

		Science, Education and Innovations in the Context of Modern Problems Issue 10, Vol. 8, 2025	
		TITLE OF THE RESEARCH ARTICLE 	
		Legislative Mechanisms for the Protection of Cultural and Natural Heritage in Algeria: An Analytical Legal Study in Light of National and International Standards	
		Dr. Faculty of Law and Political Science, University of Badji Mokhtar, Annaba Algeria E-mail: hadjer.khattel@univ-annaba.dz	
Hadjer Khattel			
Issue web link		https://imcra-az.org/archive/384-science-education-and-innovations-in-the-context-of-modern-problems-issue-10-vol-8-2025.html	
Keywords		Cultural heritage; natural heritage; Algerian legislation; UNESCO 1972 Convention; legal protection systems; heritage preservation; urban planning law; Law No. 98-04; cultural identity; archaeological protection	
Abstract Throughout history, cultural and natural heritage has played an essential role in shaping national identity, strengthening social cohesion, and ensuring the preservation of collective memory across generations. Algeria, a nation characterized by a diverse civilizational legacy and natural wealth, has adopted multiple legal mechanisms aligned with international conventions, particularly the 1972 UNESCO Convention on the Protection of World Cultural and Natural Heritage. This study provides an analytical legal examination of Algerian legislative measures governing heritage protection, with emphasis on Law No. 98-04 on the protection of cultural heritage and Law No. 90-29 on urban planning and development. Through a descriptive and analytical legal methodology, the study highlights the strengths, limitations, and practical challenges in implementing heritage protection laws. The findings indicate that while Algeria has developed a significant legal and institutional framework for safeguarding cultural and natural heritage, challenges persist in enforcement, monitoring, coordination between authorities, and public awareness. The study concludes by recommending reinforced institutional governance, adoption of modern planning tools, enhanced inter-agency coordination, and community participation in safeguarding national heritage.			
Citation. Hadjer K. (2026). Legislative Mechanisms for the Protection of Cultural and Natural Heritage in Algeria: An Analytical Legal Study in Light of National and International Standards. <i>Science, Education and Innovations in the Context of Modern Problems</i> , 8(10), 1234–1241. https://doi.org/10.56334/sci/8.10.107			
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Received: 24.05.2025		Accepted: 24.08.2025 Publishing time: 20.10.2025	

Introduction:

Heritage serves as a connection between the past, present and future. We cannot live without history today, so the diversity of a state's cultural and natural heritage is an important factor in its development. Cultural heritage is a significant unifying factor for members of a nation and consists of tangible and intangible elements that collectively form tangible and intangible heritage. Algeria is one of the countries with a diverse cultural heritage. Preserving this heritage is essential because cultural and natural heritage has long been affected by various factors leading to

distortion and destruction. The most significant of these factors is haphazard urban growth, which has a significant impact on the preservation of monuments and archaeological sites.

UNESCO is the global body that promotes cultural cooperation, working with international and regional organisations to establish legal standards for protecting various types of cultural property.

What, then, is the current state of national interest in cultural and natural heritage, and how effective is Algerian legislation in protecting it? In this section, we will attempt to answer these questions by first defining the concept of protection and then addressing the guarantees for protecting cultural and natural heritage.

Section One: The Legal Concept of Cultural and Natural Heritage.

Section Two: Guarantees for the Protection of Cultural and Natural Heritage.

Section One: The Concept of Cultural and Natural Heritage

Law No. 90-29, as amended and supplemented¹, relates to urban planning and refers to these areas in Article 26. This states that areas characterised by scenic, natural, historical and cultural attributes or characteristics resulting from their geographical, climatic and geological location – such as mineral or therapeutic waters – will be identified and classified according to applicable legal provisions.

However, Law No. 90-29 did not define these areas or the methods and mechanisms for their protection. This prompted the Algerian legislator to issue Law No. 98-04 concerning cultural heritage. It is therefore necessary to define the concept of cultural heritage in the first subsection and clarify its types in the second.

