

Protection of The Intangible Cultural Heritage in Algeria Under Local and International Legislation

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Abstract:

The Algerian legislator addressed the protection of intangible cultural heritage through Law No. 98-04 dated June 15, 1998, concerning the protection of cultural heritage. Additionally, the legislator issued decrees and executive decisions to implement the protection and guarantee of intangible cultural heritage. The enhancement and assurance of this protection required the ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted in Paris on October 17, 2003. Moreover, the legislator provided for the bodies responsible for preserving and protecting intangible heritage, reflecting both local and international protection of intangible cultural heritage.

Keywords: Intangible cultural heritage, protection, safeguarding intangible cultural heritage, international convention, local protection.

1- Introduction:

Intangible heritage represents a living memory for generations and their identity across time. It reflects their existence, culture, and civilization, maintaining their essence in a moral sense. It also contributes to the dialogue between civilizations and cultures. Consequently, international agreements, most notably the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted in Paris on October 17, 2003, have called upon nations, states, individuals, and communities to adopt the term "intangible heritage" as a regulatory term and embrace the rules governing its organization and protection, for both individuals and communities, within local, international, and regional frameworks. Algeria, with its rich history of intangible cultural heritage, has adopted this approach through the issuance of laws and executive decrees that ensure the protection and

safeguarding of intangible cultural heritage. The country has also aligned itself with international policies for protecting intangible cultural heritage.

Research Problem: What are the legal mechanisms enshrined in local legislation for the protection of intangible cultural heritage?

To address this issue, the research is divided into two sections:

1. The concept of intangible cultural heritage
2. The protection of cultural heritage in Algeria
3. The bodies responsible for the protection of intangible cultural heritage in Algeria

To answer the research problem, a descriptive and analytical method was employed by examining the legal texts that regulate the protection of intangible cultural heritage.

Study Objectives

- To demonstrate the importance and necessity of protecting intangible cultural heritage both locally and internationally, as it represents the living memory of peoples, individuals, communities, states, and regions, requiring local, international, and regional protection against unlawful exploitation.
- To emphasize the need for local and international cooperation, involving individuals, communities, and nations, in protecting intangible cultural heritage and highlighting its significance as a bridge between generations. This protection can generate financial profit through boosting tourism and promoting development.
- To establish a regulatory legal framework for the concept of intangible cultural heritage within local and international legislation, as it has been absent from legal academic usage. UNESCO's Convention played a pioneering role in codifying the term with the aim of protecting it and raising public, international, and individual awareness to safeguard intangible cultural heritage from obliteration, extinction, and unlawful exploitation.

Significance of the Study:

This study is significant because the topic has not been thoroughly examined in academic research for two main reasons. First, the legislator organized the protection of cultural heritage in some provisions of Law No. 98-04 concerning the protection of cultural heritage. The law primarily focuses on the protection of tangible cultural heritage, both movable and immovable. Although some of its articles address the protection of intangible cultural heritage, they were mainly directed toward tangible heritage. Additionally, the bodies responsible for protection were legally restricted to safeguarding tangible heritage, which led us to explore the executive decrees that regulate these protection bodies.

Second, the study addresses international protection methods for this type of heritage, particularly the international Convention for the Safeguarding of the Intangible Cultural Heritage adopted in Paris on October 17, 2003. We also explore mechanisms for protecting intangible cultural heritage through bodies established under the international Algerian agreement, under the auspices of UNESCO, to safeguard intangible heritage in Africa.

2. The Terminological and Legal Concept of Cultural Heritage:

Cultural heritage refers to the set of customs, traditions, and religious and social legacies that are unique to a particular nation or human community. These customs and traditions are passed down from previous generations, transmitted from grandparents to parents and then to children. The preservation of cultural heritage is manifested through individual or collective human behavior that helps maintain the cultural identity of human populations. UNESCO has placed great importance on human heritage through the establishment of a global convention focused on the protection of both cultural and natural heritage. From this convention, we can derive certain provisions that guide the safeguarding of intangible cultural heritage.

1.2- Linguistic Definition: Linguists define "heritage" as originating from the term "inheritance," which refers to what a deceased person leaves behind for their heirs. Inheritance is considered the source or origin, such that one inherits truth from a foundation of truth. It is said that one inherits a legacy, meaning that something has been passed down from one generation to the next.

