

International protection of cultural heritage

الحماية الدولية للتراث الثقافي

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Abstract :

Cultural heritage is considered one of the rights inherited between generations, so it was necessary to protect it because it is linked to a set of material and moral values, and for this reason the international community worked to preserve it, and this is in conjunction with implementing the principle of complementarity between international and national law, especially in the event that there are legal deficiencies and gaps that must be filled. Many international and regional treaties and agreements related to the issue of cultural heritage have been concluded, as well as governmental and non-governmental organizations. It adopted the necessity of protecting cultural heritage from theft, illegal transfer, smuggling, wars, as well as natural factors.

Keywords: cultural heritage, international community, international law, moral and material value.

ملخص:

الموروث الثقافي يعد من الحقوق المتوارثة بين الأجيال لذا كان من اللازم حمايته لارتباطه بمجموعة من القيم المادية، والمعنوية، ولأجل ذلك عمل المجتمع الدولي للحفاظ عليه، وهذا مع إعمال مبدأ التكامل بين القانون الدولي، والوطني خاصة في حال وجود قصور وثغرات قانونية وجب سدها؛ فتم عقد العديد من المعاهدات، والاتفاقيات الدولية، والإقليمية ذات صلة بموضوع الموروث الثقافي، وكذا منظمات حكومية، وغير حكومية؛ إذ تبنت ضرورة صون التراث الثقافي من السرقة، والنقل غير مشروع، والتخريب، والحروب، وكذا العوامل الطبيعية.

الكلمات المفتاحية: التراث الثقافي؛ المجتمع الدولي؛ القانون الدولي؛ القيمة المعنوية والمادية.

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Introduction:

Cultural heritage results from the development of civilizations throughout the ages. It consists of a set of values, ideas, beliefs, customs, and traditions adopted by many peoples.

The importance of cultural heritage is that it is considered a link between the present and past civilizations, that is, it is considered a complement to the times, and is a gift to peoples for future generations so that they do not forget their identity.

While we find that heritage has another moral value, which is represented in raising the country's income by attracting tourists and encouraging them to discover the cultural heritage owned by the country that they want to visit, and thus contributing to the development of the country and introducing it to it. Therefore, it must be preserved and protected from any harm. A risk he may be exposed to.

Given the threats to cultural heritage that the international community has sought to protect through the enactment of numerous international and regional conventions and treaties, as well as the legislation of national laws, and the great importance of international legal protection, we have outlined the most important mechanisms that have had the role of deterrence and the suppression of crimes against cultural heritage.

A problem is:

How sufficient and effective is the international legal protection of cultural heritage?

This problem gives rise to a set of questions:

- What is meant by cultural heritage?
- What are the legal and institutional mechanisms employed in international law to protect cultural heritage?
- What are the controls for protecting cultural heritage?

The importance of the study:

The importance of the study lies in:

- The value of cultural heritage in preserving and consolidating national identity.
- Connecting generations together.
- Cultural heritage holds economic significance when properly cared for.
- Cultural heritage contributes to shaping educational, artistic and social products...

Objectives of the study:

The study's objectives are:

- Define the concept of cultural heritage as a language and term for both heritage and culture, as cultural heritage is a composite term, as well as in international law.
- Statement of international efforts dedicated to the protection of cultural heritage by presenting the most important legal and institutional mechanisms.
- highlighting the rules of international protection of cultural heritage.

The descriptive and analytical approach will be based on a review and discussion of the most important international and regional mechanisms with a view to demonstrating their effectiveness in protecting cultural heritage.

The study plan is divided as follows:

Section 1: Cultural Heritage

A: General definition of cultural heritage

B: the precise definition of Cultural heritage

C: Cultural heritage in international law

Section 2: International efforts to protect cultural heritage

A: institutional mechanisms

B: Legal mechanisms

C: Controls for the protection of cultural heritage

Section 1: Cultural Heritage

Cultural heritage has a broad and flexible concept and this is the result of the evolution it has experienced especially during the present era, and I have therefore endeavoured in this study to address the concept of cultural heritage while dismantling its terms as composite; It dealt with the concept of the term "heritage", "culture" and, thereafter, "cultural heritage" as a composite term, as well as its concept in terms of international law.

