



The Role of Active Bodies and Institutions in the Field of Preservation and Protection of Cultural Heritage

Djillali Bentayeb

Center for Research in Islamic Sciences and Civilization Laghouat(Algeria)

d.bentayeb@crsic.dz

Benaichouche Omar

Center for Research in Islamic Sciences and Civilization Laghouat(Algeria)

o-benaichouche@crsic.dz

Abstract : This research paper addressed the topic “The role of international and national bodies and institutions in protecting and preserving cultural heritage,” to shed light on the necessity of activating the protection of cultural heritage, which expresses the history and past of the nation and its diverse cultural heritage, as well as finding effective means and mechanisms for preserving cultural heritage, by highlighting the role played by these active international and national institutions and bodies in protecting and preserving cultural heritage, raising the community’s awareness of the issues of protecting the tangible and intangible cultural and natural heritage, its advisory role in the largest global international organizations and the newly established international committees, and enacting regulations, legislation and laws that are consistent with the international and regional agreements ratified by Algeria, including the enactment of numerous regulatory decrees, and the establishment of institutions and structures that guarantee the comprehensive protection of cultural heritage.

Keywords: role, bodies and institutions, preservation, cultural heritage, protection.

Le rôle des organismes et institutions actifs dans le domaine de la préservation et de la protection du patrimoine culturel

Résumé : Ce document de recherche a abordé le thème « Le rôle des organismes et institutions internationaux et nationaux dans la protection et la préservation du patrimoine culturel » pour mettre en lumière la nécessité d'activer la protection du patrimoine culturel, qui exprime l'histoire et le passé de la nation et ses divers éléments. patrimoine culturel, ainsi que trouver des moyens et des mécanismes efficaces pour préserver le patrimoine culturel, en soulignant le rôle joué par ces institutions et organismes internationaux et nationaux actifs dans la protection et la préservation du patrimoine culturel, en sensibilisant la communauté aux enjeux de protection du matériel et de l'immatériel patrimoine culturel et naturel, son rôle consultatif au sein des plus grandes organisations internationales mondiales et des comités internationaux nouvellement créés, et en promulguant des réglementations, des lois et des lois conformes aux accords internationaux et régionaux ratifiés par l'Algérie, y compris la promulgation de nombreux décrets réglementaires, et la mise en place d'institutions et de structures garantissant la protection globale du patrimoine culturel.

Mots-clés : rôle, organismes et institutions, préservation, patrimoine culturel, protection.

Introduction

Cultural heritage is the container that preserves the personalities of nations and peoples, and it is also a direct embodiment of the most important spiritual, intellectual and material aspects of human attitudes in life, it is linked to the public and private aspects of society, keeps pace with the life cycles that individuals go through, and has a significant impact on the development and progress of societies. It is also considered a fundamental pillar of the cultural identity of societies, and the symbol of their pride in their cultural identity, as cultural heritage serves as a reflection of the civilizational level of any nation or country, and it is also the product of man's understanding and assimilation of his heritage, religion, and social and material interaction at every stage of its history, on both levels individual and group. Therefore, the cultural heritage of countries is considered a common heritage and the property of all humanity, as it is precious cultural symbols that bear witness to the history and heritage of peoples, Therefore, protecting and preserving it is not only a national issue, but also an international responsibility.

With the spread of wars and armed conflicts, the harm was not limited to people and their personal property only, but also extended to cultural heritage with all its elements, through destruction, theft, and plundering, to falsify history, neutralize the culture of the occupied country, and separate it from its past and identity. To the extent that legal transactions for cultural property have increased, the phenomenon of illegal import, export and transfer of ownership has spread, whether in times of peace or during armed conflicts, and the main motive for these practices lies in speculation and achieving material benefits at the expense of the capabilities of national identity and the moral value of giving and creativity that characterize it, which led to the lack of cultural heritage in its original country.

The importance of this topic is evident because it is one of the most important topics that international and national legislation has focused on because of its historical value in the lives of peoples, as it reflects the civilizations experienced by various countries and which represent one of the components of different societies. Cultural heritage is one of the most important topics addressed by researchers, especially in our current era, where wars and crimes that can affect it in one way or another have spread, which requires highlighting the phenomenon to combat it, with the involvement of all actors. However, international interest in the legal protection of cultural heritage did not begin until the end of the nineteenth century and the beginning of the twentieth century, when international efforts were directed to establishing legal rules to

mitigate the devastating effects of war and the devastation it caused to people and property alike, to establish laws that first protect lives, and to establish the concept of Legal protection of cultural heritage, which has begun to be achieved in practice with the conclusion of several international agreements, the most important of which are the agreements concluded specifically to address the issue of protecting cultural heritage under the auspices of UNESCO.