In the Arabic language, heritage is derived from the root "waratha," meaning what a person leaves for their heirs. The terms "waratha," "warith," "irth," and "mirath" all share the same meaning, which pertains to inheritance. The original word for "turath" (heritage) is "wirath," with the letter "ta" replacing the "waw." It refers to what the deceased leaves behind in terms of wealth, which is then passed on to their heirs. The phrase "inherited knowledge and righteousness" is used to express that a person has acquired and attained such qualities, and that they have become established for them.¹

As for "culture", it is defined as the set of social customs invented by human groups and transmitted among them, such as language, religious practices, traditions, attire, craftsmanship, and more. Linguistically, heritage is defined as "all cultural and movable properties that the current generation has inherited from its ancestors, which hold extraordinary cultural and civilizational value and cannot be replaced if lost or damaged."

The term "culture" has been defined by some scholars. For example, Taylor defines it as "that complex whole which includes knowledge, beliefs, art, morals, law, customs, or any other capabilities or habits acquired by a person as a member of society."²

Leslie White defines culture as "the organization of patterns of behavior, tools, ideas, and emotions that depend on the use of symbols." He considers culture a means that helps individuals organize their beliefs, values, knowledge, and everything they have learned throughout their lives, which ultimately shapes their patterns of behavior.³

Terminological Definition: Cultural heritage refers to that unlimited inherited accumulation of knowledge, noble traditions, and refined qualities capable of enduring forever, as long as there is awareness of them, despite the development occurring in various fields. Article 2 of the Convention for the Safeguarding of Intangible Cultural Heritage, issued on "October 18, 2003",⁴ defines intangible cultural heritage as "the practices, representations, expressions, knowledge, skills—as well as the instruments, objects, artifacts, and cultural spaces associated therewith—that communities, groups, and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature, and their history, providing them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. This does not take into account, for the purposes of these international instruments, the existing ones related to human rights and the requirements of mutual respect between communities, groups, and individuals, and sustainable development."

Article 2, paragraph 2, of the aforementioned convention adds that "intangible cultural heritage is particularly manifested in the following domains: ..."

- Traditions and oral expressions, including language as a means of expressing intangible cultural heritage.
- Performing arts and traditions,
- Knowledge and practices concerning nature and the universe,
- Skills related to traditional craftsmanship.

The convention was the first international agreement to provide a regulatory definition of intangible cultural heritage under this term. Although it had been used by experts and academics, the convention was the first to officially and legally incorporate it, linking its definition to other concepts such as sustainable development.

The Algerian legislator defined cultural heritage under Ordinance No. 67-281, dated "December 20, 1967", concerning excavations and the protection of historical and natural sites and monuments. This ordinance was later replaced by Law No. 04-98 related to the protection of cultural heritage⁵. This law aimed to define cultural heritage and implement its protection through executive decrees, providing general rules for its safeguarding and preservation. According to Law 98-04, cultural heritage includes "all cultural and real estate properties, real estate by allocation, and movable properties found on the land or within properties of national domain, owned by natural or legal persons governed by private law, as well as those found in the subsurface of territorial inland waters inherited from various successive civilizations from prehistoric times to the present day. Intangible cultural properties, resulting from social interactions and the creativity of individuals and groups across the ages, which continue to express themselves from ancient times to this day, are also considered part of the nation's cultural heritage".⁶

From the above definition, cultural heritage consists of immovable and movable cultural properties found in the underground layers of national inland and territorial waters, inherited from various cultural civilizations throughout the ages. In addition, intangible cultural properties, which are part of the cultural heritage, are considered to be the result of social interaction.

The Algerian legislator also defined intangible cultural heritage in Article 67 of Law No. 98-04,⁷ mentioned above, as "a set of knowledge, social perceptions, skills, competencies, or techniques based on traditions in various fields of cultural heritage, representing the true meanings of connection to cultural identity, possessed by a person or a group of people. This concerns the following areas in particular: ancient musicology, traditional and popular songs, chants and melodies, the art of dance and rhythmic movements, religious celebrations, culinary arts, oral literary expressions, historical stories, tales, wisdom, legends, riddles, proverbs, maxims, sermons, and traditional games."

Jurisprudence also defined it as "heritage that appeals to the mind and intellect, particularly literature, arts, and music of various kinds and forms, as well as folk, legendary, and historical tales passed down through generations, glorifying higher values and patriotism. It is the collective intellectual output of the people, expressing their creativity over the ages and in various fields of knowledge, whether in religious, jurisprudential, philosophical sciences, language, literature, poetry, history, or even judicial legislation, folk tales, proverbs, customs, traditions, and practices, and other sciences directly linked to humans and their reality and daily life in the region."