A: General definition of cultural heritage

B: the precise definition of Cultural heritage

C: Cultural heritage in international law

A) concept of cultural heritage

Cultural heritage is a complex term:

"heritage, culture", and in this requirement I will address the concept of both languages.

1. Heritage Languages:

What is meant by heritage is inheritance, legacy, legacy, inheritance, heritage is one, and heritage is a source of verb, inherited and originated, inherited, inherited, and inherited, and the origin of the that in it is meant by it what a man leaves for his heirs, and it is said that inheritance and heritage are in money, and inheritance is in the calculation¹.

As we find heirs, it means:

Inheritance and inheritance transmit a vial to you from neither contract nor the course of the contract, so-called dead Vickel relocater of the inherited vial inherited inheritance².

In Latin, we find a word of heritage corresponding to the word tradoi in the sense of connectivity and transport. In modern European languages, cultural heritage is translated into French patrimoine. It is intended to:

Transfer the decimated estate to its children, and in English héritage its meaning is close to the concept contained in Arabic³.

That is, heritage is a language:

It relates to everything that is inherited, whether the inheritance is moral, or material, which falls on the money.

2-Culture Languages:

Culture has two implications:

First meaning:

The alphabet reads:

"Educate educate, educate and culturally: become wise and light, and speak:

wise and quickly understand it, educate the javelin of its people and others and the wreck of its polite, flag and culture:

the wicked of its kindness".

The second meaning is:

He was brought by turquoise Abadi:

His culture, that is, his encounter, his grab, or his fingernail⁴.

The word "culture" in English corresponds to culture. It means science, arts and literature that are learned, and the word "civilization" corresponds to it. It relates to material matters, it means a city, or a civilization, and it relates to material matters, and it means a city or civilization⁵.

So culture means:

Everything related to material matters such as science, arts and literature, as well as everything related to civilization.

B) Cultural heritage

Given the flexibility of the concept of "bypass heritage"; we find its broad meaning has made its meaning different by specialists; there are those who know him as:

"A term called the production of civilizations and former nations, which is inherited from ancestral to backward, and the experiences created by man in all aspects of material and moral life and expressed by him, consisting in the realization of an inheritance encompassing the fields of thought, science and jurisprudence, literature, art and on-the-ground urbanization"⁶.

It is also defined as:

"a set of cultural models received by the individual from the different groups of which he is a member, which includes customs, traditions and beliefs inherited by the individual"⁷.

It is also defined as:

"Everything that man has produced with his own hand, his thoughts, or the remnants that he left behind, goes back more than a hundred years in addition to the remains of human breeds, fauna, flora, real estate monuments, creative arts and folk collectibles"⁸.

So cultural heritage means:

"the living memory of the present generations of the material effects of past peoples, such as science and knowledge..., and the moral effects of history and civilization" .

C) Cultural heritage in international law

The definition of cultural heritage is contained in international law in international and regional conventions and treaties, and to shed more light on its concept I have addressed its concept in this requirement.

The Roversch Convention of 15 April 1935 addressed cultural heritage in its preamble and its first article that all artistic, archaeological and historical formations are⁹.

Notably:

She did not define it, but rather mentioned what could be classified as cultural heritage.

- The Hague Convention 1945, under article 1 of the Cultural Heritage, defines
- UNESCO Convention 1970, article 01

1.The Hague Convention 1945, under article 1 of the Cultural Heritage, defines :

Movable property or real estate of great importance to peoples' cultural heritage, such as cultural, urban, historical or artistic establishments, as well as various works of art, manuscripts, books and other objects with important artistic and historical subjects, scientific collections and important collections of archived books.

Establishments for the effective preservation of cultural property built in paragraph a, such as museums, major libraries and preservation places, such as archives, warehouses and bunkers used in time of armed conflict.

