

On June 13, 2018 the U.S. Department of State published notification in the Federal Register of the receipt of a request from the Government of the People's Democratic Republic of Algeria to the Government of the United States of America for import restrictions on archaeological and ethnological material from Algeria representing its prehistoric through Ottoman Era heritage. This request is submitted pursuant to Article 9 of the [1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#) as implemented by the [Convention on Cultural Property Implementation Act](#) (“CPIA,” 19 U.S.C. 2601 et seq.).

Accompanying its request, the Government of Algeria provided a written statement of the facts known to Algeria that relate to the determinations that must be made to enter into an agreement pursuant to the CPIA (19 U.S.C. § 2602(a)(1)). The following public summary, authorized by the Government of Algeria, is derived from that request. As a summary, it does not contain all the information supplied by the Government of Algeria in its request. In particular, it does not contain sensitive or privileged information. Finally, this summary does not necessarily represent the position of the Government of the United States on this matter.

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### **PUBLIC SUMMARY**

Request by the Government of the People’s Republic of Algeria to the Government of the United States of America for Imposing Import Restrictions to Protect its Cultural Patrimony under Article 9 of the UNESCO Convention (1970)

Algeria is home to a significant cultural heritage documenting human history as early as 2 million years. To protect its cultural property, Algeria ratified the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property on June 24, 1974. Since this date, Algeria has taken a wide range of measures to protect its cultural property, against the dangers of theft, clandestine excavation, theft of museum objects and collections and illegal export. However, despite these measures, Algeria’s cultural property, is still in jeopardy due to pillage of archaeological and ethnological materials. Algeria is thus seeking a bilateral agreement with the United States to impose restrictions on the import of illegally exported archaeological and ethnological materials pursuant to Article 9 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, and section 303 of the Convention on Cultural Property Implementation Act. Based on Algerian Law n° 90-30 of December 1, 1990 and Law n° 98-04 of June 15, 1989 on the Protection of the Cultural Heritage, protection is being sought for products of archaeological, terrestrial and underwater explorations and research; and antique objects such as tools, pottery, inscriptions, coins, seals, jewels, traditional clothes, weapons and funeral remains.<sup>1</sup>

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<sup>1</sup> The requested categories will be evaluated pursuant to the CPIA definitions of archaeological and ethnological material of the State Party (see 19 U.S.C. § 2601(2)).

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### Historical and Cultural Overview

Algeria's history is deeply rooted in some of the earliest hominid eras. The spread of hominids to northern Africa over two million years ago is documented at the sites of Ain Hanech and Ain Boucherit, located in northeastern Algeria. The different prehistoric periods of Algeria include the Ancient Paleolithic (pebbel culture); Paleolithic inferior (Acheuleen); Middle Paleolithic (Mousterian-Aterian); Upper Palaeolithic (Iberomaurusian); Mesolithic (Capsian); Neolithic; Early History. People lived outdoors in caves or rock shelters but were also nomadic or semi-nomadic. As hunters and gatherers, they made a variety of stone tools both for hunting animals and for gathering plants. The most impressive form of extant art from the prehistoric period is the cave art. This period is represented in Algeria by the World Heritage Site (a mixed cultural-natural site) of Tassili n'Ajjer, which, with more than 15,000 drawings and engravings, has one of the most important groups of prehistoric cave art in the world.

Beginning in the early first millennium BCE, Phoenician traders from the eastern Mediterranean centered in modern Lebanon established colonies throughout the western Mediterranean, with its most important settlement at Carthage in modern Tunisia. Ancient historians mention several Phoenician colonies on the Algerian coast. Archaeologists have excavated sites for over a century at Gouraya, Cirta, Iol (Caesarea, modern Cherchell), Siga, Rachgoun, Mersa Medakh, Les Andalouses, Beni Ghename and elsewhere both along the coast and inland. Necropoleis have been identified at many of Mohamed Sahnouni and Jean de Heinzelim, Lower Pleistocene sites in Northern Algeria. The cemeteries have yielded Punic and Neo-Punic inscriptions, epitaphs and votive offerings, particularly from the region of Constantine located near the border with Tunisia. The site of Tipasa was first a Punic trading center with one of the oldest and most extensive of the Punic necropoleis (6th to 2nd century BCE).