2.2 - Protection of Intangible Cultural Heritage under Local Legislation:

Law No. 98-04,⁸ mentioned above, ensures the protection of intangible heritage in Article 68, by outlining the objectives of protecting intangible cultural heritage as well as the legal methods for its protection. The article states the following: "The aim of protecting intangible cultural properties is to study, preserve, and safeguard traditional cultural expressions and materials." The methods of protection will be addressed in the following points:

1.2.2 - Establishing Data Banks:

- The creation of registers and data banks related to intangible cultural heritage through identification, documentation, classification, collection, and recording by all appropriate means and on all possible mediums, from individuals, groups, or communities that possess intangible cultural heritage.
- Scientists and specialized institutions will study the collected materials to deepen knowledge and reveal their social and historical subjective references.
- Ensuring the integrity of traditions by avoiding distortion during their transmission and dissemination.
- Traditional and folk cultural materials collected are subject to preservation procedures appropriate to their nature, ensuring the preservation of our memory in all its forms and its transmission to future generations.

- Promoting intangible traditional and popular culture through all means, such as exhibitions, various events, publications, and all forms of communication and media, including the establishment of museums or museum sections.
- Identifying individuals or groups of individuals possessing intangible cultural properties in one of the fields of traditional and popular cultural heritage.
- "Preservation of Intangible Cultural Heritage": Article 69 of Law No. 98-1004⁹ stipulated the necessity of storing intangible cultural heritage in a data bank, granting the relevant entities the freedom to safeguard the intangible cultural heritage. It listed the persons entitled to practice the right to store intangible cultural heritage by way of example, without limitation, and granted them the authority to do so. The article referred to the Minister of Culture, a group, or a local or regional community through the issuance of decrees. The article provided: "The cultural properties identified through the means stipulated in Article 68 above¹⁰ are stored, upon the initiative of the Minister in charge of culture, local communities, associations, specialized bodies or institutions, or any other qualified person, in a national data bank established by the Minister in charge of culture." The reason for mentioning these entities by way of example is that they represent the official and competent authorities to safeguard intangible cultural heritage, to protect it from extinction, obliteration, and unauthorized exploitation by any party. These authorities are required to exercise these powers, while other persons are given the right to safeguard the tangible heritage as it represents the identity of societies throughout the ages. In accordance with Articles 68 and 69 of Law No. 98-04,¹¹ Executive Decree No. 03-325, dated October 5, 2003, was issued. It defines the procedures for storing intangible cultural properties in the national data bank, consisting of nine (09) articles, through which it defined the competence of the Ministry of Culture in storing intangible heritage, by establishing a national bank for tangible cultural heritage. The decree also outlined the methods of storing this data, assigning the implementation and exercise of these powers to the Directorate of Culture of the Wilaya. Article 2 (02) of Executive Decree No. 03-325,¹² mentioned above, provided that: "The Directorate of Culture of the Wilaya, at the local level, shall be responsible for identifying intangible cultural properties by all means stipulated in Article 68 of Law No. 98-1404,¹³ In this capacity, it coordinates all activities undertaken by public or private specialized bodies and institutions, as well as associations whose statutes include the protection and promotion of intangible cultural properties, or any other qualified person."
- "Procedures for Storing Intangible Cultural Heritage": Article 3 (03) of Executive Decree No. 03-325,¹⁴ mentioned above, stipulates that "the Directorate of Culture of the relevant Wilaya is tasked with sending the data obtained from the natural or legal persons mentioned in Article 2 above to the services of the Ministry in charge of culture for utilization in accordance with the methods determined by a decision of the Minister in charge." Moreover, national bodies and public specialized institutions are required to provide the National Data Bank for Intangible Cultural Properties with the data they possess, as per Article 4 of Executive Decree No. 03-325.¹⁵

To safeguard and protect the intangible cultural heritage, special documentary archives are established within the specialized public institutions under the supervision of the ministry responsible for culture. The organization and operation of these archives are determined by a decision from the Minister in charge of culture.

After the data related to intangible cultural properties are recorded in the National Data Bank, they are submitted to specialized scientific bodies for their opinion on preservation methods and the necessary measures to be taken to protect these properties.

The data on intangible cultural properties registered in the National Data Bank are made available to the public for consultation. However, public use of this data is subject to authorization from the Minister in charge of culture.¹⁶

4.2.2- Recognition of Ownership of Intangible Cultural Properties:"

Article 8 of Executive Decree No. 03-325¹⁷ grants recognition to individuals or groups of people who have contributed or continue to contribute to the preservation of traditional and popular culture, as holders of intangible cultural properties. This recognition aims to safeguard the tangible cultural heritage from extinction and obliteration.

