ made up of undeclared practices that both people in power and stakeholders agree on and that take the place of written laws and regulations. They allow multiple margins for action outside of politics and written laws either in accordance or in opposition to them, as it happens when political and social norms override basic principles of the constitution. We encourage researchers in politics to investigate these implicit policies and shed light on them. In addition, the multiplicity of views on the concept of culture in a single country, and the connection between transformations of these concepts and the political, social, economic and security transformations, further complicates the task.

Regarding Lebanon, where the research studies we are introducing below took place, it is worth noting that the interest in the subject of cultural policies has grown with the start of the 17 October revolution, as has the interest of Lebanese society to review the overall political practices of the current regime, in order to monitor, understand, criticise, disapprove and repeal what exists and try to suggest alternatives at all levels. After the catastrophic explosion

¹ von Maltzahn, Nadia. “What Cultural Policies?” *Explicit and Implicit Cultural Policies in Lebanon, Middle East—Topics & Arguments*, 2017, <http://meta-journal.net/article/view/5088>.

of 4 August 2020, the priority was to put rescue policies in place before focusing on establishing development policies. However, the process of conducting research, gathering information, analysing numbers and comparing budgets in the absence of archives and transparency, and despite the dispersion of and conflicting information in databases—if they exist—and the difficulty in obtaining them, remains a necessary undertaking that is addressed by groups of activists, researchers, organisations and cultural institutions, both locally and internationally.²

In the following, we will lay out how interest in the topic of cultural policies has evolved in Lebanon throughout the last decade. To improve existing policies and create awareness about cultural policies in the Arab region, a project was launched in 2009 to research the state of cultural policies in a number of countries. Following an open call, the regional NGO Culture Resource (Al-Mawred Al-Thaqafy) in close cooperation with the European Cultural Foundation selected researchers from Morocco, Algeria, Tunisia, Egypt, Palestine, Jordan, Lebanon and Syria to research their national cultural policies along the following axes: historical background, organization and infrastructure of institutions involved, objectives and principles, legal frameworks, the role of civil society and partnerships, and supporting creativity. A summary of the results was subsequently published in both Arabic and English, and a regional conference on cultural policies in the Arab World held in Beirut in June 2010.³

One recommendation of this conference was to set up an Arab group for cultural policies, consisting of representatives of participating countries who in turn would set up national working groups for cultural policies in their countries, to advance research and the debates on cultural policies. A second meeting was held in Amman in April 2011, at which the notion was reinforced that cultural work in the region suffered from similar problems, including lack of cooperation

2 The Basil Fuleihan Institute for Finance for instance has conducted a study on the creative and cultural industries entitled “Cultural and Creative Industries in Lebanon: Economic data, analyzing challenges and recommendations”, financed by the Institut français and the French Development Agency. The study has two main aims: to shed light quantitatively and qualitatively on the real economic weight of the cultural industries in Lebanon (theatre, festivals, fashion, jewelry design, cinema, video games and digital music broadcasting), and to lay the foundations for a suitable public policy to revive them.

The Samir Kassir Foundation is launching a project in cooperation with the Friedrich Naumann Foundation, entitled “Modernising Cultural Policy-Making in Lebanon.” This project aims to formulate and promote at least three ideas for cultural policy reform that have a beneficial and sustainable impact on the lives of Lebanese citizen, through a comprehensive set of incentives and organizational and practical measures.

Célia Hassani, the author of the study on public financing of culture in this volume, is currently completing her PhD thesis at Aix-Marseille Université on the topic of the different initiatives that strive to develop cultural policies in Lebanon, entitled “La mobilisation d’intermédiaires de l’art pour le développement des politiques culturelles au Liban : nécessité d’une redéfinition de la place de l’art dans la société.”

3 2010 حنان الحاج علي (تحرير), مدخل إلى السياسات الثقافية في العالم العربي, المورد الثقافي 2010, available <http://mawred.org/wordpress1/wp-content/uploads/2009/12/An-Introduction-to-cultural-policies-in-the-Arab-world.pdf>, last accessed 31 October 2018.

between state institutions and the independent sector, a legislation that gave little room to artists and intellectuals, as well as financial restrictions. The change the region was going through at the time was seen as providing an opportunity to examine the organization and development of cultural work based on a well-grounded understanding of the present situation and a long-term vision, and to make recommendations for new or reformed infrastructures.

The study on cultural policies in Lebanon conducted for Culture Resource in 2009 was undertaken by Watfa Hamadi and Rita Azar, and later updated by Mona Merhi in 2014 in the frame of the platform “Cultural Policy in the Arab Region” (<http://www.arabcp.org/>) that was set up following the initial studies.⁴ In 2010, the lawyers Nizar Saghieh, Rana Saghieh and Nayla Geagea published a study on censorship in Lebanon, funded by the German Heinrich Böll Foundation.⁵ This was the result of a number of meetings that were then referred to as “Observatory on Censorship of artistic work in Lebanon,” which included numerous cultural institutions working towards monitoring and reviewing laws concerning prior censorship of artistic works.

Then, in early 2015, Hanane Hajj Ali, Nadia von Maltzahn and Nizar Saghieh started thinking about a series of research studies in the field of cultural policy in Lebanon dealing with pressing issues, to further create awareness about cultural policies and encourage debate on the subject.

The publication *Insights into Cultural Policies in Lebanon* is the result of this process, and comprises a series of research studies on different aspects of cultural policies in Lebanon. Cultural policy research is a new field in Lebanon, and access to data is limited. The aim of this volume is to give initial insights and encourage further research on the frameworks guiding the cultural sector in Lebanon. It has been funded by Culture Resource within the frame of their support to national working groups on cultural policies in the Arab region. Five main themes have been identified for this project, namely legal frameworks for culture, public financing of culture, heritage policies, arts education, and festivals in Lebanon and their link to the municipalities. In this publication, we present the first three of these studies. Once the last two studies are finalised, a suitable form of publication will be determined.

4 See <https://cpl.hypotheses.org/files/2015/06/Lebanon-Compendium-Profile-2014-Ar.pdf>, last accessed 31 October 2018.

5 Saghieh, Nizar, Saghieh, Rana and Nayla Geagea. *Censorship in Lebanon: Law and Practice*. Beirut 2010, available lb.boell.org/sites/default/files/censorship_book_arabic.pdf, last accessed 24 January 2019.

Research on Cultural Policies in Lebanon

Cultural policies depend on a definition of culture. In Lebanon, different interpretations of culture coexist, and it is difficult to find an agreement on the meaning of culture. Competing visions of culture are also the result of the colonial legacy in the country, which left an imprint on how culture is approached by different sectors of society, reflected for instance in language policies. French was long seen as the language of the cultural elites.⁶ In this respect, the role of geopolitics is significant. Alliances are an important factor in determining frameworks for culture; cultural relations with the Islamic Republic of Iran for example represent a different outlook on culture than cultural relations with France. Several initiatives on cultural policies in Lebanon have been launched during the last decade, taking place in different frameworks. Some of these will be introduced in the following to give a brief overview of what work has been done in the field to date.

Understanding culture and cultural policies in a wide and inclusive sense, the Lebanese University and University of Balamand held a conference in 2012 on museum policies and setting up a cultural observatory. The Union of al-Fayha municipalities in Tripoli was the driving force behind this. They had set up an observatory of environment and development in 2000, and the aim of the 2012 conference was to highlight the importance of expanding the work of the observatory to cover the topic of culture, and to develop its policy-making in the field of culture in line with the local specificities. The resulting book argued that an observatory was needed to collect data, study and analyse it, to understand and give value to local and everyday culture.⁷ Between March and July 2017, the project of a cultural observatory in the Union of the al-Fayha municipalities was launched, as a cooperation between the municipalities, the Tripoli Chamber of Commerce, Industry and Agriculture, businessmen, public institutions and NGOs.⁸

Another initiative thinking about cultural policies in Lebanon was the Liban 2020 project, launched in 2014 by *Agenda Culturel* in the run-up to the 100-year

6 When the Sursock Museum reopened its door in 2015 after an extensive renovation and chose to use English and Arabic as the language of display to the exclusion of French, the chair of the board Tarek Mitri received numerous complaints.

7 المرصد الثقافي وسياسات المتاحف: أعمال المؤتمر التشاركي بين الجامعة اللبنانية—معهد العلوم الاجتماعية—فرع الثالث وجامعة البلمند، طرابلس—لبنان، 11-13 كانون الثاني، 2012 / إعداد وتحرير عاطف عضية ومها كيال، 2013.

8 «إطلاق مشروع انشاء المرصد الثقافي لاتحاد بلديات الفيحاء بتمويل من مقاطعة برشلونة»، الوكالة الوطنية للإعلام، 16 آذار 2017، <http://nna-leb.gov.lb/ar/show-news/274364/nna-leb.gov.lb/ar>
«اختتام مشروع المرصد الثقافي في اتحاد بلديات الفيحاء»، الوكالة الوطنية للإعلام، 14 تموز 2017، <http://nna-leb.gov.lb/ar/show-news/294014/nna-leb.gov.lb/ar>

anniversary of the State of Greater Lebanon in 2020. The objective of this project was to contribute to the development of a vision for culture in Lebanon that could then be translated into a cultural policy. The project called for all to contribute to the development of this vision by 2020, think about lessons from the past and propose an action plan for the future.⁹ In its study prepared in the context of the project and published in April 2017, *Agenda Culturel* gives an overview of the state of the arts, focusing on “cultural life (artists, performance, audiences) and funding”, “governance and legislation”, the “international dimension and cooperation”, and “education and training”.¹⁰ While the *Agenda Culturel* Team had worked on the subject for several years, the initiative is currently on stand by for a number of reasons. These include the lack of support of the Ministry of Culture to continue and organise events such as round tables, and the postponement of *Agenda Culturel*'s project due to the state of the country since 17 October 2019, as stated by *Agenda Culturel*.¹¹

A programme that has recently been concluded is MedCulture. It was a five-year programme (2014-2018) funded by the European Union within its focus on the southern Mediterranean. Its main aim was to improve the governance of the cultural sector, within which they focused on the development of cultural policies in a number of countries including Lebanon.¹² Within its technical assistance unit for the promotion of culture as a vector of human, social and economic development in South Mediterranean Countries, MedCulture published two thematic studies on the state of higher education in the artistic sector in several countries of the Southern Mediterranean, including Lebanon.¹³ A Lebanon country profile was commissioned by MedCulture in 2014, in which the author—Rola Kobeissi—surveys the Lebanese cultural sector and stresses the role of the independent and private sector in creating an active cultural scene. She also lays out the responsibilities of the Ministry of Culture, which Célia Hassani expands upon in her study in this volume.¹⁴

9 عالم الثقافة في لبنان بحلول 2020، دراسة من اعداد المفكرة الثقافية، ص. 5.

10 The study is available for download in French, English and Arabic on *Agenda Culturel*'s website: <https://www.agendaculturel.com/article/le-monde-culturel-libanais-a-lhorizon-2020>, last accessed on 16 December 2020.

11 Email correspondence with Myriam Nasr Shuman, the director of *Agenda Culturel*, on 15 May 2020.

12 On MedCulture's themes, activities and tools, refer to its website: <https://www.medculture.eu/action/activities-and-tools>, last accessed 24 January 2019.

13 MedCulture, *Thematic Study: Higher Education and Training in Cultural management and Cultural Policies in Southern Mediterranean countries*, by Milena Dragicevic Sestic and Nina Mihaljinac with the contribution of Mohamed Amine Moumine (2016); MedCulture, *The Status of Higher Education, Vocational Training and Apprenticeship for Artistic Disciplines in Lebanon, Algeria and Palestine*, by Fatin Farhat, Nouredine Bessadi, Marie Elias, under the supervision of Hanan Kassab-Hassan (June 2016).

14 Kobeissy, Rola. *Lebanon Country Reports*. MedCulture, 2014, <https://www.medculture.eu/country/report-structure/lebanon>, last accessed 28 January 2019.

On a regional level, the MARSAD (Mediterranean Action and Research for Sustainability and Development) project—an initiative by Racines (Morocco) in partnership with “Our culture first” association (Tunisia), “ElMadina for performing and digital arts” (Egypt) and “Me’zaf” (Lebanon)—published what they called a “diagnosis of the cultural sector in Morocco, Tunisia, Egypt and Lebanon”. The study is entitled “Why Culture is the Solution?”, and co-funded by the European Union’s MedCulture programme. The section on cultural policies in Lebanon was written by Areej Abou Harb from Me’zaf, a musical cultural initiative. The study gives an overview over cultural policies and its shortcomings, with a particular focus on legislation in the cultural field and the weaknesses in enforcing some of the laws and decrees.¹⁵ Another study that presents a synopsis of the cultural scene in Lebanon is Emmanuel Haddad’s mapping “Contemporary Performing Arts in Lebanon: An Overview”, commissioned by IETM and published in March 2017.¹⁶ Well written and accessible, it gives a good introduction to the performing arts sector and the policies and conditions determining it.

Whereas the 2012 publication on a cultural observatory and museum policies looks at specific case studies, as do the MedCulture publications on higher education, the surveys mentioned above largely cover the same ground—the weaknesses of the public sector and challenges of the private and independent sector, introducing some of the more successful initiatives. In terms of cultural policies in the public discourse, the Ministry of Culture launched a five-year strategy in 2017.

Cultural Policies in Public Discourse

On 4 March 2017, the Lebanese Ministry of Culture invited cultural players and the interested public to a consultative meeting at Beirut’s Unesco Palace to present its new cultural strategy. Ghattas Khoury, then Minister of Culture (2016-2019), introduced the ministry’s five-year plan that had been devised by the consultancy firm strategy&, before handing over to representatives of other ministries. These included the Ministries of Administrative Development, Tourism, Information, Foreign Affairs, Education and Higher Education, Transport and Public Works, and the Ministry of the Interior and the

¹⁵ Racines and MARSAD, *Why Culture is the Solution?*, December 2017, https://issuu.com/associationracines/docs/why_culture_is_the_solution_, last accessed 9 June 2020.

¹⁶ Haddad, Emmanuel. *Contemporary Performing Arts in Lebanon: An Overview*, IETM March 2017, https://www.ietm.org/en/system/files/publications/ietm-mapping_lebanon_2017_en_o.pdf, last accessed 28 January 2019.

Municipalities. Each representative stressed the importance of their ministry, its link to culture and the relationship to the Ministry of Culture, of whom they considered themselves partners. Following the plenary presentation, participants—artists, cultural workers, researchers—were invited to take part in seven parallel working sessions on pre-identified themes: movable heritage, fine arts, music, arts, writing, intangible heritage and dance. However, instead of benefiting from the recommendations coming out of some of the discussions and dialogue that took place between the cultural players and that reached the ministry, the strategic plan remained as set out by the company consulted by the ministry.

Fifty years ago, in January 1971, the Unesco palace hosted another meeting. Ghassan Tuani, then Minister of National Education and Fine Arts, had called for a meeting with a number of leading Lebanese intellectuals and thinkers to introduce and discuss a draft law on the establishment of a Ministry of Culture in Lebanon, proposing to split the Ministry of National Education and Fine Arts into two separate ministries. While nothing came of the proposed ministry, channels of participation and discussion were established for creating a vision for culture. It was not until the early 1990s that a Ministry of Culture was established in the context of an overall reform of the ministerial structure following the official end of the civil war and beginning of the reconstruction phase in Lebanon. Overall, cultural players in Lebanon—that are mainly made up of individuals and organisations from civil society—largely perceive their relationship with the authorities as mutually exclusive, with neither side understanding the other. One of the criticisms the newly established ministry faced in the 1990s was the lack of consultation of cultural players in defining a vision or plan for the ministry.¹⁷

The meeting at the Unesco Palace in the spring of 2017 was an attempt at communicating the ministry's new plan to the public, albeit not a very far-reaching one as the discussion was largely one-way. The five-year plan was formally launched in early July 2017, subtitled "Priorities, Objectives and Initiatives".¹⁸ Since its implementation is linked to an increase in the ministry's budget for five years, it remains to be seen where the priorities will lie. Generally, the ministry has a minimal annual budget, which is unlikely to change in the near future.

17 von Maltzahn, Nadia. "Ministry of Culture or No Ministry of Culture? Cultural players and authority in Lebanon." *Comparative Studies of South Asia, Africa and the Middle East* (2018) 38 (2): 330-343.

18 (2017) الجمهورية اللبنانية، وزارة الثقافة، "استراتيجية النهوض الثقافي في لبنان: أولويات، أهداف، مبادرات، (2017) <https://f.hypotheses.org/wp-content/blogs.dir/2647/files/2015/06/MOC-Cultural-Strategy-June-2017.pdf>. Also see Célia Hassani's research in this volume.

In the summer of 2018, the consultancy firm McKinsey completed a report on Lebanon's Economic Vision, which was launched following a Council of Minister's decree in October 2017. It was made public on the website of the Ministry of Economy in January 2019.¹⁹ The idea behind it is to develop a national vision to boost the Lebanese economy, identifying five sectors that should be supported by government action, namely agriculture, industry, tourism, financial services and the knowledge economy. The diaspora is included as a sixth sector. On his blog, writer and producer Nasri Atallah summarises some aspects of the report concerning the creative industries, which fall under the sector of the knowledge economy. The report includes a number of recommendations for the creative and cultural industries; one of these is to select two or three creative industries and focus on their growth.²⁰ The creative industries are also at the centre of an initiative launched by the German GIZ and Goethe Institut, the "Global Project Culture and Creative Industries" that includes Lebanon as one of the focal countries.²¹

Legal Frameworks Regulating the Cultural Sector in Lebanon

In terms of rights and legislation, the lawyer and legal researcher Nayla Geagea gives a comprehensive view of the legal landscape concerning culture in Lebanon. The main body of this study was initially prepared in 2013 in the framework of Culture Resource's initiative to monitor and develop cultural policies in the Arab region. The working group on cultural policies in Lebanon edited and updated the study, for which the researcher added a supplementary annex in 2020. The structure of the study was designed based on three elements that generally shape cultural policies: the public sector represented by the Ministry of Culture, individuals or groups working in the cultural sector, and spaces that support cultural activities in Lebanon. The study relied in various sections on Law Nr. 35 that was issued in 2008 as part of a collection of laws that in the researcher's view constituted the first step for the advancement of the cultural sector in Lebanon and the development of cultural policies that had been

¹⁹ It is accessible under the following link: <https://www.economy.gov.lb/media/11893/20181022-1228full-report-en.pdf?fbclid=IwAR1D3dyuF33kZKSo7CWomIjvLPFaOpA4Rb213Ve3PDbhcHF6ijsdcqRIQA>, last accessed 28 January 2019.

²⁰ Atallah, Nasri. "Lebanon's Creative Industries: What the McKinsey report says about the sector's future", Nasri Atallah Blog, 6 January 2019, <http://www.nasriatallah.com/blog/2019/1/6/what-the-mckinsey-report-means-for-lebanese-creative-industries>, last accessed 28 January 2019. For a definition of the creative and cultural industries, see UNESCO's short introduction: <https://en.unesco.org/creativity/sites/creativity/files/digital-library/What%20Do%20We%20Mean%20by%20CCI.PDF>, last accessed 9 June 2020.

²¹ GIZ. "Cultural and creative industries - drivers of development", available <https://www.giz.de/en/worldwide/76566.html>, last accessed 9 June 2020.

absent since the establishment of the Ministry of Culture in 1993. However, these laws remained inactive pending the issuance of implementation texts at the time. The decrees that the Council of Ministers subsequently published in 2014 and 2016 are highlighted in the annex to the study, where the new mechanisms and procedures that have been implemented can be viewed in detail.

While the study shows the progress of these laws and their strengths, such as unifying the legislation governing the ministry's apparatus and its legislative reform clauses, it also points out the gaps in these laws and the numerous human, material and procedural obstacles that hinder their implementation. In order to contribute to developing a roadmap for those working in the field of cultural policies in Lebanon, the study evaluates useful comparisons of the most important reforms proposed by Law Nr. 35 with what was in place in the cultural sector on several levels: firstly on the level of the concept of cultural policies and the functions of the ministry, secondly at the level of the structure of the Ministry of Culture and its apparatus, including supportive diagrams, in addition to tables detailing the powers and duties of the Directorate General of Cultural Affairs and its affiliated bodies, that is the Directorate of Arts and Literature, the Directorate of Cultural Industries and Knowledge Economy, and the Directorate of National Cooperation and Coordination.

In the analytical dimension of the study, the author monitors the limits of the Ministry of Culture's powers between law and practice. These limits are mainly represented by the censorship and financial powers granted to the security services, at the level of censoring the work of organisations and cultural players, and collecting fees. The study also sheds light on the deep flaw in the relationship between the ministry and cultural and artistic civil society organisations, cultural players and artists, starting with the definition of the artist, the monitoring of the movement organising a syndicate and setting up a mutual fund for artists and its associated pitfalls, to the financial reality and the tax burdens on artistic professions.

Finally, the study explains the legal status of cultural spaces, pointing to the importance of what was added by the laws of 2008 in terms of protecting intangible heritage by creating a framework for the category "cultural property", defining criteria for what is meant by this and underlining the necessity of involving civil society in managing, activating and strengthening the protection of cultural property. The recommendations that this study concludes with are

worthy of discussion and follow-up, and give ideas for a roadmap that must be devised and contested to achieve an effective cultural policy.

Public Financing of Culture

Public financing of culture is one of the topics identified for this publication. While the initial aim was to conduct an in-depth research of the overall state of cultural funding, difficulties in obtaining data from all sides—including private actors, banks, local sponsors, foreign cultural institutions—led to the researcher focusing on one field: the public sector. In her paper, Célia Hassani gives an in-depth analysis of the mechanisms of public financing of culture, with a particular focus on the Ministry of Culture. By focusing on funding, many of the structural weaknesses of cultural policies are highlighted. To give two examples she refers to:

- ▶ To avoid having to deal with the Ministry of Finance for every transaction, the National Museum in Beirut—one of the institutions under the Ministry of Culture—is supported by the Fondation Nationale du Patrimoine, which has been in charge of the museum shop and cafeteria since 1999. The same strategy—using foundations for support—is used by other public institutions such as the Lebanese National Library, to circumvent finances being stuck at the Ministry of Finance and allowing greater flexibility in terms of fundraising and spending.
- ▶ In 2015, there should have been 179 employees of the General Directorate of Antiquities according to the Ministry of Culture’s new organigram. Instead, there were 49 employees complemented by 162 temporary staff. The lack of (qualified) personnel is one of the problems facing the public sector in the field of culture, short-term contracts preventing long-term development.

What is more, some of the new or revived institutions, such as Beit Beirut or the Lebanese National Library, have been waiting for the appointment of their directors, operating teams and programming long after the actual buildings housing the institutions have been completed.²² This is partly connected to the non-allocation of sufficient funds, but equally to political considerations and the lack of agreement on which political grouping gets a say in what initiative.

²² A director was finally appointed for the Lebanese National Library in early 2018, Dr Hassan Akra.

In general, there is a lack of trust of some cultural players in the Ministry of Culture, and a widespread belief that most public funds go only to well established initiatives and events, or for entertainment and prestige (such as the big international festivals).

One public actor that has a lot of potential to play a significant role in the cultural sector—and has begun to do so—are the municipalities. Some municipalities have a much larger budget than the Ministry of Culture – Beirut municipality at the forefront—and are in principle closer connected to the ground. To promote transparency at the municipal level, the initiative “Municipalities under the spotlight” has published the municipal budgets of recent years to show how money has been spent.²³

Heritage and Policymaking

In her research, Katarzyna Puzon argues that the relationship between policymaking and heritage discourses and practices is conditioned by socio-political realities of the past and the present as well as desires and aspirations for the future. She interrogates what heritage means in different contexts, what the idea of universal heritage entails and how heritage discourse is often based on a universalising logic dominated by Western interpretations of what heritage means. In her contribution, she underlines how heritage initiatives in Lebanon often valorise foreign expertise. This is related to the observation that memory is often viewed as a subjective matter and heritage as having an objective value. She highlights the importance of networks and cooperation such as the Modern Heritage Observatory in advocating for the protection of heritage. In this context, she explains the concept of living heritage that seeks to contest the contradiction between heritage and modernity, challenging the presumed divide between a dead past and a living present.

Puzon talks about the importance of archives as a material site for the “collective will to remember”, quoting Arjun Appadurai, and in this sense defines them more as an aspiration for the future rather than as a memory to preserve the past. Referencing Bechara Doumani, she argues for the need to “make archives speak” in order to establish an effective dialogue between the past, present and future. Archival practices are an important component of many organisations concerned with cultural heritage. Puzon presents discussions on

²³ See for instance the budget for Beirut’s Municipality of 2017: <https://mutslb.org/?p=3954>, last accessed 28 January 2019.

the definition of archives in relation to memory and identity, and argues that archives are at the heart of the process of heritagisation. Sites and artefacts are given meaning by means of documentation and archiving. She pleads for greater access to information as an important step in ensuring greater engagement in heritage-making processes, pointing to digitisation as a good solution for preserving heritage and democratising it. Puzon's research also deals with the issue of heritage ownership, as the evolving view of heritage is linked to the ethics of preserving it as a living heritage belonging to mankind.

The present publication is just a beginning. We hope it will stimulate further research and contribute to building a knowledge base that can then be helpful in advocating for more enabling cultural policies that will be drawn up by both the official authorities and the institutions that are directly or indirectly concerned by them, as well as civil society actors from all different sectors of society.

Last but not least, the continuous deterioration that is occurring at different levels in Lebanon, and the increasing laxity of the state and its institutions, has generated a growing conviction among Lebanese society—especially amongst the large university student body—that a fundamental change needs to occur in the heart of the Lebanese system that is not open to reform. Here, an important question arises: Does this situation exempt the current recalcitrant state to be accountable for all its responsibilities, and in our case especially from its responsibility to develop a meaningful and effective cultural policy? And does searching for a new social contract turn the country into a “Republic of the NGOs”?²⁴ This raises more than one question mark.

²⁴ Fawaz, Mona and Harb, Mona. “Is Lebanon Becoming Another ‘Republic of the NGOs?’” Arab Center Washington DC, 13 November 2020, <http://arabcenterdc.org/research-paper/is-lebanon-becoming-another-republic-of-the-ngos/>.

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Legal Frameworks Regulating the Cultural Sector in Lebanon

Nayla Geagea



Note Please note that the present study was conducted in 2013 and various sections thereof were based on a set of laws issued in 2008 but that were not operational at the time, pending the issuance of their executive decrees. In 2014 and 2016, the Council of Ministers issued some of these decrees while others are still under consideration.

The author updated the study on the request of the editors of this volume and added an annex highlighting the main points established in the aforementioned decrees to enable readers to have a close look at the new mechanisms and procedures that have been put in place.

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The present study is structured based on three components that usually outline cultural policies:

1. The public sector primarily represented by the Ministry of Culture
2. Individuals and groups within the cultural sector
3. The spaces that support and incubate cultural activities

The year 2008 marked a significant legislative progress which revisited the legal status of each of the components above. In spite of some gaps and flaws remnant of the old traditional legislative approach, it may be said that the legislator initiated the shaping of a modern and advanced cultural policy open to development.

In each section, we will review the reforms included in the new legislation compared to old provisions that have a negative impact and are still in effect, with a view to strengthening the essence of these reforms and thus contributing to the development of a road map for all stakeholders and actors in the field of cultural policies in Lebanon.

I. The structure of the Ministry of Culture: Powers, duties & limitations

Until 1993, the concept of culture was not included in the designation—nor in the structure—of state ministries; the Ministry of National Education was the one to deal with fine arts as part of its tasks. In 1993, the first Ministry of Culture was established in Lebanon pursuant to Law No. 215 dated 2/4/1993 which established the “Ministry of Culture and Higher Education” and replaced the Ministry of National Education and Fine Arts with the “Ministry of National Education, Youth and Sports”. Up until the year 2000, the concept of culture was linked to the educational sector in general. In that year, Law No. 247 dated 7/8/2000 regarding the merge, abolition and establishment of ministries was promulgated and the “Ministry of Culture” became an independent specialized ministry, with distinct goals, objectives, structure, bodies and budget.

In 2008, Law No. 35 related to the “Organization of the Ministry of Culture” was promulgated. It was part of a comprehensive and integrated set of laws¹ that constituted the first step towards the advancement of the cultural sector in Lebanon and the development of long-awaited cultural policies as clearly indicated in the rationales behind the three draft laws that were referred by the Council of Ministers in 2002 by virtue of decrees (signed by Mr. Ghassan Salameh, at the time Minister of Culture):

“The dedication of a separate ministry to the cultural sector highlights the importance attached by the Parliament to the cultural industry and Lebanon’s distinctive role in this area at both the Arab and international levels, as well as the impetus given by the Parliament to culture in Lebanon, not only for its own value, **but for its possible contribution to comprehensive socio-economic development and the transition towards a knowledge society.**

Therefore, there is a need today more than ever before for **the development of a comprehensive and integrated vision of the cultural industry management in Lebanon, the establishment of a coherent and modern structure for the Ministry of Culture, roles allocation and distribution between the Ministry and**

¹ Law No. 35/2008 related to the Organization of the Ministry of Culture, Law No. 36/2008 regarding the Public Institutions related to the Ministry of Culture and Law No. 37/2008 regarding Cultural property.

public institutions, whether existing or to be developed, and laying the foundations for partnership and cooperation with civil society and relevant organizations in order to achieve the long-awaited cultural “renaissance”.

The Ministry has conducted a comprehensive survey of fields related to the cultural sector in general, based on UNESCO’s relevant instruments and in cooperation with the organization’s experts; it also undertook a thorough analysis of the trends and executive and administrative practices since the establishment of the Ministry of Culture and Higher Education, in addition to conducting local consultations with various cultural stakeholders and reviewing the organizational structure of cultural affairs in many countries and the international agreements and recommendations in this regard, especially those adopted by UNESCO’s General Conference. It concluded by drafting three laws that took into account **the directives of the “Strategy for the Reform and Development of the Lebanese Public Administration”** developed by EU experts working under the EU-funded programme, “Assistance to the Rehabilitation of the Lebanese Administration”, together with experts from the Office of the Minister of State for administrative Reform (OMSAR), under the supervision of the Minister, while also taking into account the observations made by the Minister concerning the first version of these laws”.²

In conclusion, the following can be drawn from the above:

- ▶ The extent and nature of the role that appropriate cultural policies are supposed to play in the **“framework of comprehensive socio-economic development and the transition towards a knowledge society”** according to Lebanese lawmakers are well established;
- ▶ It has been acknowledged that the structure in place at the Ministry of Culture since its relatively recent establishment is insufficient to carry out these tasks and meet the aspirations of the Lebanese cultural community;
- ▶ It has been demonstrated that there is a need not only for a comprehensive and integrated theoretical vision of the management of cultural affairs in

² Excerpts from the minutes of the Parliament: Twenty-first legislative term—first extraordinary session—minutes of the third meeting—2008, the full content of the minutes may be downloaded at the following address: <http://www.legallaw.ul.edu.lb/luonline/Parliament/SearchPage.aspx>.

