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Dynamics of Valorization and Legal Protection of Real Estate Cultural Heritage in Algeria

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Abstract:

It is widely acknowledged that cultural heritage is an essential element of community identity and social cohesion. In addition, the protection of cultural heritage inherited from previous generations should be of prime concern for all people. Real estate heritage specifically includes historical monuments, archaeological sites, urban or rural complexes, as well as real estate by destination. Heritage safeguarding should be realized by means of clear and well-defined *national* and *international* texts. Processes such as heritage through inventory and classification which are carried out by specific organizations, are put in place. Unfortunately, legal protection is not always enough. Collective awareness must quickly be established to preserve this heritage.

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Résumé

Il est largement reconnu que le patrimoine culturel est un élément essentiel de l'identité communautaire et de la cohésion sociale. De plus, la protection du patrimoine culturel hérité des générations précédentes devrait être préoccupante pour toutes les personnes. Le patrimoine immobilier comprend spécifiquement des monuments historiques, des sites archéologiques, des complexes urbains ou ruraux, ainsi que l'immobilier par destination. La sauvegarde du patrimoine doit être réalisée au moyen de textes nationaux et internationaux clairs et bien définis. Des processus tels que le patrimoine par l'inventaire et la classification qui sont effectués par des organisations spécifiques sont mis en place. Malheureusement, la protection juridique ne suffit pas toujours. La conscience collective doit être rapidement établie pour préserver cet héritage.

Mots-clés : Actifs immobiliers; Protection juridique; Patrimonialisation; Responsabilité criminelle.

Introduction

It is worth reminding that, after the second half of the 19th century, following several destructive conflicts, the protection of civilizations and their heritage proved highly essential. According to the UNESCO declaration, cultural heritage is a component of community identity and social cohesion, which means that its intentional destruction could have detrimental consequences on human dignity and human rights[i]. It is undeniable that cultural heritage protection has several advantages for the population. It represents significant wealth for the society. Unfortunately, the cultural heritage can often be fragile, insecure, and may sometimes even be in danger of disappearing due to different reasons, like age, natural phenomena, or even the poor condition of the buildings. The National Economic, Social and Environmental Council (National Economic, Social and Environmental Council - CNESE)[ii] has recently expressed a critical and highly precarious opinion on the state of the national cultural heritage.

For this reason, it is therefore highly important to know well our heritage and to highlight its valuable potential because these are factors that are crucial for its sustainability. Consequently, this heritage, which has been inherited from previous generations and is part of our collective soul, should be carefully protected.

As specified by Articles 2 and 3 of Law 98-04, relating to the protection of cultural heritage[iii], there are three main cultural heritage categories, namely the movable cultural heritage, which include sculptures and paintings, then, the real estate

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heritage, which comprises the groups of buildings and archaeological sites, and finally the intangible heritage that concerns all the individual and collective creations. Concerning With regard to immovable cultural property, it includes all historical monuments, archaeological sites, urban or rural communities, as well as real estate by destination.

The inquiry at hand revolves around the efficacy and adequacy of Algerian legislation to protect the cultural heritage. To address this, we followed a descriptive and analytical method.

The present study aims primarily to investigate the role of law in general in protecting immovable cultural heritage in Algeria, according to the following approach. The first step consists of highlighting Algeria's commitments, at the national and international levels, to the protection of immovable cultural heritage as well as the effectiveness of these commitments. While the second step seeks to find the best way to implement this protection through all the organizations that are concerned by this protection as well as to determine the criminal sanctions incurred in the event of violation of the rules.

1. Theoretical framework

Cultural heritage is generally viewed as the expression of lifestyles that are conceived by a community and that are transmitted, over time, from generation to generation. This chapter attempts to establish the theoretical framework relating to cultural heritage. We will first endeavor to give a clear explanation and definition of cultural heritage and then detail its different types. Next, we will deal more specifically with real estate cultural heritage. Then, we will examine, in detail, the protection of this heritage by analyzing the legal texts at the national and international levels.

1.1. Definition and cultural heritage categories

The word heritage has gone through remarkable developments. This term encompasses the authenticity and value of certain objects, as well as the weight of tradition and the respect for the past[iv]. The various national and international texts group these elements under the name of Cultural Heritage which is in turn divided into three main categories.