In addition to the role played by the so-called international civil society, represented by international non-governmental organizations and their role as international bodies that may be independent at times, and used by hidden hands at other times, as well as the role that these institutions play in sensitizing the public to issues of protecting cultural and natural heritage, tangible and intangible, and its advisory role in the largest global international organizations, and international committees created under various international agreements and intergovernmental organizations. Therefore, protecting cultural heritage requires concerted international efforts, to establish the rule of prohibition, combat these practices, eradicate their causes, and international cooperation to protect and preserve cultural heritage and return cultural property to its country of origin.

Algeria was one of the first countries to sign the Convention on the World Cultural and Natural Heritage in 1972, which was considered a very important breakthrough in the field of cultural heritage protection, then it was followed by another step no less important than the first, which embodied the implementation of this agreement, which was the issuance of a law requiring the protection of the national cultural heritage, which is Law 98/04 dated Safar 20, 1419 corresponding to June 15, 1998, according to which the provisions of Order No. 67 were cancelled. 281 dated December 20, 1976, relating to the research and preservation of historical and natural sites and monuments, which was in effect for 37 years, with the exception of natural sites that remained subject to the Environmental Protection Law, but on the other hand there were more legal procedures represented in the enactment of many decrees and the establishment Institutions and structures that guarantee comprehensive protection of cultural heritage.

This topic raises the following problems : Did international and national bodies and institutions have a role in protecting and preserving cultural heritage?

Has Algeria kept pace in its internal legislation with legislative developments at the international level for the effective protection of cultural heritage ? What mechanisms and measures have been taken to protect cultural heritage at the international and national levels ?

To answer these problems, we followed the descriptive approach, by collecting scientific data related to the subject of the study from its various

sources, then analyzing it and drawing conclusions from it. To answer this question, we divided the topic into three axes:

- The first axis deals with the definition of cultural heritage.
- The second axis studies the role of national bodies and institutions in protecting cultural heritage.
- As for the third axis, we touched on the role of international bodies and institutions active in protecting cultural heritage.

1. Definition of cultural heritage

1.1. linguistic definition

Cultural heritage in the language is a noun derived from the verb to inherit, which is what the deceased leaves behind to his heirs.

Ibn Mandhour says: Inheritance is inheritance, and it is the origin. Heritage "is everything that has passed fifty years or more"¹.

The term cultural heritage is a compound term of two words:

The word "heritage", linguistically, means money passed down between generations. And Allah said: (And you consume inheritance, devouring [it] altogether)ey left behind by the dead person, and it is money, which is the mon² in cash, in kind, or intangible, such as copyright and patents. Money may also be culturally inherited, such as antiquities and manuscripts, and money may also be natural, such as elements of natural heritage³.

This type of money is considered a natural inheritance, and each of these expresses a value that is passed down through generations, thus enjoying its cultural and aesthetic character throughout the ages⁴. The word "cultural" brings together cultures, sciences, knowledge, and arts, and the collection of what nations or countries have achieved in the various fields of literature, thought, art, industry, and customs⁵.

1.2. The terminological definition

It is an expression of civilizational accumulation and cultural wealth, and represents one of the most prominent manifestations of national belonging, being

¹- Ibn Mandhour Abu Al-Fadhl Jamal Eddine Mohamed ben Makram, Arabes Tong, Volume Two, Sixth Edition, Sadr House, Lebanon, 1997, p. 200.

²- Verse 19 of Surah Al-Fajr.

³- Osama Hussein Obaid, Criminal Protection of Archaeological Cultural Heritage, Dar Al Nahda Al Arabiya, first edition 2008, Cairo, Egypt, p. 10.

⁴- Walid Mohamed Rachad Ibrahim, Protection of Antiquities and Elements of Cultural Heritage in Private International Law, Arab Nahda House, 2005, p. 6.

⁵- The Basic Arabic Dictionary for Arabic Speakers and Learners, Arab Educational, Cultural and Scientific Organization, Larousse Printing House, p. 1150.

a sincere expression of distinction from others, and a dedication to the cultural specificity of any human society, so that one does not dissolve into the other. Cultural heritage is what our predecessors left to others in various aspects of life and in various fields, such as culture, history, literature, civilization, art, systems, industry, agriculture, urbanization, traditions, customs, and customs⁶.

The terminological definition of cultural heritage and its comprehensive meaning can be as: “the living witness to the history of peoples, their civilization, their imagination, their hopes and their suffering, as all the cultures of the world, despite their differences, share a common denominator, which is that they are produced by man, and are shared by all people at the same time and express the transformations that occur at the local and global levels, or everything that gives civilization its special characteristics and defines its rational and spiritual poles⁷.”