Centers containing a significant number of cultural properties described in paragraphs a, b, such as those containing significant historical shares."¹⁰

2.UNESCO Convention 1970, article 01:

"Property that each State determines on religious or secular grounds to be of relevance to archaeology, prehistory, morals, art, science or history."¹¹

The Convention on the Protection of Cultural and Natural Heritage, adopted by the General Conference of UNESCO at its 17th session in Paris 1972, defines cultural heritage as:

"Cultural heritage for the purposes of this Convention means:

-The monuments and works of sculpture and photography on buildings and on elements and cooperatives of archaeological formula, inscriptions, caves and collection of monuments that all have exceptional universal value from the point of view of history, art or science.

-The complexes and the collection of isolated or connected buildings because of their construction, harmony or integration into a landscape that has made them exceptional value on the one hand due to art, history or science.

-Sites of man's works or acts common to man and nature, as well as areas including archaeological sites of exceptional global value from the historical, aesthetic, ethnological or anthropological standpoint" ¹².

Thus, the definition of cultural heritage in international law is multiple, but it is all about being material, moral, whether movable, man-made or a product of nature, which dates back to previous times in time of war, or peace.

Section 2: International efforts to protect cultural heritage

Given the dangers to the cultural heritage of wars, theft, marginalization, smuggling, natural factors...;

the international community has endeavoured to convene international and regional conferences and conventions, as well as to establish operational mechanisms to implement the provisions of laws for the protection and preservation of human heritage.

A: institutional mechanisms

B: Legal mechanisms

C: Controls for the protection of cultural heritage

A) Institutional mechanisms

Humanity's cultural heritage needs protection, which is done through the intensification and synergy of international efforts. These efforts consist in the adoption of the principle of the necessity of protection by many bodies and international and regional organizations, Safeguarding cultural heritage from any threat to which it is exposed, whether it is a direct material threat, such as theft and its transfer is illegal, and among those mechanisms that have paid attention to this issue we find:

- UNESCO's efforts
- United Nations 1945
- International Centre for the Study of the Conservation and Restoration of Cultural Property (ICROM)
- International Committee of the Blue Shield cobb
- International Committee of the Red Cross (ICRC)

1.UNESCO's efforts

The preamble to the UNESCO Charter states:

"Since wars are born in the minds of mankind in their minds, the defences of peace must be embraced." In order to achieve peace and security, knowledge must be preserved, advanced and spread by ensuring the preservation and protection of the world's heritage, as well as by protecting

all monuments of historical or scientific significance and encouraging States to conclude bilateral or multilateral conventions on the valuation of cultural heritage.

We find that the Organization consists of three main organs:

General Conference, Executive Board, Secretariat and UNESCO National Committees¹³.

2. United Nations 1945:

The United Nations has contributed to the protection and preservation of cultural heritage through the promulgation of numerous resolutions:

- Resolution of the General Assembly at its 28 session in 1973
- General Assembly resolution 1975
- General Assembly resolution 1980
- General Assembly resolution 1981
- General Assembly resolution 1995

All these resolutions seek to safeguard and protect cultural heritage from all threats, whether natural, war, or that may alter heritage's features, lead to its illegal transfer or theft.

3. International Centre for the Study of the Conservation and Restoration of Cultural Property (ICROM)

The Centre is an intergovernmental organization working to protect cultural heritage, with 132 members, taking the decision to establish it in Dor9 of the UNESCO General Conference, New Delhi, 1956, at a time of increasing interest in the protection and preservation of cultural heritage. International Centre for the Conservation and Restoration of Cultural Property ", founded in Rome 1959 at the invitation of the Government of the State of Italy, aims to improve the practice of preserving and raising awareness of the importance of cultural heritage¹⁴.

The Centre seeks to protect and restore all cultural property because of its historical importance, as well as tourism.

4. International Committee of the Blue Shield cobb

The International Committee of the Blue Shield (ICRC) was established in 1996, based in Paris, with the primary objective of protecting the world's cultural heritage, especially those threatened by wars and natural disasters.

The International Committee of the Blue Shield describes itself as the "Red Cross in the cultural sphere", composed of four non-governmental organizations:

- International Council of Museums icom
- International Council of Sites and Features icoms
- International Council of Archives cia
- International Council of Library Associations and Institutions fia¹⁵.