3- Protection of Intangible Cultural Heritage under the Convention for the Safeguarding of the Intangible Cultural Heritage adopted in Paris:

Algeria ratified the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted in Paris on October 17, 2003, with the aim of enhancing the protection of intangible cultural heritage, which is inseparable from tangible cultural heritage. Algeria ratified the Convention by Presidential Decree No. 04-27, dated February 7, 2004,¹⁸ to ensure the protection of intangible cultural heritage as enshrined in the Convention. This was achieved by addressing the concept of intangible cultural heritage and its establishment at the international level as a legal concept that must be preserved, while referring to the regulatory methods and mechanisms necessary to protect it at both international and local levels, as highlighted in Article 1 of the Convention. The Convention also includes provisions for implementing protection at the local and international levels, as outlined in Article 10 of the Convention, which states the following:

- Taking the necessary measures to ensure the safeguarding of intangible cultural heritage present in its territory."
- As part of the safeguarding measures mentioned in paragraph 3 of Article 2,¹⁹ identifying and defining the various elements of intangible cultural heritage present in its territory, with the participation of relevant communities, groups, and non-governmental organizations."
- "According to paragraph 3 of Article 2, states are required to take all measures aimed at ensuring the sustainability of intangible cultural heritage. This includes identifying, documenting, researching,

preserving, protecting, promoting, highlighting, and transmitting it, especially through formal and informal education, and reviving various aspects of this heritage."

- **Inventories:** Article 12 of the Convention outlines the obligation for state parties to establish inventories of intangible cultural heritage for the purpose of taking the necessary measures to protect it. It specifies that in order to better ensure the safeguarding of intangible cultural heritage, each state party shall draw up one or more inventories of intangible cultural heritage present in its territory, and these inventories shall be regularly updated.

Each state party to the convention also submits its periodic report to the Intergovernmental Committee for the Safeguarding of Cultural Heritage ²⁰ by providing appropriate information regarding these inventories.

2.3- The Importance and Role of the Convention in Protecting Intangible Cultural Heritage:"

The importance of the convention in preserving and safeguarding intangible cultural heritage can be inferred from several of its provisions, through measures and policies whose implementation by states, governments, organizations, and individuals can contribute to the protection of heritage, as follows:

- "Public policies:" The enforcement of certain public policies aims to highlight the cultural heritage of peoples as an essential component of human societies, blending heritage and historical elements with contemporary human activities.

- Increasing service centers and museums:" Establishing service centers in areas containing heritage landmarks, with the goal of educating people about cultural and natural heritage through the presence of staff knowledgeable about the heritage in those areas, capable of conveying this information to local and foreign visitors. Additionally, increasing the number of museums that preserve cultural and civilizational heritage, while working to protect and enhance their role in society.

- Implementing strict legal regulations" that ensure the protection of cultural and civilizational heritage, preventing assaults on heritage landmarks to ensure their continued existence, and stopping the erasure of natural and cultural heritage worldwide. This also helps combat the looting, theft, and destruction of historical artifacts in particular.

- Establishing specialized committees:" Creating specialized committees to research heritage and civilizational issues. These committees focus on training individuals in heritage protection, allocating appropriate budgets for researching natural and historical heritage, and restoring certain heritage sites that need it.

- Creating development funds:" Establishing development funds to support heritage and natural landmarks, especially those with global historical and cultural significance. Some amounts of money may be collected voluntarily or mandatorily to spend on these landmarks. These funds may be supplied by cultural organizations, public institutions, or individuals. The individual role is certainly

manifested in combating ignorance about the value of heritage through education, raising awareness of the importance of heritage to preserve cultural legacy threatened with extinction, by placing it in museums.

Convention Bodies for the Protection of Intangible Cultural Heritage:

The convention, in Articles 4 and 5, outlines the bodies responsible for protecting the intangible cultural heritage of states. Several regional centers for safeguarding intangible cultural heritage are mentioned, consisting of two main bodies:

3.1.1- The General Assembly:

Article 4 of the convention establishes a General Assembly of the States Parties to the convention, which is considered the highest authority of the convention. The General Assembly meets in regular session once every two years and may meet in extraordinary session if it so decides or upon the request of at least one-third of the States Parties or the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage.

3.1.2- The Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage:

Article 6 of the convention establishes the creation of the Intergovernmental Committee, within the framework of UNESCO, called the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. It is composed of representatives of 18 States Parties, elected by the States Parties meeting in the General Assembly. The number of member states in the committee will increase to 24 once the number of States Parties to the convention reaches 50.