1.1.1. Definition

The concept of cultural heritage, which is of capital importance, is the subject of real attention from the authorities of each country because it directly contributes to its economic development. For this reason, the management and valorization of cultural heritage must be carried out by specialized people who ought to base their actions on advances in scientific research which must be considered as an important vector in the care and protection of heritage. These people should do everything possible to safeguard this heritage.

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Cultural heritage brings together a set of concrete, movable or immovable, or intangible assets, integrated into culture, and which have real value both at the artistic and historical level. The word heritage generally refers to historical monuments, artifacts, rock paintings or carvings, manuscripts, sites, groups of buildings, festivals, celebrations, folk dress, songs, and languages as well.

1.1.2. Cultural heritage types

Due to its nature and the extent of its variety, cultural heritage can be divided into three main categories, namely Intangible Heritage, Movable Heritage, and Immovable Heritage.

a. Intangible heritage

Intangible heritage encompasses a range of cultural practices that are transmitted orally, through observation or imitation, from one generation to another[v].

In its Convention for the Safeguarding of Intangible Cultural Heritage, the United Nations Educational, Scientific and Cultural Organization (UNESCO) declares that Intangible Heritage brings together all the representations, expressions, knowledge and know-how that communities, groups of people, and individuals recognize as part of their cultural heritage[vi]. This can, therefore, involve know-how, expressions, or representations such as artisanal manufacturing, or the production of musical instruments such as, for example the Oud, a five-stringed plucked instrument that is used in Andalusian music. A large number of traditions that are still expressed and lived today are constantly adapted to their time and to their environment. It is for this reason that intangible heritage is habitually called a living heritage.

It is worth mentioning that the importance of intangible cultural heritage does not lie only in the cultural manifestation itself but rather in the wealth of knowledge and know-how that this type of heritage transmits. It should be noted that for a practice or know-how to be recognized as part of the intangible cultural heritage of a country, it must be accepted by the community or by the group, and not only by a group of experts because these experts cannot determine the quality of cultural heritage on their own.

b. Movable heritage

Movable heritage is part of the so-called material heritage. In addition to archaeological and urban planning sites, movable heritage also includes art objects, such as instruments and furniture. Movable cultural property, as the name suggests, is movable property and can therefore be handled and moved.

These movable cultural goods are covered by a very extensive domain which generally concerns a wide range of objects that can include art works, archaeological artifacts, paintings, musical instruments, and even archival documents, ethnographic pieces, decorative art objects, as well as scientific objects[vii]. It is noteworthy that, for an object to be classified as movable heritage,

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it must have an emblematic, archaeological, ethnological, scientific, historical, or social value.

Furthermore, classified articles cannot be transformed, restored or moved without prior authorization. In addition, any modification regarding the legal situation, location, or even the conditions of conservation made to movable property must comply with numerous of strict regulations and laws.

c. Real estate assets

Immovable cultural heritage includes a set of real estate pieces. According to the classification given by UNESCO, this cultural heritage can be divided into three distinct categories. The first category concerns all monuments which include monumental sculptures and paintings, caves, architectural works, and archaeological sites. In addition, all architectural creations that bear witness to a civilization or a historical event may be included as well.

Next, come all complexes which involve the clusters of buildings, separately or collectively, and which have a historical, artistic, or scientific value due to their unity, their architecture, or their integration into the landscape. Finally, the last category brings together all sites resulting from the work of man, including archaeological sites[viii].

Due to its importance and extent, real estate will constitute the main focus of our study.

1.2. Texts for the protection of real estate heritage

Real estate heritage mainly refers to historical monuments. This generic heritage designation, is taken up and employed in various national and international texts.

1.2.1. The role of international texts in heritage protection

It is well known that the protection of heritage has always been a major concern for the international community. At the beginning of the 20th century, Article 27 of the Hague Convention concerning the Laws and Customs of War explicitly stipulated that during sieges and bombings, all indispensable and requisite measures must be taken in order to preserve the real estate heritage. In particular, all monuments and buildings dedicated to worship, arts, science and charity, historic buildings, hospitals and places where the sick and injured gather, provided that they are not used at the same time for a military purpose, must be preserved and protected. In this case, the people who are surrounded by enemy must indicate these gathering places or buildings using special visible signs that must be notified to the besieger in advance[ix]. Algeria is a member of the United Nations. It ratified the UN convention for education, science and culture in 1973. It also signed the UNESCO convention on the Protection of the World Cultural and Natural Heritage of April 24, 1972. It is important to specify that this convention recommends that each State has the obligation to identify, protect, conserve, encourage and transmit the cultural and natural heritage located on its territory to future generations[x]. Moreover, all States ought to preserve heritage by