5. International Committee of the Red Cross (ICRC)

The Commission is working on aid, which is the provision of advice and technical assistance for the development of legislation and national and special regulations for the protection of cultural objects during armed conflicts and the preparation of models of such legislation; Distributed to States, dissemination of educational materials, organization of conferences of experts and representatives in national sectors concerned with the protection of cultural heritage, as well as the preparation of publications and art books, and books relating to the illustration of the progress of, and the organization of military operations to clarify the rules and provisions for the protection of cultural objects¹⁶.

The institutional mechanisms entrusted with the task of protecting and preserving cultural heritage, which had been examined, had played an active role in the performance of their functions both in time of war and in time of peace and had been particularly active in times of war because the heritage in that period was unprotected and might be forgotten in exchange for the preservation of the security and safety of civilians.

B) Legal mechanisms

The international community has endeavoured to promote and protect cultural heritage from all that it is exposed to, whether wars, natural disasters, theft, looting... International law has enacted a series of international and regional conventions and treaties, such as their protection and preservation. Such protection has been directly, indirectly and among the most prominent international laws relevant to cultural heritage:

- International recommendation on the conservation of cultural property threatened by public works.
- Convention on the Preservation of Cultural Heritage.
- Convention on Means to Prohibit and Prevent the Illicit Import, Export and Transfer of Ownership.
- Recommendation on the conservation of folklore.

1. International recommendation on the conservation of cultural property threatened by public works:

This recommendation sets out the general principles by which preventive and corrective measures are imposed aimed at safeguarding the cultural heritage in all the territory of the State. as well as a comprehensive inventory of cultural heritage located in public works areas, or special measures likely to endanger them, with preventive measures, A reform that seeks to ensure that he is protected and saved from the threat of public works or special penalties with severe penalties for anyone who causes damage to cultural heritage¹⁷.

2. Convention on the Preservation of Cultural Heritage

The Convention on the Declaration of Masterpieces of the Oral and Intangible Heritage of Mankind, launched in 1997, was adopted pursuant to the Committee's report 4 at the 21 meeting on 17 October 2003. Intangible cultural heritage is an essential element in the protection of cultural identity, the promotion of creativity and traditional cultural expressions.

This Convention aims to protect heritage so that it remains alive, constantly evolving and embodied in the practice of humanity, with international recognition of the elements of intangible heritage through its inclusion in the list of cultural heritage that needs urgent protection by States parties on the basis of criteria adopted by the General Assembly of States Parties to the Convention in 2008¹⁸.

3. Convention on Means to Prohibit and Prevent the Illicit Import, Export and Transfer of Ownership:

This Convention was adopted at the 38th plenary meeting on 14 November 1970; it was devoted to the illicit transfer of monuments, but this Convention did not reduce the illicit transfer of world heritage, and this trade flourished forcefully as a result of theft and the transfer of monuments from one State to another¹⁹.

As a result of the Convention's ineffectiveness, the 1995 UNESCO Convention for the Recovery and Recovery of Cultural Funds had been established. The Convention was working to achieve the fundamental objectives of the right to recover stolen cultural heritage and to seek the recovery of illegally exported cultural funds²⁰.

4. Recommendation on the conservation of folklore:

Folklore is a world heritage because it connects peoples, social groups and cultural subjectivity; its social, economic, cultural and political importance must be recognized. the role of folklore and the risk to which it is exposed owing to the multiple factors affecting it, Governments must therefore play a decisive role in the conservation of folklore by taking the necessary measures, whether legislative or not²¹.

Consequently,

it can be inferred from the legal mechanisms that they have sought to protect cultural heritage of any kind by enacting deterrent texts for anyone empowered to infringe upon it, or by attempting to harm it, which are good points to be counted.