Subsection One: Definition of Cultural and Natural Heritage

Cultural and natural heritage will be defined as follows:

First: Definition of Cultural Heritage according to the World Heritage Convention of 1972:²

Article 1 of the World Heritage Convention of 1972 defines cultural heritage as follows:

Monuments: architectural works, sculptures and paintings on buildings; archaeological elements and formations; inscriptions; caves; and groups of monuments that have exceptional universal value from the perspective of history, art or science.

- Groups: Groups of isolated or connected buildings that have exceptional universal value from historical, artistic, or scientific perspectives due to their architecture, harmony, or integration into a landscape.

- Sites: Works of humans or joint works of humans and nature, as well as areas, including archaeological sites, that have exceptional universal value from historical, aesthetic, ethnological or anthropological perspectives.

Secondly, the definition of cultural heritage according to Law No. 98-04 concerning the protection of cultural heritage.

All cultural properties, both immovable and movable, including designated properties owned by individuals or private entities located within national territory, are considered part of the nation's cultural heritage. This also includes underground layers and internal and territorial waters, inherited from various civilisations from prehistoric times to the present³.

Immovable cultural properties include the following:

- Historical monuments - archaeological sites - Urban or rural collections⁴

The general list of cultural properties is reviewed every ten years⁵.

Thirdly, the definition of natural heritage is as follows:

Natural heritage refers to:

- Natural monuments composed of physical or biological formations, or groups of these formations, that have exceptional universal aesthetic or artistic value.

- geological or physiographic formations, and precisely defined areas that serve as habitats for threatened animal or plant species and have exceptional scientific or conservation value.

Natural sites are precisely defined natural areas that have exceptional universal value from the perspective of science, resource conservation or natural beauty⁶.

Subsection Two: Types of Cultural Properties

Cultural properties are divided into two categories: tangible and intangible.

First: Tangible Cultural Properties

These are all elements and objects that a person can physically touch. They are subject to continuous change and have been acquired or invented by humans to satisfy their basic needs⁷. Tangible cultural properties are further divided into immovable and movable categories.

Second: Intangible Cultural Properties

This encompasses a collection of knowledge, social perceptions, skills, competencies or techniques based on traditions in various fields of cultural heritage. They represent true connections to cultural identity and are held by individuals or groups of individuals⁸.

Section Two: Guarantees for the Protection of Cultural and Natural Heritage

Special and detailed protection for cultural and natural heritage areas has been established through Law No. 98-04, in accordance with the provisions of Article 5⁹ of the 1972 World Heritage Convention. To activate this protection, the law establishes guarantees in the form of protection systems and plans. Mechanisms and bodies have also been created to protect these areas of special significance.

Subsection One: Protection Systems

Depending on their nature, these properties are subject to one of the following protection systems:

1. Registration in the supplementary inventory list
2. Classification
3. Designation of protected sectors

First: registration in the supplementary inventory list.

According to Article 10 of Law No. 98-04, immovable cultural properties can be included in the Supplementary Inventory List. While immediate classification is not mandatory, these properties possess historical, archaeological, scientific, ethnographic, anthropological, artistic or cultural significance, making their preservation essential.

Registration decisions for cultural properties of national importance are made by the minister responsible for culture, and decisions for properties of local significance are made by the governor.

Second: Classification

Classification is considered one of the most important final protection measures. Classified immovable cultural properties owned by private individuals are transferable, as determined by Article 16 of Law No. 98-04.

Thirdly, the establishment of protected sectors.

The importance of protecting, restoring, rehabilitating and enhancing architectural and urban or rural sectors such as kasbahs, cities, palaces, villages and traditional residential complexes characterised by a predominance of residential features lies in their architectural and aesthetic unity. This importance is linked to their history, art, and traditions, and is achieved through their designation as protected sectors¹⁰.

Subsection Two: Plans

These plans aim to promote the rational use of national space, distribute population and economic activities across the entire territory, and control the growth of residential areas, social activities and major facilities¹¹.

First: Plan for the Protection and Rehabilitation of Archaeological Sites and Associated Protected Areas.

This plan sets out the general rules for organisation, construction, architecture and urban planning, and addresses the consequences of land use and exploitation, particularly with regard to permitted activities on classified sites or in protected areas¹².