Lebanon, but for seeking to implement this “**cultural renaissance**” by **providing the Ministry of Culture with a coherent and modernized structure, distribution of roles between the Ministry and public institutions (existing or to be established in the future), and laying the foundations for partnership and cooperation with civil society and relevant organizations**”.

Law No. 35, although adopted in 2008, was not fully operational until Decree No. 622 of 18/9/2014 was issued in an attempt to organize the various departments and services of the Directorate General of Cultural Affairs and the Joint Administrative Authority, and Decree No. 624 of 18/9/2014 to organize the Directorate General of Antiquities (see Annex 1). Unless the Government allocates an adequate budget for the implementation of these new provisions, things will most likely keep running on the basis of the old structure established in 2000. As for the reasons that could hinder the implementation of the new structure, in spite of the important step of issuing the executive decrees referred to above, they can be presumed as the following:

- ▶ **The lack of human and material resources required to operate the new structure;**
- ▶ **Failure to allocate a sufficient amount in the state’s general budget to cover the expenses necessary to operate the new structure;**
- ▶ **Almost non-existent groundwork for cooperation and partnership between the Ministry and civil society institutions to make the new structure operational:** this has been noticed through field work and our interactions with cultural bodies and institutions where we discern an almost non-existent knowledge and awareness on legal frameworks through which civil society and cultural community can engage in developing cultural policies and support the relevant Ministry in the advancement of this sector. This must give us pause to think about the role of the local civil society in the development and elaboration of reforms; as indicated in the rationales, a so-called “**Strategy for the Reform and Development of the Lebanese Public Administration**” which included the cultural sector was developed in partnership and cooperation with —and funded by—the European Union without any reference to the local community, which gives rise to certain questions regarding the non-existent role of the latter while it is supposed to be the Ministry’s first partner to ensure the implementation, sustainability and effectiveness of such reforms.

Faced with this reality, the need arises to review the most important reforms proposed by the new law compared to what is currently in place in the cultural sector, with a view to highlighting what exactly these reforms are and thus contribute to developing a road map for all players involved in cultural policies in Lebanon.

To this end, we will address hereunder the main reform items by subject matter and by comparing the current situation to what may or should be the case pursuant to the new law.

1. Legislative reforms at the level of cultural policies and the Ministry's mandate

The main thing that we notice in the new law is how it **enshrines the concept of “cultural policies”** that was non-existent in the Law of 1993. While the role of the Ministry of Culture was previously limited to promoting, fostering and supporting cultural activities,³ the Ministry's current duties include **“setting up the general cultural policy and coordinating its implementation process”** as well as **“setting up sectorial policies, plans and programs aimed at improving the implementation of the general cultural policy; identifying work priorities and their implementation mechanisms, and setting up the necessary means to achieve them, including regulations, procedures, and financial, human, physical and knowledge resources”**.⁴ The same article also indicates the Ministry's obligation in

³ Article 2 of Law No. 215, dated April 2, 1993—Establishment of the Ministry of Culture and Higher Education—states the following: The Ministry of Culture and Higher Education deals with cultural activities and higher education affairs. In particular, it is responsible for: 1. Culture: [**A**] Promoting cultural activities, encouraging creative talents, and supporting cultural associations and organizations in the fields of thought, literature, and all forms of arts; [**B**] Supporting and developing the National Library, and ensuring the establishment, management and spread of public libraries throughout the country. [**C**] Excavation, enhancement and protection of archaeological and cultural heritage sites, and establishment and management of museums; [**D**] Fostering cultural, heritage and artistic affairs and activities (such as cinema, theatre, exhibitions and all forms of arts).

⁴ Article 2 of Law No. 35 issued on 13/10/2008—Organization of the Ministry of Culture; Article 3 of the same law details the mentioned tasks as follows: The Ministry shall be entrusted with the following tasks: [**A**] Proposing draft laws and regulations that would promote the implementation of adopted cultural policies, coordinating government objectives and activities in the Ministry's areas of expertise and accommodating these objectives and activities to the cultural needs. [**B**] Fostering creativity, experimentation and production in the Ministry's areas of expertise; building the innovation and production capacities among skilled and talented people; promoting citizens acquisition of competencies that are necessary to contribute to the cultural development, the development of cultural industries and the knowledge economy, as well as to improving the quality and competitiveness of cultural products and services, training citizens in its areas of expertise and developing and implementing training programs to this effect. [**C**] Promoting and optimizing innovative products and national experiences and products in the cultural industry and knowledge economy in Lebanon and abroad for the common good. [**D**] Establishing various cultural facilities, monuments and institutions and investing in them, and supporting initiatives to establish such facilities, monuments and institutions, and to develop those already existing. [**E**] Exploring, excavating, protecting, researching, preserving, managing and investing in archaeological sites and antiquities; reviving, protecting, managing, investing in and optimizing the use of archaeological, heritage and historical sites for the common good. [**F**] Acquiring innovative products in the Ministry's areas of expertise through purchase, donations, rent, borrowing, loans, or other available legal means. [**G**] Organizing, and participating in, conferences, seminars and other similar events in the Ministry's areas of expertise. [**H**] Supporting and publishing cultural studies; securing the scientific and practical framework to conduct such research. [**I**] Suggesting measures to promote respect for the rights of innovators and artists in terms of literary and artistic property and ancillary rights and contributing to the implementation of these rights. ►

terms of “**organizing and ensuring the welfare of workers in its areas of expertise**” by “taking the appropriate measures and providing them with the necessary support”; an obligation that will be further elaborated in the second chapter of this study where we review the recent development in the legal status of artists in Lebanon at both legislative and financial levels. Last but not least, the new law highlights the principles of partnership and cooperation between the Ministry and the local cultural community, which was also non-existent in the Law of 1993. The clause “D” of the aforementioned article states that the Ministry should “establish relations based on coordination, cooperation and exchange of expertise with all relevant parties, including public administrations and institutions, local, Arab and international organizations, institutions, universities and scientific institutes, private institutions, associations, CBOs and individuals, in order to achieve the tasks entrusted to the Ministry”. There is no doubt that the enshrinement of these principles in a legislative text reflects the characteristics of the Lebanese cultural community which over the decades has developed resources, skills, relationships, knowledge and expertise worthy of our admiration and that should be enhanced and optimized as part of our efforts to promote the cultural sector in Lebanon and develop the envisioned cultural policies.

2. Reform items at the level of the Ministry’s organizational structure and bodies

The organizational structure of the Ministry of Culture according to the laws prior to the adoption of Law No. 35/2008

A review of the laws preceding the 2008 Law related to the organizational structure of the Ministry of Culture shows the extent of “dispersion” and “fragmentation” of legal provisions regulating the directorates that constitute this Ministry and the powers vested in it. This is a clear indication of the flaws in the current organizational structure in terms of its weakness, inefficiency and incoherence, as shown in Figure 1 below. It should be noted that we

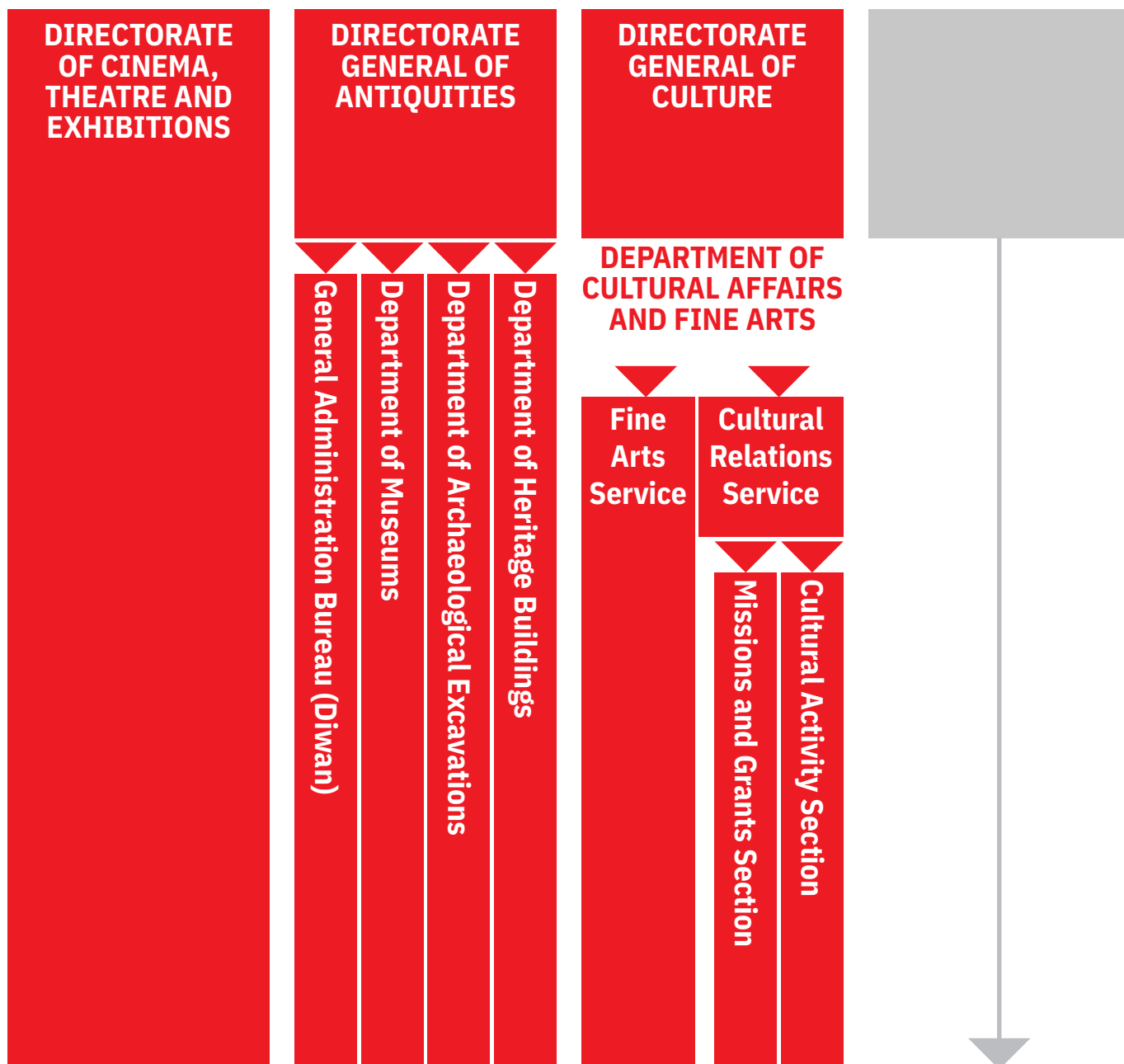
[J] Concluding cooperation agreements for the development of cultural industries and the knowledge economy, while securing necessary facilities and equipment, with public and private departments and institutions, municipalities, unions of municipalities, NGOs and CBOs, especially those concerned with culture. [K] Granting various financial aids, prizes and incentives and providing technical support to public and private directorates and institutions, municipalities, unions of municipalities, CBOs and individuals in order to develop and implement cultural programs and activities and promote the development of cultural industries and the knowledge economy. [L] Establishing contacts and concluding relevant cooperation agreements with other governments and regional or international organizations and institutions or with institutions affiliated to these governments and organizations. [M] Conducting research, studies, surveys and analyses to help it fulfil the tasks it has been entrusted. [N] All other tasks required for the management of its areas of expertise in accordance with applicable laws and regulations.

will not elaborate on the explanation and review of the powers and mandates of the Ministry's various constituent bodies, since Law No. 35/2008 restructured the Ministry of Culture and all its bodies, but, at this point, we will only examine the extent of complexity and incoherence of the legal texts governing the current organizational structure and its impact on the ineffectiveness and impairment of certain bodies.

As shown in the chart below, the Directorate of Cinema, Theatre and Exhibitions has been transferred from the Ministry of Information to the Ministry of Culture under Law No. 215/93 which referred to the laws regulating the Ministry of Information in terms of the Directorate's constitution, functions and mandate. However, looking back at the applicable texts, it is clear that it does not include any clause regulating this directorate, which obviously resulted in the failure to apply it. Furthermore, the process of "detaching" and transferring directorates, services and departments from one ministry to another did not take into account the importance of coordination between the duties and powers of these bodies. Hence, in the mandate of the Cultural Activity Division at the Department of Cultural Relations, we find clauses related to exhibitions organization in spite of the fact that the law had created an independent directorate for this category of activities.

Finally, it should be noted that the present survey was limited to the study and analysis of the structural legislative texts of the Ministry's bodies without covering the performance and work practice of those in charge or their effectiveness, which requires a field survey that exceeds the scope of the present study.

Figure 1: Organizational Structure of the Ministry of Culture according to the laws prior to the adoption of Law No. 35/2008



GOVERNING LAW

This Directorate has been separated from the Directorate General of Information, but applicable laws clearly show that the provisions required to regulate its functions, bodies and staff have not been issued.

GOVERNING LAW

Decree No. 5743 issued on 22/10/1966 regarding the organization of the Ministry of Tourism and determination of its administrative framework.

GOVERNING LAW

Decree No. 2869 issued on 16/12/1959 regarding the organization of the Ministry of National Education, Youth and Sports, Law No. 215 issued on 2/4/1993 regarding the establishment of the “Ministry of Culture and Higher Education” and Law No. 247 dated 7/8/2000 regarding the merge, abolition and establishment of ministries.

A National Council for Culture was supposed to be established in the Ministry of Culture; it would exercise an advisory function regarding the exploration of ways and means to promote cultural development, activities and exchange. However, its formation is still pending since no decree has been issued by the Council of Ministers at the recommendation of the Minister of Culture.

The organizational structure of the Ministry of Culture according to Law No. 35/2008

The picture looks drastically different when we see the organizational structure of the Ministry pursuant to the new law, and this is clearly illustrated in Figure 2 below, which shows the compatibility as well as the solidity of the new structure.

However, before going through the structure, it is worth noting that the new law has identified new and key definitions to keep pace with the development of the cultural sector that Lebanese society had witnessed during the past few decades, and thus, the legislator has incorporated new concepts that were absent in the previous texts, for example:

- ▶ **Antiquities:** as defined in the applicable laws and regulations, including items similar to antiquities
- ▶ **Heritage:** the various creative works originating from society that are tradition-based and reflect the cultural and social identity of the Lebanese society with all its groups, regions and historic eras. These works are passed down orally or through other forms of expressions. They include arts, crafts, culture, and traditional architecture among others.
- ▶ **Historical property:** including movable as well as immovable property which have historical value but do not fall under the antiquities or heritage categories specified above. Examples of historical property: structures, buildings, monuments, edifices, artefacts, documents, sites and historical neighborhoods among others.
- ▶ **Arts:** the various forms of expressions that result in the production of an artwork. They include: visual arts, theatre and performing arts, music, architecture, etc.
- ▶ **Literature and intellectual creations:** including all published and unpublished works in any fields of thoughts but which do not fall under other categories of cultural items identified in this article.
- ▶ **Cultural industries:** including all forms of expressions that fall under the following labels: cinematography, mass media, multidisciplinary art, publication of cultural productions, etc.⁵

Back to the organizational structure, the first characteristic of the new law lies in the **unification of the legislation**. Law No.38/2008 has become the only governing law for the Ministry's bodies as Article 31 has repealed all acts that

⁵ See Article 1 of Law No. 35/2008.

contradict or are inconsistent with its provisions, whereas the organizational structure of the Ministry was based on four different laws issued before 2008. Indeed, unifying the legislation in one law does not only ensure clarity, logical sequence and fluidity in terms of the form, but further guarantees a minimum level of consistency and integration among its clauses and provisions; a feature that the old legislation lacked.

In addition to unifying the legislation, the new law is characterized by a **comprehensive and integrated identification of the powers and functions of the different bodies in the Ministry**; indeed, the legislator adopted a consistent and systematic approach to identify the purpose and powers of each Directorate (1), their functions in details (2), the affiliated departments (3), as well as the functions of those departments (4).

This legislation contributes to ensuring the adoption of **expertise and specialization** as criteria to be met in the operation of the various bodies of the Ministry whose functions and powers—as described above—are contradictory due to multiple governing legislations. Table 1 below summarizes the most important powers and functions of the newly-created directorates, knowing that at this stage we limited our focus to the functions of the directorates involved in cultural affairs, and excluded all matters relating to antiquities as this field is beyond the scope of the present study. The third characteristic we thought it was necessary to highlight is related to **human resources and functions** that have been introduced by the new Law, as well as the qualifications it established as a requirement to take up these positions as described below in Table 2 (the table is also limited to the functions of departments and directorates exclusively involved in cultural affairs).

Last but not least, Law No. 35/2008 provided for the establishment of two funds in the Ministry: the **“Fund to Support Cultural Activities and Industries”** and the **“Fund for Antiquities and Heritage and Historical Buildings”**. The first fund is designed to support programs and activities that fall under the competence of the Directorate General of Cultural Affairs, and help financing and promoting the products and activities of cultural industries and the knowledge economy, mainly by supporting the production and marketing of films, documents and audio-visual publications (see Annex 1).⁶ The second fund, on the other hand, specializes in financing public and

⁶ Article 20 of Law No. 35/2008.

private projects aimed at the search for, excavation and discovery of archaeological, heritage and historical sites, collections and buildings, as well as in their protection, restoration, development and preparation to be used for the common good. The fund also aims at promoting and restoring the movable archaeological heritage;⁷ it should be noted that the executive decrees regulating these funds have not been issued yet.

Figure 2: Organizational Structure of the Ministry of Culture according to Law No. 35/2008



⁷ Article 21 of Law No. 35/2008.

Table 1: Detailed powers and duties of the Directorate General of Cultural Affairs and affiliated bodies, according to Law No. 35/2008

| MINISTRY DEPARTMENTS | POWERS | DUTIES |
|------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Directorate General of Cultural Affairs | Visual arts | Developing and implementing policies, plans, programs and activities falling under its areas of expertise |
| | Arts, crafts and folk traditions | Monitoring and creating inventories of cultural property that is not classified as antiquities, and proposing laws, regulations and measures for their preservation, acquisition, lending and other measures that enhance their use for the common good |
| | Literature and intellectual productions | Establishing, supervising and promoting new and existing facilities and edifices falling under its fields of competence |
| | Theatre and performing arts | Organizing conferences, seminars, meetings and workshops at various levels, and nominating stakeholders to participate in Arab and international meetings |
| | Cinema | Ensuring the welfare of workers in the various relevant sectors and honoring innovators |
| | Audiovisual and mass communication media arts | Encouraging competent and skilled professionals in its areas of expertise and enhancing their opportunities to gain skills in production and creativity, including developing and implementing education, rehabilitation and training programs |
| | Knowledge economy | Developing studies and research in all relevant fields and preparing them for publication |
| | STRUCTURE | Encouraging, sponsoring and participating in the organization of relevant exhibitions and festivals |
| | Directorate of Arts and Literature | Organizing competitions, prizes, incentives and grants in Lebanon, and nominating people to benefit from grants abroad in its fields of competence |
| | Directorate of Cultural Industries and Knowledge Economy | Cooperating with public and private departments and institutions, municipalities, NGOs, associations and individuals to fulfill the aforementioned tasks |
| Directorate of National Cooperation and Coordination | Management and investment of UNESCO Palace | |
| | | All other matters required for the management of the fields entrusted to the Ministry or provided for in the laws and regulations in force |
| Directorate of Arts and Literature | All forms of visual arts | Preserving the national heritage of visual arts, promoting visual arts culture and promoting creativity in all relevant fields |
| | Folk arts, crafts and traditions | Preserving, promoting and disseminating folk arts, crafts and traditions, including those related to traditional architecture |
| | Literature and intellectual productions | Preserving and promoting all kinds of literary and intellectual works, and encouraging the spread of public libraries |
| | Theatre and performing arts | Promoting theatre and performing arts works and culture across all segments of society |
| | | |

| MINISTRY DEPARTMENTS | POWERS AND STRUCTURE | DUTIES |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Directorate of Cultural Industries and Knowledge Economy | <p>Cinema</p> <p>Multidisciplinary arts, including audiovisual and mass communication media</p> <p>Knowledge economy</p> | <p>Preserving the national film heritage, including the establishment and management of a specialized cinémathèque (film archive), developing and promoting film production, and disseminating relevant national production</p> <p>Promoting multidisciplinary arts, including audio-visual and mass media communication, and supporting the dissemination of relevant national production</p> <p>Disseminating knowledge tools that rely on modern information and communication technologies across all segments of society, developing knowledge production using these tools, and supporting the dissemination of relevant national production</p> |
| Directorate of National Cooperation and Coordination | | <p>Promoting cooperation with public administrations and institutions and municipalities, as well as with private institutions, individuals and CBOs, especially those directly concerned with the cultural field, concluding and following up on agreements with such entities with a view to achieve the goals of approved cultural policies in all areas falling under the competence of the Directorate General of Cultural Affairs</p> <p>Encouraging, sponsoring and participating in the organization of relevant exhibitions, concerts and festivals</p> <p>Working towards equal opportunities for citizens to benefit from available support to develop creative skills in all fields of cultural life</p> <p>Management and development of the UNESCO Palace</p> <p>Carrying out the tasks and powers entrusted to the Ministry in terms of literary and artistic property protection</p> |

Table 2: Detailed positions within the Directorate General of Cultural Affairs and affiliated bodies, according to Law No. 35/2008

| MINISTRY DEPARTMENTS* | POSITION | ACADEMIC QUALIFICATIONS | ADDITIONAL EXPERIENCE AND QUALIFICATIONS |
|----------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Directorate General of Cultural Affairs | Director General of Cultural Affairs — Professional Grade I | N/A | N/A |
| Directorate of Arts and Literature | Director of Arts and Literature — Professional Grade II | A postgraduate diploma in arts/literature in Arabic, French or English languages is a minimum requirement | French or English language proficiency, and relevant computer skills proficiency — Five years of experience |
| Directorate of Cultural Industries and Knowledge Economy | Director of Cultural Industries and Knowledge Economy — Professional Grade II | A postgraduate diploma in media studies, economy, business administration or audio-visual arts is a minimum requirement | French or English language proficiency, and relevant computer skills proficiency — Five years of experience |
| Directorate of National Cooperation and Coordination | Director of National Cooperation and Coordination — Professional Grade II | A postgraduate diploma in law or business administration is a minimum requirement | French or English language proficiency, and relevant computer skills proficiency — Five years of experience |

*exclusively concerned with cultural affairs

3. Limits to the powers of the Ministry of Culture: Law versus practice

These limits are mainly manifested by the censorship and financial powers granted to the security services in terms of censoring the work of associations and artists and collecting fees. We will address these restrictions in detail in the second chapter of the study.

II. The legal status of artists in Lebanon

Parallel to the legislative reform at the level of the organization of the Ministry of Culture in 2008, the Lebanese legislator issued a constituent law in the same year on the **Regulation of Art Professions**: Law No.

56 of 27/12/2008 (See Annex 1). While the terms and provisions of the new law regulating the Ministry are characterized by their inclusiveness, specialization and consistency as illustrated above, especially in terms of amending most of the contradictions that dominated the old legislation and filling legislative gaps in key areas, we cannot say the same about the organization of cultural professions.

A preliminary reading of Law No. 56/2008 shows several gaps that have not been addressed by the new legislation, especially in terms of the legislator's neglect to address the problem of tax burdens endured by workers in this field, and most importantly, the omission of distinction between non-profit cultural works and activities and those that are purely commercial and for-profit. In addition to the powers mentioned above still exercised by the security services and that diminish the authority of the Ministry of Culture, there are also financial and censorship powers that are still enshrined in Lebanese legislation, thus limiting artists' activity. Contrary to what the title of the aforementioned law suggests, the legislator only organized trade union activity in the professional artistic field without any reconsideration of the old legislation that is detrimental to the profession on the one hand, and does not ensure adequate guarantees and incentives for the workers in the sector on the other hand.

However, and before we elucidate these problems, it is necessary to first shed some light on the reforms introduced by the new law to Lebanese legislation, which undoubtedly constitute a starting point for urgently needed future reforms.

1. Basic reforms according to the new legislation

If we look at the rationale behind Law No. 56/2008 (together with the proposed law submitted by MPs Harb and Fatfat on 30/7/2001), it is evident that the background to the new legislation is distinct from the one presented by the three draft laws mentioned above as it ignored several aspects that should have been addressed when seeking to formulate a comprehensive cultural policy aimed at advancing the cultural sector.

Although the text acknowledged the occupational hardships faced by the artists, as it states that *“these artists have been living in a state of fragmentation, confusion and oppression since the early days of independence to the present day, coupled with the uneasiness of their current situation and uncertainty about their future, which has negative effect on their morale, livelihood and creativity, and hence, on art in general in Lebanon (...),”* the legislator considered that the main problem solely lies in the organization of the trade union work: *“Since there were several syndicates working in a separate, and sometimes conflicting, way to defend the rights and interests of artists, the idea of joining all efforts within one unified “Syndicate of Professional Artists in Lebanon” came up with the aim of bringing member artists together, preserving their rights and defending their legitimate interests, as well as advancing their profession and safeguarding ethical and moral duties as well as the dignity of artistic professions. It was also essential to put an end to the existing chaos at that time in which it was not clear who was an artist and who was not due to the large numbers of intruders who were subscribed to the several dispersed syndicates (...).”*⁸

Therefore, the legislator’s approach to the occupational situation of professional artists seems strange. Is the lack of one unified syndicate really the root of the problem? And if that is the case, why was the text amended and any reference to joining efforts within one unified syndicate omitted from the final version of the law? Regardless of whether this is really the answer to the problem, why have other fundamental problems that are as important as the union work and capable of improving the artists’ legal, social and economic situation not been tackled?

There is no doubt that the new law did not result from a clear strategy and effective policy that would empower those working in the sector; however, as mentioned earlier, the legislation has some advantages that we will address at three levels: identifying definitions and concepts that keep pace with and reflect the reality of the artistic profession, organizing union work despite maintaining some restrictions, and establishing a mutual fund for artists.

Introduction of key definitions in the field of artistic profession

Prior to the issuance of Law No. 56/2008, the concept of “artist” **at the legislative level** was closely linked to the organization of work in

⁸ Excerpts from the minutes of the parliament: Twenty-first legislative term—second ordinary session—minutes of the sixth meeting—2008. The full content of the minutes may be downloaded at the following link: <http://www.legallaw.ul.edu.lb/luonline/Parliament/SearchPage.aspx>.

brothels and nightclubs (an issue that we will address in detail in the section of problematic topics below since the legislation in question is still valid for foreign artists working on Lebanese territory). The legislative texts that regulated the cultural sector prior to 2008 do not include any definitions that may provide a legislative framework for artistic professions at the local level, a void that has been clearly addressed by the new law.

By virtue of the new law, an artist is defined as every **“natural person who participates in one of the artistic categories as an innovator or performer of a given role”**.⁹ Such categories were enumerated by the law itself, including **music**,¹⁰ **theatrical performance**,¹¹ **audio-visual artworks**,¹² **performing artworks**,¹³ **advertising**,¹⁴ **literature**,¹⁵ **visual arts**¹⁶ and **traditional artworks**.¹⁷

The Lebanese legislator has not further elaborated on this matter. Apart from these important definitions, it would have been useful to include additional provisions that exempt, for instance, the artist, i.e. the natural person, from tax burdens, or distinguish between commercial institutions operating in the cultural sector and non-profit associations and bodies aimed at maintaining high cultural standards and independent or alternative artistic activities that are not inherently profitable; these are the problematic topics that we will address in the second paragraph of this section.

⁹ Article 1 of Law No. 56/2008.

¹⁰ An original, translated or adapted artwork that consists of playing an instrument or singing, or reproducing this playing or singing by technical means, live in front of an audience or recorded for publishing by any available means, according to the definition in paragraph (c) of the same article.

¹¹ An original, translated or adapted artwork that mainly consists of performing speaking, singing, dancing or mime roles, live in front of an audience or recorded with a view to broadcasting or publishing it by any available means, according to the definition in Paragraph (d) of the same article.

¹² An original artwork produced on an audio or audio-visual medium such as tapes, disks, CDs and DVDs, regardless of the technology or medium used, which is broadcasted to the public or recorded in order to be broadcasted or published by any available means, according to the definition in paragraph (e) of the same article.

¹³ A visual or audio artwork performed in theatre, cinema, video, radio/television and audio-visual advertising, including the following activities: dancing, theatre classes, show hosting, advertising voice over, circus business, presenting variety programs, clown acts, presenting traditional performing arts, character impressions, performing magic shows, party animation, etc., according to the definition in paragraph (f) of the same article.

¹⁴ An original advertising work using speech, symbols, music, graphics, images and other forms of expression, aiming to inform the public about an activity or a product, and produced on a printed, visual or audio medium, regardless of the technology used to produce it or the medium used to communicate it to the public, according to the definition in paragraph (g) of the same article.

¹⁵ An original, translated or adapted literary work which might take one of the following forms: story, short story, poetry, colloquial poetry, theatre play, essay or other forms of literary expression which do not fall within the scope of journalistic work, according to the definition in paragraph (h) of the same article.

¹⁶ An original unique or limited-number series of visual artworks, regardless of the materials and technologies or media used in the production which might take one of the following forms: images, paintings, drawings, engravings, tattoos, photographs, sculptures, assemblage and all products of similar means of expression, according to the definition in paragraph (i) of the same article.

¹⁷ An original unique or limited-number series of artworks that rely on traditional artistic expressions and are used for benefit or adornment. They are usually made of materials such as glass, porcelain, metal, wood, leather and fabric or any other available material, according to the definition in paragraph (j) of the same article.

Organization of union work and establishment of a mutual fund to support artists

As indicated above, the primary purpose of the proposed law in 2001 was to establish a unified syndicate of professional artists in Lebanon with the aim of organizing professional artistic work in Lebanon; in addition to creating a mutual fund for artists, ensuring old age and disability pensions and providing social assistance, the fund also benefits the syndicate members—or rather the members of syndicates that were created after 2008:

“On the other hand, and unlike most countries, Lebanon has nothing that can secure an artist’s livelihood if they stop working for one reason or another. They have no security if they face any health emergency, especially that artistic professions require permanent readiness and presence that cannot afford any health emergency. A country like Lebanon that strives to preserve its cultural status cannot dispense with its artists at the slightest accident or injury. It was crucial to establish a mutual fund to ensure old age and disability, and to provide different kinds of social assistance to members and their families, as well as to award grants to outstanding students of art schools. Since the Ministry of Culture and Higher Education, which governs artists’ affairs, is unable to allocate sufficient financial aid to the syndicate, the draft law foresees a contribution to the fund through the payment of a lump sum of at least seven percent of the tax imposed on the revenues of concerts held by Lebanese artists, as well as a lump sum of no less than twelve percent of the tax imposed on the revenues of concerts held by non-Lebanese artists in Lebanon, in addition to other legitimate resources.

The reason for this differential treatment of Lebanese and non-Lebanese artists is due to the fact that the Lebanese tax system allows foreign artists to work in Lebanon, earn hundreds of thousands of dollars, and return to their countries with all these sums, while Lebanese artists working abroad pay at least forty or fifty percent of their remuneration as taxes and fees; hence, it was imperative that foreign artists contribute to the aforementioned fund, especially since most of them benefit from

social entitlements granted by their country, as opposed to their Lebanese peers.