1.3. Legal definition

UNESCO has relied on the Universal Definition of Cultural and Natural Heritage to standardize standards and provide a common understanding among many actors at the international level. However, it is not intended to replace national or local terms that are identical to the definition it adopted in the Convention for the Protection of the Cultural and Natural Heritage of 1972.

Article 1 of the Convention for the Protection of the World Cultural and Natural Heritage defines cultural heritage as:

- Monuments: Architectural works, works of sculpture and painting on buildings, elements or formations of an archaeological character, inscriptions, caves, and groups of monuments that all have exceptional universal value from the point of view of history, art, or science.
- Complexes: groups of isolated or connected buildings, which, due to their architecture, symmetry or integration into a landscape, have outstanding universal value from the point of view of history, art or science.
- Site: human works, or joint works between man and nature, as well as areas, including archaeological sites, that have outstanding universal value from a historical, aesthetic, ethnological, or anthropological point of view.

As for the second article, it defines natural heritage as: “natural monuments consisting of physical or biological formations, or groups of these formations, that have exceptional value from an aesthetic or scientific point of view, as well as geological or physiographic formations and precisely defined

⁶- Mousa Boudhan, *The Legal System for the Protection of National Heritage*, Algeria, Al-Huda House, Ain Melilla, 2013, p. 18.

⁷- Hafida Mestawi, *International Protection of Tangible Cultural Property in the Event of Armed Conflict*, Master’s Thesis, Specialization in Public International Law, Faculty of Law and Political Sciences, Mohamed Khidir University of Biskra, 2011, p. 15.

areas, forming a habitat for threatened animal or plant species, and natural sites or precisely defined natural areas that have outstanding universal value from the point of view of science, conservation or natural beauty. However, we note that this agreement, in its third article, left a kind of discretionary power and freedom to the states parties by stating: "Each state party to this agreement may designate and define the various properties located in its territory..."

Article 1 of the American Covenant of 1935, which is also known as the Roerich Covenant, defined cultural heritage as: "Things, places, and works of art that possess cultural value, and which include historical monuments and the collection of arts"⁸.

It should be noted that Law 98-04 clearly defined what is meant by tangible and intangible cultural heritage, as it stated: "It is considered cultural heritage of the nation in the meaning of this law: all real cultural property and real estate by designation and movable property, located on and within the land of national property properties, and owned by private individuals, natural or moral, subject to private law, which are also present in the aquifers of national internal and territorial waters inherited from various successive civilizations from the prehistoric era to the present day, and are considered part of the nation's cultural heritage as well as intangible cultural properties resulting from social interactions and the creativity of individuals and groups across the ages, which continues to express itself from ancient times to the present day"⁹.

1.4. Jurisprudential definition

The definition of archaeological cultural heritage in jurisprudence revolves around the basic idea that archaeology is: "everything left by human behavior for a particular society, which is necessary to clarify its identity and history, and which must be preserved to be transmitted to successive generations."

Some definitions focused on the nature and essence of antiquities as part of cultural heritage, as some of them defined them as the written and unwritten heritage left behind by ancient civilization, such as pyramids, temples, tombs, papyrus papers, funerary stelae, and coffins. Some of them saw that antiquities are the product of humankind, which in turn evaluates their makers and users, and they are also a cultural manifestation through which the light shines, which

⁸- See, Saleh Muhammad Mahmoud Badr Eddine, *Protection of Cultural and Natural Heritage in International Treaties, International Protection of Antiquities, Artistic Creativity and Holy Places*, Arab Nahda House, Cairo 1999, p. 20.

⁹- See: Article 02 of Law 98-04 relating to the protection of cultural heritage, *Official Journal of the People's Democratic Republic of Algeria*, Safar 20, 1419 AH, corresponding to June 15, 1998.

in turn guides us to knowing the people of the past. Part of the jurisprudence holds that the antiquity is not just a piece of stone, a masterpiece, or a colorful engraving, but rather a manifestation of the various civilizations that arose on the homeland, or had a historical connection to it¹⁰.

While part of the jurisprudence in France and Egypt paid attention to the legal aspect, in addition to paying attention to the nature and subjectivity of antiquities, they believed that antiquities are every property or movable property that has historical, artistic, or scientific value. In light of this, French jurisprudence considers that antiquities are those real estate or movable property whose protection constitutes a public interest from a historical or artistic standpoint.