The Mediterranean coast and coastal plain of Algeria contain a large number of sites of the Roman period. The Princeton Encyclopedia of Classical Sites (the Perseus Project) lists some forty Roman sites in Algeria, including Cirta and Cherchell. Notable Roman sites located in the mountainous region south of the coast include Djémila (ancient Cuicul) and Timgad.

Christian remains can be found at Tipasa as early as the 3<sup>rd</sup> century, and at Djémila. The number of Christian churches built during the Donatist schism of the fourth and early fifth centuries CE increased significantly in order to accommodate the different sects, and these churches form an important part of Algeria's cultural heritage.

While the arts under the Almoravid and Almohad dynasties tended to be relatively simple because of their emphasis on religious orthodoxy, the mosques of Algiers (ca. 1097) and Tlemcen (1136) were founded during the time of the Almoravids. Three mosques built by Almoravid rulers survive—at Tlemcen, Algiers and the Great Mosque (Sidi Yahia Mosque) of Nedroma.

Ottoman control over the Algerian coast beginning in the mid-sixteenth century introduced Ottoman stylistic elements into the arts and architecture. Algiers, as the center of Ottoman rule, had many new mosques and palaces, the most important mosque being the Mosque of the Fishermen (built in 1070 A.H./1660-61). The mosque is part of the Kasbah of Algiers, which is

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a World Heritage Site. M'Zab Valley is another and quite different World Heritage Site of the Islamic period. It consists of five *ksours* (fortified villages), which were founded between 1012 and 1350 under the Ibadites.

Another area with a series of *ksours* is located in the Grand Erg Occidental (Western Sand Sea) and the Valley of Saoura. The Saoura Valley was part of the great trans-Saharan caravan route reaching to Gao in Mali. The oases here use the "foggara" system, which is a traditional method for capturing and channeling water toward an oasis.

The Parc des Aurès with the oasis settlements of Rhoufi and El Kantara is another Tentative World Heritage Site. It is home to a traditional Berber society that constructed a unique built environment of structures on terraced slopes. A stronghold of the Roman and Byzantine periods, Merouana, is located within the Parc, as also Arris, the capital of the Aurès, which has many terraces and tiered gardens.

### **Evidence of Pillage and Jeopardy to the Cultural Patrimony of Algeria**

Despite efforts taken by the Government of Algeria, its archaeological sites are the target of networks of specialists in looting and the illegal cultural property trade. Some of the sites on the World Heritage List are under threat from robbing and looting, as well as other threats. The entire span of Algeria's rich heritage is at risk, from prehistoric fossils, to rock art, Roman artifacts, Islamic manuscripts, and even architectural fragments. Among the most frequently targeted are small portable objects, such as ancient and medieval antiquities, lamps, architectural elements and lithics. As one way to judge the extent of the looting and trafficking problem, Algerian authorities have recovered thousands of heritage objects through police action over the last decade including coins, column capitals, mosaics, and sculpture.

The rate and value of looted antiquities are increasing, proportional to the increase in looting activity of extremist groups in Syria and Iraq. The traffickers are continually adopting new techniques and procedures within a framework of organized crime. For example, organized groups, often led by foreign tour operators, are known to engage in extensive looting of rock art and portable artifacts like hand axes, jewelry, pottery, and arrowheads in the Sahara. Sections of rock paintings and engravings are also taken.

In addition to the Sahara, the looting problem is particularly acute in the eastern region of the country, which is close to the international trafficking networks near the Mediterranean and where artifacts of the Punic, Numidian and Roman periods may be found. Over the last decade, Algerian authorities have thwarted numerous such smuggling rings and recovered Phoenician, Roman, and Byzantine objects, such as coins, ceramic vessels, sarcophagi, statues, and mosaic fragments. In 2009, authorities interrupted a smuggling network that specialized in the looting of ethnological Tuareg artifacts in the southern Sahara. A seizure of several artifacts of different time periods included an Ottoman period sword dated to 1736. Islamic and Ottoman artifacts have been seized along with looted artifacts of the Roman period. Particularly popular seem to be coins of the Islamic period. There have also been several thefts from museum collections.

