



Research Article

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Assessment of Community Participation in Heritage Management in Algeria: Case of Safeguarded Sectors (Analysis Through Legislation Documents)

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Abstract

Heritage management in Algeria is a process governed by legal texts that date from the end of the 20th century. In the light of the international issues at stake in community-based management, it appears essential that heritage management in Algeria should be directed to participatory approaches with a vision of socio-cultural development and sustainability. This paper aims to investigate and assess community participation in the legislation regulating heritage management, specifically safeguarded areas and their permanent plans for safeguarding and enhancing safeguarded areas (PPSMVSS). To achieve this, a documentary research was carried out on several laws and executive decrees since Algeria's independence until 1998, when the current law No. 98-04 was promulgated. The findings reveal that local actors such as associations and the local population are poorly involved in participation and decision-making. The management of safeguarded areas in Algeria is a government-led process in which the main actors are the relevant government and its institutions.

Keywords: cultural heritage management, safeguarded areas, Algeria

1. Introduction

Over the past 50 years, the concept of cultural heritage has developed rapidly from a single object to a whole holistic cultural landscape including the built environment, society, economy, etc (« Convention concerning the protection of the world cultural and natural heritage », 1972). The recent evolution of cultural heritage was accompanied by the development of heritage management from government-led processes owned by specific community actors to more global processes that are holistic and include all community stakeholders (Li et al., 2020). Heritage management became a multifaceted operation that needs to involve the knowledge and expertise of all community

stakeholders in a participatory and collaborative process.(Berthold, 2019), in particular local actors as residents and NGOs(Jacquot, 2015). Local stakeholders have local knowledge and experience to improve the identification of the heritage and the challenges to which it is exposed in its original framework, in order to optimise its valorisation and management(ICCROM, 2015). Therefore, community participation approaches combine cultural heritage conservation with socio-economic and urban development in a sustainable development perspective(Landorf, 2009).

Currently, governments worldwide are adopting a more bottom-up approach to managing cultural and naturel heritage, while some governments are still following a top-down approach in which governmental actors have a crucial function in cultural heritage management(Li et al., 2021). Since independence in 1962, the Algerian government has focused on economic development projects and the crisis of the residential housing sector rather than other questions that are considered less important, such as cultural heritage management(Mazouz, 2015).

In Algeria, the question of cultural heritage and its management was not properly considered until the promulgation of Law 98-04 on the protection of cultural heritage in 1998, which instituted new measures for the protection of heritage properties, such as classification and the creation of protected sectors for urban and rural areas.(Loi n° 98-04 du 20 Safar 1419 correspondant au 15 juin 1998 relative à la protection du patrimoine culturel, 1998). In light of heritage management development worldwide, Algeria is attempting to move to participatory approaches in its cultural heritage management. The inauguration of the First Cultural Heritage Advisory Council is an important step towards participatory approaches. The council assists the Ministry of Culture and Arts in helping with protection and civil society involvement and raising awareness for the understanding and appreciation of its cultural heritage(Décret exécutif n° 21-124 du 15 Chaâbane 1424 correspondant au 29 mars 2021 portant création du conseil consultatif du patrimoine culturel ainsi que les modalités de son organisation et de son fonctionnement., 2021). Therefore, it is necessary to establish an assessment of community participation in the management of heritage in Algeria. So what is the position of the community participation concept in the legislation regulating cultural heritage, particularly in the safeguarded sectors?

2. Methods and Data Collection

This paper builds on documentary research aiming to collect data necessary for the understanding of the topic by studying official documents, in particular juridical acts governing cultural heritage and safeguarded sectors in Algeria. The research starts with the identification and selection of relevant documents in relation with the research topic(Piolat, 2002). The following legal texts used in this research are listed in Table 1 below.