Centers for the Protection of Intangible Cultural Heritage in Algeria:

A regional center for the safeguarding of intangible cultural heritage in Africa was established in Algeria under Executive Decree No. 20-166. This decree outlines the organization and functioning of the Regional Center in Algeria for the Safeguarding of Intangible Cultural Heritage in Africa, as a Category 2 center under the auspices of UNESCO.²¹ It is the first regional center of its kind in Africa dedicated to the protection of intangible cultural heritage, operating under the supervision of UNESCO. The center is composed of experts and representatives of specialized bodies and is headed by the Minister of Culture. The center enjoys legal personality and financial independence.²²

The center, established following an agreement reached in 2014 between UNESCO and the Algerian state, is located in Algiers. It is administratively managed by Algeria and operates with a budget allocated by the state. This center is the seventh of its kind, following those established in China, Japan, South Korea, Iran, Peru, and Bulgaria. As a Category 2 center, it contributes to achieving UNESCO's strategic objectives for Africa by supporting the continent's capacities in identifying, cataloging, scientific research, documentation, and the protection of intangible heritage. It serves as

a regional tool for the preservation, research, study, and promotion of intangible cultural heritage at both national and African levels.²³

This center, the first of its kind in Africa, also aims to enhance cooperation, exchange of expertise, and facilitate interactions between museums and archival centers across the continent.²⁴ Additionally, it seeks to establish a database and improve the recognition of intangible heritage in Africa. The center encourages regional countries to implement the public policies, legislative, and administrative measures outlined in Article 13 of the convention.²⁵

In March 2019, the regional center held its first board meeting, chaired by the Algerian Minister of Culture, along with Timothy Curtis, the Secretary of the 2003 UNESCO Convention, Imad Ben Sula, the Director of Heritage at the Tunisian Ministry of Culture, and Karim Hendili, the representative of the UNESCO Director-General. Other attendees included Guindo Andogolo, the Secretary-General of the Malian Ministry of Culture, Yonas Desta, the Director-General of the Ethiopian Authority for Research and Heritage Preservation, Poison Ngondo, representing the Namibian Minister of Culture, and Christophe Mbeda from the Cameroonian Ministry of Culture.

The center also organized its first exhibition, titled *"Intangible Cultural Heritage in Africa,"* which displayed elements related to intangible heritage, along with informational panels and videos featuring intangible heritage items from 27 African countries, all of which have elements listed in the UNESCO Representative List of the Intangible Cultural Heritage of Humanity.

Regarding Algeria's intangible cultural heritage, it is represented by several elements inscribed by UNESCO: Ahellil of Gourara (registered in 2008), the Tlemcen Bridal Costume (2012), the international Imzad file (classified in 2013 in the name of Algeria, Mali, and Niger), the R'keb of Sidi Sheikh (2013), the Sebeiba Festival in Djanet (2014), and the Sbouh of Timimoun (2015), in addition to the Maghreb file for the classification of couscous, representing Algeria, Morocco, Tunisia, Libya, and Mauritania.

Among the displayed heritage items were cultural spaces such as "Yaaral and Degal" in Mali, "Sosso-Bala" in Guinea, the "Mbende Jerusarema" dances in Zimbabwe, the "Isukuti" dances in Kenya, the dances of the Guro communities in Ivory Coast, and the "Royal Drum Dance" in Burundi.

Many practices related to music and the production of musical instruments were also presented, including the balafon (Burkina Faso), Aka Pygmy songs (Central Africa), and Bigwala music (Uganda).

The States Parties commit to taking measures to safeguard, develop, and revive the intangible cultural heritage present in their territories. Each State Party aims to undertake the following:

- Adopting a general policy" that highlights the role played by intangible cultural heritage in society and integrates the safeguarding of this heritage into planning programs.

- Designating or establishing one or more bodies" specialized in safeguarding the intangible cultural heritage within its territory.
- Encouraging scientific, technical, and artistic studies", as well as research methodologies, for the effective safeguarding of intangible cultural heritage, especially intangible heritage at risk.
- Adopting appropriate legal, technical, administrative, and financial measures" for the following purposes (as per Article 13 of the Convention):
 - Facilitating the creation or enhancement of training institutions focused on the management of intangible cultural heritage and ensuring the transmission of this heritage through forums and spaces prepared for its display or expression.
 - Ensuring access to intangible cultural heritage while respecting customary practices that govern access to specific aspects of this heritage.
 - Establishing specialized institutions" for documenting intangible cultural heritage and facilitating access to it

International Protection of Intangible Heritage under the Convention for the Safeguarding of Intangible Cultural Heritage:

The Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage plays a crucial role in making intangible heritage more visible, raising awareness of its significance, and encouraging dialogue while respecting cultural diversity. Based on proposals from States Parties, the committee prepares, maintains, and publishes a representative list of the Intangible Cultural Heritage of Humanity.