In Egypt, a part of jurisprudence believes that antiquities are real estate or movables dating back to ancient times, and which represent historical and scientific importance. Another aspect of jurisprudence moves in the same direction, and believes that antiquities are those things of historical value, such as forts, halls, weapons, statues, and inscriptions dating back to ancient times. A part of jurisprudence also believes that antiquities are every work of art that represents historical value, regardless of its importance, whether it is real estate or movable property. In addition to highlighting the legal aspect of antiquities, these definitions are distinguished by their clarification of the temporal element of antiquities, and distinguishing them according to origin by antiquity and value, given that they have historical and cultural importance¹¹.

2.The role of national bodies and institutions in protecting cultural heritage

Algeria is considered one of the first countries to sign the Convention on the World Cultural and Natural Heritage in 1972, which was considered an important breakthrough in the field of protecting cultural heritage. It was also followed by another step no less important than the previous one that embodied the implementation of this convention, which was the issuance of Law 98/04 dated 20 Safar 1419 corresponding to 15 June 1998, relating to the protection of the Algerian cultural heritage, which is the first law in which the Algerian legislator addresses the protection of cultural heritage, and then reinforced by the issuance of Executive Decree No. 03-311, which specified the conditions and methods for preparing and managing the general inventory of protected cultural property, which repealed the provisions of Order No. 67-281 of December 20, 1976, relating to the research and preservation of historical and natural sites and

¹⁰- Mohamed Samir, *Criminal Protection of Antiquities, (A Comparative Applied Rehabilitation Study)*, First Edition, 2012, Dar Al Nahda Al Arabiya, Egypt, p. 14.

¹¹- Mohamed Samir, *Criminal Protection of Antiquities*, previous reference, p. 15.

monuments, which was in effect for 37 years, except for natural sites that remained subject to the Environmental Protection Law.

Through this axis, we address the bodies authorized to classify cultural heritage, mentioning the most important national institutions for classifying and protecting cultural heritage. We mention the most important ones :

2.1. Bodies authorized to classify cultural heritage

Law No. 98-04 stipulates that the classification and registration procedure is one of the most important procedures necessary to provide protection for cultural property, and this is due to the impact of classification or registration on the cultural property itself in terms of giving it some kind of importance. Legal protection is not granted to cultural property except after it has been classified and registered in the additional inventory in a special register of the general inventory of protected cultural property¹², the content and form of which is determined by a decision of the Minister in charge of culture, after taking the advisory opinion of the National Committee for Cultural Property. The inventory list is published in the official journal of the People's Democratic Republic of Algeria, reviewed every 10 years, and published again in the official journal after its review¹³.

It may also be registered in the additional inventory list by decision of the Wali (governor), after consulting the cultural property committee in the relevant state, if the transferred cultural property has significant value, from a historical, artistic, or cultural standpoint at the local level. The classification process is carried out by several national bodies and institutions, which can be listed as follows :

1. National Committee for Cultural Properties:

The Minister in charge of Culture shall establish a national committee for cultural property, charged with the following:

- Expressing its opinions on all matters related to the application of this law, which are referred to it by the Minister in charge of Culture.

¹² -Article 2 of Executive Decree 03-311 of Rajab 17, 1424 corresponding to September 14, 2003, relating to the procedures for preparing the general inventory of protected cultural property, states Official Journal No. 57 of the People's Democratic Republic of Algeria.

¹³ -Article 7 of Executive Decree 03-311, relating to the methods for preparing the general inventory of protected cultural property.

- Deliberation on proposals to protect movable and real cultural property, as well as on the issue of establishing reserved sectors for inhabited urban or rural real estate groups of historical or artistic importance¹⁴ ... (Article 79).

2. The State Committee for Cultural Properties:

A cultural property committee shall be established at the level of each state, tasked with studying any requests to classify and create reserved sectors, or register cultural property in the additional inventory list, and propose them to the National Committee for Cultural Property.

- It expresses its opinion and deliberates on requests to register cultural property that has a very important local value, with respect to the state concerned, in the additional inventory¹⁵ ... (Article 80).

3- The Cultural Property Acquisition Committee and the Cultural Property Expropriation Committee:

The Minister in charge of Culture shall establish a committee charged with the acquisition of cultural property designated for the enrichment of national collections, and a committee charged with the expropriation of cultural property¹⁶ (Article 81).

Second: The most important national institutions for protecting cultural heritage

A group of regulatory texts emphasized the establishment of a group of institutions charged with protecting cultural heritage, the most important of which are the following:

1- Centers: National centers were established by decrees and decisions aimed at establishing the legal protection of cultural heritage. We mention, for example:

¹⁴ - Article 79 of Law No. 04-98 of June 15, 1998, relating to the protection of cultural heritage, Official Journal No. 57 44.

¹⁵ - Article 80 of Law No. 04-98 of June 15, 1998, relating to the protection of cultural heritage, Official Journal No. 57 44.