Table 1: identification of legal texts governing cultural heritage and safeguarded sectors in Algeria

Document category	document	Source
Act	Law n°62-157 of 31 December 1962 tending to maintain until new order the legislation in place on 31 December 1962	Website of the Algerian Ministry of Culture and Arts
Act	Law n° 90-29 of 1 December 1990 on urban planning and development	Website of the Ministry of the Interior, Local Authorities and Town and Country Planning
Act	Law n° 98-04 of 20 Safar 1419 corresponding to 15 June 1998 on the protection of cultural heritage	Website of the Algerian Ministry of Culture and Arts
LegislativeOrder	Ordinance n° 67-281 of 20 December 1967 on excavations and the protection of sites and historical and natural monuments	Website of the Algerian Ministry of Culture and Arts
ExecutiveDecree	Executive decree n° 03-324 of 9 Chaâbane 1424 corresponding to October 5, 2003 relating to the modalities of establishment of the Permanent Plan of Safeguarding and Enhancement of the Safeguarded Sectors (PPSMVSS)	Website of the Algerian Ministry of Culture and Arts
ExecutiveDecree	Executive decree n° 03-322 of 9 Chaâbane 1424 corresponding to October 5, 2003 relating to the project management of protected cultural property.	Website of the Algerian Ministry of Culture and Arts
ExecutiveDecree	Executive decree n° 11-01 of 30 Moharram 1432 corresponding to January 5, 2011 modifying and supplementing the executive decree n° 03-324 of 9 Chaâbane 1424 corresponding to October 5, 2003 relating to the modalities of establishment of the Permanent Plan of Safeguarding and Enhancement of the Safeguarded Sectors (PPSMVSS)	Website of the Algerian Ministry of Culture and Arts

This article aims to assess community participation in cultural heritage management in Algeria through legal texts, as part of the process of strengthening of this concept in cultural heritage management.

3. Heritage Management in Algeria from Independence in 1662 to 1998

In 1962, the heritage policy of the Algerian Popular Democratic Republic was the same as the policy of Algeria as a French colony. Through law n°62-157 the government announced the renewal and adoption of the legislation in force, in all areas under the condition of respect for national sovereignty (Loi n°62-157 du 31 décembre 1962 tendant à la reconduction jusqu'à nouvel ordre de la législation en vigueur au 31 décembre 1962, 1962). The first legislation relating to the issue of heritage was not enacted until 1967. This legislation reflects the Algerian government's increased awareness of the issue of cultural heritage and its multiple values, and promotes its conservation and enhancement through several tools, including the classification of monuments and their surroundings and the creation of inventory lists (Ordonnance n° 67-281 du 20 décembre 1967 relative aux fouilles et à la protection des sites et des monuments historiques et naturels, 1967). Ordinance No. 67-281 was marked by several inconsistencies in the image of cities and historic urban ensembles with heritage values that were considered as singular monuments with a consideration of their surroundings in their material aspects far from their living dimension (Ouagueni, 2006).

3.1 Community Participation in Legal Texts from 1962 to 1998

The stakeholders involved in heritage management during this period were the government institutions because of the one-party policy, which promoted centralisation and excluded other community stakeholders. In 1988 the Algerian political system introduced multipartyism and the right to create political associations (Mazouz, 2015). Heritage policy in Algeria has since opened up to the associative movement, giving recognition to the legitimacy of public participation and involvement in heritage management with the promulgation of the law n° 90-29 (Loi-90-29 du 1er Décembre 1990 relative à l'aménagement et à l'urbanisme, 1990)

4. Cultural Heritage Management in Algeria Since 1998

Until 1998, the legislation governing cultural heritage in Algeria can be considered as a legacy of the colonial conception of heritage (Bouchenaki, 2020). However, a structured heritage policy was not established until the 1990s by specialists in the field (Oulebsir, 2004). With the promulgation of Law 98-04, the Algerian authorities have expressed their willingness to include the nation's cultural and natural heritage as one of their main concerns. This act gave a larger and more flexible meaning to the concept of heritage by including the intangible, environmental and urban dimension (Mazouz, 2015). Therefore, all types of cultural property in the country are classified as historical monuments, archaeological sites and urban or rural areas for cultural property in immovable form, in addition to specific classes for movable and immaterial cultural property (Loi n° 98-04 du 20 Safar 1419 correspondant au 15 juin 1998 relative à la protection du patrimoine culturel, 1998). State perspectives of strengthening and enhancing heritage are shown through the establishment of new protection measures, in particular the classification of historic urban areas as safeguarded sectors with a permanent safeguarding and enhancement plan, with over 300 sites and monuments classified as national heritage since 2003.