C) Controls for the protection of cultural heritage

In particular, during wars, the international community sought to protect cultural heritage, and this is by finding solutions for that; As one of the outcomes of wars exposes the cultural heritage to looting, looting, and destruction, and it is noticeable that these phenomena did not occur only in wartime only, but rather went beyond them to peacetime, and one of the most important things that the international community has achieved is the establishment of a set of controls through which it is intended to protect cultural heritage, which is represented in:

- Cultural controls
- Humane controls
- Physical controls

1-Cultural controls:

The cultural officer is considered the most important factor in protecting the cultural heritage, given that it is unifying for all of humanity. Despite this, the wars contributed to making the cultural heritage almost extinct, so it was necessary to protect it, especially the infringement that affected places of worship, which, despite being calls for unification, And peace, it did not surrender,

therefore, cultural heritage is considered a right inherited between generations, and is the link between civilizations.

One of the reasons that made the cultural heritage as a human control is that it calls for self-respect, and the rejection of marginalization so that there is no deterioration in the legitimacy of its survival, or the fear of the human knowledge interruption that is a link between generations. On the one hand, on the other hand, we find that the cultural and civilizational diversity of nations They call on states to protect and respect it away from the logic of aggression, or the attempt to obliterate the culture of another country, and it has become necessary for the international community to realize that cultural diversity based on peace, understanding, cooperation, and the exchange of experiences is an inevitable necessity that must be adapted to, and this is what was approved by the United Nations United Nations through the UNESCO Universal Declaration on Cultural Diversity 2001²².

2-Humane controls:

It is known that cultural heritage is one of the most important things that may not be plundered, arrogant, or attacked because it is balanced between generations, and a world heritage covered by double protection, whether national or international, and this is according to individual or multilateral international treaties and agreements, and infringement affects In all cases, peace or war, and this is what was stipulated in the article of the Hague Convention of 1954, as it called for the necessity of respecting the cultural heritage around the world²³.

And humanity, as it embodies the integration between generations, civilizations, and peoples, so it is a source and basis for protecting cultural heritage. It harnesses all the forces of humanity in favor of noble and sublime goals within the framework of an organized society, and this requires degrees of convergence and solidarity stronger than the international community, which is characterized by disintegration and bias²⁴.

3-Physical controls:

The physical control is the most important pillar of international law in protecting cultural heritage. As Article 04 of the Hague Convention states that:

The High Contracting Parties undertake to respect cultural property whether in their lands or the territories of other former contracting parties, and demand that they refrain from using these properties, or the means designated for their protection, or the places directly adjacent to them for purposes that may expose them to destruction and damage in the event of armed conflict, and to refrain from any action. hostile to it²⁵.

It is noted from the text of the article that:

International humanitarian law has worked to protect cultural property of any kind, especially during war, and everyone who is exposed to it is subject to the principle of international responsibility and various penalties for violating international texts.

So, from the above, we conclude that:

The protection of cultural heritage in international law is based on a set of controls, the most important of which are: human, cultural, and material, all of which are complementary to each other. The most important thing is that the protection of cultural heritage was strict during wars because it was exposed to violations more than it was during the peace period.

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Conclusion:

At the conclusion of the study, cultural heritage has many definitions. And this is due to the different places and times in which the definition itself was developed; one of the most important objectives of cultural heritage is to create sustainable development in the international community by exploiting the revenues generated by tourism to develop the economy. And reconstruction and infrastructure, especially if used rationally and to protect them and safeguard them from damage suffered both in time of war and in time of peace.

On this basis, in order to ensure its preservation, international protection must be established by governmental, international and regional non-governmental organizations through the application of conventions and treaties relating to cultural heritage. At the conclusion of our study, we conclude with the following conclusions and recommendations:

Results:

The results are:

- Cultural heritage is made by the hands of peoples, and is part of humanity that has proven its existence across civilizations. Therefore, it must be preserved because it represents one of the basic elements for achieving sustainable development.
- The international community, represented by international and regional organizations and bodies, has worked to protect cultural heritage from attacks that could affect it, whether caused by natural or human factors.
- The legal and institutional mechanisms established to protect the cultural heritage are constantly evolving due to the repeated violations to which it has been exposed. A threat and attack on the cultural heritage as it contains historical, scientific and cultural value and is considered a shared heritage between generations.
- International law has criminalized all acts that constitute a threat or attack on cultural heritage, as it contains historical, scientific, and cultural value and is considered a shared heritage between generations.
- The protection of cultural heritage is based on a set of human, material and cultural controls.