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establishing a strict policy, setting up protection organizations, prosecuting looters and prohibiting clandestine excavations and illegal exports.
Algeria actively contributes to the Euromed Heritage[xi] program that is shared by other Mediterranean countries. This program was initiated in 1998. Its primary purpose was to highlight and protect the built heritage. As part of this program, heritage was taken into account on the basis of its identity aspects, and also because of its economic weight as a sector of activity and creator of wealth. Further, Algeria also designed the *Algiers' Declaration* on *Cultural Diversity* and *Protection* of the *Identity* of *People* and *Heritage*, which was adopted in 2004. Furthermore, in 2005, our country contributed to the Archimedes project on the Conservation and Renovation of old Neighborhoods through the Rehabilitation of the city of Oran[xii].

1.2.2. Heritage protection in Algeria

The Algerian legislator has established a whole legal arsenal that was aimed to protect and safeguard the built heritage. In this regard, it is worth citing here the Decree 67-281 (December 1967) relating to archaeological excavations and to the protection of historical and natural sites and monuments
[13], which consisted, at that time, of renewing the French laws in that domain, and making them applicable to Algeria. We can also mention the Law 98-04, a flagship text on the protection of all types of heritage in Algeria, as well as the series of executive Decrees that specifically concern real estate heritage, ratified in 2003. It is worth mentioning, in this respect, the Decree 03-322 relating to the management of projects concerning protected immovable cultural property, or the Decree 03-323 relating to the modalities for establishing a protection plan for archaeological sites.
According to Ordinance 67-281, real estate heritage should include all historical and natural monuments and sites. It should be noted that the surroundings of these sites involve all built or unbuilt buildings. All these buildings and sites can simultaneously be seen from the monument. They are all in the same field of visibility, within a radius of 500 m, and are subject to the same classification and registration procedures on the supplementary inventory[14]. In addition, these buildings fall within the scope of the regime that concerns authorizations for activities that affect the exterior and even interior appearance of these buildings[15]. Subsequently, Article 10 of Law 98-04[16] was created for the purpose of defining the immovable cultural assets that are likely to be classified, or at least to be listed, and also of determining the surroundings of these assets that are liable to be protected.
Furthermore, immovable cultural property is generally defined as property that represents a certain heritage interest, depending on the value(s) that this property possesses. The value of the heritage asset depends on its nature. It may be:
- A historical value if the site is associated with a significant historical event,

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- An architectural value if the building represents a function or activity, i.e. a train station or a fire station, or a building with a particular architectural style, i.e. an Arab-Moorish site, or a site with a group of buildings of the same period or the same architectural type.
- An archaeological value when the site includes the remains of an important ancient building.
- An urban planning value, such as a neighborhood that was developed according to a particular urban planning program.
- An ethnographic value if the site shows traces or signs of a prehistoric occupation or the previous existence of a population.

The law on heritage protection is expected to be established in such a way as to broaden the protection of the surroundings of listed monuments. Regarding historic monuments, the surrounding areas are defined as all the built and unbuilt structures, classified by extension and participating in a visibility relationship with the historical monument, in accordance with the limits of a protection zone, with a minimum distance of 200 meters.

According to Article 5, immovable cultural property can be public or private. When it is private property, it can be integrated into the public domain of the State through amicable acquisition, by way of expropriation for reasons of public utility, through the exercise of the State right of pre-emption, or by deed of donation. In this case, the State can also establish easements, in the public interest, such as the right of visitation and investigation of the authorities, and the possible right of visitation of the public[17].

2. Implementation of protection

The legal protection of heritage, like any other protection, is done through legislative regulations and laws[18]. In this context, in order to preserve real estate heritage assets, Law 98-04 introduced a set of rules and procedures that make it possible to list, classify, and protect real estate cultural assets and their surroundings. The second part of this study aims to explain the heritage procedure, based on the application terms of Law 98-04, and to present the organizations that participate in heritage protection, as well as the sanctions incurred in the event of violation of the law.

