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The Role of the Regulations in the Development of the Tourism Sector in Lebanon

The Lebanese laws and regulations define and organize the institutions, trades and professions related to the tourism industry. This approach reflects the concern of the Authority to participate directly in the orientation of the tourism private sector without taking any financial or operation responsibility.

It is hard to claim that Lebanon has developed contemporary tourism policies and plan. Radical reforms are needed, as the current regulations were issued for more than forty years. Thus, it is necessary to update the texts, according to the market needs. These issues require the development of modern and lasting laws.

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Introduction

The future growth of the Lebanese tourism depends on a large extent on the Lebanese government's commitment to tourism development and its support of the industry. While the private sector must play an important role in developing quality products and services, the government must create the underlying conditions for market confidence, dynamism and sustainability.

The Tourism regulations in Lebanon cover a large field of diversified activities. These regulations leave outside their scope few activities that are related to tourism. They aim to establish framework in all the areas of this sector.

The tourism and hospitality industry is closely interlinked with the legal system. Business organizations such as hotels, travel agencies and restaurants rely on common law when dealing with each other. Law also impact businesses interaction with customers through the provision of goods and services (Cournoyer 2007).

However, the regulations cannot produce the sought results unless the administration in charge of the control have sufficient resources in material and competent staff, and an acceptance of its concept and its spirit by the professionals in the private sector (El Hassan, 1978).

On one hand, a strict application of the regulations may create obstacles for initiatives. On the other hand, a number of dispositions is weakly applied or not applied at all, due to the lack of qualified staff and to a rigid and static Administration.

The current Lebanese tourism regulations are old and obsolete, as they were issued in the twenties of the last century. For example, the first hotel regulation, the decree No 2613, was

issued in 1924 and modified several times to regulate hotels, restaurants, nightclubs, and bars activities.

However, these modifications took into consideration the administration needs without respecting the requirements of the stakeholders and without seeking for alternatives that could boost the sector (El Khatib, 2011).

This study aims to demonstrate the role of laws in the development of the Lebanese tourism sector and to analyze their limits, weaknesses, and applications. Tourism laws in Lebanon are analyzed in detail, describing the deficiencies and suggesting amendments to be undertaken to protect and boost this industry.

The Tourism Sector in Lebanon

Tourism plays an important part in the economic and socio-cultural life in Lebanon. It is one of the main pillars of the Lebanese economy and one of the rapidly developing sectors of Lebanon. Prior to the 1975-1991 war, Lebanon had a thriving tourism industry. For the hundreds of thousands of nationals from the more traditional Arab countries who visited Lebanon in the early 1970s, it offered the freedom of Europe at just a few hours away. It was a cosmopolitan, multilingual, fun-loving destination with a heady mix of East and West, of traditional and modern – as well as an important centre for financial services.

By the late-1960s tourism had become an important sector of the local economy, with its many archaeological sites an increasing draw for Western tourists. In 1974, just before the outbreak of war, the tourism industry accounted for an estimated 20 percent of GDP.

International arrivals topped 1.4 million and tourism receipts had grown nearly five-fold since 1964.

Not surprisingly, Lebanon's tourism suffered badly from 16 years of civil war, and most of its tourism infrastructure was destroyed or severely damaged. Although the country embarked rapidly on a major reconstruction and rehabilitation program after the end of the hostilities, it will be several years before the major infrastructure work is completed.

Methodology of Research

This study was performed by using desk research, collecting and analyzing hospitality and tourism laws and regulations issued by the Ministry of Tourism. Field survey were conducted by meeting with The Federations of Hospitality, Travel, leisure & Recreation, Enterprise Owners and The Hotel Owners Association and the Restaurant Owners Association.

General Background of Tourist Laws and Regulations

Tourism legislation includes the basic tourism laws and regulations. It defines the policy required to develop the tourism sector and it establishes the function, the structure and the source of funding of the National Tourism Authority (Goodwin and Gaston, 1996).

Tourism laws and regulations are divided into six categories and sub-categories depending on the Administrative entities concerned:

1. Laws that define the prerogatives of the Tourism board and its relationship with the different administrative bodies and the private tourism sector.