The committee also establishes the criteria for preparing, maintaining, and publishing this representative list, which is then submitted to the General Assembly for approval.

- In order to take appropriate safeguarding measures, the committee prepares, maintains, and publishes a list of intangible cultural heritage in need of urgent safeguarding. This heritage is included in the list at the request of the concerned State Party.²⁶ The committee formulates the criteria governing the preparation, maintenance, and publication of this list and submits them to the General Assembly for approval.
- In cases of extreme necessity, determined according to objective criteria approved by the General Assembly based on the committee's proposal, the committee may, in consultation with the concerned state, inscribe an element of the relevant heritage in the list mentioned in the first paragraph.²⁷

3.1.2. Bodies for the Protection of Intangible Cultural Heritage:

Referring to Law No. 98-04 concerning the protection of cultural heritage, we find two articles that mention the National Committee for Cultural Properties and the Wilaya Committee for Cultural

Properties. Article 79 of Law No. 98-04 establishes the National Committee for Cultural Properties, stating: "A National Committee for Cultural Properties shall be established under the Ministry of Culture, tasked with providing opinions on all matters related to the application of this law as referred to it by the Minister of Culture.

Additionally, Article 80 of the aforementioned law establishes a Cultural Properties Committee at the level of each wilaya, responsible for studying applications for the classification of cultural properties. In our view, these committees are also responsible for studying and protecting intangible cultural properties. However, the bodies responsible for implementing the protection of intangible cultural heritage are the Wilaya Cultural Committees, as stipulated in Executive Decree No. 03-325. This decree tasks the Directorate of Culture of each wilaya with recording and reporting intangible heritage to the Ministry of Culture for its inclusion in the national information database.

1.3- The Regional Center for the Safeguarding of Intangible Cultural Heritage in Africa:

Article 1 of Executive Decree No. 20-166, dated June 27, 2020, outlines the organization and management of the Regional Center in Algeria for the Safeguarding of Intangible Cultural Heritage in Africa. This Category 2 center operates under the auspices of UNESCO. The center was established to safeguard and protect the intangible cultural heritage of the African region, in accordance with the provisions of the Convention for the Safeguarding of the Intangible Cultural Heritage adopted in Paris on October 17, 2003, which Algeria ratified by Presidential Decree No. 04-27, dated February 7, 2004. This is part of Algeria's commitment to safeguarding and ensuring the protection of intangible cultural heritage in Africa generally, and in Algeria specifically.

The center is defined in Article 2 of Executive Decree No. 20-166, dated June 27, 2020, as "The Regional Center for the Safeguarding of Intangible Cultural Heritage, a public administrative institution with legal personality and financial independence." It is referred to in the text as "the Center" and is placed under the supervision of the Minister of Culture (Article 5 of Executive Decree No. 20-166). The center is located in the Hydra district of Algiers.

2.3- Tasks of the Regional Center in Algeria for the Safeguarding of Intangible Cultural Heritage in Africa:

The center serves as a regional tool for safeguarding, preserving, researching, studying, and promoting intangible cultural heritage at both the national and African levels. Article 2 of Executive Decree No. 20-166, previously mentioned, outlines its tasks as follows:

- "Promoting and safeguarding intangible cultural heritage" at both the national and regional levels through the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage.
- "Supporting and strengthening national capacities" for identifying and safeguarding cultural heritage in the countries of the region.

- "Enhancing cooperation" between countries in the region in this field.
- "Encouraging regional countries" to adopt the public policy measures, legislative, and administrative actions stipulated in Article 13 of the convention.
- "Organizing activities" aimed at strengthening the national capacities of countries in the region in the fields of identifying and defining intangible cultural heritage within their territories, documenting it, preparing its inventories, and safeguarding it in accordance with the convention and its operational guidelines. The center also assists these countries in preserving and digitally processing multimedia data related to this heritage.

Promoting Cooperation in the Exchange of Experiences, Expertise, and Information:

The center works to stimulate and organize cooperation in the exchange of experiences, expertise, and information between countries in the region, particularly regarding intangible cultural heritage that is present in two or more of these countries.