Since foreign artists' freedom to come to Lebanon should not be compromised and cultural and artistic exchange with others should be encouraged, a tax has to be imposed on those artists, part of which would be used to support Lebanese artists.

These are some of the reasons that led to the establishment of a unified syndicate aimed at the advancement of art in Lebanon by regulating the profession, uniting member artists and securing their material and moral needs, knowing that the Lebanese law in force and the current proposed law both guarantee artists' autonomy and do not restrain their freedom whether or not to subscribe to this syndicate."¹⁸

Indeed, Article 8 of the new law enshrined the right of artists and art workers to establish professional syndicates specialized in the fields provided for in this law; however, **it maintained the authorization system** in force in accordance with the Labour Law and the Trade Union Organization Law (i.e. since the 1950s). Instead of repealing the whole system, the powers of granting authorizations have been transferred from the Ministry of Labour to the Ministry of Culture, which runs counter to the principle of free association. Moreover, the legislator restricted the right to join professional artistic syndicates, subject to the prior approval of the Ministry of Culture, by virtue of the new legislation, a clause that was not even imposed on syndicates established before 2008.

Restrictions on the right to form and join trade unions

It was worth enshrining Lebanon's international obligations to freedom of association in the new legislation since Lebanon has acceded to a number of international covenants and conventions subsequent to the date of issuance of the Labour Law that enshrine the right to form trade unions regardless of the authorization system previously in force.

International conventions ratified by the Lebanese Government are binding and their provisions take precedence over those of ordinary law in accordance with Article 2 of the Lebanese Code of Civil Procedure: "The courts shall

¹⁸ Excerpts from the minutes of the parliament: Twenty-first legislative term—second ordinary session—minutes of the sixth meeting—2008, the full content of the minutes may be downloaded at the following link: <http://www.legallaw.ul.edu.lb/luonline/Parliament/SearchPage.aspx>.

comply with the principle of the rules of hierarchy. In the event of conflict between the provisions of international treaties and those of ordinary law, the former shall take precedence over the latter.”

Since the Lebanese Constitution adopted in its preamble the Universal Declaration of Human Rights, this declaration was incorporated into the Lebanese statutory law after Lebanon acceded to the two international covenants on economic, social and cultural rights and on political and civil rights by virtue of Decree 3855, dated 1/9/1972.

Article 23 of the Universal Declaration of Human Rights states the following: “Everyone has the right to form and to join trade unions for the protection of his interests”.

Article 8, Paragraph (a) of the International Covenant on Economic, Social and Cultural Rights provides for: “The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.”

On the other hand, more recently (in 2012), the Minister of Labour signed the International Convention No. 87 concerning freedom of association and protection of the right to organize on 9 July 1948, and it was ratified by the Council of Ministers. Article 2 of this convention states that: “Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing **without previous authorisation**”.

The Lebanese Government’s ratification of Convention No. 87/1948 allows for the establishment of trade unions without an authorization, similarly to associations which only require a notice of recognition, contrary to what was enshrined in the new legislation. This is the first restriction we notice in this regard.

Moreover, the Ministry accorded **only four months** to syndicates of artists and art workers that existed before the law and legalized by virtue of other legal or regulatory texts, in order to apply for authorization with the Ministry. It also subjected any membership request submitted after the issuance of the law to

the conditions set forth therein, especially in terms of **the Ministry's discretion to accept or reject these requests (!)**.¹⁹

As a matter of fact, and given these restrictions imposed by the legislator, it is necessary to conduct a field research to examine the trade union organization of artistic professions on the ground and assess the implementation and effects of the new legislation on art workers, especially since membership in unions that meet the conditions prescribed by Law No. 56/2008 is a prerequisite to benefit from the mutual fund established under the law itself.

Did the relevant parties initiate the establishment of new syndicates according to the aforementioned law? What happened to the structures and organizations that existed before its issuance? Have the committees responsible for issuing the certifications required for membership been formed? To what extent has the artistic community been involved in monitoring the implementation of this law? Have awareness campaigns been launched or has the information been published sufficiently to motivate stakeholders and art sector workers? How were the restrictions mentioned above handled? How was the Ministry of Culture's performance in this area?

This is a sample of questions that need to be answered for an actual evaluation of the trade union organization that could not be carried out in the context of this study.

Operationalization of the unified mutual fund for artists

Law No. 56/2008 established a "Unified Mutual Fund for Artists" and required applicants to be originally members of one of the art syndicates provided for in the same law.²⁰ In 2012, the fund regulation decree was issued.²¹

The Fund shall be run by a board of directors comprised of a representative of each union and a government commissioner. Board members shall be appointed by virtue of a **decision of the Minister of Culture**, from among candidates nominated by relevant unions and the Trade Union Federation. By virtue of the same decision, an employee of the Ministry of Culture (Grade III at least) shall be appointed as a government commissioner. The designated members shall elect from within the membership of the board the President, Vice President, Secretary and Treasurer.²²

¹⁹ Articles 6 and 9 of Law No. 56/2008.

²⁰ Articles 13 and 14 of Law No. 56/2008.

²¹ Decree No. 7535, of 15/2/2012, regulating the administration and operation of the Unified Mutual Fund for Lebanese Artists.

²² Article 15 of Law No. 56/2008.

The Fund's revenues shall consist of:²³

- ▶ A flat annual subscription fee for each member, to be specified in the Fund's bylaws;
- ▶ A 2% (two percent) fee deducted from the proceeds of all types of art shows and activities, to be collected by the Ministry of Finance and transferred to the Fund on a monthly basis;
- ▶ A 10% (ten percent) fee on foreign artists' contracts to be collected by the Ministry of Finance and transferred to the Fund on a monthly basis;
- ▶ Annual financial contribution from the Ministry of Culture, to be determined by virtue of a decision issued by the Minister, in addition to donations, contributions and wills accepted subject to the Minister's approval.

The Fund shall seek to achieve all or some of the following goals and objectives:²⁴

- ▶ Providing compensation for illness, death and physical injuries afflicting members or their dependents;
- ▶ Providing financial support for marriage (one-time support) and childbirth;
- ▶ Encouraging education and specialization in all branches, and providing assistance, grants and loans for this purpose to members and their dependent children;
- ▶ Providing pension to members.

What is remarkable about these regulations are two points that are particularly noteworthy:

- ▶ First, adopting the designation method for the membership of the Fund's Board of Directors, a method that grants unjustified discretionary power to the Minister of Culture; why wouldn't the Board be elected by the General Assembly, i.e. all subscribed members?
- ▶ Second, how the financial fees securing the fund's revenues are determined: Is it acceptable to subject shows or activities carried out by non-profit cultural associations to the same percentage fee as the one imposed on shows held by strictly commercial companies that earn large amounts of money through ticket sales? Why wouldn't a progressive tax system be adopted, i.e. impose a fee starting from a certain profit amount and increase it as the

²³ Article 16 of Law No. 56/2008.

²⁴ Article 5 of Decree No. 7535, of 15/2/2012, regulating the administration and operation of the Unified Mutual Fund for Lebanese Artists.

profit amount increases? Has the 10% fee imposed on foreign artists' shows been determined in a calculated manner and based on figures reflecting the actual state of affairs? Here again, a distinction should be made between the various activities carried out by foreign artists: it is well known that a number of non-governmental cultural associations organize music festivals, for example, where ticket prices do not exceed a few thousand Lebanese pounds, while certain local commercial companies invite foreign bands and troupes and organize shows where ticket prices reach hundreds of US dollars; is it acceptable to impose the same fee rate on both?

Also in this context, the need to conduct a field research to assess the effectiveness of the newly established fund is evident. In addition to the legal limitations of the fund's organization, it is impossible to assess the extent of the fund's effects on the economic and social situation of the art sector workers under the present study.

2. Areas that remain problematic in the artists' legislative status

Financial reality and tax burden imposed on artistic professions

There is no doubt that the financial and economic status of workers in the cultural sector has a tremendous impact on their career path. And while the creation of the Unified Mutual Fund for Artists is a fundamental reform in this area, the taxation and financial system remains a heavy burden that needs to be addressed.

As noted above, the legislator did not take into consideration the specific category of non-profit cultural activities that are carried out not for strictly commercial purpose, but rather for the purpose of preserving and promoting cultural heritage. In the last decade, the Lebanese cultural community witnessed the establishment of a large number of non-governmental organizations aimed at supporting artists and cultural and artistic practices and activities (known as alternative or independent activities) due to the inability of public services and applicable government policies to support them. Even though these bodies succeeded to a certain degree in providing the necessary support, their survival remains subject to external funding and they cannot secure the guarantees required for individuals and groups that have chosen to pursue art as their main source of livelihood. Therefore, it is not possible to envision a comprehensive

and effective cultural policy without addressing the financial and taxing system governing the art sector workers.

Table 3 below illustrates the current fiscal tax policy pursued by the Lebanese Government. We opted to compare some percentages imposed on cultural sector workers with other professions and activities to clarify the parameters of this policy.²⁵

| CODE | TYPES OF RECREATIONAL, CULTURAL AND SPORTS ACTIVITIES | % OF NET PROFIT RATE | CODE | COMPARISON WITH OTHER TYPES OF ACTIVITIES/ INSTITUTIONS | % OF NET PROFIT RATE |
|--------|-------------------------------------------------------|----------------------|--------|---------------------------------------------------------|----------------------|
| 921407 | Theatre, film and TV directors | 40% | 741101 | Attorneys | 40% |
| 921403 | Composers and artists (singers) | 40% | 741103 | Notaries public | 40% |
| 921410 | Actors | 40% | 924901 | Gambling and gaming | 35% |
| 921404 | Sculptors and painters | 25% | 921101 | TV production | 20% |
| 921405 | Engraving and calligraphy artists | 25% | N/A | Restaurants and snack bars | 30% |
| 921402 | Authors | 25% | N/A | Food catering and ready-made meals | 30% |
| 921406 | Organization of concerts and festivals | 20% | N/A | Cafes and tearooms | 30% |
| 921401 | Artistic activities | 25% | N/A | Bars, cabarets and nightclubs | 30% |
| 921409 | Art venues management | 30% | N/A | Amusement places | 30% |
| 921902 | Concert halls and nightclubs activities | 30% | N/A | Hotel enterprises | 17% |

²⁵ According to Decision No. 283/1, of 7 March 2008, issued by the Ministry of Finance, determining the applicable rates on total revenues to calculate the net profit.

As a matter of fact, the figures highlight the background of this policy and the burdens it places on art workers:

- ▶ The first striking point is the merging of “recreational” and “sports” activities with cultural activities (they all fall under Code 92 for recreational, cultural and sports activities according to the classification of the Ministry of Finance);
- ▶ It is noted, for example, that art venues management—including theatres and cinemas—is subject to a fee higher than the fee imposed on hotel enterprises and equal to the one imposed on restaurants, amusement places and nightclubs (!);
- ▶ Film directors, composers, artists and actors are subject to the same tax as attorneys and notaries public (!);
- ▶ The tax on artistic activities is higher than the one imposed on TV production (!)... And the list goes on!

Looking back at the history of the legislative context, it is clear that this fiscal taxation policy originates in the approach adopted by the legislator since the thirties in terms of regulating artistic professions, which has long been associated with the concept of entertainment, recreation and cabarets and bars’ activities. Unfortunately, this policy still has implications on the regulation of some cultural spaces—as explained in the last chapter of the study—and is still valid for foreign artists who participate in cultural activities on Lebanese soil, a point that we will discuss in our next section.

Problematic points related to the legal status of foreign artists

In this regard, a quick look at the legislative framework for “art professionals” throughout the history of Lebanon is pertinent since its effects persist in the legislative texts applicable today. The first initiative for regulating the work of “female artists” appeared during the early years of the French mandate. In fact, in the 1920s and 1930s, the High Commissioner issued several decisions in which he evoked, within the rubric of prostitution regulation, the work of “female artists” including dancers, singers and musicians that are distinguished from licensed sex workers by virtue of the same decision. The 1931 Law regulating prostitution also comprised several references to “female artists”, and required every theatre, café or nightclub owner to provide the Police Department with the names and identity cards of female artists hired by them. Moreover, this law prohibits female artists from performing unless they obtain

a permit from the Police Department and any breach in this regard would be fully borne by the business owner.

Later on, a law issued following Lebanon's independence adopted a similar perspective. Decree No. 10267 issued on 6/8/1962 governs the entry of foreign artists to Lebanon and their stay in the country. This decree implements the law issued on 10/7/1962 regulating the entry and exit of foreigners to and from Lebanese territory as well as their stay in the country.

The 1962 Law defines artists as “persons who render an artistic performance in a place where alcohol is served, scenes are projected and accompanied by music, with or without serving food.” Their entry to Lebanese territory is subject to the General Directorate of General Security's approval, without the need to obtain a permit from the Ministry of Labour, unlike all other foreigners who apply for work in Lebanon. Moreover, the 1962 Decree drew a framework for the work of female artists, restricting their freedom to choose their place of residence, movement and work on Lebanese soil. They were kept under the supervision and care of security forces. It goes without saying that most of these regulations aim at isolating and stigmatizing female artists on the pretext of fear that they may turn to prostitution. They also underline the malevolent strategy adopted by concerned entities in terms of arbitrary and discretionary regulation of prostitution in Lebanon, outside the boundaries set by the law, in order to preserve the prostitution industry without officially recognizing it.

The above historical briefing in addition to a glimpse of the current practices adopted by security forces serve as a backdrop for tackling the issues related to foreign artists' legal status in Lebanon. We are particularly concerned with artists who participate in activities and festivals of different art forms (such as music, dance, and theatre among others). Such events are usually organized by non-governmental organizations and bodies within the context of cultural exchange and support and promotion of alternative and independent practices, which are by nature unprofitable. Unfortunately, this category of foreign artists are still subject to regulations imposed by security forces similar to those described above. The same forces that care for professionals in the cultural field are charged with all matters related to female “artists” who work in super night-clubs in Lebanon.

In order to obtain an artist entry visa, a so-called artist fee equivalent to LBP 550,000 is required, in addition to a deposit of a guarantee of more than one million LBP and a transit visa equivalent to LBP 110,000. The artists' “sponsor”,

i.e. the local entity that recruited the artist to “work” in Lebanon, must indicate the means used for covering the accommodation and living expenses during the artist’s stay and present an agreement between the “sponsor” and the “venue owner” regarding the artistic event to be carried out. Obviously, visa requirements are stricter for Arab artists (such as Egyptian, Tunisian, Moroccan, or Palestinian artists, with the exception of those coming from the Gulf countries) and for artists originating from Eastern Europe. On the contrary, these requirements are very flexible for artists originating from Western Europe and America.

A few years ago, the General Security established a new process based on the persistent demand of local and international cultural organizations operating in Lebanon to exempt the artist fee and facilitate to some extent foreign artists’ entry to Lebanon. It is initiated by a petition, which is directly addressed to the General Director of General Security and whereby the organizer requests exemption from paying the artist fee and other requirements upon presenting a description of the event to be carried out and establishing its quasi-gratuitous nature, in addition to proving that the organizer does not aim to gain any profit and that the artist will not be remunerated for his/her work. However, the General Director of General Security enjoys a discretionary authority over this process. In fact, the General Director can choose to accept or refuse such petitions without justification. Moreover, the response to these petitions can sometimes take more than three weeks. For this reason, event organizers often either choose to follow standard procedures or take a risk by claiming that the artist is on a touristic trip to Lebanon. In the second case, they may be interrogated and held accountable by the General Security’s censorship service where the event is known to be held.

Censorship powers over artwork content

Prior censorship exercised on theatre plays,²⁶ the distribution of publications,²⁷ as well as public screening of all genres of films²⁸ remains the basic rule in the field of artistic and cultural expression, and it goes without saying that the censor’s (here General Security) observance of conservative positions based on broad religious, sectarian, political and ethical considerations restricts freedom

²⁶ Legislative Decree No. 2, of 1/1/1977: Subjecting plays to the prior censorship of the General Directorate of General Security.

²⁷ Legislative Decree No. 55, of 5/8/1967: Banning the printing, publication and distribution of publications before obtaining a prior permit from the General Directorate of General Security.

²⁸ Law issued on 27/11/1947: Subjecting all films to the censorship of the General Directorate of General Security.

of creativity in this field and discriminates directly against the sector workers. A number of local and international cultural societies have previously initiated a comprehensive study that addresses the problem of prior censorship exercised on artistic works and the formulation of a draft law securing artistic freedom; hence, we will only refer to these constraints in the present study.²⁹

III. Legal status of cultural spaces

Parallel to Law No. 35/2008 leading to the restructuring and organization of the Ministry of Culture that we tackled in the first chapter of this study, the Lebanese Parliament passed Law No. 37/2008 issued on 16/10/2008 concerning the protection of cultural property, a legislation that serves as a key gateway to the protection of cultural places and sites and the sustainability of activities carried out in these places by individuals and groups that are active in this area. There is no doubt that the enforcement of the procedures provided for in this law should be accompanied by the implementation of a cultural policy that includes, in addition to the concerned ministry and stakeholders, incubator spaces for the work of individuals and cultural groups.

1. Basic reforms according to the new legislation

The basic legislative reform in this context lies in the legislator's enshrinement of the concept of and the need to protect intangible heritage, which has direct and positive bearing on the spaces and monuments that have always incubated cultural practices and activities that need to be sustained. This is clearly stated in the rationales behind the new legislation:

“Most countries of the world, following in UNESCO's footsteps, commonly use the concept of “cultural property” to denote various categories of movable and immovable assets that constitute national cultural treasures. However, ever since the French mandate, Lebanon only issued laws to regularize one of these categories, the antiquities. The Law on antiquities, which dates back to 1933, specified archaeological objects as dating prior to 1700 AD; it also highlighted the possibility of classifying and protecting

²⁹ See: Censorship in Lebanon: law and practice, collaborative study by Nizar Saghie, Rana Saghie and Nayla Geagea, on the link: https://lb.boell.org/sites/default/files/2010._censorship_in_lebanon-_law_practice_en.pdf.

certain objects as antiquity-like objects. The Law provided for the registration of antiquities and antiquity-like objects in a record called “General Inventory List” based on a decision by the Director General of Antiquities.

However, following independence and as part of their efforts to promote culture and arts, successive Lebanese governments have often undertaken individual initiatives by ministers and officials to acquire collections, mostly of artwork, without any governing legislation or regulation; thus, it is difficult today to know the state-owned cultural treasures.

On the other hand, Lebanon is replete with movable and immovable cultural objects that should be inventoried, classified, preserved and made accessible to researchers, in order to promote their investment for the common good, as recommended by the UNESCO General Conference in several international recommendations ratified by Lebanon.

Based on the above, the Ministry of Culture recommends to the parliament the approval of the attached draft law entitled the “Law regarding Cultural Property” regulating the management of the national cultural treasure.”

Establishing a modern legal framework to protect intangible heritage: Introduction of the cultural property category

In fact, until the issuance of the aforementioned law, the Lebanese legislator seemed satisfied with one single legislative text dating back to 1933, i.e. Decision No. 166/L.R. for the regulation of antiquities and protection of heritage buildings. However, as societies evolved and cultures developed, the need arose for more appropriate legislation, as well as the necessity to preserve, protect and create a new category of movable/immovable and tangible/intangible objects that, similarly to antiquities, constitute an essential part of the national cultural heritage, including cultural spaces incubating continuous and vibrant activities.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the first Convention Concerning the Protection of Cultural Heritage in 1972, and the Lebanese Government acceded to it by virtue of Law

No. 30/82 of 14/9/1982.³⁰ In its first article, the Convention defined “cultural heritage” through three categories of objects that collectively constitute this heritage, including:

- ▶ **Monuments:** architectural works (...) and clusters of landmarks that are of outstanding universal value from the point of view of history, art or science;
- ▶ **Sites:** groups of separate or connected buildings which, because of their architecture, their homogeneity (...), are of outstanding universal value from the point of view of history, art or science;

In late 2003, UNESCO’s General Conference convened to discuss the second international instrument on the protection of cultural heritage, especially intangible cultural heritage, and measures to safeguard this heritage. *Considering the deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage*, apprehending the repercussions of the processes of globalization and social transformation that give rise to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular that *no binding multilateral instrument as yet exists for the safeguarding of the intangible cultural heritage*, considering *the importance of the intangible cultural heritage and of its safeguarding*,³¹ and recognizing the important role of groups and individuals in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, the UNESCO’s General Conference on 17 October 2003 adopted the Convention for the Safeguarding of the Intangible Cultural Heritage and Lebanon ratified it on 8 January 2007.

The 2003 Convention defined the intangible cultural heritage in Article 2 as follows:

“The “intangible cultural heritage” means the **practices**, representations, expressions, knowledge, **skills**—as well as the instruments, objects, artefacts and **cultural spaces associated therewith**—that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. (...)”

The “intangible cultural heritage”, as defined in paragraph 1 above, is manifested inter alia in the following domains:

³⁰ See attached the full text of the Convention Concerning the Protection of the World Cultural and Natural heritage (1972).

³¹ The General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Convention for the Safeguarding of the Intangible Cultural Heritage, Preamble, 17 October 2003.

- (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- (b) **performing arts (...)**”;

Regarding the role and obligations of States Parties, Article 5 of the 1972 Convention referred in paragraph (d) thereof to the obligation of State Parties **“to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage”**;

As for the 2003 Convention, it devoted under the title “Safeguarding the intangible cultural heritage at the national level” a complete chapter to identify the obligations of States Parties. In fact, according to Article 11 thereof, each State Party shall **“take the necessary measures to ensure the safeguarding of the intangible cultural heritage** present in its territory, and among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.” The aforementioned paragraph 3 defines “safeguarding” as “the measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, **preservation, protection, promotion, enhancement**, transmission (...) of such heritage”; Article 12 of the 2003 Convention also calls on State Parties to **“draw up one or more inventories** of the intangible cultural heritage present in its territory”; it is worth noting that Article 15 of the 2003 Convention commended the participation of communities, groups and individuals that create, maintain and transmit such heritage through the endeavour of State Parties, within the framework of its safeguarding activities of the intangible cultural heritage, to ensure their widest possible participation in its management.

Law No. 37/2008 came to enshrine Lebanon’s international obligations as the legislator defined cultural property in Article 1 thereof as follows:

“Movable and **immovable** property that meets the following criteria shall be considered cultural property, **regardless of its owner or holder**:

- (a) It should belong to one of the categories of objects specified in Article 2 of this law, (...)

(c) Its preservation should serve the Lebanese public interest...”

Article 2 of the same law clarifies that cultural property is the one that:

“Cultural property includes the objects that have already—**or have not yet**—been registered, classified or recognized, and which belong to the following categories, to name just a few:

A. **Immovable property**, i.e. archaeological, historical or scientific places and sites, installations, monuments, **edifices, buildings or parts of buildings of heritage, historical**, scientific, aesthetic, architectural or **symbolic value**, whether religious or **secular...**”.

Pursuant to the definition above, Lebanese legislation now includes a new category of movable and immovable objects, of tangible and intangible value, which, similarly to antiquities, form an essential part of the national cultural heritage and are in line with Lebanon’s international obligations regarding their preservation and protection. Accordingly, it is now incumbent on the Ministry of Culture to identify, monitor and protect the landmarks and spaces, i.e. buildings or parts of buildings, that, due to artistic and cultural activities that they have incubated and accompanied, fall within the definition of cultural property, and thus benefit from the guarantees and procedures introduced by the new legislation, as indicated below.

Need to involve civil society in the management, enhancement, promotion and protection of cultural property

In addition to the broad definition enshrined in the aforementioned law, the latter has a second peculiarity in terms of the need to involve civil society—individuals, groups and community-based organisations that are innovators, specialists and activists in the cultural and artistic domain—in the management, enhancement, promotion and protection of cultural property. Here again, it becomes clear to us that the legislator is keen to abide by the obligations established by UNESCO’s two conventions. For example, Law 37 states in more than one article that a committee of specialists shall be consulted in the process of identifying and classifying cultural property. It also allows the Minister of Culture to conclude agreements with NGOs authorizing them to manage

and promote such property, thus ensuring the viability of cultural and artistic activities therein.³²

Opening the door to taking immediate measures to protect any cultural property at risk

On another level, the law includes a number of procedures and immediate measures aiming to protect cultural properties that are at risk of damage, demolition or change of use, and thus ensure the sustainability of activities undertaken therein. In fact, such measures are only temporary since they aim at staving off immediate danger and damages that cultural property may be exposed to; for example, the power vested in the Minister of Culture to intervene and temporarily seize or confiscate any cultural property that is at risk, as Article 15 stipulates the following:

“The Minister may decide to **temporarily seize or confiscate any cultural property** that is exposed to any of the risks covered by the guarantees secured by this law, including the possibility of smuggling the property outside Lebanese territory, **modifying its features or changing its use without prior authorization, or the possibility of negligence and total or partial damage.** In the event of confiscation, the Minister may determine the compensation arising from this confiscation based on a written opinion submitted by the competent director general and the relevant committee.”

Actually, the decision to seize or confiscate a cultural property in this context does not mean expropriation in the conventional sense, considering that such a measure is only temporary to prevent massive and direct damage to cultural spaces in Lebanon, such as decisions to sell, demolish or change the use thereof. The article also noted the need of compensation, which is in line with the general provisions and principles pertaining to administrative work in Lebanon.

³² For instance, Article 10 of Law No. 37/2008 states the following: “Upon a suggestion made by the competent director general based on the recommendation of the competent committee, the Minister may entrust any cultural property registered under the Ministry’s name or entrusted to it to another authority, particularly public institutions falling under its jurisdiction, in order to take care of the property in question and use it for the purposes and within the mandate assigned to it by law; paragraph (e) of Article 14 of the aforementioned law also states the following: “The Minister, following a written opinion poll submitted by the competent director general and relevant committee, may decide the following: (...) measures for managing cultural property registered under the name of or entrusted to the Ministry by assigning competent ministerial departments to do so, or assigning the management of all or some of these properties to physical or legal persons, especially to competent public institutions, upon such terms and conditions as may be specified.”

The advantage of these provisions is that they have regulated, within a legislative framework, the Ministry of Culture's intervention to protect these spaces, and thus removed them from their private and individual sphere turning them into a public affair related to a public interest concerning the entire population. The Ministry is the only body authorized to do that according to the available legal mechanisms.

The last point worth mentioning is that the activation of the procedures provided for in this article **is not subject to the classification requirement**; it is sufficient for the property to be identified, whether classified or not, in order to benefit from the protection enshrined in the said article.

Establishment of sustainable procedures to preserve cultural property

In addition to the immediate and temporary measures, the new law enacted a sustainable procedure for the transfer of cultural spaces classified as cultural property from the private to the public sphere, and thereby converting them into public spaces subject to the general principles governing their use by the general public.³³ Prior to Law No. 37/2008, the State or the municipalities could acquire properties based on **reasons of public utility** enshrined in the Constitution, as Article 15 thereof reads as follows: “The rights of ownership shall be protected by law. No one's property may be expropriated except for reasons of public utility, in the cases established by law and after fair compensation has been paid”; in other words, expropriation may occur for reasons of public utility in accordance with procedures set out by the law, after fair compensation has been paid to the owner, and in successive stages, from the declaration of the public utility to the determination and payment of the compensation, the seizure decision and registration under the name of the expropriating administration.

However, as shown in the rationales, such initiatives in the cultural and heritage protection fields were limited to individual initiatives undertaken by a minister or a mayor under favourable circumstances and without any comprehensive strategy or policy, upon the establishment of a public utility which might change in terms of its notion and scope. Nevertheless, with the issuance of the new law, the legal frameworks have become more specific and the standards

³³ According to the case law, these principles are based on the following rule: “Free collective (or public) use by everyone, on equal terms, and without the need for prior authorization. The use of such places is only conditioned upon the maintenance of public order and security.” In other words, all citizens have the right to use any place classified as public property, freely and free of charge—only insofar as expressly set out by the law, provided that this is done on equal terms; Lebanese Shura Council, 18 August 1966, “Nassar” Decision, Administrative Journal, 1966, p. 202.

more objective, since every cultural property, as long as it is classified as such, can benefit from this procedure, as the law explicitly provides for the Minister of Culture's power relating to the "appropriation of any immovable cultural property in accordance with the legal provisions in force".³⁴

However, contrary to the above-mentioned confiscation procedures, the property should be classified as cultural property based on criteria to be determined in accordance with executive decrees that have not yet been issued.

Another procedure worthy of consideration and enshrined in the new legislation consists of exempting any "immovable cultural property that is included in the list of classified cultural property and not used for commercial purposes from the built property tax",³⁵ according to decrees issued by the Cabinet upon the proposal of the Minister of Culture and following a written opinion poll submitted by the competent director general and relevant committee. Here again, the measure remains pending the issuance of executive decrees specifying classification criteria and decisions issued by the Minister whereby the relevant committee provided for in the law shall be formed.³⁶

2. Areas that remain problematic in the legislative status of cultural spaces

We refer here to certain laws that have a negative impact on cultural spaces, most importantly the tax burdens still imposed on theatres and cinemas, as well as the outdated texts dealing with the construction of such spaces.

Obsolescence of texts governing these spaces

We would like to mention here that the legislation regulating theatres and cinemas has not been modified since the 1950s. On the one hand, it was limited to imposing technical and logistical conditions, and on the other hand, it subjected their investment to the same conditions imposed on nightclubs and hotels.³⁷

On another level, the civil cultural community in Lebanon witnessed several initiatives by non-governmental bodies that led to the opening of what are

³⁴ Article 14 of the Law on Cultural Property.

³⁵ Article 16 of Law No. 37/2008.

³⁶ Paragraph 3 of Article 5 of Law No. 37/2008 states the following: "The Minister of Culture shall form a committee of experts to provide their input whenever required by the law."

³⁷ See in this regard Decision No. 509 subjecting cinematic institution to special restrictions and conditions issued on 12/19/1939, the law regulating the investment of hotels, nightclubs, restaurants, cafes and bars issued on 12/14/1950, Decision No. 321 imposing restrictions and conditions on the establishment of film warehouses issued on 27/4/1953, and Decision No. 388 imposing the allocation of parking lots in movie theatres and nightclubs in Beirut issued on 7/6/1955.

known as cultural and artistic spaces or centres that host artists and display their work to the general public, replacing to some extent traditional spaces such as theatres and cinemas. In fact, these places are often rented from their landlords, rehabilitated and equipped to accommodate this type of activity which often requires much funding and expenses. As is well known, the new rent is subject to absolute freedom of contract, in other words the legislation does not provide for any provisions guaranteeing the continuity of contracts for more than three years, neither does it set a rent control. Thus, the tenant remains at the mercy of the landlord who can terminate the contract or increase the rent without any restrictions.