Recommendations:

The Recommendations are:

- The need for concerted international and national efforts to protect, preserve and preserve cultural heritage.
- Address the legal gaps contained in international law and find effective solutions to it while tightening penalties for crimes that constitute an attack on cultural heritage.

- Classification of cities, archaeological sites, which are included in the cultural heritage so that they are protected especially those requiring rapid intervention.
- International protection of cultural heritage should not be strict only in times of war, as it may be subjected to similar act in times of peace.
- Raising awareness more about the cultural heritage, as it is an inherited right between generations.

¹ Ibn al-Manzoor, *Lisan al-Arab*, part 15, Dar Sader, Beirut, 1st edition, Lebanon, 2000, pp. 189-190.

² Abi Al-Qasim Al-Hussein Bin Muhammad, known as Al-Raghib Al-Isfahani, *Al-Mufradat fi Gharib Al-Qur'an*, investigation and preparation by the Center for Studies and Research in the Nizar Mustafa Al-Baz Library, dsn, p. 672.

³ Paul Rabort, *le petit robert, dictionnaire alphabetique et vanalogique de la langue française*, société de nouveau lettre, arise, 1970, p452.

⁴ Salama Salem Salman, *The Role of Cultural Heritage in Sustainable Development and its Contribution to Improving the Quality of Life of Local Communities*, Symposium on Contemporary Trends in Managing Cultural Heritage Held in Marrakesh, Arab Organization for Administrative Development, Publications of the Arab Organization for Administrative Development, Cairo, Egypt, 2009, p. 87.

⁵ Ibid., p. 87.

⁶ Musa Bodhan, *The Legal System for the Protection of National Heritage*, Dar Al-Huda, Ain Melilla, Algeria, 2013, p. 18.

⁷ Abdel-Ghani Imad, *Sociology of Culture, "Concepts and Problems... From Modernity to Globalization,"* Center for Open Arab Unity Studies, Beirut, 1st edition, Lebanon, 2006, p. 319.

⁸ Hafiza Mestaoui, *International Protection of Tangible Cultural Property in Case of Armed Conflict*, Master Thesis, Faculty of Law and Political Science, University of Mohamed Kheidar Biskra, Algeria, 2011, p.15.

⁹ Roerich Convention of 1935.

¹⁰ The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed on May 14, 1954.

¹¹ Article 1 of the UNESCO Convention on Measures to Prohibit and Prevent the Illicit Export or Transfer of Ownership of Cultural Property signed on November 4, 1970.

¹² Article 1 of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed on May 14, 1954.

¹³ UNESCO, Global Challenges www.unexo.org.

¹⁴ International center of study of the preservation and restoration of cultural property.

¹⁵ Saidi Karim, *Legal Protection of Algerian Cultural Heritage*, Master Thesis, Faculty of Law and Political Science, Mohamed Lamine Debaghin University, Setif 2, Algeria, 2016, pp. 90-91.

¹⁶ Hisham Bashir and Alaa Al-Dawy to Sbeita, Environmental Protection and Cultural Heritage in International Law, The National Center for Legal Publications, Cairo, 1st Edition, Egypt, 2013, pp. 120-121.

¹⁷ UNESCO, Records of the General Conference, Session 15, Volume 1 "Decisions and Recommendations", Paris, 1968, pp. 112-113.

¹⁸ United Nations Educational, Scientific and Cultural Organization, UNESCO World Report, "Investing in Cultural Diversity and Intercultural Dialogue," p. 29.

¹⁹ UNESCO, Records of the General Conference, for the 16th Session, Part 1 "Resolutions", Paris, 1970.

²⁰ James A. R. Nafziger, Tullio Scovazzi, Le patrimoine culturel de l'humanité the cultural heritage of human kind; Martinus Nijhoff Publishers; Leiden/Boston 2008, p67.

²¹ UNESCO, Records of the General Conference, for the 25th session, Volume 1 "Resolutions", Nairobi, 1989, p. 163.

²¹ Abd al-Razzaq Wadfel, Legal Protection of Cultural Property During Armed Conflicts, master's thesis, Umm El-Bouaghi University, Faculty of Law and Political Science, Algeria, 2011, p. 50.

