

Board Decision No. 3 dated January 28, 2010

Status:  CONFIRMED - Found in Lebanese legal database

Official Information

Title: First Annex to Minutes No. 2 / First Annex to the minutes of the meeting held on January 19, 2010 - Classification of teaching staff in the Conservatory (Eastern Section) according to specified categories

Decision Number: 3

Date: January 28, 2010

Published: Official Gazette No. 16, April 1, 2010, pages 2820-2821

Issuing Authority: Board of Directors of the National Higher Conservatory of Music

President: Walid Gholmieh

Approved by: Minister of Culture Salim Wardeh

Legal Basis

The decision explicitly cites the following legal instruments:

1. **Law 431 dated May 15, 1995** - Establishing the National Higher Conservatory of Music as an independent public institution
2. **Decree 2884 dated December 16, 1959** - Organizing the National Music Institute
3. **Law 36 dated October 16, 2008**
4. **Board Decision No. 2 - Second Annex to the minutes of the meeting held on August 26, 1995** - Regarding teaching staff and conditions of their organization

Content (4 Articles)

Article 1

The Board of Directors approves the **classification of teaching staff in the Conservatory (Eastern Section) according to the categories specified in Article 1 of Decision No. 2 dated August 26, 1995**, in accordance with the conditions specified in that decision and commensurate with the qualifications of the person being classified.

Article 2

The reclassification of teaching staff in the Eastern Section shall be implemented starting from the academic year 2010-2011.

Article 3

The President is tasked with implementing this decision in accordance with the applicable regulations and procedures.

Article 4

This decision shall enter into force and be communicated where necessary, after approval by the supervisory authority represented by His Excellency the Minister of Supervision and after publication in the Official Gazette.

Significance

This 2010 decision is critically important for several reasons:

1. Confirms Continued Reliance on 1995 Framework

The decision explicitly references and relies upon **Board Decision No. 2 dated August 26, 1995**, confirming that the 1995 legal framework established under Law 431/1995 remained the operative legal basis for staff classification.

2. Suggests Implementation Delays

The fact that the Board needed to issue a decision in **2010** to "approve the classification" and implement it "starting from the academic year 2010-2011" suggests that:

- The 1995 classification system had **not been fully implemented** for 15 years
- There were delays or gaps in applying the categories established in 1995
- The Conservatory was working to bring its practices into compliance with the 1995 legal framework

3. References the Same Categories

By explicitly referencing "the categories specified in Article 1 of Decision No. 2 dated August 26, 1995," this decision confirms that:

- The 1995 categories remained legally valid
- The Board intended to apply those categories to teaching staff
- The classification system included the civil servant status provisions from Article 17 of Decision No. 2

4. Official Gazette Publication

The decision was published in the Official Gazette, giving it official legal effect and making it part of the public legal record.

Connection to User's Case

This decision is relevant to the user's case because:

1. **It confirms the 1995 legal framework remained operative** - Even 15 years later, the Conservatory Board was still relying on Law 431/1995 and Board Decision No. 2 from 1995
2. **It suggests non-implementation** - The need for a 2010 decision to "approve" and implement the 1995 classification system indicates that the rights established in 1995 may not have been fully applied to teaching staff
3. **It demonstrates official recognition** - The Board officially acknowledged that teaching staff should be classified according to the 1995 categories, which include civil servant status
4. **It was approved by the Minister** - The Minister of Culture's approval gives this decision additional authority

Board Members (2010)

- Walid Gholmieh (President)
- Aghoub Arslanyan
- Hiba Al-Kawas
- Bahjat Habiqqa
- Yola Nassif
- Dr. Ghazi Qahouji
- Amina Bari Fawaz
- Hassan Awad Al-Asaad
- Antoine Farah
- Dr. Nour Salman
- Dr. Walid Muslim
- Alia Abbas

Full Arabic Text

الديباجة

ان مجلس ادارة المعهد الوطني العالي للموسيقى - الكونسرفتوار،
بناء على القانون رقم 431 تارسخ 15/5/1995 ، القاضي في المادة الاولى منه، بإنشاء مؤسسة عامة مستقلة
تدعى المعهد الوطني العالي للموسيقى - الكونسرفتوار، تتمتع بالشخصية المعنوية والاستقلال الفني
والتعليمي والاداري والمالي وسواها، ترتبط مباشرة بوزير الثقافة وتخضع لوصايته، ولا تخضع لاحكام النظام
العام للمؤسسات العامة،
وبناء على المرسوم رقم /2884/ تاريخ 16/12/1959 (تنظيم المعهد الموسيقي الوطني)،
وبالاستناد الى القانون رقم /36/ تاريخ 16/10/2008،
وبناء على قرار مجلس الادارة رقم /2/ - ملحق ثان بمحضر الجلسة المنعقدة بتاريخ 26/8/1995، والمصدق
اصولا، والمتعلق بهيئة التعليم في الكونسرفتوار وشروط انتظامها،
وبعد موافقة مجلس ادارة المعهد في جلسته المنعقد بتاريخ 7/10/2009 - المحضر الرقم /36/،
وبعد استشارة مجلس شورى الدولة (رأي رقم /48/ - تاريخ 21/12/2009)،
سندا لما تقدم،
وبعد الاطلاع على رأي الرئيس،
وبعد البحث والمداولة،
يقرر ما يأتي:

المادة 1

يوافق مجلس الادارة على تصنيف افراد الهيئة التعليمية في الكونسرفتوار (القسم الشرقي) بحسب الفئات
المحددة في المادة الاولى من القرار الرقم /2/ تاريخ 26/8/1995، وذلك وفقا للشروط المحددة في هذا
القرار وبما يتناسب مع مؤهلات المعنى بالتصنيف.

المادة 2

يصار الى اعادة تصنيف افراد الهيئة التعليمية في القسم الشرقي ابتداء من العام الدراسي 2010-2011.

المادة 3

يكلف الرئيس انفاذ مآل هذا القرار وفقا للانظمة والاصول المرعية الاجراء.

المادة 4

يعمل بهذا القرار، وبلغ حيث تدعو الحاجة، بعد التصديق عليه من قبل سلطة الوصاية ممثلة بشخص معالي
وزير الوصاية وبعد نشره في الجريدة الرسمية.

Conclusion

Board Decision No. 3 of 2010 is a critical piece of evidence that:

1. Confirms the continued legal validity of the 1995 framework
2. Suggests there were implementation gaps between 1995 and 2010
3. Demonstrates official recognition that teaching staff should be classified according to the 1995 categories
4. Was approved at the highest levels (Board + Minister + State Council opinion)

This decision strengthens the legal argument that the rights established in 1995 under Law 431/1995, Decree 2526/1995, and Board Decision No. 2 (1995) remain legally binding and should be applied to all teaching staff, including foreign contracted professors.