- Facilitating collaboration within networks of practitioners, expert communities, professionals, expertise centers, research institutes, museums, archival centers, and organizations active in the field of safeguarding intangible cultural heritage at regional, sub-regional, and national levels.
- Contributing to a better understanding of intangible cultural heritage at both the national and African levels, ensuring its documentation, preservation, and dissemination.
- Enhancing the value of research results in the field of intangible cultural heritage at the national and African levels, particularly by ensuring their distribution, utilization, and application.
- Contributing to training in the field of intangible cultural heritage through research or for the purpose of research.

Organization and Operation of the Regional Center for the Safeguarding of Intangible Heritage in Africa:

The center is managed by a Board of Directors and operated by a General Director. The internal organization of the center is determined by a joint decision from the Minister in charge of Foreign Affairs, the Minister in charge of Culture, the Minister in charge of Finance, and the authority responsible for public administration, based on a proposal from the General Director of the center and with the approval of the Board of Directors.²⁸

A- The Board of Directors:

Article 9 of Executive Decree No. 20-166, mentioned previously, outlines the members of the Board of Directors, which includes the following:

- The Minister in charge of Culture or their representative, as Chairperson.

- The Minister in charge of Foreign Affairs or their representative.
- An expert representing a national research center specialized in intangible cultural heritage.
- An expert in intangible cultural heritage representing a national museum institution.
- An expert representing a national research center specialized in anthropology.
- Up to five (5) experts representing the UNESCO member states of the region.
- A representative of the Director-General of UNESCO.

The General Director of the center attends board meetings without voting rights and serves as the board's secretary.

The board may invite any person, based on their expertise and the agenda, whose input could assist in the board's work.

A-A. Responsibilities of the Board of Directors:

Article 10 of Executive Decree No. 20-166, mentioned earlier, outlines the responsibilities of the Board of Directors, which include:

- Approving the rules, regulations, and establishing financial, administrative, and personnel management procedures of the center in accordance with the country's laws.
- Endorsing the medium- and long-term programs of the center.
- Approving the annual work plan of the center, including the staffing schedule.
- Reviewing the annual reports submitted by the General Director of the center, which include self-assessment reports on the staff's contribution to achieving the center's objectives in line with UNESCO's program goals.
- Reviewing periodic independent audit reports of the center's financial statements and overseeing the availability of the necessary accounting records for the preparation of financial statements.
- Submitting biennial reports prepared by the General Director of the center, approved by the Board of Directors, to UNESCO's governing bodies regarding the center's contribution to achieving the strategic goals of UNESCO's program.
- Deciding on the participation of international governmental, regional, and international organizations in the center's activities.

The members of the Board of Directors are appointed for a four-year term, renewable upon the recommendation of the authorities or institutions to which they belong. In the event of the termination of a member's mandate, they will be replaced by a new member under the same procedures, until the

end of the term. The nominal list of the members of the Board of Directors is determined by a decision of the Minister in charge of Culture, except for the experts representing UNESCO member states and the representative of the UNESCO Director-General.²⁹

Conclusion:

The legislator has ensured the protection of intangible cultural heritage by adopting local safeguards that recognize this heritage as a bridge between successive generations, representing the memory of peoples and a vital part of their civilization. The law includes mechanisms for its protection through decrees and executive decisions, and it has established methods for collecting, recording, and depositing this heritage in a national information bank to protect it from unlawful exploitation.

The legislator has also embraced international protection measures through Algeria's ratification of the Convention for the Safeguarding of Intangible Cultural Heritage, adopted in Paris on October 17, 2003, via Presidential Decree No. 04-27 dated February 7, 2004. This convention was the first to codify and introduce the concept of intangible heritage into regulatory frameworks and established international mechanisms for its safeguarding. These measures include formulating public policies at both local and international levels aimed at its preservation, adopting protective measures, and linking it to broader concepts such as sustainable development. Algeria's accession to the convention has opened broad horizons for the protection and safeguarding of intangible cultural heritage in Africa through the establishment of the Regional Center for the Safeguarding of African Cultural Heritage, which serves as a regional tool for preserving intangible heritage at both the national and African levels.

5. List of References:

1- Conventions, Decisions, and Laws:

- The Convention for the Safeguarding of Intangible Cultural Heritage, United Nations Educational, Scientific and Cultural Organization (UNESCO). <https://ich.unesco.org/doc/src/01852-AR.pdf>
- The Convention for the Safeguarding of Intangible Cultural Heritage adopted in Paris on October 17, 2003.
- Presidential Decree No. 04-27 dated February 7, 2004, concerning Algeria's accession to the Convention for the Safeguarding of Intangible Cultural Heritage, adopted in Paris in 2003, Official Gazette dated February 11, 2004, Issue No. 09.
- Law No. 98-04, dated June 17, 1998, concerning the protection of cultural heritage, Official Gazette, Issue No. 44, Year 35.
- Executive Decree No. 03-325 dated October 5, 2003, specifying the procedures for storing intangible cultural properties in the National Data Bank.