²¹ Article 04 of the Hague Convention 1954.

²¹ Krlov Nabila, Protection of Cultural Property in Light of International Judgments, master's thesis, Umm El-Bouaghi University, Faculty of Law and Political Science, Algeria, 2012, p. 38.

²¹ Article 04 of the Hague Convention 1954.

1- Bibliography:

A- Books:

- Ibn al-Manzoor, Lisan al-Arab, part 15, Dar Sader, Beirut, 1st edition, Lebanon, 2000.

- `Abi Al-Qasim Al-Hussein Bin Muhammad, known as Al-Raghib Al-Isfahani, Al-Mufradat fi Gharib Al-Qur'an, investigation and preparation by the Center for Studies and Research in the Nizar Mustafa Al-Baz Library, dsn.

- Paul Rabort, le petit robert, dictionnaire alphabetique et vanalogique de la langue française, société de nouveau lettre, arise, 1970.

-Musa Bodhan, The Legal System for the Protection of National Heritage, Dar Al-Huda, Ain Melilla, Algeria, 2013.

-Abdel-Ghani Imad, Sociology of Culture, "Concepts and Problems... From Modernity to Globalization," Center for Open Arab Unity Studies, Beirut, 1st edition, Lebanon, 2006.

- Hisham Bashir and Alaa Al-Dawy to Sbeita, Environmental Protection and Cultural Heritage in International Law, The National Center for Legal Publications, Cairo, 1st Edition, Egypt, 2013.

- James A. R. Nafziger, Tullio Scovazzi, Le patrimoine culturel de l'humanité the cultural heritage of human kind; Martinus Nijhoff Publishers; Leiden/Boston 2008.

B – Theses:

-Hafiza Mestaoui, International Protection of Tangible Cultural Property in Case of Armed Conflict, Master Thesis, Faculty of Law and Political Science, University of Mohamed Kheidar Biskra, Algeria, 2011.

- Saidi Karim, Legal Protection of Algerian Cultural Heritage, Master Thesis, Faculty of Law and Political Science, Mohamed Lamine Debaghin University, Setif 2, Algeria, 2016.

-Abd al-Razzaq Wadfel, Legal Protection of Cultural Property During Armed Conflicts, master's thesis, Umm El-Bouaghi University, Faculty of Law and Political Science, Algeria, 2011.

-Krlou Nabila, Protection of Cultural Property in Light of International Judgments, master's thesis, Umm El-Bouaghi University, Faculty of Law and Political Science, Algeria, 2012.

-Full name of the author, full title of the thesis, nature of the thesis, specialty, university, year.

C - Newspaper articles:

-Full name of the author, full title of the article, name of the journal, place, volume and number; Year.

D - Seminar papers:

-Salama Salem Salman, The Role of Cultural Heritage in Sustainable Development and its Contribution to Improving the Quality of Life of Local Communities, Symposium on Contemporary Trends in Managing Cultural Heritage Held in Marrakesh, Arab Organization for Administrative Development, Publications of the Arab Organization for Administrative Development, Cairo, Egypt, 2009, p. 87.

E - Websites:

UNESCO, Global Challenges www.unexo.org.

f-international agreements and treaties:

-the Hague Convention 1954.

-Roerich Convention of 1935.

-the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed on May 14, 1954.

h- international conferences:

-the UNESCO Convention on Measures to Prohibit and Prevent the Illicit Export or Transfer of Ownership of Cultural Property signed on November 4, 1970.

-UNESCO, Records of the General Conference, for the 25th session, Volume 1 "Resolutions", Nairobi, 1989.

-UNESCO, Records of the General Conference, Session 15, Volume 1 "Decisions and Recommendations", Paris, 1968.

- United Nations Educational, Scientific and Cultural Organization, UNESCO World Report, "Investing in Cultural Diversity and Intercultural Dialogue".

- UNESCO, Records of the General Conference, for the 16th Session, Part 1 "Resolutions", Paris, 1970.

- International center of study of the preservation and restoration of cultural property