2.1. Heritage creation

The primary purpose of Law 98-04 is to define the cultural heritage of the nation, to enact the general rules for its protection, and to set the conditions for their implementation through appropriate regulation of the Heritage creation process. It is important to recall that Heritage creation consists of the conservation, safeguarding and preservation of an asset that is supposed to be transmitted to future generations. This operation consists of registering valuable assets in a process of appropriation and activation of collective resources for the production of wealth or social links. Heritage creation can be defined as the process by which

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a community recognizes productions of its culture inherited from past generations, or produced by current generations, and deemed worthy of being transmitted to future generations[19].

2.1.1. How does this work?

Article 8 of the Law on the protection of cultural property specifies that immovable cultural property includes historical monuments, archaeological sites, as well as urban and rural communities. In addition, immovable cultural property, whatever its legal status, may be subject to one of the protection regimes cited by law, depending on its nature and on the category it belongs to. This involves registration on the additional inventory, classification, and creation in saved sectors.

a. Registration on the additional inventory

Registration on the supplementary inventory is a temporary or exceptional protection solution that applies to monuments and historical sites which, for whatever reason, cannot be the subject of an immediate classification procedure. Registration on the supplementary inventory can also be applied to buildings located within the field of visibility of a listed monument. These may be real estate presenting a historical, anthropological, ethnographic interest, etc., which are supposed to be registered initially on the list of the supplementary inventory in order to claim, in the ten years following this registration, a classification. Otherwise, this registration becomes void at the end of ten years[20]. It should be emphasized that registration on the supplementary inventory list is pronounced by the Minister of Culture, following the opinion of the National Commission of Cultural Property in charge of immovable cultural property of national interest, on the Minister's own initiative or on the initiative of anyone interested. This inscription can also be pronounced by the Wali, i.e. the official representative of the Government in a Wilaya or Province, after suggestion of the Cultural Property Commission of the Wilaya concerned. This involves immovable cultural property that has a significant value at the local level. This may be done at the initiative of the Minister of Culture, local authorities, or anyone interested[21].

It should be highlighted that, in reality, this process imposes rigorous procedures on the owners of property, whether public or private. They cannot make changes to their property without prior authorization from the Minister of Culture. Prior authorization is issued in accordance with the procedures provided for in Article 23 of the relevant law. The Minister of Culture has a maximum period of two (2) months from the date of submission of the request to make his response known. In the event that the Minister of Culture does not approve the planned work, a classification procedure may be initiated in accordance with the provisions of Articles 16, 17 and 18 of the law under consideration[22].

b. Classification

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Classification, which is set out in Article 22 of Law 98-04, is a protective measure which, once applied to a building, results in a number of prescriptions and easements whose purpose is to protect the monument against any voluntary or involuntary degradation. It should be noted that the Law has two classification procedures, namely:

- Classification on request or amicable classification. This classification occurs at the initiative of the owner[23],
- Automatic classification which is initiated by the State or Public Persons eligible to do it[24].

The request made by the owner must be addressed to the Minister who initiates a classification procedure and refers the matter to the Commission for Monuments and Historic Sites which in turn must give its opinion within a maximum period of six months. Next, the Minister is supposed to pronounce the classification by order. Then, upon notification by the Minister of the opening of the classification procedure by administrative means to the owner, all the classification effects then apply automatically. Furthermore, in the event of automatic classification, owners have an opposition period.

Furthermore, the classification of real estate assets, which is a final decision, requires stricter rules. First of all, it is important to specify that the classification process does not entitle the owner to any compensation. Next, the occupant of a historic monument is bound by easements regarding the use of the building. Then, all the works of fragmentation or subdivision, conservation or addition, town planning, infrastructure, deforestation or reforestation, establishment of industries, etc., in the demarcated geographical areas, must be subject to prior authorization from the Minister of Culture.

Nowadays, with this new heritage vision, any monument cannot be considered separately anymore. In addition to the protection of individual monuments, Algeria has decided to protect the surroundings of monuments as well[25] because it is a way of protecting an entire historical monument. For Algeria, Law 04-98 of June 15, 1998 constitutes the centerpiece of the system for protecting the surroundings of historic monuments. This law establishes a protective servitude that is easy to implement since it applies instinctively around each monument, whether classified or registered. In addition, effective and rigorous control must be carried out in the area around the monument under consideration because all building permits can only be granted if the Ministry of Culture gives a favorable opinion. Consequently, any intervention on buildings located in the vicinity of the property must therefore be subject to prior authorization for all works that are likely to alter the urban or natural landscape of the monument[26].