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### **Steps the Government of Algeria has taken consistent with the 1970 UNESCO Convention to Protect the Heritage of Algeria**

#### *Legal Framework for Protecting Algeria's Cultural Patrimony*

Algeria's cultural heritage management system is rooted in the country's laws and regulations. The 2016 Constitution has a number of provisions dealing with culture and preservation. The right to culture is guaranteed to every citizen; the State protects the national cultural patrimony, both tangible and intangible, and works toward its safeguarding. The legislature is authorized to act in the realm of protection and safeguarding of the cultural and historical patrimony (Article 14).

Law no. 98-04 and related laws and regulations includes provisions for the protection of the country's antiquities, archaeological sites, and museums. Law 98-04 defines immovable and moveable cultural goods, asserts national ownership over those goods (even ones discovered on private land), prohibits the export of movable cultural goods that are protected (except in cases of temporary export for exchanges or research), heavily regulates the internal trade in unprotected objects, and exacts fines and penalties for infractions. Algeria also punishes illegal import of cultural objects whose historical, artistic or archaeological value is recognized by the country of origin with the same penalties. Several recent examples show this provision is enforced.

#### *Public/Private Entities that Protect the Cultural Patrimony*

Executive Decree no. 05-79 of 2005 establishes the role of the Ministry of Culture (MOC), which is responsible for all aspects of the cultural domain within the national political sphere and assures vigorous enforcement of the laws and regulations. The MOC is responsible for national cultural policies. It has several directorates and sectoral departments, which organize cultural activities at the national level. Among the directorates are one for Heritage Restoration and Maintenance and another for Legal Protection of Cultural Products and Enhancement of Cultural Heritage. The government is organized at the regional level into 48 Directorates of Culture in the governorates (*wilayas*). They are made up of four services, including the Arts and literature and Heritage offices. The Directorates are directly financed by the MOC and their influence is very important at the regional level.

The MOC also maintains research centers dedicated to heritage: the National Centre for Prehistoric Research, Anthropology and History, the National Centre for Manuscripts, the Arts and Culture Centre "Palais des Rais" and the National Centre for Archaeological Research. The MOC collaborates with other ministries in heritage preservation, such as the Ministries of Tourism, Interior, National Defense and Finance. The MOC and the General Directorate for National Security jointly hold specific training courses for the police. Algerian embassies in other countries under the supervision of the Ministry of Foreign Affairs often work with the MOC.

Algeria has a special squad within the national police responsible for investigations into cultural heritage-related crimes. It coordinates with the MOC and other national entities responsible for

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cultural heritage management. Algeria also has an independent anti-trafficking unit and cultural heritage protection units within the national *gendarmerie*. Algeria's law enforcement agencies are very active in fighting the illegal trade and have recovered a sizeable number of looted or stolen cultural objects since 2005. These many documented investigations not only exemplify the level of looting and trafficking, but also the level of enforcement of the heritage laws by Algerian authorities.

Private institutions that sponsor cultural activities are given tax exemptions. Some of the foundations involved in cultural activities include the Casbah Foundation and the Emir Abdel Kader Foundation. As of 2001, close to 3,500 institutions are registered with the Department of Cultural Associations. These associations operate in the fields of history, heritage, literature, arts and sciences. However, the associations are overshadowed by the dominant role of the MOC, but they play a bigger role in villages and more remote areas.

### *Museums and Research*

Algeria has a large number of museums, many of which are located in Algiers but also several that are located in regional centers. The MOC manages eleven museums. The U.S. Ambassadors Fund for Cultural Preservation awarded a grant to the Bardo Museum in 2005-2006. There are plans to construct a museum in central Algiers to cover artifacts through Byzantine and Ottoman periods, discovered accidentally during the construction of a metro station.