¹⁶- Article 79 of Law No. 04-98 of June 15, 1998, relating to the protection of cultural heritage, Official Journal No. 57 44.

- The National Center for Manuscripts in Adrar¹⁷: It is a public institution of an administrative nature, enjoys legal personality and financial independence, and is under the supervision of the Minister in charge of Culture.

- The National Center for Research in Archaeology¹⁸: In implementation of the provisions of Article Two of Executive Decree No. 99-256, dated 08 Shaban 1420 AH corresponding to November 16, 1999 and amended: a center for scientific research shall be established, entitled the National Center for Research in Archaeology, which is a public scientific and technological institution, with sectoral nature.

2- Museums: Museums are considered one of the institutions charged with protecting artistic masterpieces and antiquities. They are defined as a public administrative institution, which has a legal personality and financial independence, and is placed under the supervision of the Minister in charge of Culture.

Article 1 of Executive Decree No. 11-352 defines it¹⁹: "A museum is considered, within the meaning of this decree, any permanent institution that contains collections or antiques that constitute collections whose preservation and display are of public importance, and which is organized for the purpose of knowledge, education, culture, and entertainment."

3- National offices:

There are more than seven national offices, including:

- The National Office for the Management and Exploitation of Protected Cultural Resources and its branches in the states, which was established by Executive Decree No. 05-488 dated December 22, 2005, and is charged with managing cultural property protected under Law 98/04.
- National Ahgar Barn Office.
- The Office of the Tassili National Park.
- The Office of Riad Al-Fath.

¹⁷ - Executive Decree No. 06-10 of Dhu al-Hijjah 15, 1426, corresponding to January 15, 2006, relating to the establishment of the National Center for Manuscripts, Official Journal of the People's Democratic Republic of Algeria, No. 3, 2006.

¹⁸-Executive Decree No. 05-491 of Dhul-Qi'dah 20, 1426 corresponding to December 22, 2005, establishing a national center for research in archaeology, Official Journal No. 83 of December 25, 2005.

¹⁹-Executive Decree No. 11-352 of Dhul-Qi'dah 7, 1432 corresponding to October 5, 2011, establishing the model basic law for museums and interpretive centers of a museological nature, Official Journal No. 56 issued on October 16, 2011.

4- Cultural Parks: Cultural Parks have been established at the national level, whose tasks are to protect the natural heritage of the regions located within each Park, including:

- The Cultural Park of the Sahrawi Atlas: Decree No. 407-09 issued on Dhu al-Hijjah 12, 1430 AH, corresponding to November 29, 2009, which included the establishment, organization and functioning of the National Office for the Cultural Facility of the Sahrawi Atlas.

- The Tuat Cultural Park, Gourara, Tadiklet, Decree No. 409-09 issued on Dhul-Hijjah 12, 1430 AH, corresponding to November 29, 2009, establishing the National Office for the Tuat Cultural Park.

- The Cultural Park of Tindouf, Decree No. 408-09 issued on Dhu al-Hijjah 12, 1430 AH, corresponding to November 29, 2009, which includes the establishment of the National Office of the Cultural Park of Tindouf. In addition, the Algerian legislator established the "National Fund for Cultural Heritage," which stipulated²⁰ (Article 87) the establishment of a national fund for cultural heritage in order to finance all operations:

- Maintenance, preservation, protection, restoration, rehabilitation and reclamation of real and movable cultural property,

- Maintenance, preservation and protection of intangible cultural property.

5- Agencies: We mention among them:

- The National Agency for the Completion and Management of Major Cultural Projects, which was established pursuant to Decree No. 391-07 issued in Official Gazette No. 79 dated Dhu al-Hijjah 18, 1429 AH, corresponding to December 18, 2007.

- The National Agency for Cultural Radiation, which was established by Decree No. 304-08, dated 27 Ramadan 1429 AH corresponding to September 27, 2008.

-The National Agency for Reserved Sectors, which was established pursuant to Decree No. 02-11, issued in Official Journal No. 01 dated 30 Muharram 1432 AH corresponding to 05 January 2011.