4.1 Safeguarded Areas

The safeguarded sectors in Algeria include urban and rural areas which have properties defined by article 41 of law n° 94-04, namely the historical, architectural or traditional interest that gives them a recognized heritage value. These sites are managed and protected by permanent plans for the safeguarding and development of protected areas (PPSMVSS) which are documents setting out the

general rules for conservation management and protection measures (Décret exécutif n° 03-324 du 9 Chaâbane 1424 correspondant au 5 octobre 2003 portant modalités d'établissement du plan permanent de sauvegarde et de mise en valeur des secteurs sauvegardés (PPSMVSS), 2003).

The creation of a protected area and its PPSMVSS is a complex operation governed by several legal texts. This operation is divided into three phases and includes a preliminary project phase, a second phase of elaboration by an architect's office designated by the appropriate authorities and having proven its qualification in interventions on the built and urban heritage, and two final phases of public enquiry and drafting (Décret exécutif n° 03-322 du 9 Chaâbane 1424 correspondant au 5 octobre 2003 portant maîtrise d'œuvre relative aux biens culturels immobiliers protégés., 2003).

5. Results and Discussions

5.1 Evaluation of Community Participation in the Management of Safeguarded Areas

The evaluation of the state of the art of community participation within heritage management in Algeria amounts to identifying which are the actors of the local community, their roles and involvement in new protection mechanisms launched by the government such as the "PPSMVSS". This assessment is represented in Table 2, which is the result of an analysis of the legal texts governing protected areas.

Table 2: Evaluation of community participation in the management of safeguarded areas through legal texts in Algeria

Competent authorities	Actors	Tasks	Sources
Public sector	Ministry of Culture and the Arts	Creation and demarcation of the protected area	Law 98-04
		Approve the « PPSMVSS » by ministerial order	
		Development of the terms of reference for the PPSMVSS development project	Executive Decree n° 03-324
	Ministry of the Interior	Granting the qualification of specialist architect of protected monuments and sites.	
		Creation and demarcation of the protected area	Law 98-04
	Ministry of Local Government and the Environment	Approve the « PPSMVSS » by ministerial order	Law 98-04
		Creation and demarcation of the protected area	
	Ministry of Urban Planning and Architecture	Approve the « PPSMVSS » by ministerial order	Law 98-04
		Deliberation on the creation of safeguarded sectors	
	National Commission for Cultural Property	Agreement of an opinion on the creation of the safeguarded sector	Law 98-04
		Study and proposal to the national commission for the creation of a safeguarded sector	
	Wilaya Commission for Cultural Property	Assistance and guidance to the owner in all the steps and procedures to be undertaken on a classified and protected property	Law 98-04
		Deliberation of the establishment of the « PPSMVSS »	
	the wilaya's popular assembly	Organisation of the consultation sessions	Executive Decree n° 03-324
		Assistance and guidance to the owner in all the steps and procedures to be undertaken on a classified and protected property	
wali	Request for the deliberation of the Wilaya People's Assembly on the establishment of the « PPSMVSS »		
	Posting of the deliberation at the headquarters of the wilaya	Executive Decree n° 03-324	
President of the Communal People's Assembly	transmission of a copy of the deliberation to the Ministry of Culture and Arts		
	determine the legal entities that have requested to take part in the establishment of the « PPSMVSS »		
Director of Culture	posting of the deliberation of the establishment of the « PPSMVSS » at the commune's headquarters	Executive Decree n° 03-324	
	Disseminate the deliberation of the establishment of the « PPSMVSS » to organisations that propose to take part in it		
	Entrust the elaboration of « PPSMVSS » to a qualified design office or architect	Executive Decree n° 03-324	
	Organisation of consultation sessions during the development of the « PPSMVSS »		
		Act as a project owner and approve adaptations and modifications to the project	

Competent authorities	Actors	Tasks	Sources
	House of Commerce, Crafts and Agriculture	be involved in an advisory capacity in the drafting of the « PPSMVSS » Organisation of consultation sessions during the development of the « PPSMVSS »	Executive Decree n° 03-324
Association sector	associations	proposal of a safeguarded sector for classification	Law 98-04
		be involved in an advisory capacity in the drafting of the « PPSMVSS » Organisation of consultation sessions during the development of the « PPSMVSS »	Executive Decree n° 03-324
Private sector	design office or architect	Study, monitoring and control of the implementation of restoration and other works in a protected area	Executive Decree n° 03-322
		Elaboration of projects for private owners in a safeguarded sector	
	The project manager	Appointment of a qualified lead architect Acting as the contact person for the contractor in all matters relating to project study interpretation	Executive Decree n° 03-322
Local community	private owners	Undertake interventions on properties in a safeguarded area	Executive Decree n° 03-324
		Submit intervention projects to the competent services responsible for the protection of monuments and protected sites	