Subjecting theatres and cinemas to the entertainment tax

The same approach adopted by the legislator regarding the taxation and fiscal status of art workers strikes again. In fact, the legislation still classifies cultural spaces under the category of “entertainment and recreation places” and thus they are subjected to what is known as the entertainment tax.³⁸

Pursuant to Legislative Decree No. 66 issued on 5/8/1967: “An entertainment tax shall be imposed on visits to permanent or occasional amusement and recreational places”,³⁹ which it defines as follows:

“The following are mainly considered as entertainment and recreational places:

- 1.** Places that are dedicated to presenting live or filmed performance (cinemas, theatres, stadiums, circus, amusement parks, etc.).
- 2.** Places that offer consumables in addition to entertainment (performance, singing, dancing, musical bands).
- 3.** Places that offer equipment for personal entertainment (resorts, swimming pools, gambling places, ski centres, etc.).”⁴⁰

In addition to this tax, there are tax burdens imposed on commercial activities if the entity managing the theatre or cinema is a company or a commercial establishment. In fact, this legal form is almost mandatory in Lebanon given the type of activities carried out by these places (importing films, selling tickets,

³⁸ Note that if the theatre or cinema company is registered for VAT payment (the value-added tax), the entertainment tax shall be replaced by the value-added tax.

³⁹ Article 1 of Legislative Decree No. 66/1967.

⁴⁰ Article 2 of Legislative Decree No. 66/1967.

providing beverages or food etc.). We note here that the legislation regulating such companies does not provide for any incentives or exemptions for companies engaging in social activities that do not generate any profits. As is well known, revenues of theatres and cinemas presenting cultural works are often unable to pay the daily expenses incurred, compared to purely commercial works.

IV. Summary & recommendations

In the present study, we have sought to review to the extent possible the most important legislative texts governing the cultural sector, some of which still suffer from gaps and residues from the old legislation, while some have succeeded in introducing foundational reforms that might shape a comprehensive cultural policy able to advance the cultural sector in Lebanon. The legislative aspect has important implications in terms of the formulation of such policy; however, some of the problematic issues raised in the various chapters of this study require field research and consultations with the stakeholders in order to examine and assess the economic, social, financial and logistical considerations before being able to propose the necessary recommendations.

Let's take the tax burdens, for example, imposed on art workers and those in charge of cultural places pursuant to the current legislation; it would be useful to consult experts in public finance and economics to advise us on certain procedures that can be developed to shift from a heavy tax burden system to a motivational and incentive system that would ensure the viability of this sector.

On the other hand, and given the legislative reform at the level of artistic trade union regulation in 2008, a careful evaluation of the current status of trade union work requires a field survey to find out the extent to which cultural workers are involved in regulatory frameworks, what obstacles they face and how they benefit from what these regulations have to offer, as well as thinking about initiatives that would encourage them and involve them in this field.

Another example that requires multi-directional experiences from different backgrounds is the foundational reform of the concept of intangible heritage in the new legislation related to cultural property and the ensuing establishment of mechanisms that protect cultural spaces and monuments and ensure their viability. Actually, the full implementation of the new legislation requires multiple

efforts and experiences to set the necessary standards to initiate the classification process based on which it would be possible to perceive and propose the necessary implementation decrees.

However, apart from that, there are certain recommendations and suggestions of a legislative nature that are worthy of consideration and which would contribute to setting a road map for those concerned in this field. They are as follows:

Recommendations related to the organizational structure of the Ministry of Culture

- ▶ Following-up on the implementation of executive decrees leading to the activation of the various bodies, directorates and departments of the Ministry of Culture;
- ▶ Including the necessary financial items in the budget of the Ministry of Culture to secure the necessary equipment and human resources pursuant to these decrees;
- ▶ Issuing the necessary decrees to activate and organize the Fund for Supporting Cultural Activities and Industries, based on an in-depth study resulting in mechanisms to secure sources of funding;

Recommendations related to the legal status of artists

- ▶ Reconsidering the financial and taxation policy for artists on the basis of a complete separation between cultural workers and entertainment workers and towards shifting the tax system to an incentive system;
- ▶ Making a list based on clear criteria that includes cultural non-profit bodies and institutions cooperating with the departments of the General Directorate of Cultural Affairs, each according to their competence, and setting up clear frameworks and mechanisms far from incidental exceptions that would facilitate their work and coordinate with other official bodies;
- ▶ Abolishing the prior authorization system for the establishment of trade unions and the restriction on the right to join syndicates;
- ▶ Replacing the designation method with the election method at the level of the Mutual Fund's Board of Directors;
- ▶ Reconsidering the financial fees securing the Fund's revenues aiming at more equitable methods and the adoption of a progressive tax system;

- ▶ Re-evaluating the legislative policy regarding the work of artists on Lebanese territory towards the abolition of the concept of “artist” that is exclusively related to nightclubs, and the distinction between artists who participate in commercial activities and those who participate in non-profit festivals and activities;

Recommendations related to cultural spaces

- ▶ Issuing the necessary decrees to set criteria for the classification of cultural property and working on the finalization of regulations;
- ▶ Establishing clear legal frameworks towards the operationalization of temporary procedures and measures to protect any cultural property that is at risk;
- ▶ Adopting separate investment systems for theatres and cinemas on the one side and clubs and hotels on the other side;
- ▶ Reconsidering the financial and taxation policy applicable to cultural places, on the basis of a complete separation between such places and entertainment places, towards a shift from a tax burden system to a motivational and incentive system;
- ▶ Imposing some restrictions on lease contracts for cultural places to ensure a minimum continuity of contracts between the landlord and the tenant, based on criteria that set a rent control.

About the author

Nayla Geagea is a lawyer and legal advisor with more than ten years of experience and practice with a focus on public administration, human rights, protection of vulnerable groups, cultural policies, mental health, and international criminal justice. Since 2008, she has engaged in legal research and drafted legal briefs, memoranda, and draft laws encompassing a range of issues related to governance in public administrations and local authorities, constitutional reforms, and various aspects related to human, social and economic rights. She works with state institutions, ministries, and local and international organizations including research centers to develop public policies and advocate for legal reforms. She has extensive experience assisting civil society actors working on numerous human rights issues, development and community work. She

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Annex I

This annex completes the study on the legal frameworks regulating the cultural sector in Lebanon that has been conducted in November 2013 under the initiative launched by Al-Mawred Al-Thaqafy (Culture Resource) to monitor and develop cultural policies in the Arab region. It examines in particular the main decrees issued since then in implementation of the sets of legislations passed in 2008, especially those related to the organization and structure of the Ministry of Culture and affiliated bodies and institutions.¹

Outlined below are the main provisions and procedures approved by these decrees with the aim of completing the organizational and re-structuring process of the Ministry (I), as well as the institutions affiliated thereto (II) down to the mechanisms and procedures that they have developed to collect financial resources and reinforce mechanisms supporting cultural and artistic activities and curators (III).

Legislation complementing the organization of the Ministry of Culture

We recall that Law No. 35/2008 related to the organization of the Ministry of Culture established, according to Article 4 thereof, the Directorate General of Cultural Affairs (1), the Joint Administrative Authority (2) and the Directorate General of Antiquities (3) (see Figure 2 of the study illustrating the new structure). Decrees No. 622 and 624, dated 18/09/2014, regulate their organization and the functions of the different units affiliated thereto, as follows:

¹ Decree No. 622 dated 18/09/2014, regulating the different units of the Directorate General of Cultural Affairs and the Joint Administrative Authority and specifying their functions, staffing and conditions of appointment, published in the Official Gazette, Issue No. 41, 02/10/2014; Decree No. 624, dated 18/09/2014, regulating the different units of the Directorate General of Antiquities and specifying their functions, staffing and conditions of appointment, published in the Official Gazette, Issue No. 41, 02/10/2014; Decree No. 3050 dated 12/03/2016, regulating the formation of the board of directors of the General Authority for Museums and specifying its functions, powers, rules for business practices and control thereof, published in the Official Gazette, Issue No. 13, 24/03/2016; Decree No. 3057 dated 12/03/2016, regulating the archaeological field intervention mechanism carried out by the Directorate General of Antiquities in terms of preventive and rescue excavations, published in the Official Gazette, Issue No. 13, 24/03/2016; Decree No. 3058 dated 12/03/2016, related to the integration and re-integration of immovable antiquities in private and public civil buildings and establishments, published in the Official Gazette, Issue No. 13, 24/03/2016; Decree No. 3061 dated 12/03/2016, regulating the National Library and the formation of its board of directors, and specifying its functions, powers, rules for business practices and control thereof, published in the Official Gazette, Issue No. 13, 24/03/2016; Decree No. 3065 dated 12/03/2016, regulating the general inventory list of movable antiquities, published in the Official Gazette, Issue 13, on 24/03/2016; Decree No. 3705 dated 12/03/2016, identifying the implementation specifics of the provisions of clauses 2 and 3 of Article 16 of the Law No. 56 dated 27/12/2008 (Regulation of Art Professions), published in the Official Gazette, Issue No. 34, 30/06/2016; Decree No. 4382 dated 27/10/2016, regulating the management and operation of the fund to support cultural activities and professions, published in the Official Gazette, Issue No. 52, 27/10/2016; Decree No. 1059 dated 14/07/2011, setting up the staff regulations of the Ministry of Culture – Directorate General of Antiquities, published in the Official Gazette, Issue No. 32, 20/07/2017.

1. Legislation complementing the organization of the Directorate General of Cultural Affairs

According to Article 6 of Law No. 35/2008, the Directorate General of Cultural Affairs is responsible for the organization, development and safeguarding of the various forms of visual arts, such as crafts and folk traditions, literature and intellectual productions, theatre and performing arts, cinema and multi-media arts, including audio-visual arts, mass communication media arts and knowledge economy. It consists, according to Article 8 of the same law, of the General Administration Bureau (Diwan), the Directorate of Fine Arts, the Directorate of Cultural Industries and Knowledge Economy, the Directorate of National Cooperation and Coordination, in addition to regional departments for each governorate. Decree No. 622/2014 complements and details this structure through the creation of sub-sections and departments, with the following functions:

Table 1: Detailed structure and duties of the Directorate General of Cultural Affairs in accordance with Decree No. 622/2014

| Directorate General of Cultural Affairs | | |
|-----------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Directorate | Division/Department | Duties |
| General Administration Bureau (Diwan) | Department of Administrative Affairs | <ul style="list-style-type: none"> ▶ Clerical work ▶ Submission of claims and complaints ▶ Preparation of draft decrees, decisions, memoranda and circulars. |
| | Department of Financial Affairs | <ul style="list-style-type: none"> ▶ Accounting work ▶ Study and preparation of the draft budget of the Directorate General of Cultural Affairs ▶ Follow up on the maintenance, cleanliness and needs of buildings ▶ Follow up on the needs of the Directorate General of Cultural Affairs in terms of works, supplies and services. |
| | Department of External Relations | <ul style="list-style-type: none"> ▶ Studying and preparing draft international conventions and protocols, following up on their implementation, and maintaining their database ▶ Ensuring communication with regional and international organizations, bodies and authorities ▶ Preparing for international conferences, seminars and workshops. |

- ▶ Fostering and proposing means to revive and reinforce the visual art movement
- ▶ Supporting and encouraging Lebanese artists
- ▶ Holding seminars, workshops and forums
- ▶ Conducting visual arts competitions for school and university students, honouring and developing the talents of outstanding students
- ▶ Monitoring and documenting all kinds of old and modern visual artworks and recommending the inclusion of the most distinguished ones in the list of classified cultural property
- ▶ Establishing lists of art collections owned by the Ministry, conserving and restoring these collections using scientific methods, and selecting some of them to be included in local and international exhibitions or displayed in art museums.

- ▶ Monitoring, identifying, registering and documenting the various elements of intangible cultural heritage
- ▶ Establishing and regularly updating national lists of elements of intangible cultural heritage, and recommending to register elements of this heritage that are of universal value and unique characteristics on internationally approved lists in this field
- ▶ Proposing measures to preserve, protect and revive the intangible cultural heritage
- ▶ Proposing measures to grant financial and technical assistance and to secure the adequate training for individuals, groups and stakeholders, with the aim of preserving the elements of intangible cultural heritage
- ▶ Facilitating and assisting traditional crafts artisans and folk artists to participate in local and international exhibitions
- ▶ Proposing a general policy aimed at highlighting the role of intangible cultural heritage in society and integrating the safeguarding of this heritage in action plans
- ▶ Conducting scientific, technical and artistic studies, and adopting research methodologies in the field of intangible cultural heritage
- ▶ Developing educational programs to raise awareness and disseminate information related to intangible cultural heritage
- ▶ Protecting natural and memorial sites that are essential as manifestations of intangible cultural heritage.

Department
of Theatre and
Performing Arts

- ▶ Conducting studies and research about the history and evolution of the theatre movement and performing arts, and drawing up plans to develop, revive and promote them
- ▶ Organizing and sponsoring theatre performances and performing art events
- ▶ Holding conferences, seminars and workshops, and hosting specialists or creative people in the field of writing, directing or acting, whether Lebanese or foreign, in order to share knowledge and experiences
- ▶ Organizing performance exchanges between national and foreign troupes in Lebanon and abroad
- ▶ Supporting the participation of distinguished Lebanese theatre and performing art works in international festivals
- ▶ Offering financial and moral support to dramatic writing and theatrical and performing art works
- ▶ Conducting competitions to choose the best drama writings and theatrical works, and honouring creative people in this field.

Department
of Literary
and Intellectual
Production,
Translation
and Publication

- ▶ Conducting studies and research related to literary and intellectual production and its evolution
- ▶ Establishing an annual bibliography of Lebanese literary and intellectual productions
- ▶ Supporting Lebanese writers and thinkers and facilitating their participation in literary and intellectual seminars organized in Lebanon and abroad
- ▶ Supporting Lebanese literary and intellectual production, facilitating their participation in local and international book fairs and promoting and marketing Lebanese intellectual production around the world
- ▶ Conducting competitions in schools and universities to discover young literary talents
- ▶ Organizing seminars and cultural events to present the intellectual and literary production of past and contemporary Lebanese writers and poets
- ▶ Selecting, on an annual basis, international intellectual, literary and scientific works in order to translate them into Arabic and publish them, as well as Lebanese literary and intellectual works in order to translate them into a number of foreign languages and ensure their publication
- ▶ Translating and localizing various publications, films, documents and ministerial administrative correspondence, as required
- ▶ Working on the publication of artistic, cultural and intellectual works of the Directorate General of Cultural Affairs and ensuring their distribution.

Department of Books and Reading

- ▶ Suggesting means to advance the book industry and encourage the culture of reading
- ▶ Proposing measures aimed at supporting and developing book production, and promoting coordination and cooperation between the various book production sectors
- ▶ Conducting and publishing analytical and statistical studies about the reality of the book industry and reading in order to promote the book industry and encourage more reading
- ▶ Coordinating and cooperating with agencies and associations concerned with books and reading
- ▶ Organizing seminars, workshops and trainings on the book industry
- ▶ Following up on the work of public libraries established or co-established by the Ministry in order to develop and equip them with the necessary books and equipment
- ▶ Ensuring coordination and cooperation with and among public libraries and other libraries that the Ministry helped establish and organizing joint cultural activities and events
- ▶ Organizing trainings and workshops targeting workers of public libraries and other libraries that the Ministry helped establish
- ▶ Working on issuing a guide about public libraries and other libraries that the Ministry helped establish
- ▶ Conceptualizing a policy for the purchase and distribution of books to public libraries
- ▶ Organizing awareness campaigns to encourage reading, especially among youth and children.

Directorate of Cultural Industries and Knowledge Economy

Department of Cinema

- ▶ Managing the cinémathèque (film archive) and organizing activities in it
- ▶ Disseminating cinematic culture in various circles
- ▶ Working to secure references such as books, specialized magazines, films, videotapes, DVDs and other publications that deal with the film industry
- ▶ Proposing measures and means to support Lebanese film production
- ▶ Proposing measures and means to promote Lebanese film production in Lebanon and abroad
- ▶ Proposing means to ensure the proper distribution and screening of national films in national and international theatres
- ▶ Facilitating the participation of Lebanese films in national, Arab and international film events and festivals, and providing support for such participation
- ▶ Coordinating and communicating with international organizations specialized in the film industry in order to share experiences and allow Lebanese talents, especially young ones, to participate in conferences, seminars, workshops and trainings
- ▶ Proposing measures and means to develop the Lebanese film industry by supporting studios, film laboratories, equipment and technologies used in filmmaking
- ▶ Ensuring the technical supervision of the production of the Ministry's cinematic works.

Department of
Audio-visual Arts

- ▶ Proposing measures and means to support, modernize and develop audio-visual production, and helping promote and disseminate it in Lebanon and abroad
- ▶ Proposing measures aimed at supporting and honouring workers in this field, especially innovators
- ▶ Coordinating and communicating with international organizations and institutions to exchange expertise and experiences in the audio-visual field and allow Lebanese working in this field to participate in international conferences, seminars, workshops and trainings
- ▶ Nominating works of high artistic and cultural value to participate in international competitions and festivals.

Department of
Multimedia Arts

- ▶ Proposing measures and means to encourage and promote multimedia art production
- ▶ Providing assistance and guidance to workers in this field by giving them the opportunity to participate in international workshops, seminars and conferences in order to develop their talents and enhance their capacities
- ▶ Monitoring national talents working in this field, creating a database including such talents and their productions, and promoting and marketing these productions
- ▶ Encouraging promising national talents and competencies.

Department
of Music

- ▶ Encouraging and sponsoring research and studies on music and submitting proposals aiming at the development and spread of the music culture
- ▶ Working on collecting, documenting and recording the Lebanese musical and singing heritage, and rearranging and publishing the most distinguished pieces thereof
- ▶ Working on orientating youth to music specialties and encouraging and sponsoring innovators among them
- ▶ Highlighting and disseminating Lebanese musical works through participation in local and international music festivals, and proposing the participation of Lebanese creative artists in such festivals, honouring them and rewarding them with awards and recognitions
- ▶ Contributing to the organization of and participating in local and international musical events and festivals.

Department of Conservation and Restoration

- ▶ Monitoring all types of old and contemporary motion pictures, TV films and audio-visual recordings, especially Lebanese ones, collecting copies of them and preserving them
- ▶ Working on gathering all artistic and technical information about Lebanese films, television and radio production, and other audio-visual recordings and saving them in a database
- ▶ Collecting and preserving documents and information related to films and audio-visual works, such as posters, photographs, lectures, seminars, press and promotional pamphlets and newspaper and magazine articles
- ▶ Digitizing collected and preserved works and creating a database on everything related to individuals and institutions that worked or are still working in the cinema and audio-visual field
- ▶ Restoring films and audio-visual works using modern technologies and converting some of them into more modern media
- ▶ Coordinating and communicating with international organizations specialized in preservation and restoration to exchange expertise and experience through participation in conferences, seminars, workshops and trainings.

Directorate of National Cooperation and Coordination

Department of Exhibitions and Festivals

- ▶ Logistical organization of exhibitions and festivals
- ▶ Coordinating with competent administrative units to ensure the Ministry's participation in international cultural exhibitions and festivals, and selecting artistic or literary groups nominated to participate in these exhibitions and festivals
- ▶ Following up on international or local exhibitions and festivals held by the Ministry or in which the Ministry participates, before, during and after their end, and taking necessary measures to preserve the safety of the groups participating in these exhibitions and festivals
- ▶ Offering assistance and guidance to NGOs, cultural clubs and local authorities on organizing cultural exhibitions, celebrations and festivals
- ▶ Drawing up a calendar indicating the dates and programs of cultural exhibitions and festivals held in Lebanon and making it available to the public.

Department of Intellectual Property and International Standard Numbering (ISBN/ISSN)

- ▶ Handling intellectual property affairs, and preparing and submitting relevant reports, reviews and correspondence through the appropriate administrative hierarchy to the competent authority
- ▶ Designing and organizing awareness campaigns on the importance of implementing and respecting legislation and regulations to protect intellectual property, in coordination with the competent authorities
- ▶ Coordinating with international standard numbering organizations regarding the serial numbers granted to Lebanon
- ▶ Granting all kinds of intellectual works the international standard numbers approved by specialized international organizations
- ▶ Creating a special register for each type of intellectual works where they are registered under serial numbers in accordance with the approved international standards
- ▶ Establishing an annual list including all kinds of books that are granted international standard numbers
- ▶ Digitizing the register of international standard numbers
- ▶ Preparing and organizing awareness campaigns for authors and publishers on the importance of obtaining international standard numbers.

Department of Syndicates of Artists and Civic Associations

- ▶ The syndicates of artists' affairs prescribed by Law No. 56/2008 (Regulation of Art Professions), especially giving opinion on membership requests, establishment authorizations and other requests, reviews and issues falling under this Law
- ▶ Giving opinion on financial aid applications submitted by cultural associations and clubs, and ensuring their compliance with the conditions established in this regard
- ▶ Following up on cultural and artistic activities carried out by syndicates, associations and clubs, and providing guidance and help when needed.

Department of UNESCO Palace

- ▶ Giving opinion on requests to use UNESCO Palace
- ▶ Supervising the hosting of educational, scientific and artistic conferences and activities, and cultural celebrations and festivals at the Palace
- ▶ Participating in the preparatory meetings of and coordinating with the bodies organizing the activities
- ▶ Arranging the schedule for the use of the Palace halls
- ▶ Ensuring the readiness and availability of the halls, equipment and technical team, and preparing the Palace to host such activities
- ▶ Submitting proposals and studies related to the procurement and maintenance of the Palace equipment, as well as the Palace's maintenance and cleaning
- ▶ Implementing the UNESCO Palace exploitation system in accordance with the applicable provisions.

Department of National Cooperation and Cultural Centres

- ▶ Coordinating and cooperating with public administrations and institutions, private institutions, municipalities, municipal unions, individuals and civil society in order to organize joint cultural activities between these bodies and the Directorate General of Cultural Affairs
- ▶ Following up on the implementation of agreements signed between the Ministry and these bodies, as well as proposing new agreements
- ▶ Organizing competitions, prizes and incentives, and nominating people to benefit from grants in Lebanon or abroad
- ▶ Promoting cultural activities and events on the national level
- ▶ Coordinating with municipalities and NGOs regarding the establishment of new cultural centres
- ▶ Managing, investing and steering the work of the cultural centres established by the Ministry.

Governorate-level Regional Departments

2. Legislation complementing the organization of the Joint Administrative Authority

Article 18 of Law No. 35/2008 did not specify the functions and powers of the Joint Administrative Authority but rather left the matter to the regulations in force, until Decree No. 622/2014 was issued. Article 25 thereof mandated the Authority to carry out and coordinate all the Ministry's interdepartmental administrative work. According to the aforementioned decree, the Authority shall consist of the Department of Administrative and Legal Affairs, the Department of Human Resources, the Department of Accounting and Supplies, the Department of IT and Statistics, the Department of Guardianship and the Department of Public Relations. The decree specifies the functions of each department as follows:

Table 2: Detailed structure and duties of the Joint Administrative Authority in accordance with Decree No. 622/2014

| Department | Duties |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Department of Administrative and Legal Affairs</p> | <ul style="list-style-type: none"> ▶ Clerical work ▶ Editing and clerkship ▶ Administrative archiving ▶ Preparing Terms of References for tenders and calls for biddings ▶ Preparing and giving opinion on draft legislations where necessary ▶ Providing guidance and carrying out legal and regulatory studies ▶ Helping draft or giving legal opinion on agreements and contracts to be concluded by the Ministry, and preparing the necessary legal texts for concluding agreements of international nature ▶ Handling lawsuits and preparing draft reviews, briefs, pleas and any document required to defend the Ministry's interests ▶ Giving opinion on human rights issues and reconciliations ▶ Finalizing all acquisition transactions through all their stages. |
| <p>Department of Human Resources</p> | <ul style="list-style-type: none"> ▶ Examining and preparing paperwork related to staff members, contracted personnel and employees ▶ Organizing, keeping, digitizing and preserving the confidentiality of the personal files of staff members, contracted personnel and employees ▶ Preparing job grading tables and professional and administrative training requirements ▶ Developing, implementing and evaluating the results of training plans and programs ▶ Contributing to the preparation of competitions and examinations ▶ All paperwork related to personnel affairs. |
| <p>Department of Accounting and Supplies</p> | <ul style="list-style-type: none"> ▶ Preparing and implementing the Ministry's draft budget and maintaining and automating its accounts ▶ Organizing expenditure execution projects and conducting the verification procedures ▶ Organizing and ensuring the timely payment of payroll, wages, compensation, bonuses and aids ▶ Examining requests to transfer the allocation of appropriations and carrying them over, and drafting the necessary texts ▶ Examining the Ministry's need for common equipment, supplies and services, and conducting the necessary deals to secure them, ensure their maintenance and monitor their proper use ▶ Organizing, managing and maintaining the accounts of the Ministry's warehouse, and setting explanatory tables and statistical data related to its movement control ▶ Providing maintenance services for the buildings, supervising their cleanliness and attending to their needs ▶ Preparing Terms of References. |

Department of IT and Statistics

- ▶ Developing and implementing plans and programs aimed at developing an integrated IT system in the Ministry
- ▶ Liaising between the Ministry and the various public departments and institutions
- ▶ Liaising between the various Ministry bodies and the IT communication network
- ▶ Managing, expanding and developing the IT network, and connecting the Ministry's staff members to it
- ▶ Examining, analysing, organizing and developing all current or intended digitisation processes
- ▶ Preparing training programs for employees of the various Ministry's bodies on computers and IT programs
- ▶ Conducting studies on the development of IT equipment and various electronic devices
- ▶ Ensuring the maintenance of IT equipment, programs and network at the Ministry
- ▶ Managing the Ministry's website, periodically updating it with new information
- ▶ Cooperating and coordinating with IT centres, universities and research centres in order to develop the systems and methods used at the Ministry
- ▶ Collecting and classifying statistical information
- ▶ Collecting numbers and statistical data received from the various Ministry's bodies in order to send them to the Central Administration of Statistics (CAS).

Department of Guardianship

- ▶ Carrying out all tasks required for administrative guardianship
- ▶ Record keeping for each institution and following up on its work

Department of Public Relations

- ▶ Providing competent departments and the media with materials and information related to the Ministry's activities
- ▶ Preparing draft declarations, statements, announcements and reports issued by the Ministry
- ▶ Securing public relations with various official and private bodies, locally and abroad.

3. Legislation complementing the organization of the Directorate General of Antiquities

Article 13 of Law No. 35/2008 specifies the functions and powers of the Directorate General of Antiquities, including cooperation, planning and monitoring of cultural property that are considered antiquities, antiquity-like objects and heritage and historical buildings and taking the necessary measures to enhance their use for the common good. The legislator has entrusted the Directorate with the organization of conferences, workshops, etc., nominating relevant parties to participate in Arab and international meetings, encouraging qualified experts and developing studies in relevant fields. Just like Decree No. 622/2014 detailed the new structure of the Directorate General of Cultural Affairs as indicated above, Decree No. 624/2014 established the necessary

directorates and departments to enhance the structure of the Directorate General of Antiquities as illustrated in the following table:

Table 3: Detailed structure and duties of the Directorate General of Antiquities in accordance with Decree No. 624/2014

| Directorate General of Antiquities | |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Administration Bureau (Diwan) | <ul style="list-style-type: none"> ▶ Department of Administrative Affairs ▶ Department of Financial Affairs ▶ Department of Documentation, Publication and Translation ▶ Department of External Relations |
| Directorate of Archaeological Buildings and Built Heritage | <ul style="list-style-type: none"> ▶ Department of Archaeological Buildings and Heritage ▶ Department of Restoration and Studies ▶ Department of Sites Rehabilitation and Management |
| Directorate of Archaeological Excavations | <ul style="list-style-type: none"> ▶ Department of Archaeological Excavations and Research ▶ Department of Preventive Archaeological Excavations ▶ Department of Laboratories ▶ Department of Underwater Archaeology |
| Directorate of Movable Archaeological Property | <ul style="list-style-type: none"> ▶ Department of Inventory and Conservation ▶ Department of Control and Display ▶ Department of Laboratories |
| Regional Offices | |

While all workers in the aforementioned directorates are subject to the civil servants' regulations,² Decree No. 1059/2017 was issued to lay down special provisions for employees working at the Directorate General of Antiquities, regulating their numbers, wages, grades and special conditions for their employment in the tables attached thereto.

Legislation complementing the organization of institutions affiliated to the Ministry of Culture

Law No. 36/2008 laid down the general frameworks governing the work of the institutions affiliated to the Ministry of Culture, in particular in terms of their legal status, the constitution of their reporting and executive bodies, as well as specifying the terms and conditions of the

Ministry's guardianship authority over them. By reviewing the package of legislative reforms issued in 2008, including its rationales, it becomes clear that

² Decree-Law No. 112/1959 (Civil Servants Regulations) and its amendments and Decree No. 5883/1994 (Workers' General Regulations) and its amendments.

the institutions affiliated to the Ministry of Culture are the Lebanese National Higher Conservatory of Music,³ the National Library,⁴ the General Authority for Museums,⁵ the National Centre for Culture—UNESCO Palace and the International Centre for Human Sciences in Jbeil.⁶

As for the decrees issued later, we highlight below the provisions of Decrees No. 3050/2016 and 3061/2016 regulating in particular the General Authority for Museums (1) and the National Library (2).

1. Administrative organization of the General Authority for Museums

Article 32 of Law No. 36/2008 established the national institution affiliated to the Ministry of Culture, called the General Authority for Museums. It is a public authority having legal personality and administrative and financial autonomy and falling under the Minister's guardianship. It is headquartered at the National Museum premises in Beirut. Its main functions include the establishment and management of all kinds of cultural museums, the preservation and display of cultural property in museums, proposals to develop various collections of property, the promotion of the establishment of public and private museums throughout Lebanon and the contribution to the development of collections in these museums and the improvement of the quality of services they provide. Decree No. 3050/2016 constitutes rules of procedure that regulate the work of the Authority's board of directors, as well as its formation, work, powers and financial management, in addition to organizing its relationship with the guardianship authority (i.e. the Ministry of Culture).

The Board of Directors consists of a president, a vice president and five members appointed by a Council of Ministers' decree issued upon the suggestion of the Minister of Culture for a five-year term, renewable once. According to the decree, some of the competencies required for the council are of general nature, i.e. required for all members, such as a written statement by the Minister about any direct or indirect interest that may create a conflict of interests for members in carrying out their duties, or the requirement to have at least fifteen years of experience in their fields of specialization. In particular, the decree requires some members to have certain expertise and specializations; as a

³ Article 22 of Law No. 36/2008.

⁴ Article 25 of Law No. 36/2008.

⁵ Article 32 of Law No. 36/2008.

⁶ Affiliated to the Ministry of Culture prior to the adoption of Law No. 36/2008 and established pursuant to a cooperation agreement with UNESCO.

matter of fact, it requires four of them to hold a university degree in museum sciences, archaeology, visual arts or literature and three of them to hold a university degree in legal, administrative, cultural or financial majors.

2. National Library

Pursuant to Article 25 thereof, Law No. 36/2008 established a public institution—the National Library—having legal personality and administrative and financial autonomy. It falls under the Minister’s guardianship and is headquartered in Beirut. The Library aims at collecting and conserving the published national intellectual production, collecting and conserving documents relating to this production, especially those concerning Lebanon and Lebanese people in general. It also seeks to promote the national intellectual production by the publication of a national bibliography, make available all of its collections to students, researchers and the interested public, contribute to the development of public libraries, develop their collections and improve and optimize the quality of their services, and promote national competencies in its fields of specialization and research in library and information sciences.