The third axis: international bodies and institutions active in protecting cultural heritage

International bodies and institutions are all permanent bodies established under treaties to partially or completely supervise some affairs, especially those

²⁰-Article 87 of Law No. 04-98, of June 15, 1998, relating to the protection of cultural heritage, Official Article No. 44.

related to the protection of cultural heritage²¹. These international bodies and institutions have mobilized to protect and preserve cultural heritage, and to stand against every attack that affects it, and this is within the framework of prominent international bodies and organizations, the most important of which are :

First: The United Nations:

The United Nations has played an important and effective role in the field of protecting cultural heritage, by contributing to the international commitment to respect the provisions of the Hague Convention during armed conflicts or peacetime, through its affiliated bodies, especially the Security Council and the General Assembly, and it issued a number of decisions and recommendations in the field of protecting cultural heritage, for example:

- **Historic Security Council Resolution No. (2347)** On March 24, 2017, the :²² United Nations Security Council unanimously adopted Resolution No. 2347 regarding the protection of cultural heritage, which is an unprecedented decision, as the course of this issue took nearly a century and a half, and it is the first resolution that focuses exclusively on on cultural heritage, and welcomes the pivotal role of UNESCO in protecting cultural heritage and promoting culture, given its ability to unite peoples and promote dialogue, as this first report was prepared under the supervision of UNESCO and in cooperation with the United Nations Office on Drugs and Crime, and the Analytical Support and Sanctions Monitoring Team, and other concerned parties.

This report also makes a series of recommendations to strengthen the protection of cultural heritage, raise awareness, collect data and train peacekeeping forces to better integrate cultural issues into future peacekeeping missions.

- The resolution of the United Nations General Assembly in 1970, in which it called on member states to ratify the convention relating to the means of criminalizing and preventing the import, export and transfer of ownership of cultural heritage by illicit means, which was the convention adopted by the General Conference in 1975²³.

²¹ -Gamal Abdel Nasser Mane, International Organization, General Theory, and Specialized Global and Regional Organizations, Al-Ulum Publishing and Distribution House, p. 63.

²² - Security Council Resolution No. (S/RES/2347), issued on March 24, 2017, regarding the maintenance of international peace and security.

²³ -United Nations, Official Records of the General Assembly, 30th Session, Volume I (Resolutions and Decisions, 19 November 1975.

Second: UNESCO: (UNESCO), which is an abbreviation for United Nations Educationnel Scientific and Cultural Organization, UNESCO was established on November 16, 1945, according to the UNESCO Constitution, which entered into force on November 4, 1946, and the organization's first official general conference was held in Paris, from November 19 to December 10, 1946, when representatives from 30 countries participated in the conference²⁴.

The goal that the organization has set for itself is a large and ambitious goal, which is to build peace in the minds of people through education, science, culture and communication. It works to find appropriate conditions for launching a dialogue between civilizations, cultures and peoples, and works to achieve an integrated vision for development. UNESCO's efforts are at the forefront of international efforts to protect tangible and intangible heritage, as it has drafted many charters and treaties related to the preservation and protection of tangible, intangible and natural cultural heritage.

It is linked to the world's cultural and natural heritage by securing and preserving World Heritage sites, as well as achieving an integrated vision for sustainable development and material progress without harming the world heritage. It took the lead in its efforts to protect tangible and intangible heritage by drafting many charters and treaties related to the preservation and protection of cultural and natural heritage. UNESCO also plays a leading role in launching international initiatives to protect antiquities, and in this regard the Convention on the Protection of the World Cultural and Natural Heritage adopted in 1972 stipulates that some sites have exceptional universal value, and from this standpoint, it should be part of the common heritage of humanity.

The States Parties to the Convention also know that protecting World Heritage is the duty of the entire international community, without prejudice to national sovereignty and property rights stipulated in national legislation, as the World Heritage List currently includes 890 natural and cultural sites, extending from the countries of India to the ancient city of Tombuktu in Mali, Passing through natural masterpieces such as the Great Barrier Reef in Australia, all the way to the Pyramids Plateau in Cairo, as well as Algerian sites²⁵.

²⁴ -Saleh Mohamed Mahmoud Badr Eddine, Protection of Cultural and Natural Heritage in International Treaties, International Protection of Antiquities, Artistic Creativity and Holy Places, Arab Nahda House, Cairo, 1999, p. 33.

²⁵ - Seven Algerian sites have been classified on the UNESCO list: Beni Hammad Castle, Kasbah of Algiers, Tipaza, Djamilia, Timgad, Wadi M'Zab, Tassili N'Ajjer. See: Hamadou Fatima, Legal Protection of Antiquities in Light of National Legislation and International Agreements, doctoral thesis, specialization: law, branch: comparative public law, Djilali Liabes University Sidi Bel Abbes, Faculty of Law and Political Science, university year: 1439-1440 AH/2018-2019, p. 157.

Third: The International Center for the Preservation and Restoration of Cultural Heritage (ICCROM)²⁶.

An international governmental organization established in 1956 by UNESCO, its main headquarters is located in Rome, Italy. It has played an important role in collecting information related to cultural heritage, and then technical and scientific cooperation in the field of preserving cultural heritage between countries of the world. Its statutory tasks are to undertake programs in research, documentation, technical assistance, training and public awareness to promote the safeguarding of movable and immovable cultural heritage.