c. Creation in a protected sector

Law 98-04 acknowledges, for the first time, that urban or rural communities, which are managed by a specific instrument, i.e. the protected sector, are part of

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the Algerian immovable cultural heritage. Today, it is highly recommended to provide the national legal arsenal with an adequate tool that allows recognizing and safeguarding historical complexes as a distinct heritage unit with architectural and urban value. This has led to the intromission of urban complexes into the heritage protection law[27]. It is important to note that the Executive Decree 03-322 relating to the project management about the protection of immovable cultural property[28], the Executive Decree 03-323 relating to the modalities for establishing the plan for the protection and development of archaeological sites and their protection zone (PPMVSA)[29], and the Executive Decree 03-324 about the modalities for establishing the permanent plan for safeguarding and developing protected sectors (PPSMVSS)[30] are among the implementing texts of Law 04-98.

2.1.2. Qualified bodies

It is worth emphasizing that several organizations are working hard to protect the immovable cultural heritage at the national level, as well as at the regional and local levels. In this regard, one may mention:

- The Ministry of Culture which is the main body responsible for the preservation of historic sites and monuments,
- The National Agency for Archeology and Protection of Historic Sites and Monuments that was created by the Decree of January 6, 1987 and revised by the Decree of December 22, 2005[31]. This Agency was an administrative establishment with legal personality and financial autonomy. It is responsible, within the framework of the national cultural development plan, for all actions of inventory, study, conservation, restoration, development and presentation to the public of cultural historical cultural heritage. Recently, it was transformed into a public establishment of an industrial and commercial nature with legal personality and financial autonomy. It is today called the National Office for the Management and Exploitation of Protected Cultural Property[32].
- The National Center for Research in Archeology (CNRA) created by Order,
- The Culture Departments created in each Wilaya.
- The two Commissions responsible for Classification. The first one is ministerial and the second is departmental. These two commissions have different but complementary competencies and responsibilities.
- The National Commission for Monuments and Historic Sites under the responsibility of the Ministry of Culture. It includes representatives of the different ministries, departments of the ministry responsible for the arts, and organizations linked to heritage and monuments (Directors of Museums, Director of the School of Fine Arts, Director of the School of Architecture, etc.).
- The Departmental Commission for Monuments and Historic Sites. This commission is chaired by the Wali (Governor) and is composed of administrative representatives. This commission ensures liaison between those administered and the national commission. It transmits, in this regard, the classification requests to

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the commission and provides all the information necessary for the examination of the files. It is responsible, as of right, for all projects located in all classified sites. In addition to all these organizations, the different Departments of the Wilaya, Daïra, Communal Popular Assembly (APC), Town Planning Services, Design Offices, Restoration companies, as well as the Associative Movement, are all called to participate in the protection of real estate cultural heritage.

2.2. Criminal accountability

Law 98-04 provides legal protection for cultural heritage in general, whether movable, immovable or even intangible heritage. Regarding the protection of real estate assets, one should know that when a property is proposed for classification or registration on the supplementary inventory, the law stipulates that any violation of the previously established legal framework may be subject to criminal prosecution, and can be ordered to pay damages.

Indeed, according to Article 94 of this Law, any person who carries out archaeological research without authorization from the ministry, or anyone who does not declare fortuitous discoveries, is exposed to imprisonment between one year and three years, in addition to a fine ranging from 10 000 to 100 000 A.D. (Algerian Dinars). The ministry may also require the restoration of the premises. It is important to note that in this offense, recidivism is an aggravating circumstance of the penalty which can be doubled when the offender repeats his action.

It is noteworthy that the nature of the immovable cultural property is not so important. Whether this property is proposed for classification, is classified, or is registered on the list of the supplementary inventory, any voluntary act of mutilation or deterioration of the property is punishable[33]. Furthermore, the alienation of a property, which is classified or registered on the list of the supplementary inventory, without prior authorization issued by the Ministry Services, leads to the cancellation of the act[34]. On the other hand, the occupation of immovable cultural property or its use not in conformity with the easements established by the prior authorization issued by the ministry is considered a violation[35].