The Centre National de Recherche en Archéologie (CNRA) conducts scientific archaeological research to contribute to the history of Algeria, the Maghreb and North Africa. Along with field research, the center organizes seminars, conferences, and workshops and publishes the journal *Bulletin d'Archéologie Algérienne*. Young scholars and students are integrated into archaeological excavations. The CNRA collaborates with universities and with national institutions of patrimony and research centers. It also collaborates with foreign research institutions in joint projects. The permanent researchers of the CNRA conduct eighteen projects, and six projects of the national program of scientific research are domiciled here. CNRA also works with the MOC in salvage and preventive archaeology, conducting salvage excavations and surveys.

The Centre National de Recherches Préhistoriques, Anthropologiques et Historiques (CNRPAH) is a research institution focusing on the interactions between humans and their environment from prehistory to today. Its projects are often multidisciplinary and include prehistorians, anthropologists and other specialists with collaboration with photographers and technical laboratories. It has several laboratories including those that specialize in sedimentology, paleontology, anthropology, photography, and library of prehistory and of socio-cultural anthropology and history. The CNRPAH maintains a "doctoral school" in archaeology that welcomes students licensed in archaeology who wish to prepare for a Masters and then a Doctorate in this field. This school is co-organized with the University of Guelma, the University of Tlemcen, the CNRPAH and the University of Aix en Provence.

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### *National Inventory Program*

Law no 98-04 provides for an inventory of both movable and immovable cultural property related to its classification system. Inventoried and classified sites receive protections, with classified sites receiving more, including a “protective zone,” which consists of a visible relationship between the historic monument and its surrounding area and protections from construction and other uses. Similar protections are given to movable cultural objects. The national inventory is a work in progress. An international round table was held in 2008 in Algeria so that French, Tunisians, Egyptians and those from other countries in the Mediterranean could share their experiences.

In collaboration with UNESCO and ICCROM, the MOC has completed the design of the inventory sheets that will be provided to the Cataloging Centre, which started operation in 2013. The Gendarmerie has begun the process of digitizing the data and creation of specific databases based on GIS. This system will allow Algeria to work with Interpol in intercepting illegal sales and forgery of heritage documents. The inventory process, supported by the EU Heritage Programme, covers classified and non-classified movable, immovable and intangible heritage.

### *Regional Cooperation and Preservation*

Algeria has signed over 50 cultural agreements to protect heritage including with Tunisia, Mali, and 11 other Arab countries. At least one of these specifies the reciprocal protection of cultural property in the event of trafficking.

The EU has its largest bilateral cultural programs with Algeria, which focuses on heritage protection and promotion and whole-of-government coordination with relevance for tourism, capacity building, development and civil society. Algeria has also executed preservation projects involving ancient theaters, manuscripts, site management, and sustainable development, to name but a few with support by Euromed Heritage IV, Manumed II, and others.

In addition, multiple conservation and preservation projects have been carried out in Algeria since 2005. These include preventive conservation of the ancient Roman, Byzantine and Islamic archaeological collections at the National Museum of Sétif; preservation and documentation of the manuscript collection at Zawiyat Ali bin Umar (11th to 18th centuries); and restoration of the stained glass windows and central dome of the St. Augustine Basilica in Annaba

Algeria's closest cultural relations among European countries are with France, Spain and Italy. Eight foreign cultural centers operate in Algeria: five French, an Italian, a Spanish, and a German center. Since 2000, Algeria has had two cultural centers abroad, one in Paris and one in Cairo (that, as of 2014, was not yet operational). Algeria organizes “cultural weeks” in several countries, including Egypt, Tunisia, Switzerland, Syria, China, Saudi Arabia, Niger, Libya and Mali, and it participates in international cultural events while hosting cultural events in Algeria.

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### *Public Awareness Programs*

The CNRPAH conducts a number of public awareness efforts, including frequent scholarly publications and conferences, as well as efforts aimed at a more general audience. A project, Mutations des Musées au Maghreb, is based on a consortium of several institutions: École nationale de conservation et de restauration des biens culturels d'Alger; Musée Nejjarine des arts et métiers in bois; Université de Grenade; Fondation ONA; Laboratoire d'Archéologie et d'Architecture Maghrébines; Musée du Bardo. This project brings together students, researchers, and conservators to reflect on the history of museology and to engage in research and training. The wilayas and cities host around thirty festivals or special events each year, often with support from the MOC or specially dedicated funds. April is the "Month of Cultural Patrimony." In another example, the Directorate of Culture for Djelfa organized a study day on the protection of the region from smuggling of antiquities.