2. Laws that regulate the tourism institutions, professions and other enterprises concerned by tourism, such as entertainment, recreation, and casino.
3. Laws that set up the State support and incentives for tourism investments, (customs and taxes exemptions, and long-term loans).
4. Air, sea and land transport regulations, in order to comply with national and international conventions standards and tourism agreements.
5. Health and Safety regulation, that set-up the essential of food safety and sanitation in food establishments.
6. Tourism and Hospitality Higher education and Vocational study. The State define the goal and the action plan that concern these specializations.

Institutional Framing

The Act of March 29, 1966 created the Ministry of Tourism, in succession to the *Commissariat Général au Tourisme*.

According to the law No. 21/66 the main prerogatives of the Ministry of Tourism concern:

- Application of tourism laws and regulations
- Execution of tourism projects directly or indirectly
- Internal and external promotion of the Lebanese tourism activities
- Organization, coordination and control of the different stakeholders
- Regulation of tourism professions and establishments
- Simplification of the formalities needed to implement tourism projects
- Tourism development

For more than fifty years the Ministry of Tourism is characterized by a rigid and a bureaucratic structure that should be updated in order to meet the objectives. The state, instead of boosting the Commissariat for Tourism, slowed down its activities, by eliminating its financial and administrative autonomy, reducing its operations and budget and by changing its legal status. The creation of the Ministry of Tourism, led to establish an inadequate structure without any prospect for the future and with a lack of specialized and qualified staff.

The Ministry of Tourism, in its present structure, cannot perform efficiently the tasks inherent to its mission. It is urgently needed to restructure the framework of the Ministry in the concept of a modern and competent Administration.

Legal Framework

Organization and development of the tourism sector

The law No. 58/67, issued in 1967, aims to regulate the organization of tourism development project. It has introduced the concept of tourist utility. The dispositions of this law were later developed by decree.

These dispositions are well adapted to a proactive policy for tourism layouts. Even though the concept of tourist utility had little applications, the B.O.T. (Build-Operate-Transfer) can be considered the most pertaining to this type of approach. It consists to concede to private enterprises, and for a limited period, the reconstruction, and operation on tourist sites belonging to the State (El Hassan, 1973).

The decree No. 9428, issued in 1968, created the Consultative Tourism Committee, which includes the public and private sectors. Its role is to advice on all issues relating to tourism establishments and professions (licensing, rating, pricing and all general texts relating to tourism).

This decree allows certain cooperation with the professional of the private tourism sector for the implementation and the application of tourism regulations. This organization is a consultative authority with a vast jurisdiction. Even though frequent meetings with the stakeholders have little influence, they can be useful to take into consideration the realities of the tourism sector. This Committee must be reorganized by modifying the decree. It should include representative of all tourism profession and be directly related to the Minister.

The law No. 360/2001 created the Investment Development Authority of Lebanon (**IDAL**). This entity grants a set of incentives for investments in key sectors including Tourism, It facilitates also the issuance of the permits and licenses that are required to start and operate in a business, through coordinating with the public institutions.(one-stop-shop).

Tourism establishments, professions and related activities regulations

The hospitality industry in the context of this study includes the accommodation services and food preparation, the preparation of drinks and beverages and the services related to this activity. Travel agency refers to the activities that directly impact the travel industry.

These regulations are the cornerstone of the tourism legislation in Lebanon. They are organized by the following texts:

The decree Law No. 27, issued in 1967, defined, organizes and classifies the tourism professions, upon proposal of the Minister of Tourism.

The decree No. 9427, issued in 1968, defined the different tourism facilities, including nightclubs, dancing, entertainment, swimming pools and beaches, mountain equipment and most of the leisure and recreation activities.

It identifies three distinct tourism professions from tourism establishments: travel agencies, tour guides and hospitality and tourism experts. This decree allows to incorporate, any activity considered as tourism activity, and therefore submitted to the Ministry of Tourism.

The decree No. 15598, issued in 1970, managed the institutions under the control of the Ministry of Tourism. It covers many facilities, entertainment and recreation activities. It is the only text that includes in its scope all the components of the hospitality and tourism sector, by filling, to a certain extent, the gaps of the tourism legislation in force.

The decree No. 4216, issued in 1972, organized the Travel agencies, tourism and tourist transport activities.

The decree No. 11576, issued in 1997, managed the Tourist guides activities.

The decree No 5756, issued in 1951, managed the hospitality employees working conditions, wages and gratuities.