Restoration, rehabilitation, repair, addition, enhancement, reconstruction or demolition work on real estate and buildings located in the vicinity of the protected property are subject to strict conditions. Any transgression of these rules is liable to a fine ranging from 2000 to 10000 A.D. In this regard, Article 100 of Law 98-04 stipulates that even if the law allows, to a certain extent, the advertisement, organization of shows, photographic and cinematographic shooting, infrastructure works, reforestation and deforestation, on real estate classified or in the process of being classified, as well as on properties listed on the supplementary inventory, this must be done within a legal framework, because any violation of the law is punished by a fine ranging from 2000 to 10000 A.D.

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Finally, Articles 93 and 104 of the same law both punish people who put themselves in the way of those involved in the field of heritage. On the one hand, Article 104 expressly targets owners or tenants of real estate, which are classified or registered on the inventory list, who object, in good faith, to visits to the premises by professionals. In this case, these people are ordered to pay a fine ranging from 1000 to 2000 A.D. On the other hand, Article 93 is more comprehensive because it stipulates that anyone, whether the owner, tenant, or other, obstructs the work of heritage protection agents falls under the effect of the penal code provisions.

3. Conclusion and recommendations

No one denies that our real estate cultural heritage has historical, identical, anthropological, and economical importance as well. It therefore constitutes an immense wealth for our country, safeguarded and protected, a wealth that we must safeguard. Through the various legal texts and international commitments, which we have reviewed in this article, the Algerian State attempts to protect the rich heritage which extends across our vast territory.

Unfortunately, despite all the efforts made, they remain insufficient and fail to guarantee the expected protection. Daily attacks that we all witness weaken it. Some recommendations can be proposed.

- More competent bodies involved in the protection of immovable cultural property must be established at national, regional and even local levels.
- It is essential to amend the heritage protection law which dates back more than 20 years.
- We should change our penal policy and move towards more dissuasive penalties which would guarantee better consideration of the importance of our immovable cultural heritage. It is also necessary to review the criminal sanctions provided for in the event of non-respect of real estate because the current penalties are insignificant compared to the exceptional nature of our heritage.
- We should also make the population aware of the respect and importance of the heritage inherited from our glorious past.
- We must also recall the urgent collective awareness, which without it, no law is effective.

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Footnote

[1] Resolution concerning the intentional destruction of cultural heritage (Unesco), Paris (2003). (consulted on 15/01/2024/15:03) https://unesdoc.unesco.org/search/N-EXPLORE-692

[ii] Judgment of the National Economic and Social Council, Session of December 29, 1996, Official Journal of the Democratic and Popular Algerian Republic (JORADP) 40 of June 9, 1998.

[iii]Under the terms of this law, all immovable cultural property, immovable property by destination and movable property existing on and in the ground of buildings in the national domain. Belonging to natural or legal persons under private law, are considered as cultural heritage of the nation, as well as that in the subsoil of internal and national territorial waters bequeathed by the different civilizations which have succeeded one another from prehistory to the present day. In addition, the intangible cultural property resulting from social manifestations and individual and collective creations that have been expressed from time immemorial to the present day, is also part of the cultural heritage of the nation. Cultural property includes: 1- Immovable cultural property; 2 - Movable cultural property; 3 - Intangible cultural property, articles 2 and 3 of Law 98-04 of June 15, 1998 on the protection of cultural heritage - Official Journal 44 of June 17, 1998.

[iv] Jean-Marie Breton, Cultural heritage and alternative tourism (Europe, Africa, Caribbean,America) - Karthala Editions (2009), p.156

[v] Gerard Althabe, Production of urbain heritage, Heritage in madness, Cahier 5, Paris, Ed. MSH, 1990, p.271.

[vi] Barbara Hoffman, “Cultural Rights, Cultural Property and International Trade”, in Hoffman B.T. (dir.), Art and Cultural Heritage – Law, Policy, and Practice, and Practiques, Cambridge University Press, 2006, p. 32.