Fourth: The International Council on Monuments and Sites: (ICOMOS)

A unique, democratic, non-profit non-governmental organization whose mission is to promote the preservation, protection, exploitation and revival of the world's cultural heritage. It was established in 1965 as a result of the Venice Charter of 1964, and provides recommendations to UNESCO regarding World Heritage Sites. Its role is to promote the application of the theory, methodologies and scientific techniques of preserving the architectural and archaeological heritage, as its activity is based on the principles of the International Charter for the Preservation and Restoration of Sites and Monuments, and to encourage and direct the tourism industry in a way that ensures the promotion of the heritage and living cultures of the host communities²⁷.

Fifth: World Heritage Committee (WHC).

It is a committee emanating from UNESCO, as the member states of UNESCO adopted the World Heritage Convention in 1972. The agreement stipulated the establishment of the "World Heritage Committee" and the "World Heritage Fund." The committee and the Fund were established and have been active since 1976 AD, with the aim of designating the cultural and natural

²⁶ - ICCROM is one of three advisory bodies to the World Heritage Committee, which works to implement the 1972 World Heritage Convention. See: Kurdi Fatina; Saman Mazen 2008 AD, International and Arab organizations and their role in preserving and rehabilitating ancient cities and developing them tourism, op. cit., p. 67.

²⁷- See: Kurdi Fatina; Saman Mazen, International and Arab organizations and their role in preserving and rehabilitating ancient cities and developing them tourism, Aleppo University Research Journal, Engineering Sciences, 2008, no. 64, p. 66.

heritage of The exceptional universal value, its protection, preservation, repair and transmission to successive generations²⁸.

It is clear from the above that the tasks of international organizations and institutions concerned with World Heritage vary, through their gradual proposing of general and specific objectives, and their definition of the topics for which they are responsible. However, in return, they all agree on the importance of tangible (natural, cultural) and intangible heritage, and their responsibility to set standard definitions for methods of Preserving cultural properties and their respective standards, and the need to protect and preserve them to pass them on to future generations.

Conclusion :

With Allah's help and success, we have completed this article entitled: The role of active bodies and institutions in the field of preservation and protection of cultural heritage. The following is a statement of the most important results and recommendations of this study:

Results

- The concept of cultural heritage is considered a broad concept, which includes movable and immovable property that has archaeological or artistic value, and it also includes buildings and property designated primarily and effectively for the protection and display of cultural property, such as memorial building centers.
- National and international cultural heritage is characterized by an important characteristic, as it is considered the most important witness in rewriting the history that expresses the present and past of the nation and its diverse cultural heritage, as the concept of cultural heritage has come to express the identity and culture of the nation in all its details, which constitute ideological, spiritual and historical importance for it.
- Cultural heritage is a global heritage shared by all of humanity, which requires participation in its protection, as international agreements are not enough, rather, they must be supported by a system of national laws that are consistent with and complement these international agreements.

²⁸ - Saada, Ayman Azmi Jobran, Mechanisms for Activating Popular Participation in Architectural and Urban Preservation Projects, Case Study of the West Bank, Unpublished Master's Thesis, An-Najah National University, Palestine, 2009.

- The Algerian legislator's interest in cultural heritage and considering it a cultural heritage subject to protection in accordance with Law No. 04/98, relating to the protection of cultural heritage.
- The Algerian legislator sought to protect cultural heritage, by establishing various mechanisms that contribute to establishing respect for the various provisions related to protection, and specifying a specific responsibility for everyone who attacks this common heritage.
- Cultural heritage has received great attention in national legislation, through many laws, decrees and regulations, the most important of which is Law No. 98-04 relating to the protection of cultural heritage.
- National and international bodies and institutions are considered an international legal mechanism for protecting cultural heritage, as they have concluded many agreements to protect cultural heritage.
- Establishing legal mechanisms and establishing bodies and institutions specialized in protecting cultural heritage imposes a precise methodology in employing the various existing laws to protect heritage, with the aim of intervening in an integrated and effective manner at all levels.