The decree No. 66983, issued in 1995, set up the modalities of Customs exemptions for hotel establishments. This decree could be amended when necessary.

The law No 320/94, issued in 1994, allowed creating a sole gambling casino for a period of thirty years (Casino du Liban).

The control of its operations and royalties is set jointly by the Ministries of Tourism and Finance. The first gambling regulation was issued in 1921.

These laws and regulations are currently in force, since no substantive text concerning the structure and duties of the Ministry has been taken since 1992. They are outdated by the "time factor"; which make unavoidable:

- The reorganization of the functions that are expected from the Ministry of Tourism according to the present and future needs of the country
- The emergence of new professions and activities which were not well known at the time when the laws were passed.

It should be noted that several applications orders issued by the Minister of Tourism, have been enacted in order to clarify certain regulatory provisions.

Authority

The Ministry of Tourism has a triple power: Licensing, Monitoring the application of the administrative notification and taking Sanctions.

License and classification

Creating tourism establishments is subjected to obtaining a license to operate. The procedure is stated in the Decree No. 15598. This process takes place in two stages.

The first stage starts by a presentation of the project idea along with economic and financial surveys. This presentation may lead to provide advice by the Administration and result in case of approval to a "preliminary approval".

The purpose of this approval is to enable whether this application could lead to the license or deny it in case of non-compliance with legal standards.

However, a very large number of preliminary authorizations were delivered by the Ministry, without being able to deliver the final license to operate. Leading to a *situation of litigation*.

This article should be urgently rectified in order to limit the duration of the preliminary authorization to one year, without any possibility to extend it. This preliminary authorization is not a license to operate.

The second stage consists in submitting documents and working plans to the Ministry of Tourism for approval, for monitoring the progress of work and for delivering a compliance certificate.

After reviewing the advice of the Consultative Tourism Committee, and after the approval of the Health and Safety Authority, the license is granted. The Ministry can reject the application at any stage, giving an appropriate reason.

Failure to respond within two months of the request is considered a tacit rejection. This disposition can lead to power abuse. It must be reviewed in order to protect the stakeholders at any stage.

The decree has specified other situations where an authorization or an approval of the Ministry is required: rates charged, names, designations and signs, incorporation of a new partner or manager responsible of the license.

The ranking of establishments also derives from a decision of the Ministry. All these decisions are taken after consulting the Consultative Tourism Committee.

Classification Standards

The classification of an establishment is mandatory. It is awarded by a decision, from the Ministry of Tourism, after consulting the Consultative Tourism Committee.

The establishments are classed by category and level; which is expressed by a class (number of stars) for each establishment, based on its properties according to the current norms.

Control

The Ministry of Tourism inspectors' have the status of Judicial Police Officers. They are responsible of monitoring the implementation of all the requirements of the concerned regulation(s), as stipulated in the dispositions of the decree 15598 and its amendments.

The Commission of Control can enter and inspect tourism establishments anytime. They may be assisted by professionals entitled by the Minister of tourism and they can send warnings and compile all statements.

The Tourist police unit was created by the decree No 94449/55. It is composed by elements of the internal security forces who are detached to the Ministry of Tourism. When-necessary, these officers can support the tourism inspectors in the exercise of their duties.

These texts aim to have an accurate knowledge of the level of enforcement of regulations by all tourism establishments and professions(Challita, 1997).

It is necessary to recruit new qualified tourism inspectors (academic level and work experience) and reinforce the attributions of the Ministry of Tourism, in order to give it the effective jurisdiction and the direct control of the safety, and hygiene in tourism establishments (El Khatib, 2011).

Sanctions

The Ministry can revoke the operating license, which was granted according to Articles 12 to 15 of the decree no15598. It proceeds, by decision of the Minister, after consulting the Consultative Tourism Committee. The sanction can be temporary (suspension) or permanent (closing).

The fines and penalties are determined by the concerned court when the establishment has contravened with the operating conditions, the regulations and the other tourism laws in force especially, in relation to safety and public health.

Types of Tourism Establishments

The decree no 15598 in its Annex 1 amended by **decree no 4221/2000**, draws up the types of tourism establishments.

They are divided into several classes according to criteria based on the degree of comfort, quality and facilities offered.