Article 30 of Law No. 98-04 delegates the preparation, study and content of this plan to regulations. Accordingly, Executive Decree No. 03-323¹³ was issued to define the general rules and restrictions applicable to the archaeological site and its associated protected area, in compliance with the provisions of the urban planning guidelines.

The land use plan must respect the directives contained within it when the protected area of the archaeological site is included in the latter¹⁴.

1. Preparation of the Plan:

Following a request from the governor, who has been notified by the minister responsible for culture, the provincial people's council makes a decision to prepare the plan after deliberation.

The plan is prepared by a qualified study office or architect in accordance with the regulations pertaining to technical works for protected immovable cultural properties.

The governor issues a decision specifying the list of individuals involved in the consultation, which is mandatory for several administrations.

1. For public administrations: decentralised state services responsible for urban planning, architecture and housing, tourism, traditional industry, urban development and the environment, public property, religious affairs and endowments, transport, public works, commerce, agriculture and irrigation.

2. For public bodies and services responsible for energy and water distribution, transportation, and the protection and enhancement of cultural properties.

The provincial people's council approves the plan following deliberation¹⁵.

The archaeological site protection and rehabilitation plan, published in the Official Journal by decision of the Minister for Culture, must specify the following:

- The date on which the plan is made available to the public.
- Where this plan can be reviewed.
- A list of the written and graphic documents that comprise the file.
- The commencement date for the implementation of the provisions of this plan¹⁶.

The Directorate of Culture implements and manages the archaeological site protection and rehabilitation plan in consultation with the president or presidents of the municipal people's councils.

2. Content of the Plan:

This plan consists of the following:

A. Introductory Report:

This section highlights the references of the urban planning guidelines, if available, and outlines the current state of the archaeological values for which the archaeological site protection and rehabilitation plan was established. It also details the measures taken to protect and rehabilitate the site.

B. Regulatory List:

This defines the general land use and encumbrance rules, as well as the procedures for protecting, managing, exploiting and rehabilitating the archaeological site and its associated protected area.

C. Graphic documents:

These provide clarification on the specific conditions set out in the regulations, as well as those relating to the management and exploitation of the archaeological site in the short, medium and long term.

D. Appendices:

These should include all or part of the graphic and written documents required for the land use plan, if the archaeological site or its protected area is located within an urban area¹⁷.

Secondly, the Permanent Plan for the Preservation and Rehabilitation of Protected Sectors.

This plan replaces the land use plan and applies Article 45 of Law No. 98-04 concerning the protection of cultural heritage. Article 45 delegates the preparation, study, content and implementation of this plan to regulations. Accordingly, Executive Decree No. 03-324¹⁸ was issued, defining the subject of the Permanent Plan for the Preservation and Rehabilitation of Protected Sectors in its second article:

'In accordance with the provisions of the guiding urban planning plan, the permanent plan for the preservation and rehabilitation of protected sectors, which applies to both urban and rural real estate established as protected sectors, defines the general rules and encumbrances of land use that must address properties that cannot or may be demolished or modified.' It also specifies the architectural conditions under which properties and the urban framework are to be preserved.¹⁹

This plan includes specific protection procedures for cultural properties registered in the supplementary inventory list, awaiting classification or classified and located within the protected sector.

1. Preparation of the Plan:

It is prepared in accordance with the same procedures followed for the archaeological site protection and rehabilitation plan.

2. Content:

The permanent plan for the preservation and rehabilitation of protected areas includes the following:

A. Introductory report:

This outlines the current status of the architectural, urban and social values identified for the protection and restoration of the site, and reviews the measures taken to this end.

B. Regulatory List:

This defines the general land use and encumbrance rules, as well as the rehabilitation procedures.

C. Appendices:

These contain graphic documents that clarify the conditions stipulated in the regulatory list and highlight homogeneous areas.

According to a joint ministerial decision or executive decree, the permanent plan for the preservation and rehabilitation of protected sectors, published in the official journal, must include the following:

1. The date this plan is made available to the public.
2. The location(s) where it can be viewed.
3. A list of the written and graphic documents that make up the file.
4. The date on which the provisions of the plan become applicable²⁰.