Recommendations

- The need for concerted efforts of international and national bodies and institutions active in protecting cultural heritage to preserve it in accordance with international agreements and treaties, which must be supported by strict national laws.
- Developing internal legal legislation to define a legislative framework to protect cultural heritage and ensure its preservation and preservation, especially in periods of armed conflict.
- Allocating and intensifying financial, legal and technical assistance by countries belonging to international organizations active in protecting cultural heritage, especially for poor countries whose cultural property is vulnerable to plunder and destruction, to improve their performance.
- Providing international and national bodies and institutions with the necessary expertise to help countries preserve their cultural heritage, and spreading the culture of appreciating and preserving cultural property in societies, by intensifying educational and pedagogical efforts in this field, to spread awareness of the importance of cultural heritage.
- Enacting more appropriate laws for protection, especially in the case of armed conflicts, because reality has proven that wars are the most dangerous thing that destroys cultural heritage, while tightening penal penalties for violators, especially for smugglers of cultural property.

- Establishing a national database linked to the global database, giving each cultural property an international classification number by which it is identified.

List of sources and references:

Laws, decrees and decisions:

- Executive Decree No. 06-10 of Dhu al-Hijjah 15, 1426, corresponding to January 15, 2006, relating to the establishment of the National Center for Manuscripts, Official Journal of the People's Democratic Republic of Algeria, No. 3, 2006.
- Executive Decree No. 05-491 of Dhul-Qi'dah 20, 1426 corresponding to December 22, 2005, establishing a national center for research in archaeology, Official Journal No. 83, dated December 25, 2005.
- Executive Decree No. 11-352 of Dhul-Qi'dah 7, 1432 corresponding to October 5, 2011, defining the model basic law for museums and interpretive centers of a museological nature, Official Journal No. 56 issued on October 16, 2011.
- Law No.: 98/04 of 06/15/1998, Official Journal No. 44 issued on June 17, 1998, relating to the protection of cultural heritage.
- Executive Decree No. 03-311 of Rajab 17, 1424 corresponding to September 14, 2003, relating to the methods of preparing the general inventory of protected cultural property, Official Journal No. 57 of the People's Democratic Republic of Algeria.
- Security Council Resolution No. (S/RES/2347) issued on March 24, 2017 regarding the maintenance of international peace and security.
- Official Records of the United Nations General Assembly, 30th Session, Volume I (Resolutions and Decisions), November 19, 1975.

Books :

- Ali Khalil Ismail Al-Hadithi, Protection of Cultural Property in International Law, (Applied Comparative Study), Culture Library for Publishing and Distribution, Amman, 1999.
- Djamal Abd Ennasser Manaé, International Organization, General Theory and Ad hoc Global and Regional Organizations, Al-Uloom Publishing and Distribution House.
- Mohamed Samir, Criminal Protection of Antiquities, (Comparative Applied Rehabilitation Study), Arab Nahda House, Egypt, first edition, 2012.
- Mousa Boudhan, The Legal System for the Protection of National Heritage, Algeria, Al-Huda House, Ain Melilla, 2018.

- Mustapha Kamel Chehata, *Military Occupation and the Rules of Contemporary International Law*, National Publishing and Distribution Company, Algeria, 1981.
- Omar Saad Allah, *The Development of International Humanitarian Law*, Dar Al-Gharb Al-Islami, Beirut, 1st edition, 1997.
- Osama Hussein Obaid, *Criminal Protection of Archaeological Cultural Heritage*, Arab Renaissance House, first edition 2008, Cairo, Egypt.
- Saleh Mohamed Mahmoud Badr Eddine, *Protection of Cultural and Natural Heritage in International Treaties, International Protection of Antiquities, Artistic Creativity and Holy Places*, Arab Renaissance House, Cairo, 1999.
- The Basic Arabic Dictionary for Arabic Speakers and Learners, Arab Educational, Cultural and Scientific Organization, Larousse Printing House.
- Walid Mohamed Rachad Ibrahim, *Protection of Antiquities and Elements of Cultural Heritage in Private International Law*, Arab Renaissance House, 2005.

University theses:

- Hamadou Fatima, *Legal Protection of Antiquities in Light of National Legislation and International Agreements*, PhD thesis, specialization: Law, branch: Comparative Public Law, Djilali Libes University Sidi Bel Abbes, Faculty of Law and Political Sciences, University year: 1440-1439 / 2018-2019.
- Rahal Samir, *Protection of Money and Property during International Armed Conflicts under the Provisions of International Humanitarian Law*, thesis for a master's degree in international criminal law, Faculty of Legal and Administrative Sciences, Saad Dahlab University, Blida, 2006.
- Saada, Ayman Azmi Jobran, *Mechanisms for Activating Popular Participation in Architectural and Urban Preservation Projects, Case Study of the West Bank*, Unpublished Master's Thesis, An-Najah National University, Palestine, 2009.

Articles:

- Kurdi Fatina; Saman Mazen 2008, *International and Arab organizations and their role in preserving and rehabilitating ancient cities and developing them tourism*, Aleppo University Research Journal, Engineering Sciences, No. 64, pp. 61-83.