1. Accommodation establishments
2. Social tourism establishments
3. Food and beverage establishments
4. Institutions operating facilities for tourism

Hospitality Establishments

The Lebanese hotel standards reflect a fairly strict supervision, based on a pedagogical approach that can lead to practice of frequent derogations (El Khatib, 2011).

The obligations of the responsible of tourism establishments are defined in the decree No 9427 and No 15598. They can be grouped under four dispositions. One of them is a preliminary requirement to the opening of the establishment. The three other dispositions are required during the operation.

1 - Before starting the activities, owners must obtain a permit, the operating license, and a classification.

2. Upon the entry into operation, the tariff charged in all tourist establishments must be submitted once a year to the approval of the Ministry of Tourism. It should not be modified later. However, if a modification is necessary during the year a new approval is mandatory by the concerned authority.

The text also states that for any hotel establishment, the reduction on the room rates by more than 40% cannot be granted under penalty of downgrading. In addition, it is necessary to display the price in the local currency (Lebanese Pound).

3 - The responsible of tourism establishments are obliged to maintain constantly throughout the duration of the exploitation the conditions required to obtain the license. They must provide all the documents and information required. They should also notify the Ministry of any legal changes and any potential intention of closure. The use of a brand name is subjected to the approval of the ministry.

4 - The relations between the hotel owner and its customers should be governed by the tacit obligations and legal duties of hospitality in respect of the behaviour, liability, reservations, prices, hygiene, and unfair competition.

Tourism Professions

The regulations of Tourism Professions are related to operating tourism activities which do not take place around a building or premise (Cournoyer, 2007). It concerns mainly travel agencies, tourism and tourist transport, tour guides, and tourism and hospitality experts.

Travel agencies, tourism and tourist transport

Travel agencies were regulated by a decree in 1924, when tourism activities in its current concept did not exist. The decree 4216 was promulgated in 1972 and partially modified in

1996. This regulation organizes and lays down the rules and the activities of the travel agencies and the tourism and tourist transport.

It determines the scope of work for different types of agencies. The Ministry of Tourism sets the procedures of control concerning the licensing, the opening authorization and the penalties in case of violation of these regulations.

These agencies are defined as commercial enterprises that sell tickets for individuals and groups on transport companies that work in Lebanon or abroad. It should be noted that these agencies are engaged in any operation which provide services related to travel, transportation, and other complementary activities.

Categories of agencies

The **decree no 4216**, issued in 1972, has defined three categories of agencies based on the different work activities.

In addition to their activities, the agencies have the possibility of carrying complementary operations: passport and visa, insurance, currency exchange, room reservation, sales and reservation of tickets for entertainment and shows and stamps memorials.

Travel and Tourism Agency

These agencies are authorized to conduct the following operations: sale of tickets or vouchers, organizing trips for individual or groups.

This category covers all travel activities without distinction between activities performed by travel and tour operators and the activities of ticketing resale or organized tours, which are performed by travel agencies.

Tourist Transport Agency

These agencies are intended to carry out trips on land, within the country or abroad, by using transportation means that are owned by the agency itself or other carriers.

These agencies can complete their trips by using accommodation facilities and recreation.

Car Rental Agency

These agencies allow foreign tourists and non-residents Lebanese to rent a car without drivers for journey to visit the tourist sites in the country and abroad. The decree 9026/96 delimited their scope of work.

Professional practice

Travel agencies regulations stipulate the procedures to grant the authorization, which is issued by order of the Minister.

The award procedure is directly modelled on the one defined in the decree of 1970 for the tourist establishments. In addition to these requirements, the travel agencies must provide evidence that the project meets certain important conditions:

- Good reputation
- Financial or banking guaranty
- Working proficiency of the owner or the responsible director
- Suitable workplace appropriately equipped with a minimum surface in upper floors (75 m²) and (40 m²) in ground floor for the first category, and only on the ground floor (60m²) for the second and third category with a car park space nearby.

Additional requirements

The second and third categories, should own a minimal park of tourism transport vehicles put into service less than 5 years for passenger cars and 3 years for car rental agencies.

The authorized agencies should comply with specific dispositions, mentioned in the decree of 1972.