[vii] Convention for the Safeguarding of Intangible Cultural Heritage (Unesco), October 17, 2003, Paris. (consulted on 18/01/2024/18:03) https://ich.unesco.org/en/convention

[viii] Special committee of government experts responsible for preparing a draft convention and a draft recommendation to Member States concerning the protection of monuments, groups of buildings and sites, Unesco House, April 4-2, 1972. (consulted on 22/02/2024/10:22) https://whc.unesco.org/archive/1972/shc-72-conf37-19e.pdf

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[ix] Annex to the Convention: Regulations Concerning the Laws and Customs of War on Land (Section II). Hostilities, Chapter I. Means of harming the enemy, Sieges and bombardments, regulations, Article 27, Convention IV concerning the laws and customs of war on land and its Annex: Regulations concerning the laws and customs of war on land, International Humanitarian Law Database, The Hague (October 18, 1907). (consulted on 29/08/2023/12:41) https://ihl-databases.icrc.org/applic/ihl/dih.nsf/Article.xsp

[x] Article 4 of the Convention relating to the Protection of the World Cultural and Natural Heritage (Unesco), November 16, 1972. (consulted on 01/09/2023/10:39) https://whc.unesco.org/archive/convention-fr.pdf

[xi] Armand Thepenier, Euromed Heritage: Cultural program in the Barcelona process SECI Master's thesis at the Institute of Political Sciences, Lyon (2005), p. 3-4.

[xii] Fatima Mazouz, The renewal of dilapidated built heritage in Algeria - The case of Oran center - Law and Society, Vol. 1, N° 89, 2015, p. 152.

[13] Ordinance 67-281 of December 20, 1967 relating to excavations and the protection of sites, historical and natural monuments, Official Journal 7 of January 23, 1968.

[14] Article 22 of Ordinance 67-281.

[15] Article 41 of Ordinance 67-281.

[16] Immovable cultural property which, without justifying immediate classification, is of interest from the point of view of history, archaeology, science, ethnography, anthropology, art or culture requiring preservation, may be included in the supplementary inventory.

[17] Article 5 of Law 98-04.

[18] Sara Boubrit, 20th century heritage : University of Sciences and Technology Houari Boumediene, Proposal of a classification file, Master's thesis architecture, option architecture, city and patrimoine, option construction engineering, Departement of architecture at Mouloud Maamerie University in Tizi Ouzou, (2017), p. 32.

[19] Habiba Benseddik-Souiki, Valorization of historical monuments in Algeria - The case of Agha Palace in Ferdjioua – Magister thesis - Preservation of architectural heritage in the Faculty of earth sciences, geography and regional planning - Department of Architecture and Town Planning at Mentouri University in Constantine 1, (2012), p. 54-55.

[20]Immovable cultural property which, without justifying immediate classification, presents an interest from the point of view of history, archaeology, science, ethnography, anthropology, art or the culture requiring preservation, can be registered on the supplementary inventory. Immovable cultural property registered on the list of the supplementary inventory which is not subject to

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definitive classification within ten (10) years shall be removed from the list of the said inventory, article 10 of law 98-04.

[21] Article 15 of Law 98-04.

[22] Article 15 of Law 98-04.

[23] Articles 26 and 27 of Law 98-04

[24] Articles 28 and 29 of Law 98-04

[25]According to Gros Mayrevieilles: "The surrounding very often contributes to the enhancement of the monument. It is the setting that highlights the jewel", Gros Mayrevieilles, On the protection of artistic monuments, sites and landscapes-Thesis - Paris (1907); in The enhancement of architectural heritage, Pier-Laurent Frier, Monitor Edition (1979), p. 58.

[26]The concept of the surroundings of immovable cultural property appears in the Algerian legislation under the sign of inseparability of a monument or a site in relation to its surrounding space, while their component always remains dependent on the sole parameter of visibility and their materialization space remains difficult to achieve.

[27] Habiba Benseddik-Souiki, op. cit, p. 86

[28] Decree 03-322 of September 14, 2003 relating to project management relating to the protected immovable cultural property - Official Journal 60 of October 8, 2003.

[29] Decree 03-323 of October 5, 2003 relating to the procedures for establishing a plan for the Protection and Development of Archaeological Sites and their Protection Zone - Official Journal 60 of October 8, 2003.

[30] Decree 03-324 of October 5, 2003 relating to the procedures for establishing the permanent plan for safeguarding and developing protected areas - Official Journal 60 of October 8, 2003.

[31]Decree 87-10 of January 6, 1987 regarding the creation of the National Agency for Archaeology, and the Protection of Historic Sites and Monuments - Official Journal 26 of January 7, 1987.

[32] Decree 05-488 of December 22, 2005 relating to transforming the legal nature and changing the name of the National Agency for Archeology and the Protection of Historic Sites and Monuments - Official Journal 83 of December 25, 2005.

[33] Article 96 of Law 98-04

[34] Article 97 of Law 98-04

[35] Article 98 of Law 98-04