Decree No. 3061 issued on 12/03/2016 regulates the work of the Library. It specifies how the Board of Directors is formed and sets out its functions, powers and rules of conduct. It also organizes its control by the guardianship authority. The Library’s Board of Directors consists of a president, a vice president and five members appointed by a Council of Ministers’ decree issued upon the suggestion of the Minister of Culture for a five-year term, renewable once.

The decree specifies general qualifications and conditions required from all members, such as to hold a university degree in cultural, educational, legal, administrative or financial majors, and to have at least fifteen years of experience in their fields of specialization; however, it does not require the president or vice president to have any special competencies.

Establishing regulatory and funding mechanisms for the funds that support artistic and cultural activities and workers

We recall that Law No. 56/2008 (Regulation of Art Professions) and Law No. 35/2008 (related to the organization of the Ministry of Culture) established a series of funds to support artists on the one hand and to enhance the resources of the Ministry's main directorates on the other hand. We had to wait eight years for the issuance of the implementations legislations in order to activate and/or finance the work and activities of these funds. Below are the main funds:

1. Develop a mechanism to collect fees to finance the Mutual Fund for Artists

Law No. 56/2008 created a unified mutual fund for artists, and according to Article 16 thereof, the fund's revenues consist of a flat annual subscription fee; a 2% fee deducted from the proceeds of all types of art shows and activities; a 10% fee on foreign artists' contracts; in addition to an annual financial contribution to be determined by the Ministry of Culture. While the fund's rules of procedure specified an annual fixed subscription fee, the percentage fees set out in the same article could not be collected before 2016. The Ministry of Finance is responsible for their collection but the process for their recovery by the fund was still lacking until the issuance of Decree No. 3705 on 22/06/2016.

Regarding the financial fee deducted from the proceeds of tickets of concerts and cultural activities, every organizer is required by the decree, under penalty of prosecution, to declare and pay the fee to the Ministry of Finance before the tickets are put up for sale. Once the fee is paid, the fund stamps the tickets, knowing that the number of free tickets cannot exceed 5% of the tickets for which the fee is paid. After the end of the concert, show or festival, a 2% refund for unsold tickets can be claimed.

As for the financial fee imposed on foreign artists' contracts, the decree established a "deterrent mechanism" to prevent such fees evasion by granting the General Security's competent directorate the power to deny a foreign artist entry visa pending the confirmation of the fee payment, knowing that it is possible to request full or partial refund of the fee in case of termination due to force majeure.

2. Management and organization of the Fund for Supporting Cultural Activities and Industries

Law No. 35/2008 established the “Fund for Supporting Cultural Activities and Industries» with the aim of supporting programs and activities in the fields of interest to the Directorate General of Cultural Affairs, and contributing to the funding of the productions and activities of cultural industries and knowledge economy, especially through the support and marketing of film production, documents and audio-visual publications. Unlike the Mutual Fund for Artists for which a decree has been issued in 2012 to regulate its management and finances, this fund became operational only in 2016, upon the issuance of Decree No. 4382, dated 27/10/2016, regulating the formation of its governing body, its rules of procedure and voting process, as well as setting out the fund’s expenditure rules; it should be noted that the fund is supervised by the Minister of Culture and subject to the Court of Audit’s control.

Table 4: Members of the Fund’s governing body according to Decree No. 4382/2016

| Position | |
|-----------------------|------------------------------------------------------------------------------------------------------------------|
| President | General Manager |
| Vice-president | President of the Joint Administrative Authority |
| Member | Head of the General Administration Bureau (Diwan) |
| Two members | At least two employees from the Directorate General—Professional Grade III appointed by decision of the Minister |
| Member | Representative of the Ministry of Finance—at least Professional Grade III, selected by the Minister of Finance |

Le financement public de la culture au Liban : Comprendre le système institutionnel et ses mécanismes

Célia Hassani

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La question du financement représente un élément essentiel à l'apport de clés de compréhension du secteur culturel dans son ensemble. Bien que n'étant pas le seul aspect déterminant de tout milieu artistique, son étude et analyse permettent d'appréhender un certain nombre de problématiques incontournables en ce qui concerne ses logiques internes d'actions et ses clivages, les possibilités et conditions de créations des artistes mais aussi les rapports que les opérateurs culturels entretiennent avec les instances du pouvoir politique et financier.

Mieux connaître le système institutionnel, les cadres légaux mais aussi les mécanismes de financement locaux et internationaux s'inscrit dans le travail de recherche et de réflexion entrepris au Liban jusqu'à aujourd'hui par divers acteurs culturels, dans le but de développer une connaissance approfondie des politiques culturelles locales et régionales.

L'étude présentée ici s'inscrit dans une telle démarche. On tient à signaler qu'elle avait pour objectif initial d'établir une analyse complète de tout le paysage financier en ce qui concerne le secteur culturel libanais. En effet, force est de constater que la scène artistique libanaise tient une place stratégique en matière artistique dans l'ensemble de la région. Souvent considéré comme un véritable laboratoire de la vie artistique et culturelle au Moyen-Orient, lieu de passage et d'adoption d'un grand nombre d'artistes et d'intellectuels, Beyrouth représente un carrefour en termes de productions artistiques, de diversité culturelle, de liberté d'expression, de dynamisme et d'avant-garde, et ce, entre autres, de par sa position géographique, son héritage historique et la configuration politique particulière du pays.

Ainsi, elle n'a pas attendu la création d'un ministère de la Culture et de l'Enseignement Supérieur seulement apparu en 1993, pour pouvoir exister, se développer, s'exporter. La loi No. 247 du 7 août 2000 en fait une entité distincte à partir du 7 août 2000. Le budget restreint de ce ministère lui accorde une faible capacité d'action. Beaucoup d'institutions et organismes privés (banques et entreprises locales, fondations mais aussi ambassades étrangères et organisations internationales), se voient alors jouer un rôle prépondérant et quasi-exclusif dans le financement des arts et de la culture.

Un certain nombre d'études ont ainsi été menées sur la question du financement pour la culture au Liban, et ce par des opérateurs culturels locaux, mais aussi des organismes régionaux qui articulent leur action autour du développement des politiques culturelles, notamment dans les pays de la rive sud de la Méditerranée. Même si l'on constate une évolution claire en termes d'accès à une connaissance élaborée du paysage culturel libanais, on constate que la question des financements reste abordée dans le cadre d'études plus générales qui cherchent à dresser un portrait du secteur dans son ensemble et ce, d'un point de vue politique, économique, législatif et artistique. D'autre part, ces études comportent peu d'informations détaillées en termes de chiffres et de budgets. Un constat qui révèle tout d'abord la rareté des informations disponibles à ce sujet, mais aussi et surtout la difficulté à les obtenir auprès des différents acteurs, qu'ils soient publics ou privés, la question des financements demeurant taboue la plupart du temps. Cette situation particulière a été également observée dans le cadre de l'enquête de terrain menée pour cette étude en 2017.

Ainsi, proposer un état des lieux complet de tous les acteurs impliqués dans le financement de la vie culturelle libanaise représente un travail considérable,

étant donné leur multiplicité. Il s'agirait ainsi de connaître précisément les enveloppes budgétaires et leur répartition, ce qui reste particulièrement difficile dans le cas de banques ou sponsors locaux, mais aussi des instituts culturels étrangers et ambassades, qui malgré une injection budgétaire très importante, restent frileux lorsqu'il s'agit de communiquer ce genre d'informations. Ce travail reste encore à poursuivre et développer.

Pour des questions de faisabilité et dans un souci de proposer un travail détaillé, cette étude s'attachera à développer une description ainsi qu'une analyse fouillée de l'état du financement public de la culture au Liban, en examinant les mécanismes de fonctionnement d'organes étatiques comme le ministère de la Culture et ses retombées sur le terrain. Pour aller plus loin sur les autres acteurs institutionnels et privés jouant un rôle dans le secteur culturel, notamment par rapport aux politiques de financement européennes, américaines mais aussi des pays arabes, on recommande les études citées dans la bibliographie.¹ En effet, les dépenses étrangères vers le secteur culturel ne sont pas négligeables en comparaison de ce qui est alloué dans le domaine de la coopération économique et politique, ou encore l'humanitaire et le développement. On pense notamment à la Politique de Voisinage de l'Union Européenne, la US Agency for International Development ou encore les fonds directement versés par les États du Golfe.²

Comme on l'a signifié plus tôt, identifier la teneur des financements, leur provenance et leurs bénéficiaires, aussi diversifiés qu'ils soient, permettrait, en plus de produire une connaissance approfondie sur cette question, de mieux saisir les conséquences qu'ils opèrent au sein de la vie artistique et culturelle locale. On le constate : les répercussions tant sur le plan artistique, professionnel que relationnel s'en font sentir. En effet, à partir des années 1990, la scène culturelle libanaise fait face à de nouvelles normes de la production artistique en raison des différentes mutations que subit le secteur en termes de financements, de structuration du champ culturel et de relation avec le marché de l'art international. Par l'intermédiaire du foisonnement de fonds étrangers, le secteur culturel trouve un renouveau et ouvre des espaces d'opportunités aux artistes et acteurs culturels, notamment pour la création et la diffusion de leurs

1 Particulièrement l'étude d'Al Mawred Al Thaqafy sur les politiques culturelles au Liban (2009, actualisée en 2014), celle proposée par l'organisation de l'Union Européenne Med Culture (2015), l'article d'Hanan Toukan sur le support financier et les politiques de l'art dans les processus de productions culturelles contemporaines au Liban, ainsi que le rapport sur le Liban concernant la place de la culture dans les relations externes de l'Union Européenne.

2 Site Politique de Voisinage de l'Union Européenne, consulté le 26 juillet 2018, https://eeas.europa.eu/topics/european-neighbourhood-policy-enp_en; Site US Agency for International Development, consulté le 26 juillet 2018, <https://www.usaid.gov/>.

travaux. Cependant, l'arrivée de ces fonds dédiés à la culture n'est pas sans conséquences en termes de *soft power*, de zones d'influence sur le territoire, mais aussi sur les contenus esthétiques ou engagés des œuvres :

« Les demandes de financements doivent en effet se conformer aux attentes des institutions dont ces derniers (fonds étrangers) émanent, en termes de formats d'œuvre ou d'événement. L'arrivée de ces fonds soulève ainsi une polémique entre tenants d'une indépendance farouche vis-à-vis de l'aide occidentale à la culture et tenants d'un rapport distancié de suspicion générale, le clivage générationnel venant renforcer un débat dont les éléments concernent tant la pérennité d'institutions soumises au bon vouloir de la communauté internationale que les conditions de productions d'art authentique et autonome». ³

Enfin, la question des financements devient cruciale en ce qui concerne le quotidien des opérateurs culturels, dont une grande partie du temps du travail est consacrée à cette recherche de fonds. En plus de la lourdeur de la tâche administrative que cela constitue, les places restent chères. Les élus restent peu nombreux, et ces derniers doivent souvent redoubler d'efforts pour arriver à accumuler les fonds nécessaires au développement de leurs projets. Une situation qui n'est pas sans conséquences, non seulement en ce qui concerne la diminution du temps accordé au travail de création, mais aussi aux tensions que les rapports de concurrence génèrent au sein de la scène locale.

L'étude présentée ici et qui porte spécifiquement sur les financements publics de la culture au Liban, s'appuie tout d'abord sur une enquête de terrain. Pour ce faire, une vingtaine d'entretiens ont été menés auprès d'acteurs variés. Il s'agit notamment d'employés et conseillers du ministère de la Culture, de la municipalité de Beyrouth, d'opérateurs culturels et artistes issus de différentes disciplines, de journalistes et d'employés d'ambassades et instituts culturels européens (Institut Français, Goethe Institut, ambassade de Suisse). Enfin, concernant le secteur privé, seulement une fondation arabe (parmi d'autres fondations étrangères, banques et sponsors locaux) a bien voulu répondre à nos questions. Dans la plupart des cas, les personnes sollicitées ont manifesté le caractère confidentiel des informations, en particulier sur le détail des budgets

³ Chabrol, Arnaud. « La fabrique artistique de la mémoire : effet de génération et entreprises artistiques dans le Liban contemporain ». In Franck Mermier et Christophe Varin (dir.), *Mémoires de guerres au Liban (1975-1990)*. Arles : Sindbad/Actes Sud/Ifpo, 2010, 485-509.

alloués au secteur. Cette enquête a également été complétée par un travail bibliographique de manière à collecter les données quantitatives existantes (statistiques, textes législatifs, rapports d'enquête, recherches documentaires et presse).

Certaines difficultés ont été rencontrées dans la collecte de données auprès des organismes publics jouant un rôle dans le financement du secteur culturel. En effet, et ce malgré une certaine facilité d'accès aux personnes en charge, il a été observé que les informations communiquées peuvent être amenées à varier d'un interlocuteur à l'autre, ou que dans d'autres cas, ces derniers ne possèdent pas une connaissance élargie du fonctionnement des institutions dans leur ensemble, notamment sur la question des financements. Ce point sera développé par ailleurs dans le corps de l'étude. Ce texte est le résultat du recouplement de toutes les informations collectées sur le terrain, de leur vérification par rapport à la littérature déjà produite, permettant ainsi de reconstituer l'image d'un système aussi complet et nuancé que possible.

La question du ministère du Tourisme ne sera pas abordée dans ce texte. En ce qui concerne le secteur culturel libanais, cette institution se charge principalement d'un soutien financier aux festivals, notamment les plus importants du pays : Baalbeck (plus de 2 millions de dollars), Byblos, Beiteddine (entre 1,5 et 2,5 millions de dollars), al Zouk, al Bustan. L'enveloppe globale de ces festivals (subventions publiques et privées incluses) excèderait à elle seule le budget du ministère de la Culture.⁴

4 Azar, Rita & Watfa Hamadi, *Compendium country profile, Cultural policy in Lebanon*, prepared in 2009, updated in 2014 by Mona Merhi, Ettijahat Independant Culture, Culture Resource (Al Mawred Al Thaqafy), European Cultural Foundation, 2014.

I. Ministère de la Culture : finances propres et secteur public

1. Présentation générale et accès à l'information budgétaire

D'après la loi No. 215 du 02 avril 1993, modifiée par la loi No. 247 du 07 août 2000 de l'article 11, le ministère de la Culture et de l'Enseignement supérieur devient « le ministère de la Culture ».⁵

Le ministère de la Culture comprend deux directions : la Direction Générale de la Culture (DGC) composée de plusieurs départements : service administratif, service des affaires culturelles, service national

du livre et service du cinéma, du théâtre et des expositions ; et la Direction Générale des Antiquités (DGA), avec le service des monuments historiques, des fouilles archéologiques, et des musées. Ces deux directions possèdent des missions et des budgets distincts. En plus de ces deux directions, il existe des organismes rattachés au ministère de la Culture avec une réglementation propre. Il s'agit de la Commission Nationale Libanaise pour l'Éducation, la Science et la Culture (UNESCO), le Conservatoire National de Musique et le Centre International des Sciences de l'Homme.

Lors de l'interview de l'ancien ministre de la Culture Ghattas Khoury (2016-2019) dans l'émission *Kalam Ennas* (LBC), le 16 mars 2017,⁶ il a été déclaré que le budget du ministère en 2016 s'élevait à 40 milliards de Livres Libanaises (LL).⁷ A ce propos, et concernant les chiffres disponibles—non seulement en ligne, et ce notamment sur les sites du ministère des finances⁸ et de l'institut des finances Basil Fuleihan⁹ mais aussi au cours des divers entretiens réalisés auprès d'employés du ministère—on signale qu'il s'agit de budgets prévisionnels et non de dépenses réelles. De plus, le budget détaillé n'est pas communiqué, sont uniquement publiés le montant des budgets globaux alloués à la Direction Générale de la Culture (DGC), la Direction Générale des

5 Avec la formation du gouvernement en janvier 2020, présidé par Hassan Diab, les portefeuilles de la Culture et de l'Agriculture ont été réunis sous la responsabilité d'un seul et même ministre, Abbas Mortada. El-Hage, Anne-Marie. « Abbas Mortada à la Culture et l'Agriculture : le grand écart, inévitablement », l'Orient-Le Jour, 23 janvier 2020, <https://www.lorientlejour.com/article/1203513/abbas-mortada-a-la-culture-et-lagriculture-le-grand-ecart-inevitablement.html>.

6 Kalam Ennas Talk Show, 16 mars 2017, consulté le 26 juillet 2018, <https://www.lbcgroup.tv/watch/32507/ghattas-khoury/en>.

7 1 US dollar = 1507,5 LL.

8 Site du ministère des finances, consulté le 26 juillet 2018, <http://www.finance.gov.lb/en-us/Finance/BI/ABDP/>.

9 Site de l'Institut des Finances Basil Fuleihan, consulté le 26 juillet 2018, <http://www.institutdesfinances.gov.lb/english/default.aspx?pageid=16>.

Antiquités (DGA) et le Conservatoire National. Il est cependant possible de consulter les nouveaux décrets ou encore les demandes de transferts de fonds du ministère des finances vers d'autres ministères dans le *Journal Officiel*.¹⁰

Il est important de savoir que jusqu'en 2017, le gouvernement libanais ne votait pas de budget général depuis 2005. En d'autres termes, cela signifiait qu'aucun projet de budget accompagné du « relevé des comptes » n'avait été transmis par le Conseil des ministres au Parlement depuis cette période. Cette démarche législative permet de faire approuver au Parlement une loi budgétaire publiée dans le *Journal Officiel*, et donc de prélever des impôts pour engager des dépenses. L'économiste Samir el-Daher explique en 2017 :

« Ce principe est transgressé depuis onze ans puisque la promulgation de la dernière loi budgétaire remonte à 2005 – début d'une période de remous politiques où deux années durant, la légitimité du cabinet n'était pas reconnue de tous, et le Parlement ne siégeait pas. Le dernier relevé de comptes soumis au Parlement remonte donc à 2003 ». ¹¹

Depuis cette période, et selon les propos du premier ministre Saad Hariri lors du Conseil des ministres (17 mars 2017), portant notamment sur l'étude du projet de budget pour l'exercice 2017 :

« Après 11 ans sans budget, nous nous sommes réunis aujourd'hui pour voter ce budget afin d'être au service des Libanais, et nous devons assurer les recettes nécessaires à la nouvelle grille des salaires du secteur public », a ajouté M. Hariri. Le Liban n'a plus voté de budget depuis 2005, et a eu recours depuis à la règle du douzième provisoire ». ¹²

La règle du *douzième provisoire* est une mesure accordée par le Parlement permettant à un gouvernement d'assurer la gestion courante de l'état (salaires, loyers...etc.). Il s'agit du budget de l'année précédente divisé en douze parties.

Ainsi en 2008 et par le biais de décrets, des fonds ont été transférés des provisions générales de réserve budgétaire vers le budget du ministère de la

¹⁰ Al-Jarida al-Rasmiya, consulté le 26 juillet 2018, <https://jo.pcm.gov.lb/>.

¹¹ El-Daher, Samir. « Le budget de 2017 – Par-delà les chiffres, la méthodologie », l'Orient-Le Jour, 23 février 2017, <https://www.lorientlejour.com/article/1036782/le-budget-de-2017-par-dela-les-chiffres-la-methodologie.html>.

¹² « Le gouvernement a terminé l'étude du projet de budget 2017 », l'Orient-Le Jour, 17 mars 2017, <https://www.lorientlejour.com/article/1041293/le-gouvernement-a-terme-letude-du-projet-de-budget-2017.html>.

Culture, attribués à la DGA et la DGC selon la règle du douzième provisoire dans le but de couvrir compensations salariales, salaires des conseillers et retraités, frais d'administration, de gestion et allocations. Il s'agirait d'un montant total de 18 902 536 000 LL, dont 13 274 300 000 pour la DGC et de 5 628 236 000 pour la DGA. Une augmentation du budget est constatée en 2011, avec un montant total attribué au ministère qui s'élèverait à 30 409 000 000 LL, avec la répartition suivante : 24 361 300 000 LL pour la DGC, 13 200 000 000 LL pour le Conservatoire National et 6 047 700 000 LL pour la DGA.¹³

En octobre 2017, le parlement libanais a approuvé le premier budget depuis 2005 pour l'année en cours. Le projet de loi de budget national pour l'exercice 2018, dont le processus a été retardé, a finalement été approuvé par le gouvernement libanais le 12 mars 2018 au Grand Sérail, sous la présidence de Saad Hariri. Le texte a ensuite été adopté le 29 mars 2018 par le parlement.¹⁴ Le budget 2020 a été validé par les députés fin janvier malgré la crise financière en cours.¹⁵

2. Répartition du budget prévisionnel (2015)

Connaitre la répartition du budget du ministère de la Culture n'est donc pas chose simple. Par la voie officielle, seuls des chiffres correspondant à un projet de budget sont accessibles, et ce sans le détail de ce que prévoit chaque direction ou encore concernant les fonds alloués aux organismes rattachés aux ministères présentés plus haut. Pour obtenir de telles informations auprès d'institutions publiques comme le ministère de la Culture ou encore la municipalité de Beyrouth, une demande officielle est à entreprendre par courrier adressée directement au ministre, au maire ou gouverneur, indiquant le détail des informations demandées. Une démarche pouvant prendre plusieurs semaines voire mois dans le cas du ministère de la Culture. Dans le cadre de notre enquête, des employés font part du fait de ne pas être autorisés à divulguer certaines informations et ce principalement, concernant les budgets et dépenses. L'exacte répartition des budgets reste donc difficile d'accès, bien qu'il s'agisse d'informations d'ordre public. Force est de constater que dans certain cas, et si sa position hiérarchique le lui permet, une personne peut être habilitée à communiquer certaines informations. Encore

¹³ Azar & Hamadi, *Compendium country profile*.

¹⁴ « Le Parlement adopte le budget 2018. » *L'Orient-Le Jour*, 29 mars 2018, <https://www.lorientlejour.com/article/1107742/le-parlement-adopte-le-budget-2018.html>.

¹⁵ Le loi du budget était publié le 5 mars 2020, <http://finance.gov.lb/en-us/Pages/Pdf-Preview.aspx?dt=OL589>.

est-il nécessaire pour les enquêteurs de posséder un réseau de connaissances permettant de les rencontrer.

a. Exemple du budget 2015

Il a cependant été possible de trouver un budget prévisionnel correspondant aux projets de dépenses de l'année 2015, ce qui permet d'avoir une idée approximative des fonds attribués à chacune des directions du ministère de la Culture et des autres contributions au secteur public et privé.

Dans cette grille, le budget prévisionnel global du ministère de la Culture s'élève à 36 474 000 000 LL, ce qui représenterait 1,56% du budget gouvernemental, dont 0,52% alloué à la DGC et 0,33% à la DGA. On souligne à ce propos l'avis des opérateurs culturels sur le terrain dont la plupart affirment que le budget dédié à la DGC serait insuffisant, la majorité des fonds étant alloués à la DGA et au Conservatoire National Supérieur de Musique. En effet, si l'on se base sur ces chiffres, 45,7% du budget du ministère de la Culture serait transféré au Conservatoire et 21,2% à la DGA, il resterait 33,02% pour la DGC (voir tableau 1).

Tableau 1 : Budget prévisionnel 2015, ministère de la Culture

| Budget total du ministère de la culture | Budget alloué 2015 (LL) | Pourcentage du budget gouvernemental |
|---------------------------------------------|------------------------------|--------------------------------------|
| Direction générale de la culture | 12 046 500 000 (soit 33,02%) | 0,52 |
| Conservatoire national supérieur de musique | 16 700 000 000 (soit 45,7%) | 0,72 |
| Direction générale des antiquités | 7 727 500 000 (soit 21,2%) | 0,33 |
| TOTAL | 36 474 000 000 | 1,56 |

b. Le Conservatoire National Supérieur de Musique

Comme on vient de l'observer, le Conservatoire National Supérieur de Musique représente un organisme à part dont le budget est clairement séparé des autres directions du ministère. En effet, celui-ci reçoit près de la moitié du budget du ministère de la Culture. Avec 14 branches implantées sur l'ensemble du territoire, il compte plus de 5000 étudiants dont l'inscription annuelle s'élève à 350 000 LL seulement, ainsi que 300 professeurs et 150 musiciens d'orchestre, qui forment deux orchestres nationaux (philarmonique et oriental) qui dépendent directement du conservatoire. Ce dernier fait face par ailleurs à de nombreuses

difficultés en termes d'infrastructure, notamment en ce qui concerne la qualité de ses locaux et l'énorme coût que représente leur location. D'autres difficultés financières sont liées à la création de nouveaux postes et à l'achat d'instruments. Il arrive que ces derniers soient offerts par des associations ou mécènes libanais.

c. Direction Générale des Antiquités (DGA)

Comme on vient de le voir la DGA possède plusieurs services. Ses missions s'articulent notamment autour de recherches, de fouilles archéologiques, de gestion et protection du patrimoine mais aussi d'expropriations. Selon la loi No. 36 du 16 octobre 2008 qui concerne les institutions publiques rattachées au ministère de la Culture ainsi que le décret No. 624 du 18 septembre 2014 sur la réglementation de la DGA et l'organisation de ses unités, la Direction des musées serait amenée à devenir l'Autorité Générale des Musées, un organisme indépendant de la DGA, relevant directement du ministère de la Culture. Cette Autorité Générale des Musées serait composée de la réunion des musées nationaux et posséderait son propre conseil d'administration et budget. Bien que la loi ait été votée, ce changement n'a pas encore eu lieu à l'heure actuelle. Pour cela, un président ainsi que les membres du conseil doivent être nommés ; les lois internes définies.

Ce département est en charge de la gestion, maintenance, conservation et gardiennage des musées nationaux du domaine archéologique exclusivement. En plus du Musée national de Beyrouth, six autres musées ou projets de musées sont sous l'égide du ministère de la Culture via la DGA. Il s'agit des musées reliés aux sites archéologiques de Byblos, Beiteddine et Baalbeck, et des projets en cours concernant les futurs musées de Tyr, Byblos (un musée sur l'ethnologie pour raconter l'histoire du site, des découvertes et des méthodes de fouilles) et Saïda. La plupart de ces structures ont reçu ou reçoivent l'aide financière de fondations et ambassades étrangères mais aussi de mécènes locaux pour leur création ou leur réhabilitation. Ainsi, on sait que la République Fédérale d'Allemagne a financé la création du musée de Baalbeck inauguré en 1998. Le gouvernement québécois, lui, a financé le musée de Byblos pour l'aménagement global du site, des salles d'exposition et l'organisation muséographique. Les rénovations en cours du musée de Beiteddine sont, elles, financées par le ministère de la Culture. Pour ce qui est des projets de musées en cours, le futur musée de Tyr, qui fera partie intégrante du site archéologique, est financé par une aide de la Banque mondiale. On cite également le fonds koweïtien pour le développement

économique arabe qui aurait déboursé la somme de 5 millions de dollars pour le financement du futur musée archéologique de Saïda, dont les fouilles ont été menées par le British Museum depuis 1999.¹⁶ Bien que la plupart de ces fonds étrangers s'articulent autour d'une mission d'aide et d'expertise, le contenu des musées en termes de signalétique, de choix des objets exposés, des vitrines et du parcours muséal reviennent à la DGA.

Un autre projet de musée est actuellement en cours. Il s'agit du *Beirut History Museum*, musée d'histoire et d'archéologie, placé sous le thème de l'histoire de la ville de Beyrouth de la préhistoire à nos jours. La somme de 30 millions de dollars a été allouée par le fonds koweïtien pour ce projet,¹⁷ géré par le Conseil de Développement et de Reconstruction (CDR), et en partenariat avec la Municipalité de Beyrouth et la société Solidere. Le Beirut City Museum sera également sous la responsabilité du ministère de la Culture.

Dans un tout autre registre, le ministère de la Culture en partenariat avec l'Académie Libanaise des Beaux-Arts (ALBA) de l'Université de Balamand a lancé en juin 2015 le premier Musée National Virtuel d'Art Moderne.¹⁸ Avec 2000 œuvres appartenant au ministère de la Culture et issues des collections du Palais présidentiel, du Grand Sérail et du Parlement, ce musée en ligne a entièrement été financé par l'ALBA à échelle de plusieurs milliers de dollars.¹⁹

Pour ce qui est du Musée national, celui-ci a reçu le support de la Fondation Nationale du Patrimoine qui a financé la réhabilitation du musée à partir de 1987. En 1999, un décret place cette fondation à la gestion de la boutique et de la cafétéria du musée national, qui constituent d'importantes sources de revenus. Les bénéfices peuvent être ainsi directement utilisés par le musée pour des dépenses diverses (matériel, maintenance). Le musée national étant un organisme public celui-ci ne possède pas de caisse propre et est contraint de passer par le ministère des finances pour toute transaction. D'autres donations ponctuelles en termes de prestations de services et d'expertise ont été apportées. En 2014, le conseil des ministres valide le versement de 1,2 millions de dollars de la

16 Hatem, Rosemonde. « Musée archéologique à Jbeil », *Le Commerce du Levant*, 1 novembre 2002, consulté le 4 juin 2018, <https://www.lecommercedulevant.com/article/5300-musee-archeologique-jbeil>; Voir aussi : Doumet-Serhal, Claude, Karageorghis Vassos. « Sidon : les fouilles du British Museum de 1998 à 2005. » In *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, 150^e année, N. 1, 2006, 305-331, consulté le 4 juin 2018, http://www.persee.fr/doc/crai_0065-0536_2006_num_150_1_86942; Chaoud, Jwana. "Ancient Lebanon reveals its treasures: 'Sidon Best of 15 Years' exhibition", publié le 7 février 2014, mis à jour le 24 juillet 2015, consulté le 4 juin 2018, <http://archeorient.hypotheses.org/2312>.

17 Kuwait Fund for Arab Economic Development. "Signing A Memorandum Of Understanding Financing Of The Construction Of The Beirut City Museum", 2010, consulté le 4 juin 2018, <https://kuwait-fund.org/en/>.

18 Site du Musée National Virtuel d'Art Moderne : <http://www.artmodernmv.gov.lb>.

19 Interview anonyme, 24 août 2017.

part du gouvernement italien pour le projet d'aménagement muséographique du sous-sol du musée. Le ministère de la Culture n'étant pas habilité à recevoir des fonds, c'est l'agence de coopération italienne qui joue le rôle d'intermédiaire pour la gestion financière des prestations réalisées : travaux, aménagement, services et expertise.²⁰

Bien qu'il s'agisse de structures dépendant du ministère de la Culture, force est de constater que le mécénat joue un rôle important dans le financement des projets de la direction des musées. Cependant ces financements s'articulent autour de projets limités dans le temps et ne permettent pas de palier aux difficultés de gestion, de logistique et ressources humaines auxquelles la direction des musées fait face.

Sur les 7 727 500 000 LL du budget prévisionnel de la DGA en 2015, 57,22% sont consacrés aux dépenses générales, services, charges ainsi qu'aux salaires et honoraires divers (voir tableau 2). Les salaires des employés de la DGA restent minimes pour la plupart, ils représentent pourtant 44,66% du budget environ. On sait également que 15 000 000 LL sont versés pour les expositions, délégations et congrès internes.