The creation of a safeguarded sector and its PPSMVSS involves several community actors, nevertheless the main stakeholders in this process are the government authorities, namely the Ministry of Culture and the organizations under its authority, such as the cultural directions and the wilaya's cultural property commission. The government authorities initiate the process of classification as a protected area by studying the proposals, appointing a qualified architect to establish the PPSMVSS, and providing approval once the study is completed. Figure 01 represents the involvement of all stakeholders in the safeguarded area creation process.

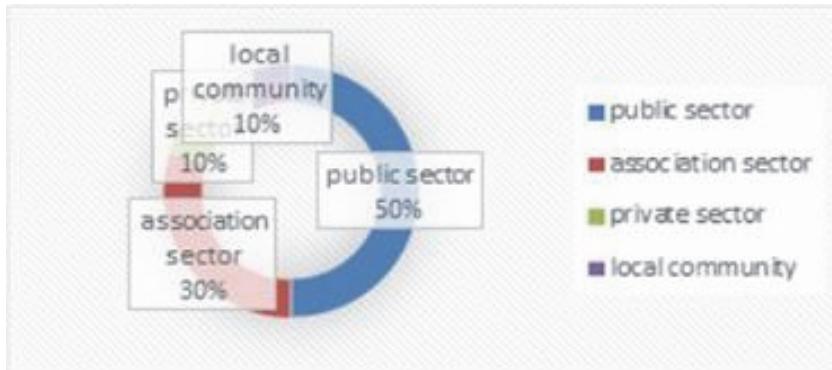


Figure 1: Stakeholder participation in the operation to create protected areas

The study reveals that the public sector carries out the major operations, namely the creation and approval of the protected sectors, all the deliberations and assistance in carrying out the work concerning the PPSMVSS. Stakeholders from other sectors, associations and the local community, have other secondary functions such as participation in consultation sessions organised by public authorities or participation as a consultative partner in the case of the associative sector. The private sector is represented only by engineering offices, architects and qualified companies in charge of the design and execution of the works without any other partnership with private investors. Local community, presented by the local inhabitants and the concerned population, is the least concerned actor mentioned in the legal texts governing the management of the protected sectors in Algeria, it is only mentioned in the section concerning the supervision and the submission to an expertise of the works carried out on the properties classified in a protected sector.

5.2 Top-Down Management of Safeguarded Areas

Heritage sites in Algeria can be proposed for classification as a protected sector by associations, local authorities or the local population. According to this study, the proposal for classification and the right to participate in consultation sessions constitute the only decision-making power accorded to the local community in safeguarded area management, and these decisions taken at local level are the only interventions that involve non-governmental actors, although their influence is very limited. The inclusion of local stakeholders in safeguarded area management is limited to the proposal and study of the classification project, the approval and management of safeguarded areas and their PPSMVSS are, according to the legal texts, the exclusive responsibility of the government authorities.

The management of protected areas in Algeria is a top-down process where local community actors are symbolically involved in the legal texts governing it, while the decisions are taken by the government and its institutions. In contrast to bottom-up management, top-down management is a centralised approach in which decisions concerning a safeguarded area are made only by the government. This centralised approach limits and affects the activities of local stakeholders and makes coordination between them and with the government authorities more complicated. This management can be described as defective and makes it difficult to take fast and effective decisions on site, and this can accelerate the deterioration of several safeguarded sectors in Algeria

5.3 Orientation for the Revision of the Laws Governing Safeguarded Areas in Algeria

While community participation in the management of cultural heritage is known and applied in several countries, in Algeria the integration of this concept remains limited or even inexistent. International experiences of participatory management based on local communities and bottom-up approaches should be consulted in order to learn from them and develop a contextualized management model between centralization and decentralization. The challenge of this new paradigm will be to find an agreement between the integration of heritage in a global development perspective and the inclusion of community stakeholders and the management of their expectations and needs.