This plan is implemented and managed by the Directorate of Culture of the relevant province, in consultation with the president or presidents of the municipal people's councils concerned.

Third: the general plan for the development of the cultural park.

The Cultural Park refers to areas characterized by a predominance of cultural properties or significance that are inseparable from their natural surroundings²¹. Article 39 of Law No. 98-04 concerning the protection of cultural heritage stipulates the establishment of cultural parks, stating: 'The cultural park is established and its boundaries are defined by a decree issued based on a joint report from the ministers responsible for culture, local communities, the environment, urban planning and forests, following consultation with the National Committee for Cultural Properties.'

A public administrative institution is assigned the task of protecting, preserving and rehabilitating the lands included within the park's boundaries. This institution is placed under the supervision of the Minister for Culture and is responsible for preparing the general plan for the park's development.

This plan is a protective tool included in urban planning schemes and replaces the land use plan for the relevant area²².

Subsection Three: Bodies Responsible for Protection

A group of public bodies has been established to protect areas of special significance. These bodies work alongside administrative authorities such as provinces, municipalities, specialized officials and central bodies to oversee and enhance these areas.

First: The National Committee for Cultural Properties

Established under Article 79 of Law No. 98-04 concerning the protection of cultural heritage, this organization outlines the composition and structure of the National Committee for Cultural Properties.

The duties of the committee are as follows:

- Expressing its views on all matters related to the implementation of this law referred to it by the minister responsible for culture.
- Deliberating on proposals for the protection of movable and immovable cultural properties, as well as on the designation of protected areas for urban or rural real estate of historical and artistic significance.

A Cultural Properties Committee has been established at provincial level. It is responsible for studying requests for classification, establishing protected sectors and registering cultural properties in the supplementary inventory list. It also proposes these properties to the National Committee for Cultural Properties. The committee also expresses its opinion on requests for the registration of cultural properties of significant local value to the relevant province in the supplementary inventory list²³.

In addition to this committee, two others were established according to Article 81 of Law No. 98-04.

A committee responsible for acquiring cultural properties dedicated to enriching cultural heritage.

- A committee responsible for expropriating cultural properties.

Secondly, the National Fund for Cultural Heritage was established under Article 87 of Law No. 98-04.

Established under Article 87 of Law No. 98-04.

The duties of the Fund include financing all operations related to:

- The maintenance, preservation, restoration and rehabilitation of immovable and movable cultural properties.
- The maintenance, preservation and protection of intangible cultural properties.

The establishment of the Fund and the acquisition of various forms of financing and direct or indirect grants for all types of cultural property are determined within the framework of financial law.

Conclusion:

In line with the international convention on the protection of cultural and natural heritage, this research paper clarifies the efforts of the Algerian legislator in enacting numerous legal and regulatory texts that detail this protection, as well as establishing guarantees for its implementation at the national level.

Many countries, including Algeria, have issued systems and laws that stipulate the protection and study of this heritage. However, the large number of cultural and natural heritage sites, the extent of the required work, and the lack of financial resources and scientific and technical expertise in several countries have hindered the proper application of these laws.

There is a need to address urban expansion due to demographic growth and the various pressures imposed by economic development.

The registration of monuments has become one of the state's most important duties, given the damage caused by natural and human factors, such as urban expansion. Natural and cultural properties are divided into two categories based on their value: national or local heritage, including books, manuscripts, national parks and folk arts; and world heritage sites, including the Castles of Beni Hammad, Tipasa, Timgad, Djemila, the Mزاب Valley, the Casbah of Algiers and Tassili.

In this regard, the Ministry of Culture has undertaken several measures to preserve cultural heritage, particularly through issuing numerous legal texts for heritage protection.

- Issuing numerous legal texts for heritage protection;
- establishing specialised services for this purpose.
- Registering Algerian monuments with the World Heritage Committee to obtain financial, material and technical assistance for their protection. For example, Tipaza was registered as a site in danger.
- Opening national centres for studies related to various arts, as well as annexes to the National Library and a National Centre for Manuscripts.