Selon le décret No. 624, 18 septembre 2014, la réglementation ainsi que l'organisation des différentes unités de la DGA ont été redéfinies. Selon le nouvel organigramme, la DGA devrait compter 179 employés. On en compte 49 en 2015 ainsi que 162 journaliers répartis sur tout le territoire. Ce décret n'étant pas encore mis en application, il arrive que les municipalités ou le ministère du tourisme emploient de manière ponctuelle du personnel supplémentaire pour la surveillance des sites archéologiques en région. Ces fonds qui restent peu élevés, proviennent généralement des revenus générés par les tickets d'entrée sur les sites et qui sont encaissés par le ministère du tourisme ou la municipalité concernée. La DGA elle, est en charge des fouilles et de la conservation des sites.

²⁰ Stoughton, India. "Surviving the test of time, National Museum of Beirut opens its treasure trove," *The National*, 23 octobre 2016, consulté le 4 juin 2018, <https://www.thenational.ae/arts-culture/surviving-the-test-of-time-national-museum-of-beirut-opens-its-treasure-trove-1.158271>.

« Musée national : Le sous-sol du Musée national de Beyrouth », *Agenda Culturel*, 23 mars 2015, www.agendaculturel.com/article/Patrimoine_Musee_national_Le_sous_sol_du_Musee_national_de_Beyrouth.

Tableau 2 : Première partie du budget prévisionnel 2015, DGA

Budget prévisionnel 2015 Direction Générale des Antiquités

[0.33% du budget général]

| | Montant (LL) | Pourcentage (%) |
|-------------------------------|---------------|-----------------|
| Frais généraux | 617 500 000 | 7,99 |
| Services | 227 000 000 | 2,93 |
| Salaires, honoraires, charges | 3 451 000 000 | 44,66 |
| Virement de contributions | 5 000 000 | 0,06 |
| Indemnisation famille | 65 000 000 | 0,84 |
| Frais divers | 57 000 000 | 0,74 |
| Sous total 1 | 4 422 500 000 | 57,22 |

D'autre part, on constate qu'une grande partie du budget de la DGA est allouée aux expropriations, soit 1 500 000 000 LL pour tout le pays (voir tableau 3). Un montant qui s'avérerait que trop peu élevé face aux besoins du ministère. En effet, le ministère ne peut se permettre d'exproprier qu'une seule demeure par année, le prix de l'immobilier surtout à Beyrouth étant très élevé. Cette situation génère des conflits entre les propriétaires concernés et le ministère de la Culture. En effet, dans le cas où des terrains présenteraient une importante valeur historique ou archéologique, celui-ci peut décider d'une expropriation. Or il ne possède actuellement pas les moyens de le faire. De plus, une situation similaire concerne les maisons classées. Jusqu'en 2017, aucune loi ni politique générale ne protégeaient ces demeures au caractère traditionnel et historique. Ainsi, lorsqu'un propriétaire souhaitait la destruction de ce type d'édifice, celui-ci devait se rendre à la DGA pour demander l'approbation d'un comité chargé de ces types de dossier. Les demandes, rejetées la plupart du temps, poussaient les personnes à se rendre au conseil d'état sous le motif d'abus de pouvoir de la part du ministère de la Culture, qui interdisait la destruction de la maison sans pour autant pouvoir dédommager son propriétaire. Les démolitions étaient donc autorisées. Le 12 octobre 2017, un projet de loi pour la sauvegarde du patrimoine a été adopté par le conseil des ministres. Un texte à la fois salué et critiqué.²¹

21 Makarem, May. « Au Liban, vaut-il mieux restaurer sa vieille bâtisse ou faire de la prison ? », L'Orient-Le Jour, 19 février 2018, <https://www.lorientlejour.com/article/1100611/vaut-il-mieux-restaurer-sa-vieille-batisse-ou-faire-de-la-prison-.html>; « Le Conseil des ministres approuve le projet de loi pour la protection du patrimoine », L'Orient-Le Jour, 12 octobre 2017, <https://www.lorientlejour.com/article/1077791/le-conseil-des-ministres-approuve-la-loi-pour-la-protection-du-patrimoine.html>.

Tableau 3 : Seconde partie du budget prévisionnel 2015, DGA

| | Montant (LL) | Pourcentage (%) |
|------------------|---------------|-----------------|
| Expropriations | 1 500 000 000 | 19,41 |
| Équipements | 125 000 000 | 1,61 |
| Projets en cours | 600 000 000 | 7,76 |
| Maintenance | 1 055 000 000 | 13,65 |
| Autres frais | 25 000 000 | 0,32 |
| Sous total 2 | 3 305 000 000 | 42,75 |

d. Direction Générale de la Culture (DGC)

Selon le site du ministère de la Culture, la DGC se donne pour mission de soutenir la création, développer l'accès à l'offre culturelle et au patrimoine, et augmenter les opportunités de travail du champ culturel. Une mission particulière est dédiée au secteur du livre et de la lecture, notamment par l'achat d'ouvrages mais aussi et surtout la création de bibliothèques publiques et Centres de Lecture et d'Animation Culturelle sur l'ensemble du territoire. Comme on vient de le voir, le budget prévisionnel alloué à la DGC en 2015 serait de 12 046 500 000 LL et réparti comme suit :

Tableau 4 : Budget prévisionnel 2015, DGC

Budget prévisionnel 2015 Direction générale de la culture
[0.515% du budget général]

| | Montant (LL) | Pourcentage (%) |
|---------------------------------------------------------------------------------|---------------|-----------------|
| Frais généraux — (papèterie, livres, journaux, électricité, télécommunications) | 627 000 000 | 5,20 |
| Services — (maintenance, poste, pubs, impression, représentations, nettoyage) | 2 156 000 000 | 17,90 |
| Salaires, honoraires et charges | 1 556 500 000 | 12,92 |
| Virement de contributions | 5 475 000 000 | 45,45 |
| Indemnisation famille | 60 000 000 | 0,50 |
| Frais divers — (délégation, études, taxes) | 492 000 000 | 4,08 |
| Equipements — (meubles, équipements) | 130 000 000 | 1,08 |
| Maintenance (bâtiment, restauration de livres) | 1 550 000 000 | 12,87 |

On remarque qu'une grande partie de ce budget prévisionnel concernant la DGC est attribué aux loyers, salaires et frais liés au service de maintenance et d'entretien. Il s'agit de 43,7% du budget total, comprenant également les dépenses liées aux expositions, festivals et salons locaux et internationaux auxquels le ministère de la Culture participe, comme la foire culturelle libanaise à Paris, les salons du livre francophone ou arabophone au Liban. Toujours en matière de représentation à l'étranger sur des événements, le ministère prend en charge les déplacements et frais de séjour des artistes qu'il invite.

3. Contributions de la DGC L'autre partie importante du budget de la DGC (45,45%) est versée dans le cadre des contributions du ministère de la Culture d'abord aux organismes qui lui sont rattachés mais aussi directement au secteur privé. Dans ce cadre, la répartition des fonds alloués est la suivante :

Tableau 5 : Contributions DGC, 2015

Contributions au sein de la Direction générale de la culture
Budget prévisionnel 2015 [45,45% du budget de la DGC]

| | Montant (LL) |
|---------------------------------------------------------------|---------------|
| Association de conservation des fresques et anciennes églises | 80 000 000 |
| Maison du Liban à Paris | 150 000 000 |
| Commission nationale de l'UNESCO | 585 000 000 |
| CLAC | 700 000 000 |
| Aide au cinéma | 400 000 000 |
| Aide au théâtre | 400 000 000 |
| Union des écrivains libanais | 20 000 000 |
| Frais de fonctionnement du bureau régional de l'UNESCO | 150 000 000 |
| Contribution au projet de la Bibliothèque nationale | 1 000 000 000 |
| Contribution aux Journées des sciences | 40 000 000 |
| Contribution à la caisse coopérative unifiée d'assurance | 125 000 000 |
| Commission de la Journée de l'alphabet | 20 000 000 |
| Théâtre al-Madina | 50 000 000 |
| Centre culturel Nabih Berri | 50 000 000 |

| | |
|-----------------------------------------------------------------------------|----------------------|
| Théâtre al-Madina | 50 000 000 |
| Contributions à des organismes non lucratifs (ONG, clubs) | 1 000 000 000 |
| Dons à des organismes privés - Centre international des sciences de l'homme | 700 000 000 |
| TOTAL | 5 470 000 000 |

a. Commission Nationale de l'UNESCO

Parmi les organismes rattachés au ministère et possédant une réglementation propre, la Commission Nationale Libanaise pour l'éducation, la science et la culture (UNESCO) reçoit une contribution annuelle de 585 000 000 LL, selon le budget prévisionnel de 2015. La Commission Nationale est chargée de :

« Assurer la liaison entre l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO), ainsi que l'Organisation arabe pour l'éducation, la culture et les sciences (ALECSO) et la fondation euro-méditerranéenne Anna Lindh pour le dialogue entre les cultures (FAL) d'un côté, et entre les départements nationaux officiels et la société civile libanaise d'un autre, dans les domaines de l'éducation, les sciences, la culture et la communication ». ²²

Cet organisme semi-gouvernemental est géré de manière indépendante et organise ses propres activités. L'aide financière en provenance du ministère est dédiée à son fonctionnement, à la rémunération de son personnel (cinq employés et un directeur) ainsi qu'à la maintenance du Palais, comprenant un théâtre et quatre salles pouvant accueillir des événements. Le Palais de l'Unesco représente le seul équipement public pouvant accueillir des spectacles. Construit en 1948, ce lieu est prêté gratuitement par le ministère. ²³

b. Bibliothèque Nationale

La Bibliothèque Nationale représente également une institution publique sous le patronage du ministère depuis la loi No. 36 du 16 octobre 2008. Il s'agit donc d'un organisme indépendant avec son propre conseil d'administration. Selon le budget en question, une contribution de 1 000 000 000 LL est versée chaque année pour le projet ; ce montant correspond à la période qui

²² La commission nationale libanaise pour l'Unesco, consulté le 26 juillet 2018, <http://www.lncu.org/index.php/fr/>.

²³ Informations recueillies dans le cadre de la présentation réalisée par Lynn Tehini, conseillère du ministre de la Culture Rony Arayji, lors de la rencontre organisée par Med Culture les 8 et 9 juin 2015 à Amman, pour la définition d'un plan d'action stratégique pour la culture en Jordanie.

précède l'ouverture de la bibliothèque, fin 2018.²⁴ On compte aussi une part des 1 550 000 000 LL dédiés à la maintenance, pour la restauration de livres (voir tableau 4).

Depuis la fin de la guerre civile, le projet de réhabilitation de la bibliothèque nationale a bénéficié de l'aide de différents bailleurs de fonds. En 2003, un contrat de subvention signé entre le ministère de la Culture et la délégation de la Commission européenne au Liban lance le *Projet de Réhabilitation* de la BNL. Ce projet aux différents volets (sauvetage, restauration, formation, institutionnalisation architecture) prend fin en 2006 pour laisser place au *Projet de Renaissance* de la BNL. La restauration ainsi que l'agrandissement de l'ancien bâtiment ottoman des Arts et Métiers dans le quartier de Sanayeh ont majoritairement été financés par le Qatar, pour accueillir la future bibliothèque. Il s'agit d'un don de l'Emir Hamad bin Khalifa Al Thani de 25 millions de dollars accepté par décret No. 16313/2006.²⁵ Malgré la fin des travaux de réhabilitation commencés en 2010, un grand nombre d'ouvrages ne sont pas restaurés à l'heure actuelle. Une restauration qui durerait depuis plus de quatre ans, suite aux dommages causés par la guerre civile et aux mauvaises conditions de conservation qui ont suivi cette période.

On note enfin que la Bibliothèque Nationale reçoit le support important de la Fondation Libanaise de la Bibliothèque Nationale. Comme dans le cas du Musée National et de la Fondation Nationale du Patrimoine, cette fondation créée en 2000 se donne pour mission de lever des fonds pour la bibliothèque qu'elle peut directement percevoir sans passer par le ministère des Finances, celle-ci ne possédant pas de caisse propre ; d'autre part la fondation permet au ministère de la Culture de dépenser certaines sommes dans la location de bureaux ou de locaux de stockage, celui-ci n'étant pas habilité à le faire en tant qu'institution publique.²⁶

c. Centre International des Sciences de l'Homme

Créé en 2002 à l'initiative de l'UNESCO et du gouvernement libanais, le Centre des Sciences de l'Homme situé à Byblos articule ses missions principales

²⁴ Malgré l'ouverture officielle de la bibliothèque en décembre 2018, la bibliothèque est accessible au public depuis février 2019 les matins uniquement (de 9h à 13h30) et ferme souvent ses portes sous divers prétextes.

²⁵ "The Future Building of the Lebanese National Library", The Lebanese National Library website, accessed 26 July 2018, <http://bnl.gov.lb/english/bnlAujBat.html>.

²⁶ von Maltzahn, Nadia. "What Cultural Policies? Explicit and Implicit Cultural Policies in Lebanon", *Middle East—Topics & Arguments*, 2017, <http://meta-journal.net/article/view/5088>.

autour de la coopération scientifique régionale et internationale, mais aussi dans la diffusion de résultats de recherche et de développement des capacités. La question de la démocratie est un axe privilégié des études qu'il mène. Le CISH fait également partie des organismes rattachés au ministère de la Culture, selon la loi No. 36 (2008) et possède un budget indépendant. La contribution du ministère dans le budget prévisionnel de 2015 serait incluse dans les 700 000 000 LL de dons versés à des organismes privés (voir tableau 5). En mai 2008, il change de statut et devient un institut libanais international,

« ce qui devrait lui permettre d'accéder plus facilement aux financements dont il a d'ailleurs sérieusement besoin pour pouvoir être à la mesure de sa vocation. Car le budget de cette institution, en dépit de son envergure intellectuelle, n'est que de 130 000 dollars annuels – alloués par l'État libanais – auxquels se sont ajoutés quelque 70 000 dollars versés par l'Unesco ces dernières années dans le cadre d'activités bien spécifiques ».²⁷

d. Syndicats et assurance

Le ministère de la Culture est en contact avec les syndicats d'artistes et travaille en coordination avec eux. Il lui arrive aussi de les consulter dans le cadre de certains projets. On peut constater qu'il consacre un budget à l'Union des écrivains libanais de l'ordre de 20 000 000 LL (voir tableau 5). Un autre fonds est versé à la caisse coopérative unifiée d'assurance, qui a vu le jour en 2012 sous le ministre Gaby Layoun pour la couverture santé des artistes libanais. Celui-ci s'adresse aux huit syndicats suivants :

- ▶ Syndicats des acteurs : Radio, Théâtre, Cinéma et Télévision,
- ▶ Syndicat des musiciens professionnels,
- ▶ Syndicats des réalisateurs,
- ▶ Syndicats des poètes de Zajal,
- ▶ Syndicat des artistes plasticiens,
- ▶ Syndicats des infographistes et illustrateurs,
- ▶ Syndicat des artistes professionnels et
- ▶ Syndicats des acteurs du nord du Liban.

Ce fonds d'aide à la mutuelle pour les artistes « est devenu réalité suite à la parution, le 15 février 2012, du décret 7535 portant application de la relative aux

²⁷ Hamouche, Nicole. « À quoi sert le Centre des sciences de l'homme de Byblos? », *L'Orient Littéraire*, avril 2008, http://www.lorientlitteraire.com/article_details.php?cid=29&nid=5638.

métiers artistiques et l'entrée en vigueur du décret a débuté par l'institution d'une redevance sur les importations et la mise à la disposition des artistes libanais de services sanitaires et sociaux ». ²⁸

Ainsi, il serait constitué d'une part de l'abonnement annuel de ses membres, d'une taxe de 2% déduite de la billetterie de tous types de spectacles artistiques ou culturels prélevée par le ministère des Finances et reversée par la suite, d'une taxe de 10% sur les contrats d'artistes étrangers aussi prélevée par le ministère des Finances ainsi que de tout don ou subvention approuvée par le ministère de la Culture. ²⁹ La contribution financière de ce dernier pour ce fonds serait de 125 000 000 LL (voir tableau 5). A l'heure actuelle, ce décret ne serait toujours pas appliqué.

II. Contributions du ministère de la Culture hors secteur public

1. Comités consultatifs et attribution de fonds

Des comités techniques et consultatifs, formés par décret ministériel et au nombre de cinq, se réunissent plusieurs fois dans l'année et sont chargés de suggérer au ministre de la Culture les projets sélectionnés ainsi que la subvention proposée. Les membres des comités changent selon le ministre en poste, qui peut également décider de les renouveler chaque année. Ils sont composés de personnels du ministère (conseillers) dont la personne en

Le ministère de la Culture possède une certaine enveloppe quant à l'attribution de bourses dans les domaines suivants : le théâtre, le cinéma, le livre, les arts (peinture et sculpture) ainsi que les associations à caractère culturel. Selon l'étude rédigée par Culture Ressource en 2014 sur les politiques culturelles au Liban, le ministère de la Culture déterminerait le montant de sa contribution après avoir préalablement évalué l'apport d'autres bailleurs de fonds institutionnels et privés. Un procédé qui révélerait l'étroite marge de manœuvre du ministère pour le financement du secteur qu'il représente. ³⁰

²⁸ Rapport national présenté en application du paragraphe 5 de la résolution 21/16 du conseil des droits de l'homme - République du Liban, Nations Unies, Septembre 2015, https://www.upr-info.org/sites/default/files/document/lebanon/session_23_-_novembre_2015/a_hrc_wg.6_23_lbn_1_f.pdf.

²⁹ Azar & Hamadi, *Compendium country profile*.

³⁰ Azar & Hamadi, *Compendium country profile*.

charge du département si le poste est assuré (cinéma, théâtre, livre, arts, associations) ; ainsi que d'experts du domaine en question. Ces personnes remplissent cette tâche de manière bénévole. Un comité est généralement formé de cinq à dix personnes selon le nombre de projets qui ont fait l'objet de candidatures. Un représentant du ministère se doit être présent pour que le comité se réunisse. Celui-ci s'assure du respect des procédures. Il s'agit en principe du directeur général de la culture, désigné par le ministre en personne. Il n'existe pas de fréquence ou de date fixe à la tenue de ces réunions, ni de nombre limite de candidatures. Les comités se réunissent à la demande du président du comité lorsqu'un nombre suffisant de candidatures est reçu. Des projets sont présentés tout au long de l'année, ce qui représente en moyenne quatre à cinq réunions annuelles.³¹

Selon les entretiens réalisés auprès de différents membres au sein du ministère, la majorité des comités posséderait un budget qui se situerait entre 300 et 360 millions LL environ, ce qui représente des montants très peu élevés. Cette fourchette représente le crédit prévu en amont, mais il reste cependant très difficile de connaître le crédit affecté. Dans le cadre de cette étude, il est important de signaler que les chiffres communiqués se basent sur les informations collectées en entretien auprès de différents employés et/ou membres bénévoles faisant partie des comités d'évaluation. Il n'a pas été possible d'obtenir d'informations précises quant aux enveloppes budgétaires attribuées à chacune de ces commissions. Bien souvent, la hauteur des montants peut varier d'un interlocuteur à l'autre, ce qui est à prendre en compte dans cette partie.

Ces différentes sommes sont attribuées pour l'achat d'ouvrages littéraires, l'achat de tableaux ou de sculptures, l'aide à la production de pièces de théâtre ou de films et enfin au support d'associations culturelles. On reviendra par la suite sur le détail de chaque subvention dans la mesure du possible.

Pour obtenir ce type d'aide financière, les intéressés (opérateurs culturels, artistes, associations) doivent retirer directement un dossier de candidature (en langue arabe) auprès du ministère, qui doit être complété par un certain nombre de pièces administratives. Ces derniers doivent être en possession d'un compte bancaire ainsi que d'un numéro personnel au ministère des Finances. En plus des factures à présenter pour justifier de leurs dépenses dans certains cas, les candidats doivent compléter leur demande par l'achat de timbres. Les demandes de subvention sont à renouveler chaque année.

³¹ Entretien auprès d'Imad Hachem, responsable Livre et Lecture, ministère de la Culture, 8 mai 2017.

Selon les personnes interrogées, il n'existe pas de critères établis sur lesquels se basent les membres des comités pour procéder à leur choix, mais plutôt des lignes générales correspondant à la politique de ministère de la Culture et aux particularités de chaque comité. Il s'agit par exemple du soutien à la création, aux acteurs culturels, aux nouveaux projets ; de la teneur religieuse ou politique des contenus, de l'impact socio-culturel ou géographique d'un événement ou encore de l'importance du public visé en termes de nombre. Cependant, il est important de souligner que ces comités restent consultatifs. Il revient au ministre seul de sélectionner les bénéficiaires de ces bourses.

a. Le cinéma

Dans le cadre de cette enquête, il a été possible d'obtenir des informations concernant les comités pour les secteurs du cinéma et du livre. On passera rapidement sur les autres secteurs, sur lesquels on a obtenu peu d'informations

Pour ce qui est de l'aide au secteur cinématographique, le budget annuel se situerait entre 300 millions LL et 360 millions LL. Une somme nettement plus importante que les années précédentes. Selon les personnes interrogées, ce budget était beaucoup plus restreint sous les ministres Salim Wardeh (2009-2011) et Gaby Layoun (2011-2014) : environ 75 millions LL. En 2015, durant le mandat de Rony Arajji (2014-2016) le budget s'élève à 270 millions LL en 2015 puis à 345 millions LL en 2016.

Les bourses attribuées ne représentent pas de gros montants si l'on considère l'ampleur des dépenses dans le domaine du film. Celles-ci peuvent atteindre 20 millions LL. Pour le secteur du cinéma, il existe trois catégories de classement : A, B et C. Ces catégories existent de manière informelle. Elles permettent aux membres du comité d'opérer un choix selon les types de projets. Chaque membre étudie un dossier et appose ses commentaires. Si le projet fait l'objet d'au moins trois avis favorables, il est sélectionné pour l'obtention d'une aide.

- ▶ La catégorie A concerne les projets de films portés par des réalisateurs attestant d'une expérience affirmée, ayant déjà produit un certain nombre de films et toujours en activité. Dans ce cas, l'aide attribuée est de 20 millions LL.
- ▶ La catégorie B s'adresse aux réalisateurs ayant quelques productions à leur actif. L'aide se situe alors entre 10 millions et 20 millions LL maximum.

- ▶ La catégorie C représente entre 3 et 5 millions LL. Il s'agit dans ce cas d'apporter un soutien à de jeunes réalisateurs ou des projets jugés originaux, ayant un certain potentiel.

b. Le livre

L'aide apportée au secteur du livre et de la lecture se fait principalement par l'achat d'ouvrages dans le but de soutenir les auteurs libanais souhaitant vendre quelques exemplaires, mais aussi certaines maisons d'éditions souffrant de difficultés économiques. Le budget alloué à ce département s'élèverait à 300 millions LL.

Les auteurs étant déjà édités sont invités à remplir un formulaire accompagné d'un exemplaire de leur ouvrage à remettre au ministère. Le comité se réunit ensuite pour sélectionner les ouvrages qui feront l'objet d'un achat. Les membres du comité décident du nombre d'exemplaires à acheter selon le prix de l'ouvrage fixé par l'auteur. Une fois encore, il n'existe pas réellement de critères établis pour opérer cette sélection. La date d'édition de l'ouvrage doit cependant être inférieure à 5 ans, son auteur devant justifier d'une activité récente. Un regard est également porté sur le contenu de l'œuvre : politique, religion, sexe, conflits communautaires sont des sujets proscrits, les livres étant directement destinés à des écoles et bibliothèques publiques dans tout le pays qui en font la demande. Le nombre d'ouvrages ainsi distribués dépend de la taille de l'école, de la bibliothèque ou de l'association. Cette redistribution viserait à développer le goût de la lecture chez les citoyens en ciblant un public élargi.

Comme pour les autres comités, celui-ci reste consultatif. Le ministre a le dernier mot sur la décision du nombre d'exemplaires à acheter, et donc sur la somme dépensée. Il peut également décider de procéder à l'achat de livres sans nécessairement passer par le comité. Dans tous les cas, l'achat ne dépasse pas les 3 millions LL dans le but de faciliter les procédures de paiement. On reviendra ensuite sur ce point, notamment en ce qui concerne les démarches administratives liées au ministère des Finances et aux problématiques qui en découlent.

Les bibliothèques publiques, associations et écoles souhaitant bénéficier d'un don d'ouvrages de la part du ministère de la Culture font directement la demande auprès de ce dernier. Les bibliothèques sont généralement déjà en

relation avec l'institution qui décide de la répartition des livres et du nombre selon la taille de la structure.

Le ministère de la Culture consacre également une aide financière à la création de Centres de lecture et d'animation culturelle (CLAC). Celui-ci n'est pas à l'origine de la création de ces centres mais propose une subvention pour aider à implémenter ces structures. Il s'agit généralement d'une somme fixe décidée par le ministre en personne, assisté d'un comité. Celle-ci est dédiée au fonctionnement de la bibliothèque, à la logistique et l'achat de matériel. Les salaires des personnels sont généralement pris en charge par les municipalités impliquées ou les associations qui gèrent ces centres. Il s'agit par exemple d'Assabil pour les bibliothèques qui dépendent de la municipalité de Beyrouth ou encore de l'association Blue Mission pour la bibliothèque publique de Saïda.³²

On cite également la bibliothèque nationale de Baakline située dans la région du Chouf et qui dépend directement du ministère de la Culture. Créée à l'initiative de Walid Jumblatt en 1987, celle-ci est annexée au ministère par la résolution du conseil des ministres No. 44 en 1996 et donc déclarée comme établissement public. Le personnel de la bibliothèque est également rémunéré par le ministère de la Culture. Il s'agit de la seule bibliothèque au Liban dans ce cas. Son directeur est nommé et rémunéré par Walid Jumblatt selon les employés interrogés au ministère de la Culture (8 mai 2017). Cependant, sur le site internet, il est mentionné que le directeur de la bibliothèque est désigné par le ministère. Un comité formé par l'association des amis de la bibliothèque, autorisé par l'attestation du ministère de l'Intérieur No. 363/Hd du 30 septembre 1993³³ et donc financé par le ministère de la Culture, se charge de trouver des fonds supplémentaires pour soutenir les activités de l'institution.

c. Les associations culturelles

En ce qui concerne l'aide attribuée aux associations culturelles, il s'agirait d'un budget équivalant à 900 millions LL. Les associations souhaitant bénéficier d'une subvention doivent impérativement justifier de plus de deux ans d'ancienneté mais aussi et surtout d'une activité régulière et réelle. Un critère qui permettrait de palier aux demandes frauduleuses. Dans le cadre de leur candidature, les associations sont entre autres amenées à présenter un rapport d'activité détaillé ainsi que leur comptabilité annuelle. Le soutien financier dédié

³² Blue Mission, consulté novembre 20218, <http://bluemission.org/saida-public-library/>.

³³ Site Bakleen Library, consulté le 18 juin 2020, <https://www.baakleenlibrary.org/>.

aux associations culturelles peut s'élever à 30 millions LL. En règle générale, les sommes varient de 3 à 20 millions LL. Ainsi différents types de projets bénéficient de cette aide, qu'il s'agisse par exemple de grands événements annuels comme des festivals ou d'initiatives récentes au budget plus restreint.

Durant l'enquête menée sur le terrain en 2017, on constate une augmentation du nombre de candidatures dans ce domaine, notamment de la part d'associations œuvrant dans le domaine socio-culturel ou caritatif. Les personnes interrogées font part du fait qu'un grand nombre d'opérateurs culturels ignoraient pouvoir bénéficier de ce type d'aide financière auparavant ; ceci allant de pair avec une diminution des sommes distribuées depuis trois ans environ.

d. Arts du spectacle

L'enveloppe budgétaire pour le secteur du théâtre se situerait entre 300 et 367 millions LL. Cependant peu d'informations concernant l'attribution des aides financières ont pu être collectées dans le cadre de cette enquête. Néanmoins, on sait que ces aides sont destinées au soutien de troupes de théâtre, de danse et de spectacles jeunesse se produisant au Liban mais aussi à l'étranger. La subvention est octroyée après évaluation de la pièce sur lecture et/ou visionnage par le comité dédié à cette tâche. Comme dans les autres cas, le montant de la subvention est ensuite déterminé après évaluation des moyens financiers de la troupe, incluant ses autres sources de subvention.

Il existe un théâtre subventionné de manière permanente par le ministère de la Culture ainsi que la municipalité de Beyrouth : le théâtre Al Madina. Il s'agirait d'une aide financière appliquée par décision du conseil des ministres.³⁴ Cette subvention aurait pour vocation de soutenir directement la structure en assurant sa pérennité. Il ne s'agit en aucun cas de financer les pièces qu'il programme. Ce théâtre est le seul à bénéficier de cette subvention.

e. Arts visuels

La plus grande part du montant affectée à ce secteur est consacrée à l'acquisition d'œuvres variées (peintures et sculptures confondues) destinées à compléter la collection du ministère de la Culture, en encourageant talents confirmés et émergents par l'acquisition de quelques œuvres par an. Le budget affecté à ce département, environ 300 millions LL, limite également les

³⁴ Haddad, Emmanuel. *Cartographie du spectacle vivant contemporain au Liban*. IETM, Mars 2017 https://www.ietm.org/fr/system/files/publications/ietm-mapping_liban_2017_1.pdf.

achats. Pour en bénéficier, les artistes doivent également candidater en remplissant un formulaire adressé au ministère, accompagné d'une notice explicative. Un comité statue ensuite. Les œuvres achetées deviennent alors la propriété du ministère de la Culture. Bien que certaines d'entre elles soient exposées dans ses locaux, la plupart sont conservées dans des dépôts jusqu'à aujourd'hui. Le Musée National Virtuel d'Art Moderne, comme on l'a vu précédemment, permet ainsi aux publics d'avoir un certain accès à ces œuvres, dont ils ignorent bien souvent l'existence. Les personnes interrogées signalent également qu'un changement dans la politique d'achat de ces œuvres est en train de s'opérer. Auparavant, le ministère aurait privilégié l'acquisition d'œuvres peu chères mais en quantité. De nos jours, l'accent est mis sur des œuvres de choix, quitte à déboursier une plus grande partie du budget et en acquérir un nombre restreint.

2. **Autres contributions hors secteur public**

D'autres types de contributions faisant directement l'objet d'une décision ministérielle, c'est à dire ne passant pas par l'évaluation de comités, existent.

Dans ce cadre, il existe une aide (qui ne figure pourtant pas dans le budget prévisionnel de 2015) destinée à l'impression de supports de communication pour des événements culturels en tous genres (posters, flyers, livrets...etc.) Les intéressés doivent formuler une demande par écrit présentant un devis qui doit ensuite être validé par le ministre. Le ministère des Finances doit ensuite approuver la décision, s'assurant de la disponibilité des fonds. L'imprimerie désignée présente enfin la facture après réalisation des supports de communication.