- They should receive an approval or authorization by the Ministry for transferring the agency to another location, or associate a new partner or manager who must fulfil the qualification required.
- They should not create branch offices on the Lebanese territory without authorization by the Ministry.
- Travel agencies can not engage in illegal competition in the field of travel costs, tariffs and commissions, change of tour programs less than seven days before departure.
- Finally, representatives of foreign travel agencies can not engage in tourism activities on the Lebanese territory without accredit a Lebanese licensed agent. It is strictly forbidden for anyone to deal with unauthorized agencies.

Revocation

The Minister may revoke its authorization on the proposal of the Administration:

- On request of the agency
- If the agency has stopped its activities for longer than one year
- When the agency no longer meets one of the licensing conditions
- When the agency does not renew its financial guarantee
- When the pursuit of its activities may damage the reputation of tourism. in Lebanon.

The Minister can also decide to close the agency in the case of unauthorized activities. This process can lead to penalties that can range from fine to imprisonment or both.

The correct application of such regulation is based on the control that the Administration is able to exert.

Tourist Guides

The decree No 11576 of 27/12/1997 regulates tourist guides activities'. It replaces **annex No.7 of decree No 15598/70**.

Any Lebanese who performs for tourists, support and guidance in archaeological sites, museums and major tourist attractions is qualified as a guide.

This liberal profession can be practiced only with a license renewable every year against payment of a fee. This license is delivered by order of the Minister of Tourism under certain conditions: Lebanese nationality, good morality, general knowledge, skills supported with a diploma delivered by the guiding school - this institution is attached to the Ministry of Tourism - and knowledge of foreign languages.

Guides remunerations are fixed by an order of the Minister of Tourism.

The obligations and responsibilities of the guides are defined with precision. Compliance with these obligations is subjected to the control of the Ministry of Tourism.

Sanctions and penalties are foreseen for violations. The Minister of Tourism may revoke the license in case of conviction for crime or felony, non-payment of the annual fee, excessive pricing or the violation of the laws and regulations which concern the degradation of archaeological and historical sites and antiques. In addition, the text provides sanctions of imprisonment that can range from one month to one year and / or a fine for persons performing work guide activities without authorization.

Other activities

The **decrees No. 9427** and **No. 15598** has assigned to the Ministry of Tourism the supervision of other activities, sometimes jointly with other Ministry.

Lifeguards

These persons are responsible of ensuring the safety of the swimmers and assisting in case of danger in all beaches or swimming pools open to the public. They have to obtain for this purpose a special diploma delivered by the Ministry.

Tourist Festivities Committees

The purpose of these committees is to implement, for profit, various tourism shows, tourism exhibitions, festivals and galas for beauty contest.

A decision of 1991 of the Minister of tourism had specified the conditions for authorizing these committees.

Craft and Souvenirs

Establishments and stores involved in the manufacture and sales of craft and Souvenirs are subjected to the supervision of the Ministry of tourism, according to the disposition of the decree No 15598.

Borders Regulation and Tourism Facilitations

The Organization for Economic Cooperation and Development (OECD) has adopted in 1965 a decision on administrative facilities in favour of international tourism.

An overview on the current regulations and practices in Lebanon shows that they are in accordance to these recommendations (El Hassan, 1978).

Facilitation Committee

Lebanon has created a Facilitation Committee by the decision No 56, issued in 1969, in which are represented the different public services directly related with Tourism (customs, security, transport, health, etc.).

This committee aims to coordinate the efforts to ease the obstacles that complicate the journey of visitors (El Hassan, 1973).

Passports

Visitors must hold a valid passport to enter Lebanon. The passport must be valid for a minimum period of three months from the date of entry into the country.

Visa

Entry visa is required for all foreigners. The issuing of visas by the Lebanese consulates abroad is subjected to standard conditions. Visitors can apply for a single entry tourist or family visit visa on arrival at the port of entry.

Visa allows visitor to stay in Lebanon for either three or six months. Overstaying without the proper authorization may lead to sanctions by the concerned Authority.

Clearing visa-on-arrival passengers at the borders need to be simplified.

Health Formalities

The World Health Organization regulations concerning certificates of vaccination, is normally applied. Medical treatment in Lebanon is available within international standard.

Currency Movements

The total freedom existing in terms of circulation of currency and exchange gives a remarkable situation in Lebanon.

There is no limitation for exporting national currency or foreign currency nor reporting the entrance or the departure of the currencies transported. No exchange controls exist and exchange transactions

are performed with ease. However, new provisions on controlling money laundering were introduced in accordance with international regulations.