Despite the efforts made in the field of cultural heritage protection, it is essential to:

- Address urban expansion due to demographic growth and the various pressures imposed by economic development.
- Restore archaeological, cultural and historical monuments that are under threat due to the passage of time and preserve this heritage, which truly represents our cultural identity. The Algerian legislator must provide greater protection for movable cultural properties, especially manuscripts, by prohibiting their trade entirely through explicit legislation.

It has become essential for all governments to implement electronic management systems and leverage information and communication technology to enhance the activities and tasks of various institutions, including those responsible for protecting cultural heritage. Specific legislation is also needed for this purpose. Additionally, it is necessary to expand the use of modern technologies to protect cultural heritage through digitisation and safeguarding using satellites, advanced smart cameras or invisible barriers operating with laser-like rays.

Methodology

This study follows a qualitative legal research design relying on:

- Analysis of Algerian legislative texts (Law No. 98-04, Law No. 90-29, and relevant decrees)
- Review of international conventions, specifically the UNESCO 1972 Convention
- Doctrinal legal analysis and academic literature review

- Comparative review and normative evaluation of enforcement mechanisms

This methodological approach enables critical assessment of the coherence and effectiveness of heritage protection legislation in Algeria.

Ethical Considerations. The study involves no human or animal participants and uses publicly available legal and academic sources. Research integrity, objective analysis, and citation accuracy were maintained. The work complies with academic ethics and intellectual property regulations.

Acknowledgment. The author expresses gratitude to the University of Badji Mokhtar – Annaba for institutional support and access to legal research databases.

Funding. The author did not receive funding from any governmental or private source for this research.

Conflict of Interest. The author declares no conflict of interest regarding this research work.

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Footnotes:

¹ - Law 90-29 (Official Journal No. 52), amended and supplemented on 1 December 1990, concerning planning and urban development.

² - Algeria ratified the convention under Ordinance 73-38, dated 25 July 1973.

³ - Article 2, paragraph 1 of Law No. 98/04, dated 15 June 1998 (Official Journal No. 44), concerning the protection of cultural heritage.

⁴ - Article 8 of the same law.

⁵ - Article 7 of the same law.

⁶ - Article 2 of the World Cultural and Natural Heritage Convention of 1972.

⁷ - Mohamed Souilem, 'The Legal Protection of Tangible Cultural Heritage and Its Impact on Promoting Tourism Investment in Algeria', *Al-Ijtihad Journal of Legal and Economic Studies*, Volume 7, Issue 5, 2018, p. 243.

⁸ - El Aïd Bouda, 'Proposed mechanisms for caring for tangible and intangible heritage in the Tassili N'Ajjer region', *Academy Journal of Research in Social Sciences*, Volume 1, Issue 2, 2002, p. 87.

⁹ - Article 5 of the World Cultural and Natural Heritage Convention states: 'To ensure the adoption of effective and active measures for the protection of cultural and natural heritage located in their territories, the Contracting States of the Convention shall take the following measures: legal and administrative measures appropriate to identify this heritage, protect it, preserve it, present it and revive it.'

¹⁰ - Article 41 of Law 98-04 concerning the protection of cultural heritage.

¹¹ - Hassina Ghouas, *Legal Mechanisms for Urban Management*, Master's Thesis, Mentouri University, Constantine, 2011, p. 65.

¹² - Article 30 of Law 98-04 concerns the protection of cultural heritage.

¹³ - Executive Decree No. 03-323 of 5 October 2003 concerning the modalities for preparing protection plans for archaeological sites, their protected areas, and their restoration (Official Journal No. 60).

¹⁴ - Article 3 of the same decree.

¹⁵ - Hassina Ghouas, Previous Reference, p. 70.

¹⁶ - Same reference, p. 71.

¹⁷ - Article 17 of Executive Decree 03-323.

¹⁸ - Executive Decree 03-324, dated 5 October 2003, concerning the modalities for preparing a permanent plan for the preservation and restoration of protected sectors (Official Journal No. 60).

¹⁹ - Article 2 of the same decree.

²⁰ - Hassina Ghouas, Previous Reference, p. 76.

²¹ - Article 38 of Law 98-04 concerning the protection of cultural and natural heritage.

²² - Article 40 of the same law.

²³ - Article 80 of the same law.