Un fonctionnement qui n'est pas sans poser problème à nombres d'opérateurs culturels qui font appel à cette aide financière. En effet, ces derniers devant présenter la facture attestant d'un travail déjà réalisé, se voient obligés d'avancer systématiquement les frais d'impression. La plupart des opérateurs culturels et artistes font part en entretien de cette situation qui finit par constituer un véritable frein à la volonté de solliciter l'aide du ministère de la Culture dans ce cadre.

Une autre enveloppe portant la dénomination de « relations publiques » est consacrée aux festivals culturels dans un cadre précis : celui de l'achat de billets uniquement. Cette aide ne fait également pas l'objet de la sélection d'un comité et est uniquement attribuée par choix du ministre. Il s'agirait d'un budget de 200 millions LL environ, incluant d'autres dépenses. Cette enveloppe ne

fonctionne que sur facture comme dans le cas de l'aide à l'impression. Il s'agit en général de sommes assez importantes : 5 à 10 millions LL. Pour obtenir cette aide financière, les comités chargés de l'organisation d'un festival rencontrent directement le ministre de la Culture ou bien peuvent lui adresser une demande par courrier. Les festivals les plus importants sont tous aidés par le ministère.

3. Difficultés liées aux démarches administratives

Dans le cadre de toutes les contributions financières et dépenses internes opérées par le ministère de la Culture, force est de constater l'existence d'un problème majeur : la lourdeur des démarches administratives à laquelle le ministère fait face, et dont les conséquences concernent directement les artistes et acteurs culturels qui sollicitent l'aide du pouvoir public.

Comme on l'a signalé plus tôt, un décret ministériel est nécessaire afin de valider le versement d'une aide financière. Dans le cadre d'une subvention allouée pour l'impression de supports de communication, les candidats sont dans l'obligation de fournir une facture attestant de l'exécution du travail. Dans ce cas de figure, le fonctionnement est tel que le ministère n'est pas habilité à verser des fonds à l'avance. En revanche, pour les subventions liées aux films et spectacles de théâtre ou de danse, la somme est versée directement après validation du projet par le ministre. Cela peut être dû au montant élevés des sommes dans ce type de projets, que les acteurs culturels ne seraient pas en mesure d'avancer.

Si le montant de la subvention à allouer est supérieur à trois millions LL, un accord est passé avec l'opérateur culturel, l'artiste ou l'organisme qui fait la demande. Le dossier concerné doit être obligatoirement présenté à la cour des comptes pour approbation, de manière à vérifier que les fonds soient bien disponibles. Il est ensuite transmis au ministère des Finances. S'il est complet, la procédure peut prendre plusieurs mois voire plus. De manière générale, plus la somme est élevée, plus l'attente sera longue.

On souligne au passage que même dans le cadre des dépenses internes du ministère de la Culture (frais généraux, maintenance, achat de mobilier, d'équipement mais aussi d'œuvres d'art et d'ouvrages) le ministre lui-même ne possède pas l'autorité de valider des paiements excédant la somme de 3 millions LL. Il doit dans certains cas lancer un appel d'offre avec publication officielle. Une

clause qui ne concerne pas uniquement le ministère de la Culture mais s'applique à tout l'État libanais.

Les candidats aux différentes subventions font ainsi état de la lourdeur administrative et des longues procédures générées par les organismes publics. Même s'ils s'accordent sur la simplicité des formulaires à remplir pour obtenir ces aides (notamment en comparaison avec les démarches auprès de fondations privées, souvent plus fastidieuses), beaucoup d'acteurs culturels rencontrent des difficultés de paiement.³⁵ En effet, certains confient avoir attendu une année voire deux avant de recevoir le financement du ministère de la Culture. D'autres parlent de montants qu'ils n'auraient jamais perçus. Ils se retrouvent donc à puiser dans leurs ressources propres durant la réalisation de leur projet en attendant que les fonds soient versés.³⁶

Une situation qui n'est pas sans influencer la vision et la relation que les opérateurs culturels entretiennent avec l'institution. Malgré un nombre de candidatures en hausse ces dernières années, notamment de la part des associations culturelles, force est de constater la déception des artistes face aux difficultés rencontrées. On constate plusieurs prises de position vis-à-vis de cette conjoncture. A défaut d'obtenir un soutien financier, des opérateurs culturels font appel au ministère dans le but d'obtenir un support moral : le soutien officiel du ministère de la Culture apporterait une certaine légitimité à une initiative, un projet ou un événement culturel. Dans d'autres cas, le ministère faciliterait certaines démarches administratives notamment concernant des demandes de visas d'artistes ou autres procédures et autorisations d'ordre juridique.

D'autres ont renoncé à solliciter le ministère de la Culture pour soutenir leurs projets. Selon eux, les subventions du ministère s'adresseraient en priorité à des initiatives et événements bien établis, reconnus, de prestige ou encore se prêtant davantage au domaine du divertissement. Un refus qui témoigne du manque de confiance dont font part les acteurs culturels concernant le ministère de la Culture mais aussi permettrait de conserver une certaine indépendance vis à vis des autorités, notamment d'un point de vue critique. L'existence d'une rupture entre d'une part, une institution publique qui resterait déconnectée des réalités de terrain et d'autre part une scène culturelle désillusionnée, en manque de reconnaissance est donc souvent évoquée.

³⁵ Haddad, *Cartographie du spectacle vivant contemporain au Liban*.

³⁶ Selon les témoignages recueillis en entretien auprès d'acteurs culturels du secteur du spectacle vivant notamment.

Un grand nombre d'opérateurs souhaiteraient ainsi que le ministère de la Culture fasse preuve d'un plus grand intérêt pour la scène culturelle ; un intérêt qui se manifesterait par une implication financière plus importante mais aussi morale. Pour ce faire, certains des artistes rencontrés durant l'enquête mentionnent la responsabilité de tous les membres qui constituent la scène culturelle dans cette tâche. Faire valoir ses droits, impliquer davantage les pouvoirs publics, établir un dialogue ferait également partie du rôle mais aussi du devoir des acteurs culturels, comme engagement politique. Le ministère de la Culture serait vu ici comme un outil qu'il s'agirait de s'approprier ; s'en désintéresser ne ferait alors que renforcer cet état de fait.

4. Compétences et transparence

En plus de la difficulté évoquée précédemment concernant l'accès à l'information, il a également été constaté au cours de l'enquête que certains des employés interrogés n'avaient une connaissance que peu détaillée du budget du ministère de la Culture, des contributions financières sélectionnées par les comités, ou de l'enveloppe attribuée à un département. Il peut s'agir parfois de la personne en charge. Beaucoup d'informations, notamment en termes de chiffres et de finance sont communiquées de manière orale en interne et parfois restent difficiles d'accès pour les employés ou les membres des comités. Dans certains cas, chercher à connaître de manière précise la liste des candidats ayant bénéficié d'une contribution financière sur un projet ainsi que son montant pourrait s'avérer délicat ou faire l'objet de méfiance.

On signale à ce propos qu'une loi (No 28/2017) a été adoptée par le Parlement libanais le 19 janvier 2017 (parue dans le Journal Officiel le 16 février). Celle-ci concerne le droit d'accès à l'information. Son texte avait été déposé au Parlement en 2009 par le député Ghassan Moukheiber, en tant que membre de la Coalition libanaise des parlementaires contre la corruption (LebPAC) et au nom du Réseau national pour le droit d'accès à l'information.³⁷

Ainsi, « cette nouvelle loi, qui donne à toute personne, physique ou morale, le droit d'obtenir des informations et documents détenus par l'administration publique, permet en théorie de franchir

³⁷ Site de The National Network for the Right of Access to Information, consulté le 18 juin 2020, <http://www.atilebanon.org/index.php/about-us/1>; site de The Lebanese Transparency Association, consulté le 18 juin 2020, <http://www.transparency-lebanon.org/En/WhatWeDoDetails/5/12/0>.

un grand pas dans le sillage de la démocratie, en harmonie avec les principes de transparence et de lutte contre la corruption ».³⁸

A l'heure actuelle, l'organe de contrôle de l'application de cette loi n'a toujours pas été créé et témoigne du désintérêt des autorités à accroître la transparence au niveau institutionnel.³⁹ Enfin, divers opérateurs culturels font part de leur incompréhension concernant la sélection de certains projets ou artistes aidés financièrement par le ministère. La question du réseau de connaissances est souvent évoquée dans ce cas.

Un manque de compétence ou de spécialisation de certaines personnes en poste au sein du ministère de la Culture mais aussi d'autres institutions publiques comme par exemple les municipalités est aussi relevé. Ce constat est formulé en interne mais aussi par les acteurs culturels ayant affaire à différents départements au sein du ministère. La scène culturelle en général et notamment jeune, alternative ou expérimentale ferait aussi l'objet d'un intérêt et de connaissances peu développés. Le fait que des membres du personnel soit dans certains cas peu familiers de formes d'art et langages esthétiques spécifiques constituerait également un frein.

Les changements de personnels fréquents représentent aussi une difficulté majeure au suivi des dossiers, des projets, et dans les collaborations sur le long terme que le ministère entretient avec les artistes et autres agents du secteur. En effet, d'anciens employés constatent des passations qui ne se feraient que trop partiellement d'une équipe ministérielle à l'autre, ralentissant considérablement le développement ou l'aboutissement de certaines initiatives.

5. Le plan quinquennal du ministère de la Culture

En mars 2017, le ministre de la Culture Ghattas Khoury lance un projet quinquennal pour la revitalisation de la culture au Liban. Ce projet avait été initié par le précédent ministre Rony Arajji, qui avait mandaté la société de conseil *Strategy &*⁴⁰ en 2015 pour la définition d'une feuille de route concernant les différentes directions du ministère, dans le but d'établir une vision stratégique à partir de priorités, de nouveaux objectifs et initiatives. Suite à cela, le ministre

³⁸ Assaf, Claude. « Droit d'accès à l'information : l'administration va-t-elle suivre ? », *L'Orient-Le Jour*, 21 janvier 2017, <https://www.lorientlejour.com/article/1030531/droit-dacces-a-linformation-ladministration-va-t-elle-suivre-.html>.

³⁹ Human Rights Watch. « 27 », « مملكة في تنفيذ قانون الحق في الوصول إلى المعلومات », septembre 2019, <https://www.hrw.org/ar/news/2019/09/27/334205>.

⁴⁰ Site de Strategy &, consulté le 18 juin 2020, <https://www.strategyand.pwc.com/>.

Ghattas Khoury a sollicité la présence d'autres ministères et opérateurs culturels du pays lors d'une réunion consultative organisée au Palais de l'Unesco le 4 mars 2017. Lors de cette réunion se sont tenus des ateliers de discussions sectoriels sur le théâtre, le cinéma, la musique, la danse, la littérature et l'édition, les beaux-arts, le patrimoine matériel et immatériel. Certains des artistes et opérateurs culturels présents ont pu faire part de leurs recommandations : la question du financement a notamment été abordée dans la plupart des ateliers. Un comité a ensuite été formé au sein du ministère pour réaliser un travail de synthèse. Il était notamment composé du directeur général de la culture, du directeur général des antiquités ainsi que du chef de cabinet du ministre. Les recommandations qui ont été adressées sont finalement restées sans réponse de la part d'un ministère censé poursuivre le dialogue à ce sujet. Beaucoup sont donc restés perplexes à l'égard de cette initiative, qui représente l'une des premières consultations publiques ayant été réalisé par le ministère de la Culture. Le 29 juin 2017, Ghattas Khoury en présence du premier ministre Saad Hariri a présenté les conclusions du travail consultatif réalisé à la suite de l'étude de *Strategy* et de la réunion du 4 mars sous la forme d'une publication.⁴¹ La teneur générale du plan quinquennal y est abordée. Il s'agit en autres de projets de lois liées à l'augmentation du budget alloué au ministère, qui n'ont ni été présentés devant le conseil des ministres ni le parlement. Certains projets spécifiques cependant, comme le financement de nouveaux locaux pour le Conservatoire National Supérieur de Musique ont été présentés. Le ministère de la Culture a signé un accord avec le gouvernement chinois pour une subvention s'élevant à 60 millions de dollars⁴² ou 62 millions de dollars selon les sources. Le terrain, situé à Dbayeh, est censé accueillir le nouveau conservatoire dont la pose de la première pierre a eu lieu en décembre 2019. Il comptera notamment des locaux de répétition, une bibliothèque, des salles de lectures et auditoriums ainsi qu'un amphithéâtre d'une capacité de 1200 places.⁴³

41 La publication peut être consulté sur le blog « Cultural Policies in Lebanon », consulté le 18 juin 2020, <https://f.hypotheses.org/wp-content/blogs.dir/2647/files/2015/06/MOC-Cultural-Strategy-June-2017.pdf>.

42 « وضع حجر الأساس لإطلاق مشروع الكونسرفاتوار في ضبيه... داود: لبنان مستمر في مسيرته الثقافية », An-Nahar, 20 décembre 2019.

43 « China-aided conservatory starts construction in Lebanon », Xinhua, 20 décembre 2019, http://www.xinhuanet.com/english/2019-12/20/c_138647088.htm.

III.

Autres organismes publics : cas de la municipalité de Beyrouth

Certaines municipalités libanaises présentent un fort intérêt pour le domaine culturel. Beaucoup de villages proposent par exemple des festivités annuelles avec une programmation culturelle, organisées et soutenues totalement ou en partie par les municipalités. On cite par exemple les municipalités de Byblos, Aley ou encore celles de Chiyah et Haret Hreik, qui financent un important volet consacré à de nombreuses activités culturelles dans ces régions.⁴⁴ Ainsi, même

si l'essentiel des activités artistiques et des équipements culturels restent concentrés dans la capitale du pays, des municipalités s'impliquent, à la hauteur de leurs moyens, dans le développement d'une certaine politique culturelle au niveau local, essentiellement basée sur le sponsoring d'événements.

La municipalité de Beyrouth articule son travail autour de quatre grandes missions principales. La plus grande partie du portefeuille est dédiée au développement urbain et à l'infrastructure. Une deuxième enveloppe concerne le développement économique et social de la ville. Une autre est consacrée à la gouvernance. Enfin, un portefeuille non négligeable est consacré au développement culturel et aux loisirs. Selon les personnes interrogées, la planification culturelle ferait partie intégrante des missions du conseil municipal, incluant différents aspects. Dans ce cadre, plusieurs programmes sont déployés autour de bibliothèques municipales ou de quartiers, de musées, de lieux et événements culturels de la ville, du patrimoine culturel et de l'artisanat. Bien qu'une enveloppe budgétaire soit consacrée à des projets spécifiques (musées, bibliothèques) ou au soutien d'activités et d'événements culturels, force est de constater qu'il n'existe pas réellement de département dédié aux affaires culturelles avec une réelle vision sur le long terme. Ainsi, hormis le soutien financier attribué à de grands projets (musées notamment), la municipalité de Beyrouth distribue la plupart de ses subventions sur une base annuelle, ne permettant pas de développement de la vie culturelle sur le long terme. De plus, au cours des entretiens, il n'a pas été possible de prendre connaissance du montant global de cette

⁴⁴ On signale à ce propos qu'une recherche menée par Dr Fouad Marei, chercheur postdoctoral à l'Orient-Institut Beirut 2016-2017, propose une étude sur les politiques culturelles que mènent les municipalités de la Dahye (dans le sud de Beyrouth) en collaboration avec les équipements culturels de cette région. Des moyens financiers importants seraient investis dans divers domaines, révélant une vie culturelle active, avec ses propres politiques et logiques d'action.

enveloppe. Quelques informations éparses ont pu être collectées par ailleurs sur certains projets. Le budget de la municipalité de Beyrouth ainsi que celui d'autres villes ont été publiés durant l'année 2017 suite à la campagne menée par l'association Nahnoo⁴⁵ qui mène des actions de plaidoyer dans les domaines de la gouvernance, de l'espace public et du patrimoine (le montant global de la municipalité de Beyrouth en 2017 était donc 682 460 500 000 LL).⁴⁶ La campagne « Municipalities under the spotlight » se donne ainsi pour mission de promouvoir la transparence par la publication des décisions municipales en ligne.

1. Bibliothèques municipales

La municipalité de Beyrouth gère et possède trois bibliothèques fonctionnelles de quartier, qu'elle finance intégralement et entretient. Son personnel est également rémunéré par la municipalité. Ces trois bibliothèques se trouvent dans les quartiers de Bachoura, Monot et Geitawi et ont pour mission de permettre aux habitants d'avoir accès à des ouvrages tout public, à la presse, aux magazines et propose des livres spécialisés pour la jeunesse. Il s'agit de promouvoir la lecture dans un rapport de proximité et de proposer des programmes d'animation et d'éducation.

Sans compter le budget nécessaire à la création de ces bibliothèques, les coûts de fonctionnement ajoutés à la rémunération du personnel représentent un budget d'environ 300 000 dollars pour les trois établissements. C'est l'association Assabil, mandatée par la municipalité, qui est en charge de la gestion de ces établissements sur des contrats de deux ans renouvelables.⁴⁷

2. Musées

Le projet de coopération qui alliait la ville de Paris à Beyrouth depuis 2008 a permis la réhabilitation et la sauvegarde de la maison historique libanaise devenue le projet *Beit Beirut*, pour lequel la ville de Paris a joué un rôle d'assistance à maîtrise d'ouvrage auprès de la municipalité beyrouthine. Dans le cadre de ce projet, la ville de Paris a obtenu un soutien financier du ministère des Affaires Étrangères et du développement international français (MAEDI) à hauteur de 30 490 Euro dans le cadre de l'appel à projets triennal Liban. Le coût total du projet sur trois ans a été estimé à 94 745 Euro repartis en parts équitables entre Paris,

⁴⁵ Nahnoo, consulté le 26 juillet 2018, <http://nahnoo.org/about-us/>.

⁴⁶ « موازنة بلدية بيروت لعام 2017 », publié le 20 janvier 2017, <https://mutslb.org/?p=3954>.

⁴⁷ Selon les propos de Mathilda Khoury, en charge du portefeuille culturel de la municipalité de Beyrouth, 15 juin 2017.

Beyrouth et le MAEDI. La participation de la Ville de Paris s'élevait ainsi à 34 130 Euro. La participation de la municipalité de Beyrouth à 30 125 Euro.⁴⁸ La municipalité est censée consacrer aujourd'hui un budget au fonctionnement complet du centre culturel. Il s'agit de mettre en place le cadre légal de la structure dans le but de recruter le personnel nécessaire à son fonctionnement : directeur, conservateur, programmateur ainsi qu'une équipe opérationnelle seront rémunérés par la municipalité elle-même. A ce jour, *Beit Beirut* aussi appelée *La Maison Jaune*, n'accueille que des projets extérieurs en louant notamment ses locaux à des initiatives des secteurs privé et civil ; le projet de musée municipal étant encore attendu.

Le musée Sursock est également confié à la charge du président du conseil municipal de la ville. Pour sa restauration, une somme entre 12 à 15 millions de dollars a été dépensée. On sait que le musée perçoit un fond annuel de la municipalité pour son fonctionnement selon la clause formulée par le comité qui prit en charge la gestion du musée dans les années 1960. Elle stipule que la municipalité est tenue de reverser 5% des fonds perçus sur les permis de construire à Beyrouth pour la gestion du musée dans son ensemble.⁴⁹ Avec le boom de l'immobilier de ces dernières années, on peut imaginer qu'il s'agit de montants importants. Il n'a cependant pas été possible d'en connaître davantage sur les chiffres relatifs au financement actuel du musée.

3. Événements et lieux culturels

Une grande partie du budget dédié à la culture est injecté dans les événements culturels de la ville, qui bénéficient du soutien financier de la municipalité sur une base annuelle. Leur nombre serait important et couvrirait plusieurs domaines : cinéma, musique, littérature, arts visuels, festivals, événements jeunesse, mais également les domaines de la science, de l'éducation et des loisirs ; la municipalité souhaitant intervenir dans des domaines diversifiés et centres d'intérêts distincts. De la même manière qu'au ministère de la Culture, les associations souhaitant bénéficier d'une subvention doivent être à buts non lucratifs. Celles-ci doivent soumettre une candidature détaillée

⁴⁸ Ces informations sont disponibles sur le site http://labs.paris.fr/commun/rapport_activite_2010/delegation-generale-aux-relations-internation.html relatif à la Délégation Générale aux relations internationales (DGRI). Il n'a pas été possible dans ce cas d'obtenir des informations concernant les financements du projet Beit Beirut de la part de la municipalité de Beyrouth.

⁴⁹ « Le musée Sursock fait peau neuve pour 10 millions de dollars », *Le Commerce du Levant*, 1 juillet 2008, <https://www.lecommercedulevant.com/article/16496-le-muse-sursock-fait-peau-neuve-pour-10-millions-de-dollars>; "Sursock Museum restoration complete: to reopen this spring", *Business News*, 3 mars 2014, <http://www.businessnews.com.lb/cms/Story/StoryDetails.aspx?ItemID=3870>.

chaque année (présentation du projet, publics ciblés, budget prévu) à la municipalité où un comité évalue les dossiers.

Ce comité est composé de cinq membres élus pour une durée de six ans, tout comme le conseil municipal. Sa formation est également revue chaque année. Il s'agit de personnes au parcours différents dans le but d'évaluer les divers aspects d'une initiative : qualité de la programmation artistique, faisabilité de l'événement, aspect financier, volet social, intégration des publics. Encore une fois, cette commission reste consultative et a pour rôle de formuler des recommandations entendues ensuite par les 24 membres du conseil municipal, qui donne sa décision. Le comité a pris le parti de ne pas se réunir à date fixe, des projets étant reçus très fréquemment tout au long de l'année. Quand le nombre atteint est suffisant (trois à quatre projets), il se réunit pour évaluer les candidatures ; une flexibilité décidée suite à la demande de certaines associations ne souhaitant pas être contraintes à une attente de plusieurs mois pour traitement des dossiers. De plus, force est de constater que beaucoup d'initiatives sont organisées que quelques mois à l'avance.

Lorsqu'une demande de subvention est accordée, celle-ci doit ensuite être approuvée par le ministère des Finances. Il s'agit là encore d'un long processus. Lorsque la somme est élevée, les délais prendraient jusqu'à six mois. Il n'a pas été possible de connaître la valeur des aides financières accordées, cependant il n'existerait pas de limite maximum à leur montant. Les projets retenus peuvent être financés partiellement ou de manière totale. En ce qui concerne les critères d'évaluation, la priorité est donnée aux événements gratuits, ouverts à tous, qui s'attachent à cibler un public élargi.⁵⁰ La municipalité vise en général des structures et associations culturelles généralement bien établies. Celles-ci doivent proposer un programme annuel et faire preuve d'engagement en restant actifs. Dans d'autres cas, des aides sont accordés à des initiatives récentes, originales, au cas par cas. Comme on l'a vu précédemment, le théâtre Al Madina reçoit une subvention chaque année.

Enfin, la municipalité est également sollicitée pour un soutien logistique. Dans ce cadre, elle facilite la tenue d'événements en autorisant l'accès à des espaces urbains (parkings, jardins) ou fournit des aides à la maintenance, services de nettoyage etc.

⁵⁰ A titre d'exemple : le Beirut Chants Festival, événement gratuit qui se déroule durant 23 jours dans toutes les églises de la ville a perçu en 2016 une subvention de la municipalité. Zash Achrafieh (Live Achrafieh), événement musical à Sassine a lui, été intégralement financé. Trois festivals de cinéma ont été financés en 2016, de manière partielle ou totale.

4. Accords de coopération

Comme dans le cas du projet *Beit Beirut*, la municipalité possède des accords de coopération (*Memorandum of Understanding/MoU*) avec d'autres villes comme Paris, Cologne ou Genève. Ces accords s'inscrivent dans une ligne d'action commune qui ne nécessite pas d'engagement juridique. Ils peuvent faire l'objet d'échanges et de collaborations dans divers domaines, les programmes culturels étant inclus.

Conclusion

Cette première entrée en matière en ce qui concerne les mécanismes de financement public du secteur culturel nous permet de mieux appréhender d'une part, les domaines dans lesquels un organisme tel que le ministère de la Culture agit en priorité, comme dans l'exemple du Conservatoire National Supérieur de musique – il serait à ce propos intéressant d'interroger les raisons politico-historiques d'un tel investissement financier mais aussi territorial, qui prend racine au Liban bien avant la création du ministère de la Culture. D'autre part, on retient également les lourdes charges financières en termes de frais de fonctionnement, de rémunération du personnel et des loyers, qui représentent pour la DGA ainsi que la DGC une part importante de leur budget.

Le rôle des municipalités en termes de culture reste désormais à défricher sur l'ensemble du territoire, de manière à pouvoir évaluer l'impact réel d'un financement public à l'échelle locale. L'exemple de la municipalité de Beyrouth témoigne du rôle significatif en matière de dynamisme et de développement culturels qu'une telle institution peut porter. Dans le cas des municipalités qui développent une variété d'activités culturelles et artistiques et qui s'ajoute à l'existence des festivals en région, il serait intéressant de pouvoir non-seulement identifier les politiques culturelles locales en termes de fonds alloués, de capacité d'action des différentes municipalités mais aussi des stratégies économiques et touristiques qui motivent certaines initiatives.

Après avoir tenté de passer en revue, et dans la mesure du possible, la répartition des budgets dans le cadre du ministère de la Culture et dans une moindre mesure, de la municipalité de Beyrouth, force est de constater que la question de la transparence et de l'accès à l'information reste cruciale au sein du secteur public libanais. Plusieurs initiatives du côté de la société civile poursuivent leurs missions de plaidoyer dans ce sens, et certaines avancées ont pu être

constatées comme la loi sur le droit d'accès à l'information votée en janvier 2017 par le Parlement libanais ou encore l'adoption du budget en octobre de la même année. Reste à savoir dans quelle mesure ces lois sont appliquées aujourd'hui, le Liban se trouvant en 137^e position sur 180 pays en 2019, selon l'index de l'ONG Transparency International.⁵¹ La volonté des institutions publiques mais aussi leur capacité technique à pouvoir être en mesure de fournir l'information demandée, de publier leurs bilans annuels (difficultés liées à l'archivage, à la gestion des registres) préoccupent toujours plus la société civile,⁵² animée par la lutte contre la corruption, mais également désireuse d'être davantage impliquée dans le processus démocratique de la vie publique.

Avec un budget qui représente, selon les chiffres de l'année 2015, 1,56% du budget global, le ministère de la Culture libanais disposerait d'une marge de manœuvre avantageuse en comparaison à d'autres ministères de la Culture des pays de la rive sud de la Méditerranée : Tunisie : 0,64% du budget global, Maroc : 0,53%, Algérie : 0,23% (chiffres pour l'année 2013, selon une infographie réalisée par Med Culture).⁵³ Cependant, en comparant ces chiffres de manière absolue, 0,23% du budget global du gouvernement algérien (4.335,6 milliards DA soit 55 934 782 085 791,60 LL) dédié au secteur culturel représente tout de même une valeur plus élevée que le budget libanais attribué à la culture. Le mécénat, les institutions étrangères ainsi que les grandes organisations et fondations internationales restent à ce jour les acteurs incontournables du financement du secteur culturel libanais. Malgré les études existantes qui fournissent d'importantes informations sur la question, l'enquête de terrain a permis de démontrer qu'il n'était pas aisé d'accéder au détail des budgets, des subventions allouées ou encore des bilans annuels des dépenses de certaines structures en matière de culture (banques, fondations, ambassades). Des efforts sont à poursuivre dans ce sens de la part de ces acteurs, mais aussi des initiatives visant la collecte de données et donc la sensibilisation de leurs interlocuteurs à ces types d'enjeux.

51 Transparency International, consulté le 18 juin 2020, https://www.transparency.org/news/feature/corruption_perceptions_index_2017.

52 « Accès à l'information : la loi ne suffit pas », Le Commerce du Levant, 1 juin 2017, <https://www.lecommercedulevant.com/article/27419-accs-linformation-la-loi-ne-suffit-pas>; Assaf, « Droit d'accès à l'information ».

53 Site de Med Culture, consulté le 18 juin 2020, <https://www.medculture.eu/fr/country/infographics/tunisia>.

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Institutionnels

Chasper Sarott, 6 avril 2017, Ambassade de Suisse
Lynn Tehini, 18 avril 2017, Ministère de la Culture
Afray Hajj, 18 avril 2017, Ministère de la Culture
François Tiger, 19 avril 2017, Institut Français de Beyrouth

Mani Pournaghi, 26 avril 2017, Goethe Institut
Imad Hachem, 8 mai 2017, Ministère de la Culture
Mathilda Khoury, 15 juin 2017, Municipalité de Beyrouth
Bob Smeha, 21 juin 2017, Achrafieh
Nasri Brax, 20 juin 2017, Beyrouth
Anne-Marie Afeiche, 24 août 2017, entretien téléphonique

Acteurs culturels, artistes, chercheurs, journalistes

Emile Nasr, 10 mars 2017, Agenda Culturel
Abdo Nawar, 16 mars 2017, Théâtre Tournesol
Ricardo Mbarkho, 30 mars 2017, Achrafieh
Mona Merhi, 4 avril 2017, Université Saint Joseph
Rania Halawi, 16 avril 2017, Achrafieh
Amanda Abi Khalil, 24 avril 2017, Mansion
Emmanuel Haddad, 24 avril 2017, Achrafieh
Abdullah el Kafri, 30 avril 2017, Achrafieh
Kassem Istanbouli, 3 mai 2017, Théâtre Rivoli, Tyr
Fouad Gehad Marei, 9 mai 2017, Orient-Institut Beirut
Petra Serhal, 16 juin 2017, Achrafieh
Amani Semaan, juillet 2017, questionnaire par email

Heritage and Policymaking in Lebanon

Katarzyna Puzon



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It was late afternoon and I was having coffee with a friend at Café Younes in Beirut's Hamra neighbourhood. The café started operating as a family business in the 1930s, and now has branches inside and outside the capital city. The owners pride themselves on “blending traditions” and promoting the “heritage of quality products and special customer service”. The café is also considered the oldest coffee roaster in Lebanon and some people purchase coffee only there. As we were sitting and chatting, a man in his early thirties approached us and asked our names and my reasons for visiting his country. He was taken aback when I replied that I was researching Beirut's heritage. Iskandar¹—as he introduced himself—asked rhetorically: “Is there any heritage left in this city?” He urged me to hurry up and added: “they will surely destroy it all very soon”. Iskandar seemed to know with complete certainty that cultural patrimony was not valued in his country and even less so in Beirut.

¹ Names have been changed to maintain anonymity.

This short vignette roughly depicts how Beirutis commonly view their heritage, namely as being under threat, mostly due to the negligence of the authorities and/or destructive real estate interventions. Not only inhabitants but also heritage activists and local organisations voice these opinions. Private businesses—more specifically real estate companies—deploy the rhetoric of heritage to induce urban transformation guided by commodification and liberalised property regimes. Having gained momentum in the period after the civil war (1975–1990), this logic partly underpinned post-war reconstruction and market-driven development, which also affected the cultural sector. In this regard, Marieke Krijnen and Mona Fawaz write about a “changing mode of government that employs an array of different tactics, some of which delegate power to private actors while others reformulate the way in which routine practices such as the issuance of building permits occur.”² However, contrary to a popular vision of the pre-war period and Lebanon’s “Golden Age”, the current status quo is not solely a legacy of the civil war. Laissez-faire policies had already developed as part of what Carolyn Gates calls the “merchant republic of Lebanon”,³ which emerged in the aftermath of independence, gained in 1943.