8.6 Circulation of private tourism vehicles

The circulation of private tourism vehicles registered abroad and owned by foreign visitors obeys to the usual international rules for temporary entry.

The dispositions of the articles 283 and 284 of the Custom code stipulate that:

- 1- Owners of cars who mainly reside outside Lebanon and the members of tourist clubs accepted by the Customs administration may benefit from temporary entry rules for their cars. They can be exempted from charges provided such clubs pledge. This pledge, on behalf of the clubs members, enables to define the responsibilities and to guarantee when necessary the settlement of charges due on the cars that are not re-exported within the fixed period.
- 2- Cars should be imported under this status according to special documents called "trip tick" or a pass provided by the concerned clubs. Each document should be valid for one year from the date of its delivery and for an unlimited number of travels during the staid period.
- 3- This status should be applied to cars, motorcycles and private jets and cruise ships.
- 4- Foreign cars which transport passengers and goods between Lebanon and other countries may benefit from temporary duty-free entry provided reciprocity is guaranteed and due account is taken of the conditions set out by the Higher Council of Customs.

5- People who come to Lebanon for temporary stay can bring with them items intended for personal use. These articles are temporarily exempt from customs duties at the time of import, provided such items are re-exported within a period not exceeding on year. Such arrangement shall not apply to prohibited items.

Insurance

Visitors should get comprehensive travel and medical insurance before travelling.

Recommendations

The Reminder of the dominant characteristics in the current regulations in force gives a first impression of the actions to be taken in this field (El Hassan, 1978).

Given the urgent need to reform of the current regulations and considering the present situation of existing establishments and professions the action to be taken should include:

- Undertake a general reform of the current regulations that govern all the categories of establishments and the tourism professions in order to set up the appropriate texts.
- Stimulate the efforts of the accommodation and catering establishments to enhance their image quality.
- Reform the regulations of travel and tourism agencies by increasing the required warranties and directing their evolution towards receptive activities.
- Facilitate hotel and tourism investments, by removing unnecessary requirements, in order to reduce investment costs.
- Avoid setting up arbitrary, discriminatory and unreasonable regulations; in order have valid and enforceable texts.

- Improve laws enforcement success rate and prevent the violation and disrespect of tourism laws and regulations.
- Make the laws and regulations more efficient with the use of new technologies and with the implication of the tourism private sector.
- Concentrate the activities of the Ministry of tourism to major tourism institutions and professions exclusively (one star and above).
- Empower the responsibility to supervise establishments with minor tourism importance to the appropriate administrations (below one star).
- Limit the steps and timelines for issuing the required permits and operating licenses.
- Limit the intervention of the Authority into the operations of tourism enterprises and focus its interventions on important issues.
- Review the conditions of the preliminary approval.
- Amend article 2, subsection 3, paragraph 5 of decree No 15598/70 in order to protect the stakeholders from power abuse.

Conclusion

The new century opens a major challenge for all countries of the world, especially the developing countries, namely the new rules of the economic game imposed by the increasing integration of international trade.

Lebanon, traditionally open to the world country is not prepared for all these new rules which consist for the most part in dismantling the customs barriers and exposing all the economic sectors to competition. It is imperative to undertake a long term development tourism policy to fill the weakness noted.

The regulations are made for standardizing behaviours of tourism professionals, both towards customers and between them, in all their business activities, under the supervision of the Administration and to manage the image of the industry. There is an increasing recognition by Government and industry that effective laws and institutions are fundamental to achieving successful outcomes (Barth & Hages, 2001).

A major weakness of the overall Lebanon tourism cluster is the fact that tourism is not seen as a strategic priority by the Government. Consequently there is little coordination between government departments drawing up policies that have impact on tourism development.

The actions to be taken in support of the new trends, depends upon the policy that the Government intends to give to his actions as much as its potentials and resources allows. The willingness to strengthen the capacity of the administration will enable it to master and impose regulations update (El Hassan, 1978). It is according to these answers that a choice should be made between two options. Both of them are rational but uneven:

1. A simple update of certain conditions, including the current mismatch, noting that the current regulations present rigidity and obsolescent character relative to recent developments of the tourism context.
2. An overhaul of the regulations, in close collaboration with tourism professionals, after having defined first the new orientations depending on the objectives.

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