- Executive Decree No. 20-166, defining the organization and operation of the Regional Center in Algeria for the Safeguarding of Intangible Cultural Heritage in Africa as a Category 2 center under the auspices of UNESCO, Official Gazette, Issue No. 38.

2. University Research:

- Filali Salima, *The Structure of Algerian Identity in the Context of Globalization: A Study on a Sample of University Students at the University of Batna,* Doctoral Thesis in Sociology, Mohamed Khider University, Biskra, Algeria, 2014, p. 110.

3. Encyclopedia or Dictionary:

- *Lisan Al-Arab* Dictionary by Ibn Manzur, available at: <http://wiki.dorar-aliraq.net/lisan->

- Abu Al-Fadl, Dar Al-Fikr, Cairo.

4. Internet:

- Ahmed Sheikho, *Culture (Culture-Cand): Entities of Meaning and Structures,* Modern Discussion, Issue 7261, dated May 27, 2022. Available at: <https://www.ahewar.org/debat/show.art.asp?aid=757385#:~:text>

- *The Regional Center for the Protection of Intangible Cultural Heritage in Africa: A Meeting Point for Anthropologists in the Continent,* Algerian Press Service. Available at: <https://www.aps.dz/ar/culture/125910-2022-05-16-12-55-5>

¹ -Ibn Manzur Al-Ifriqi: Lisan Al-Arab, entry (market), Dar Ihya Al-Turath, Beirut, Lebanon, 3rd ed., 1999, Vol. 1, p69.

² -Filali Salima, The Structure of Algerian Identity in the Context of Globalization: A Study on a Sample of University Students at Batna University, PhD Thesis in Sociology, University of Mohamed Khider, Biskra, Algeria, 2014, p. 110.

³ - Ahmed Sheikho, Culture (Culture-Cand): The Entities of Meanings and Structures, Al-Hiwar Al-Mutamadin, Issue 7261, dated 27/05/2022, available at: link.

⁴ - The Convention for the Safeguarding of the Intangible Cultural Heritage, United Nations Educational, Scientific and Cultural Organization (UNESCO), available at: link.

⁵ - Law No. 98-04, dated June 17, 1998, on the Protection of Cultural Heritage, Official Gazette No. 44, Year 35.

⁶ - Article 2 of Law No. 98-04, previously mentioned reference.

⁷ - Same reference.

⁸ - Same reference.

⁹ - Law No. 98-04, previously mentioned reference.

¹⁰ - Same reference.

¹¹ - Law No. 98-04, previously mentioned reference.

¹² - Article 2 of Executive Decree No. 03-325, dated October 5, 2003, determining the modalities for storing intangible cultural assets in the National Database Bank.

¹³ - Article 68 of Law No. 98-04, previously mentioned reference.

¹⁴ - Executive Decree No. 03-325, previously mentioned reference.

¹⁵ - Same reference.

¹⁶ - Article 7 of Executive Decree No. 03-325.

¹⁷ - Article 8 of Executive Decree No. 03-325, previously mentioned reference.

¹⁸ - Presidential Decree No. 04-27, dated February 7, 2004, regarding Algeria's accession to the Convention for the Safeguarding of the Intangible Cultural Heritage adopted in Paris in 2003, Gazette dated February 11, 2004, Issue 09.

¹⁹ - Article 5 of the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted in Paris on October 17, 2003.

²⁰ - Executive Decree No. 20-166, which determines the organization and functioning of the Regional Center in Algeria for the Safeguarding of Intangible Cultural Heritage in Africa, Category 2, under the auspices of UNESCO, Official Gazette No. 38.

²¹ - Article 2 of Decree No. 20-166, same reference.

²² - Article 6 of the same reference.

²³ - Article 6 of the same reference.

²⁴ - The Regional Center for the Protection of Intangible Cultural Heritage in Africa, a meeting place for anthropologists in the continent, Algerian Press Service (APS), available at: link.

²⁵ - Article 6 of Executive Decree No. 20-166, previously mentioned reference.

²⁶ - Article 17 of the Convention for the Safeguarding of the Intangible Cultural Heritage, Paris, 2003.

²⁷ - Same reference.

²⁸ - Article 7 of Executive Decree No. 20-166, previously mentioned reference.

²⁹ - Article 11 of Executive Decree No. 20-166, previously mentioned reference.