Approaching heritage as a practice and process as well as resource,⁴ this study provides an account of heritage policymaking in contemporary Lebanon, with special emphasis on Beirut, and builds upon the understanding of policy as involving “practices of translation as policies are interpreted, enacted and assembled”.⁵ Drawing upon Nadia von Maltzahn’s concept of “implicit policies” that underscores the fluidity between explicit and implicit endeavours,⁶ I examine how the relationship between policymaking and heritage discourses and practices is conditioned by the socio-political realities of Lebanon’s past and present, as well as desires and aspirations for the future.⁷

2 Krijnen, Marieke and Mona Fawaz. “Exception as the Rule: High-End Developments in Neoliberal Beirut.” *Built Environment* 36:2 (2010): 245–259, 128.

3 Gates, Carolyn. *The Merchant Republic of Lebanon: Rise of an Open Economy*. London: I.B. Tauris, 1989.

4 Compare Breglia, Lisa. *Monumental Ambivalence: The Politics of Heritage*. Austin: University of Texas Press, 2006; Smith, Laurajane. *Uses of Heritage*. London: Routledge, 2006.

5 Clarke, John, Dave Bainton, Noemi Lendvai, and Paul Stubbs. “Moving Policy Studies”, in J. Clarke, D. Bainton, N. Lendvai, and P. Stubbs (eds), *Making Policy Move. Towards a Politics of Translation and Assemblage*. Bristol: Policy Press, 2015, 9.

6 von Maltzahn, Nadia. “‘What Cultural Policies?’ Explicit and Implicit Cultural Policies in Lebanon.” *Middle East—Topics & Arguments* 7 (2017): 75–84.

7 The bulk of the research I discuss here was primarily conducted between April 2013 and April 2014. It involved participant observation, semi-structured interviews, and archival research.

I. The UNESCO Effect

International institutions such as the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the International Council on Monuments and Sites (ICOMOS) play an important role in fostering the idea of universal heritage value.

They emphasise the need to preserve world heritage as a human concern and promote their policies in accord with the 1972 World Heritage Convention. The qualities of age, aesthetics, and monumentality are inscribed in these institutions' concept of heritage that relies upon a "Western" paradigm of conservation. Laurajane Smith proposes the term Authorised Heritage Discourse (AHD), which denotes the attribution of significance to the material basis of heritage, its intrinsic value, and expert knowledge, regarded as indispensable to evaluating the meaning and uses of sites, artefacts, and customs.⁸

In Lebanon, heritage initiatives valorise foreign expertise and professional interpretation, in part in view of the dearth of policies and resources "on the ground". Some organisations argue that an awareness of cultural heritage and a mutual understanding of difference might diminish violence and mistrust. This epitomises the tenets of UNESCO's Constitution, which stipulates:

Ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their difference have all too often broken into war (UNESCO 1945).

This formulation takes on special significance in Lebanon, a country tormented by war memories. The rationale of "redemptive cosmopolitics"⁹ often underpins the discourses and practices of national and local heritage actors. This renders possible the "UNESCOisation effect",¹⁰ which often lacks sufficient attention to local specificities, including socio-political and economic factors. The notion of world heritage brings to the fore the "common" roots of humankind, and the listed sites are considered the property of all people, which in turn

⁸ Smith, *Uses of Heritage*.

⁹ Butler, Beverley. *Return to Alexandria: An Ethnography of Cultural Revivalism and Museum Memory*. Walnut Creek: Left Coast Press, 2007.

¹⁰ Berliner, David. "Multiple Nostalgias: The Fabric of Heritage in Luang Prabang (Lao PDR)." *Journal of the Royal Anthropological Institute* 18:4 (2012): 769–786.

entails, at minimum, a duty to look after them.¹¹ This view of heritage and its conservation rests upon a universalising logic that is embedded in “Western” models and interpretations of heritage. The UNESCO “sensitisation” programmes discipline those who are not capable of respecting the special status of heritage wonders. This usually leaves little room for local visions of and strategies for heritage protection.

The politics and policies of “global culture-brokers”,¹² such as UNESCO or ICOMOS, impact the discourses and practices of heritage initiatives. In Lebanon, these “brokers” include the Lebanese National Commission for UNESCO and the UNESCO Regional Office for Education in the Arab States—a cluster entity for Lebanon, Iraq, Jordan, Syria, and the Palestinian Territories. Lana, a coordinator of the UNESCO Regional Office, addressed the importance of partnership with foreign UNESCO agencies in an interview. For example, she recounted the Regional Office’s cooperation with partners from Europe and the Middle East in the Associated Schools project, and highlighted: “It is very important for us [UNESCO] to bring together people from different regions, and even from abroad. It helps people to get know each other.”¹³ Similarly, Nadine, a representative of UNESCO’s Lebanese National Commission, pointed out that heritage constituted only a small part of their activities.¹⁴ Many Beirut-based heritage associations express ambiguous attitudes towards the practices of the local UNESCO office and disapprove of its reluctance to support activists’ efforts to safeguard the city’s architectural legacy and of its lack of response to their attempts to establish collaborations.

11 In Lebanon, only five sites are inscribed on the World Heritage List, and none of them is situated in the capital city. These are: the city of Anjar, Baalbeck, Byblos, Tyre, Ouadi Qadisha, and Horsh Arz el-Rab. For more on UNESCO’s selection criteria, see <http://whc.unesco.org/en/criteria/>. In the most recent five-year strategy, the Ministry of Culture announced that it would like to have more archaeological sites included in the UNESCO World Heritage List.

12 Butler, *Return to Alexandria*.

13 Interview, 26 February 2014.

14 Interview, 26 February 2014.

II. Heritage Policymaking in Context

In recent years, various heritage initiatives have begun to advocate for the protection of national and urban patrimony. The supporters of local heritage include activists, (implicit) policymakers, and heritage institutions. Often, activists oppose the demolition of old valuable buildings, whereas policymakers and heritage institutions call for the conservation of selected artefacts and sites. The number of heritage associations increased rapidly in the 1990s when over a hundred entities registered with the Ministry of the Interior and Municipalities.¹⁵ Though, for example, the Association for Protecting Natural Sites and Old Buildings (*Association pour la Protection des Sites et des Anciennes Demeures*—APSAD) was already founded in the 1960s. It suspended activity during the civil war and resumed it in the 1990s. The recently established organisations include the Modern Heritage Observatory (MoHO), the Civil Campaign to Protect the Dalieh of Raouche, and Save Beirut Heritage.¹⁶ MoHO, which has lately ceased most of its activities, focused on modern heritage in the Middle East and North Africa (MENA region) and “rediscovering” its locality. It aimed to challenge the Orientalist image of Arab heritage, as well as the understanding of this heritage as limited to its archaeological merits and traditional beliefs and rituals. The Civil Campaign to Protect the Dalieh of Raouche has called for the conservation of Beirut’s coastal sites, and Save Beirut Heritage has lobbied for the protection of Beirut’s architectural heritage.

As I discuss elsewhere,¹⁷ Minister of Culture Michel Eddé (1992–1996) made the first major attempt to classify built heritage in Beirut’s pericentral districts. Eddé commissioned APSAD to survey all buildings in the areas adjacent to Beirut Central District. APSAD recommended conservation of approximately one thousand structures built before the 1930s. This study was followed by another survey, which covered ‘Ain el-Mreisseh, Spears, Zuqaq el-Blat, Bashura, Achrafieh, Gemmayzeh, and Sursock. The Directorate General of Urban Planning approved the classification of heritage clusters in Beirut. This was

As I discuss elsewhere,¹⁷ Minister of Culture Michel Eddé (1992–1996) made the first major attempt to classify built heritage in Beirut’s pericentral districts. Eddé commissioned APSAD to survey all buildings in the areas adjacent to Beirut Central District. APSAD recommended conservation of approximately one thousand structures built before the 1930s. This study was followed by another survey, which covered ‘Ain el-Mreisseh, Spears, Zuqaq el-Blat, Bashura, Achrafieh, Gemmayzeh, and Sursock. The Directorate General of Urban Planning approved the classification of heritage clusters in Beirut. This was

15 Misk, Zeina. *Heritage Associations in Beirut: Institutionalisation of Nostalgia*. Unpublished master’s thesis. Beirut: American University of Beirut, 1998.

16 Civil Campaign to Protect the Dalieh of Raouche website, accessed 11 July 2018, <https://dalieh.org/>; Save Beirut Heritage website, accessed 11 July 2018, <http://savebeirutheritage.org/>.

17 Puzon, Katarzyna. “Saving Beirut: Heritage and the City.” *International Journal of Heritage Studies* 25:9 (2019): 914–925, <https://doi.org/10.1080/13527258.2017.1413672>.

the first study of entire quarters—and not just specific buildings—the streets of which were marked as Rue à Caractère Traditionnel (Street with Traditional Character). However, due to the owners' protests, 551 buildings were removed from the list and could potentially be sold or demolished.¹⁸

In 1998, the Council for Development and Reconstruction (CDR)¹⁹ asked Khatib & Alami, a Lebanese consulting firm, to develop guidelines regarding demolitions.²⁰ Age was one indicator of heritage value: constructions less than fifty to sixty years old were not classified as (architectural) heritage. The extent of war destruction constituted another important factor. These two indicators underpinned the classification of the built environment Khatib & Alami performed. These guidelines also included a series of conservation practices. Soon thereafter, Prime Minister Rafiq Hariri (1992–1998, 2000–2004) commissioned a study by the CDR. Following the criteria of age and the extent of war destruction, they categorised individual buildings as A, B, C, D, or E (A signifying the highest value in terms of heritage). The CDR classified 209 buildings as A, B, or C, i.e. as possessing heritage value, and 250 buildings were identified as D or E and were thus allowed to be demolished. In effect, the heritage quarters were fractured, and by 2010, 77 buildings had been pulled down.²¹ In the late 2000s, Minister of Culture Salim Wardeh (2009–2011) drafted a law, which stipulated that a special committee had to review each case before a building was bulldozed. Sarah, a heritage activist, described this law as a “way of buying time” rather than a sustainable solution.²²

In October 2017, the Council of Ministers approved a new law on heritage that is awaiting discussion in parliament. The draft law lays out classification and protection procedures regarding both individual buildings and entire neighbourhoods, and establishes a council of experts that will issue decisions about the heritage value of specific structures and areas. It introduces a new mechanism called the Transfer of Development Rights (TDR) that grants owners of protected buildings the opportunity to sell development rights that can be subsequently transferred to another parcel in the city. This would allow owners to keep their property and would provide them with funds to invest in its

18 Saliba, Robert. *Beirut City Center Recovery: The Foch-Allenby and Etoile Conservation Area*. Göttingen: Steidl, 2004.

19 The Council for Development and Reconstruction is a governmental body entrusted with planning, execution, and supervision of reconstruction and development projects in Lebanon.

20 The guidelines are included in the “Conservation of Buildings Possessing Architectural Heritage in the Surrounding of Beirut Central District” study that is available from APSAD’s office.

21 ALBA Study. Beirut: Urban Planning Institute of Académie Libanaise des Beaux-Arts (ALBA), Balamand University, 2010.

22 Personal communication, September 2013.

renovation. In addition, the law offers tax discounts and exemptions to owners, heirs, and prospective buyers of protected buildings in order to encourage their renovation.

III. Modern Heritage

The potential of “being stronger together” was frequently mentioned during my conversations with members of heritage organisations. Attempting to foster networking and collaboration around the theme of

heritage, local initiatives started to promote cooperation as a viable opportunity to create change in a more effective manner. This was a long-awaited step with potential to lead to some sustainable solutions in the field of cultural patrimony. MoHO members and heritage activists often addressed this objective at meetings and public events held between April 2013 and April 2014. The approach became popular among other collectives and groups as well, for instance the Civil Campaign to Protect the Dalieh of Raouche or the Civil Coalition against the Hekmeh-Turk Axis Highway Project, the latter of which concentrated on one specific cause, i.e., halting the construction of the Fouad Boutros Highway. Even so, self-sustainability remains a challenge for Lebanese non-governmental organisations—it is a complex issue rooted in local economic and socio-political realities.

Founded in 2012, MoHO was a heritage initiative whose members represented over thirty entities from various countries in the MENA region, predominantly Lebanon-based organisations.²³ MoHO defined itself as a civil society project, and the Lebanese Ministry of Tourism was the only state institution active in the network. It focused on the conservation and documentation of modern cultural heritage of the MENA region. Although initially planned as a two-year undertaking, the initiative managed to continue its activity for much longer. There has been some overlap between the scope of MoHO’s work and the practices of other organisations and individuals of other organisations and individuals addressing the question of memory and archives in contemporary Lebanon.²⁴

²³ The main partners were the Arab Centre for Architecture (ACA), Cinémathèque de Tanger, the Arab Image Foundation (AIF), and IRAB Association for Arabic Music.

²⁴ See also Puzon, Katarzyna. “Memory and Artistic Production in a Post-war Arab City”, in D. O’Rawe and M. Phelan (eds), *Post-Conflict Performance, Film and Visual Arts: Cities of Memory*. London: Palgrave Macmillan, 2016.

MoHO focused primarily on structures built in the twentieth century, with all the participating actors allotted tasks.²⁵ MoHO's goal was to strengthen the capacity of each institution in their own work and within their networks in the MENA region. This included advocacy, networking, good practices, and emergency plans. In addition, partners mobilised for joint actions to influence policies and legal frameworks, as well as to advocate and generate political commitment to action in the area of modern cultural heritage.²⁶ They organised two regional meetings in Beirut that took place on 21 February 2013 and 1 November 2013.

MoHO's financing epitomised the modus operandi of Lebanese non-governmental organisations that largely rely upon the financial support of foreign and international donors or private funding bodies. Government spending on culture is minimal in Lebanon.²⁷ International subsidies and assistance have been the most common form of financial backing, especially since the early 2000s when cultural production became a battlefield for Lebanon's democratisation efforts and the formation of civil society.²⁸ Recently, sponsors from the Gulf region have become visible in the cultural sector. MoHO benefited from an international donation by receiving an EU grant in 2011. From its inception, the network applied for funding that could enable its continuous development. For example, Germany's Heinrich Böll Foundation supported its activities, as well as providing funds and resources to the Arab Image Foundation and IRAB. In this respect, cultural policies in Lebanon work within the parameters of "transnational governmentality".²⁹

MoHO members asserted that modern heritage was marginalised in Beirut, because it did not fall into the universal heritage categories of age and aesthetics. They strove to contest the contradiction between modernity and heritage. Their idea of "modern" was supposed to break with the prevalent understanding of heritage as old or traditional. On the one hand, their "still living heritage"

25 The Arab Centre for Architecture, for instance, considers the period between the 1940s and the 1970s as the heyday of modern Lebanese architecture. See also Abdelmassih, Claudine. "Modern Design and Architecture in the Arab World. The Beginnings of a Project: An Exhibition by the Arab Center for Architecture", in A. Langlois, H. Haidar and S. Morris (eds), *The Modern Heritage Observer*. Beirut: Heinrich Böll Foundation, 2013; Arbid, George (ed.). *Architecture from the Arab World (1914-2014). A selection*. Manama, Kingdom of Bahrain: Ministry of Culture/Beirut: Arab Centre for Architecture, 2014.

26 Interview with a MoHO member, 20 July 2013.

27 Hamadi, Wafaa and Rita Azar. "Lebanon", in Culture Resource (Al Mawred Al Thaqafi) and European Cultural Foundation (eds), *Cultural Policies in Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine, Syria and Tunisia. An Introduction*. Amsterdam: Boekman-studies, 2010. See also Célia Hassani's study on policies of public funding of culture in this volume.

28 Toukan, Hanan. "On Being the Other in Post-Civil War Lebanon: Aid and Politics of Art in Processes of Contemporary Cultural Production." *Arab Studies Journal* 18:1 (2009): 118-161.

29 Ferguson, James and Akhil Gupta. "Spatializing States: Toward an Ethnography of Neoliberal Governmentality." *American Ethnologist* 29:4 (2002): 981-1002.

approach suggested the inescapability of heritage's demise or even its imminent sense of loss. On the other hand, by addressing heritage as "living", they moved beyond its interpretation as a collection of frozen-in-time artefacts or as disappearing rituals, for example. This notion of heritage adheres to the life–death trajectory, whereby the divide between the "dead" past and the "living" present is challenged. Undermining the concept of heritage being opposed to modernity, MoHO also drew attention to the modern period as an important time for the foundation of independent Lebanon.

IV. Endangered Heritage

What I often heard from my interlocutors was that memory was very subjective, whereas heritage had more of an objective and tangible value. This understanding of heritage stems from the presumption that expert knowledge is required to assess and verify the authenticity and significance of artefacts, sites, and traditions. Thus, a "specialised" approach to a given object or skill appears indispensable. Alongside this, one of the priorities that heritage organisations voiced was the need to "involve more scientific people who know what they are doing", which leaves "unprofessional" actors out by relying on the "expert" reading of sites and artefacts. In this regard, MoHO was a platform not only for the exchange of expertise and experience, but also for capacity building for institutions in possession of archives, including digital ones. The network used the World Wide Web as an archival space. The collections of MoHO members were accessible via the Virtual Gallery section, which is now unavailable. Their archival practices involved collecting and preserving film posters, photographs, architectural plans, and films.

Heritage initiatives in Lebanon have often addressed emergencies, along with questions of destruction and loss.³⁰ The results of a questionnaire distributed during a MoHO meeting showed that the formation of an emergency plan was recognised as crucial to its activities, which included the protection of archives. "We want to help these collections live longer by rescuing them and securing their lives", said one of the participants. When I discussed this matter later with a MoHO member active in the cultural sector in Lebanon, she argued:

It is also the fault of funding institutions. The World Monuments Fund and the Getty [Foundation] like the idea of saving something

³⁰ See for example Holtorf, Cornelius. "Can Less Be More? Heritage in the Age of Terrorism." *Public Archaeology* 5:2 (2006): 101–109.

that is going to disappear. There is this promotional and visibility aspect that limits activities of associations and NGOs. Somehow, they are pushing us to go in one direction and not in the other. They always talk about emergency. Now I have seen that the Prince Claus [Fund] is launching a new project; still the same problem: “Culture in Defiance”. So there is always emergency—you have to save something that is endangered. It could help when there is emergency. I can understand the reasons of the people who fund and give money. But an institution cannot build itself on endangered things and emergency actions. It is already very stressful to have an NGO and build something with very few resources.³¹

At the same time, she spoke of MoHO as an exceptional entity whose practice was at odds with the activities of most Lebanese heritage initiatives, which she rebuked for unprofessional conduct and a lack of critical thinking.

The other priorities of heritage associations entailed conservation by means of improving access to materials, training, and knowledge that would allow for better maintenance of their holdings and could result in increased professionalism. Archiving is the cornerstone of many local organisations, which have devoted significant energy to developing and maintaining archival resources. They approach documentation as a guarantor of the longevity of cultural heritage since it links the past with the present and creates a record for posterity. The urgency of archives was an oft-discussed issue during meetings and informal gatherings; although not all participants considered archiving their main activity or indeed possessed archives at all.

The Arab Centre for Architecture (ACA),³² for example, is concerned with architectural archives and is preoccupied with modernity as resting on the tenets of modernism and modernist architecture. Due to their strong position in MoHO, architectural heritage was one of the leading themes of the network. Established by Lebanese artists and collectors in 1997, the Arab Image Foundation (AIF)³³ was another prominent partner. It is a highly respected non-profit organisation in the MENA region, and houses over six hundred

³¹ Interview with a MoHO member, 11 February 2014.

³² Arab Centre for Architecture website, accessed 11 July 2018, <http://www.arab-architecture.org/>.

³³ The Arab Image Foundation website, accessed 11 July 2018, <http://www.fai.org.lb/home.aspx>. The website was relaunched in May 2019 and can now be accessed under <http://arabimagefoundation.com/>.

thousand photographs; twenty-five thousand images are available online with free registration. The foundation does not provide access to originals, what Lucie Ryzova calls “no-show policy”. Arguing for widespread accessibility, she holds that “digitisation is seen as a privileged solution for the preservation and democratisation of cultural heritage”, and adds that in the case of the AIF, “the democratisation of access to knowledge that digitisation seemingly encourages remains a fiction”.³⁴ MoHO’s methods of organising the resources and virtual gallery were predicated upon some of the AIF’s strategies, though the network did not formulate any clear restrictions regarding access to originals.

V. Archives

International Archives Day, held on 9 June in many countries, was celebrated in Lebanon for the first time in 2013.³⁵ The organisers agreed upon “Endangered Archives” as the theme of the 2013 event. This was to highlight both the uniqueness of existing archives and their perilous situation. An argument for this theme, raised during an organisational meeting, was that “people do not really have an idea that certain archives are fragile, so we should raise awareness.”

In 2013, seventeen institutions³⁶ participated in International Archives Day, which proved to have quite a wide appeal. The organisers were pleased with the high turnout and overall success of the event. The rationale behind it was to make the public familiar with the activities of various associations and to showcase their collections. One of the organisers pointed out: “the Middle East and the Arab world have all these archives, but they do not know about them. That’s why we need to raise awareness”.³⁷ It was also an opportunity to tell stories of the past through selected material evidence, as well as enabling public access to archives. Lana, who was involved in the preparation process, asserted during our conversation: “It’s more about the conservation of the memory of

³⁴ Ryzova, Lucie. “Mourning the Archive: Middle Eastern Photographic Heritage between Neoliberalism and Digital Reproduction.” *Comparative Studies in Society and History* 56:4 (2014): 1027–1061, 1056–1058.

³⁵ During one of the preparatory meetings, a representative from one of the participating institutions suggested that there was already Heritage Day, organised in May each year. Another attendee riposted immediately, saying “pas le jour de patrimoine, bas le jour d’archive” (“not heritage day, but archive day”). International Archives Day was actively celebrated as a joint effort by a number of institutions in 2013, 2014, and 2015. Since 2016, it has been up to individual institutions whether they celebrate it or not.

³⁶ These were the Arab Centre for Architecture, the Arab Image Foundation, the Foundation for Arab Music Archiving and Research, Annahar Information Centre, the American University of Beirut, l’Université Saint-Joseph de Beyrouth, Daralhayat Information Centre, la Fondation Liban Cinéma, The Fouad Debbas Collection, Instituto Cervantes de Beirut, Institute for Palestine Studies, the Revival Project of the Lebanese National Library, L’Orient-Le Jour, Recto Verso Library, Solidere, l’Université Saint Esprit de Kaslik, and UMAM Documentation & Research.

³⁷ Interview with a MoHO member, 11 February 2014.

things—artistic things, products, and artefacts. There is awareness and protection involved in it, maybe not at the national level, but there are private collections and things like that.” Linking the “memory of things” with archives as the embodiment of stored memories, she added that people wanted to have access to cultural patrimony and talk about issues of current interest. The Lebanese National Library, for instance, received many visitors who were eager to explore the library’s holdings.³⁸ Heated discussions took place on that day. For example, visitors argued in front of the exhibited newspapers whether it was at all possible to publish a Jewish newspaper in Lebanon.

How do we define archives? This question emerged during discussions of potential participating institutions in International Archives Day. Although the organisers did not propose one definition of “archives”, the interpretation they adopted primarily relied upon the recommendations and standards established by the International Council on Archives (ICA). The preamble to the ICA’s Constitution reads as follows:

Archives constitute the memory of nations and of societies, shape their identity, and are a cornerstone of the information society. By providing evidence of human actions and transactions, archives support administration and underlie the rights of individuals, organisations and states. By guaranteeing citizens’ rights of access to official information and to knowledge of their history, archives are fundamental to democracy, accountability and good governance.³⁹

The ICA describes archives in terms of memory and historical records, and their accessibility is embedded in civil rights discourse. In light of the above definition, the council ascribes particular significance to archiving as a crucial aspect of identity and society formation, and subsequently its democratisation. One could argue that this approach represents a limited understanding of what archives are and that this might potentially exclude art works, for example.

In Lebanon, many artists have addressed the issue of archives and the need for archiving by creating their own historical and often non-linear narratives. The Atlas Group is best known for this. Its project entitled “Beirut Archive”

³⁸ The Revival Project of the National Library was launched in 2007. The National Library holds a temporary archive centre in the Free Zone of the Port of Beirut. Lebanese National Library website, accessed 11 July 2018, <http://bnl.gov.lb/arabic/index.html>.

³⁹ International Council on Archives constitution, accessed 11 July 2018, https://www.ica.org/sites/default/files/constitution_2012_en_final_2016_visual_identity.pdf.

Concluding Remarks and Outlook

exemplifies attempts to collect and present the accounts of the civil war through fictionalised “stories of memory”. In a similar vein, Lamia Joreige’s “Under-Writing Beirut—Mathaf” deals with the question of access to the National Museum’s collections that are kept in storage.

Seen as an aspirational venture, archiving is, as Arjun Appadurai argues, part of some sort of collective project. Rather than being the tomb of the trace, the archive is more frequently the product of *the anticipation of collective memory*. Thus, the archive is itself an aspiration rather than a recollection. This deep function of the archive has been obscured by that officialising mentality, closely connected to the governmentalities of the nation-state, which rests on seeing the archive as the tomb of the accidental trace, rather than as the material site of the collective will to remember. [emphasis mine]⁴⁰

Therefore, archives, I contend, are not just “sites of (collective) memory”; they are the sine qua non of heritage-making. As Smith aptly notes, the idea is not simply to “find’ sites and places to manage and protect. It is itself a constitutive cultural process that identifies those things and places that can be given value as ‘heritage’, reflecting contemporary cultural and social values, debates and aspirations.”⁴¹ In Lebanon, local initiatives endeavour to invest sites and artefacts with meaning by means of archiving or recording the past for posterity. However, as is often the case with archival projects and institutions, great emphasis is placed upon the “discoveries of sources as external objects”, as Beshara Doumani posits, “and not enough on the relationship between persons and texts [as well as images and sounds] that can make archives speak.”⁴² This remains a serious challenge for heritage policymaking in general, not only in Lebanon.

⁴⁰ Appadurai, Arjun. “Archive and Aspiration”, in J. Brouwer and A. Mulder (eds), *Information is Alive*. Rotterdam: V2_Publishing/NAI Publishers, 2003, 16.

⁴¹ Smith, *Uses of Heritage*, 3.

⁴² Doumani, Beshara. “Archiving Palestine and the Palestinians: The Patrimony of Ihsan Nimr.” *Jerusalem Quarterly* 36 (Winter 2009): 4–12, 6.

Heritage is about meaning-making and “regulating” values. It is also mobilised to challenge and negotiate those values. In Lebanon, understandings of heritage have recently begun to shift gradually from a matter of family legacy to one of a collective phenomenon. This is reflected not only in the urban struggle for the protection and conservation of decaying buildings but also in the emergence of heritage organisations more broadly. The practices of formal and informal initiatives, which claim that they act for the public good, are concerned with accessibility, loss, and endangerment. Great importance is attached to scientific knowledge and the presumption that a society’s attitudes towards its heritage determine its level of “progress” and modernisation. The ladder of “progress” and “catch-up” models are often bound to the idea of a “conservation ethic” that excludes many voices.⁴³ Although MoHO, for example, sought to challenge the understanding of heritage this kind of discourse nurtured to the exclusion of others, it also strove to become integrated into the global heritage network and relied upon generic formulations that did not necessarily enable alternative approaches.⁴⁴

As this study has explicated, heritage discourses and practices are concerned with the past and the present, as well as the future. Heritage initiatives mobilise notions of emergency and salvage, weaving together the themes of rights, resource, and risk. Their endeavours can be viewed as conservation of potential losses and the appreciation of by-gone times, places, and things. This includes attempts to “save” buildings, images, sounds, artefacts, or landscapes from destruction. Yet, after all, heritage practices are also about both conflict and collaboration. They can be the cause of disputes, even though heritage is also regarded as a panacea to discord. In this respect, the issues of representation, ownership, and recognition seem particularly significant, referring to a nexus of values, ideas, and imaginings as being of paramount importance, especially when it comes to such questions as “Whose heritage is it?” and “Who makes that decision?”, to reference Michael Herzfeld.⁴⁵

As such, (heritage) policymaking needs to be discussed as embedded in a certain sociocultural reality. This necessitates contextualising it geographically and historically, as well as approaching it holistically. As Clarke et al. maintain,

⁴³ See for example Byrne, Denis. “Western Hegemony in Archaeological Heritage Management.” *History and Anthropology* 5:2 (1991): 269-276.

⁴⁴ See also Mitchell, Timothy. *Rule of Experts: Egypt, Techno-Politics, Modernity*. Berkeley and London: University of California Press, 2002.

⁴⁵ Herzfeld, Michael. *A Place in History: Social and Monumental Time in a Cretan Town*. Princeton: Princeton University Press, 1991, xiii.

“policy involves social processes that are intertwined with people’s lives, often in very profound, sometimes oppressive, and even violent, ways”.⁴⁶ In this regard, an important issue concerns access in the forms of participation, use, and communication. By this, I do not mean access only to museums, heritage sites, and archives, but also to the information about their locations, provenance, and holdings. Digitisation can provide a viable solution: the founding of a virtual museum of modern art in 2016 was a favourable step towards this end.⁴⁷ Access also involves engagement in heritage-making processes and policies that are not governed solely by authority structures. This, in turn, potentially encourages diversity and multiplicity in heritage interpretation and expression. Finally, sustainability and transparency are equally crucial factors that need to be taken seriously, and thus require critical attention and inclusion in any (heritage) policymaking endeavours.

About the author

Dr. Katarzyna Puzon is an anthropologist and Research Fellow at the Centre for Anthropological Research on Museums and Heritage (CARMAH) at the Humboldt University of Berlin. Her main research interests lie at the intersection of heritage, memory, mobility, and city, as well as in anthropology as storytelling and its multimodality. In her ethnographic work on Beirut, she explored how discourses and practices of urban heritage were mobilized and framed by ongoing changes in the city and engaged in future-making. Her current research focuses on Berlin, where she examines the politics and poetics of representation and recognition, primarily in relation to Islam and heritage-making, as part of the project Making Differences in Berlin: Transforming Museums and Heritage in the 21st Century. Katarzyna has authored a number of publications, including “Memory and Artistic Production in a Post-War Arab City” (in *Post-Conflict Performance, Film and Visual Arts: Cities of Memory*, Palgrave Macmillan, 2016), “Saving Beirut: heritage and the city” (*International Journal of Heritage Studies*, 2017/2019), and *Islam and Heritage in Europe: Pasts, Presents and Future Possibilities* with Sharon Macdonald and Mirjam Shatanawi (Routledge, 2021).

⁴⁶ Clarke et al., “Moving Policy Studies”, 9.

⁴⁷ Virtual National Museum of Modern Art—Lebanon, Ministry of Culture, accessed 11 July 2018, <http://artmodernmv.gov.lb/>.

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