### **Nature and Extent of the Market for Archaeological and Ethnological Material from Algeria**

A very large quantity of archaeological material specifically described as from Algeria was offered on-line in the United States through dealers during a short study. Items for sale primarily included stone tools like arrowheads. All told, the United States is the single largest market for the prehistoric lithic materials from the Sahara region. Archaeological objects of the classical (Roman and Byzantine) period from North Africa were offered at auction and with private dealers, including lamps, mosaic, terracottas, pottery, and coins. Islamic period materials are represented by online sales of silver Almohad and Umayyad coins.

Ethnological material from North Africa and consistent with Algerian cultural heritage has been sold at auction houses in the United States, but a considerably larger quantity is available online from locations in the United States. Several of these objects are described as either Ottoman or Berber and include vessels, a mat and pillow with gold threads, fibula, swords, guns and powder flask, and a variety of coins, some specifically described as from Algeria.

The non-U.S. art market for Algerian cultural materials is evidenced primarily in the large auction houses in London. Some sales occurred through private dealers and online markets in Spain, Israel and Canada. Archaeological objects on offer include stone tools, Roman period ceramic vessels, lamps, terracotta figures, sculpture, and coins. The market for Algerian Islamic period material included Umayyad metalwork, architectural fragments, and decorative wood pieces.

The sales of ethnological materials from Algeria specifically or from North Africa, more generally, seem more robust in the non-U.S. market than the sales of archaeological materials. Berber and Ottoman objects specifically identified as coming from Algeria were offered exclusively in London auction houses. These included firearms and manuscripts. Other North African material most likely coming from Algeria included weapons, metal vessels, lamps, manuscripts, textiles and mosaics. Online sales were offered from a wide range of countries and included similar items as well as jewelry and coins.

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### **How import restrictions are consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes**

Algeria is committed to making both its archaeological and ethnological material available for scientific, cultural, and educational purposes through exhibits, loans, exchanges, and research opportunities for foreign scholars. Unfortunately, it has not had many opportunities to engage in such cultural exchanges and cooperation in the past. Some examples include exhibitions and cultural programming at the 15th Venice Cultural Heritage Fair (2011) and in Milan (2016), and multiple exhibitions and publications as part of France's "Year of Algeria" in 2003. An MOU with the United States would open up opportunities, particularly for American museums and researchers. The current law in Algeria permits the temporary export of protected cultural objects in the context of cultural and scientific exchanges or as part of research. Such loans are authorized exclusively by the Ministry of Culture. Algerian law does not state a time limit for which cultural objects may be on loan outside of the country.

The protection of Algeria's cultural heritage will benefit future scientific research that may be carried out both by Algerian scholars and researchers as well as foreign ones. Several aspects of Algeria's cultural heritage are unique or carry a high universal, as well as national, value. Early hominid research in Algeria is significant with the hominid fossil record and human evolution particularly well documented through extensive archaeological and paleontological research. Among the countries of the Maghreb, Algeria's remains of the Punic, Roman, Byzantine and Ottoman periods are extensive and available for future scientific research.

The ethnological heritage of Algeria is also rich and attests to the continuing tribal and religious traditions of diverse communities. Islamic-era relics, manuscripts, architectural pieces from mosques and shrines, and other artifacts hold great importance for the vast majority of Algeria's citizens who practice the Muslim faith, while Amazigh and Tuareg relics and artifacts also hold cultural and religious significance to those populations. Increasing recognition of the Berber heritage as a part of Algeria's national heritage through, for example, teaching of the Berber language in schools indicates its significance.

Algeria has welcomed multiple projects, led by researchers from around the globe, to study our nation's cultural heritage and is committed to continuing this tradition. Examples include University of Aix-en-Provence (France), University of York (U.K.) with researchers from the U.K. and France, the Stone Age Institute (Indiana University, USA), and the Louis Berger Group (USA).