6. Conclusion

Heritage management in under developed continents and countries has many challenges, the most common being the centralization of authority and the exclusion of the local community from the management of heritage paradigms. This study, carried out with the aim of evaluating community participation in the management processes of safeguarded areas in Algeria through the analysis of legal texts, reveals that the main part of the management process is given to governmental actors rather than to local actors. This finding makes it possible to consider heritage management in Algeria as centralized. The centralization of heritage management in Algeria is often explained by the late introduction of the issue of cultural heritage conservation and its current challenges.

References

- Berthold, É. (2019). Patrimoine et participation citoyenne : Une relation complexe à revisiter. Le cas du Vieux-Québec. *Cahiers de géographie du Québec*, 62(175), 59-79. <https://doi.org/10.7202/1057080ar>
- Bouchenaki, M. (2020). *Les premiers pas de la législation Algérienne dans la gestion du patrimoine culturel*. Vidéo-conférence dans le cadre de la célébration du moi du patrimoine en Algérie.
- Convention concerning the protection of the world cultural and natural heritage. (1972). *Museum International (Edition Française)*, 25(1-2), 121-121. <https://doi.org/10.1111/j.1755-5825.1973.tb02107.x>
- Loi n°62-157 du 31 décembre 1962 tendant à la reconduction jusqu'à nouvel ordre de la législation en vigueur au 31 décembre 1962, (1962).
- Ordonnance n° 67-281 du 20 décembre 1967 relative aux fouilles et à la protection des sites et des monuments historiques et naturels, (1967).

- Loi-90-29 du 1er Décembre 1990 relative à l'aménagement et à l'urbanisme, (1990).
- Loi n° 98-04 du 20 Safar 1419 correspondant au 15 juin 1998 relative à la protection du patrimoine culturel, 24 (1998).
- Décret exécutif n° 03-322 du 9 Chaâbane 1424 correspondant au 5 octobre 2003 portant maîtrise d'œuvre relative aux biens culturels immobiliers protégés., (2003).
- Décret exécutif n° 03-324 du 9 Chaâbane 1424 correspondant au 5 octobre 2003 portant modalités d'établissement du plan permanent de sauvegarde et de mise en valeur des secteurs sauvegardés (PPSMVSS), 23 (2003).
- Décret exécutif n° 21-124 du 15 Chaâbane 1442 correspondant au 29 mars 2021 portant création du conseil consultatif du patrimoine culturel ainsi que les modalités de son organisation et de son fonctionnement., (2021).
- ICCROM. (2015). *People-Centred Approaches to the Conservation of Cultural Heritage : Living Heritage*.
- Jacquot, S. (2015). Politiques de valorisation patrimoniale et figuration des habitants en banlieue parisienne (Plaine Commune). *EchoGéo*, 33. <https://doi.org/10.4000/echogeo.14317>
- Landorf, C. (2009). A Framework for Sustainable Heritage Management : A Study of UK Industrial Heritage Sites. *International Journal of Heritage Studies*, 15(6), 494-510. <https://doi.org/10.1080/13527250903210795>
- Li, J., Krishnamurthy, S., Pereira Roders, A., & van Wesemael, P. (2020). Informing or consulting? Exploring community participation within urban heritage management in China. *Habitat International*, 105, 102268. <https://doi.org/10.1016/j.habitatint.2020.102268>
- Li, J., Krishnamurthy, S., Pereira Roders, A., & van Wesemael, P. (2021). Imagine the Old Town of Lijiang : Contextualising community participation for urban heritage management in China. *Habitat International*, 108, 102321. <https://doi.org/10.1016/j.habitatint.2021.102321>
- Mazouz, F. (2015). Le renouvellement du patrimoine bâti vétuste en Algérie. Le cas du centre-ville d'Oran. *Droit et société*, n°89(1), 151. <https://doi.org/10.3917/drs.089.0151>
- Ouageni, Y. (2006). La politique de sauvegarde et ses outils. *he European Journal of Planning, Algiers, from city to agglomeration*(5), 6.
- Oulebsir, N. (2004). *Les Usages du patrimoine : Monuments, musées et politique coloniale en Algérie, 1830-1930*. Les Editions de la MSH.
- Piolat, A. (2002). *La recherche documentaire : Manuel à l'usage des étudiants, doctorants et jeunes chercheurs*. De Boeck Supérieur.