



A VISION TO AMEND THE EGYPTIAN ANTIQUITIES LAW IN LIGHT OF INTERNATIONAL CHARTERS AND TREATIES

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ABSTRACT:

Over the past years, there were many sequenced laws to protect antiquities and archaeological areas, each of them has faults and gaps that prevented the real preservation of both the antiquities and the surrounding environment, as the law alone, regardless of its quality, is not sufficient for that task. The reason is that civilization and urban heritage are not only antiquities or old manuscripts, but they are a complete system and it is not permissible to omit one of its elements at the expense of other elements. Only here this research importance appears by studying the provision of legal cover for this urban heritage, not to impose penalties or imposing restrictions on actions, but to encourage the legal acquisition or possession, regulate circulation and develop the artistic awareness of the population and thus limit the phenomenon of smuggling and theft of antiquities, and on the other hand the development of the environment and housing compounds associated with those antiques.

KEYWORDS: Law, Antiquities, Archaeological Areas, Urban Heritage, Acquisition

رؤية لتعديل قانون الآثار المصري في ضوء المعاهدات و المواثيق الدولية

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المخلص:

تعاقت على مر سنين مضت قوانين كثيرة لحماية الآثار والمناطق الأثرية ، ولكل منها عيوب وثغرات حالت دون الحفاظ على كل من الآثار والبيئة العمرانية المحيطة بشكل حقيقي ، حيث أن القانون وحده لا يكفي لتلك المهمة مهما كانت جودته ، ويرجع السبب إلى أن الحضارة و التراث ليسا آثار أو مخطوطات قديمة فحسب ، وإنما منظومة كاملة لا يصح إغفال أحد عناصرها على حساب عناصر أخرى ، وأهم أحد تلك العناصر هو الإنسان ذاته ، كما أن الميراث الثقافي لا ينبغي التعامل معه بشكل جزئي ، بل يجب إعتباره منظومة متكاملة الأهمية ، لأنه يعكس مدى رقي الأمة وثقافة مواطنيهم ، ووعيمهم بمشاركة الدولة في الحفاظ عليه ، ومن هنا فقط تظهر أهمية هذا البحث بدراسة توفير غطاء قانوني لهذا التراث ، وليس لتوقيع عقوبات أو فرض قيود على التصرفات ، بل لتشجيع الإقتناء أو الحيازة القانونية وتنظيم التداول وتنمية الوعي الفني لدى السكان وبالتالي الحد من ظاهرة تهريب وسرقة الآثار ، ومن ناحية أخرى تطوير البيئة والتجمعات السكنية والعمرانية المرتبطة بتلك الآثار من خلالها.

الكلمات المفتاحية: قانون، الآثار، مناطق أثرية، البيئة العمرانية، تراث، حيازة

1. INTRODUCTION

Despite the simplicity of the architectural heritage of heritage dwellings, it is considered as a cultural achievement that largely crystallizes the civilized personality, as this heritage contained in its details the living imprints of this character, and then the loss of the significant features of this architectural heritage leads to the loss of this civilizational character. The Arab Republic of Egypt is rich in many Pharaonic, Roman, Coptic and Islamic antiquities, one of the houses may be located on lands with antiquities, so how to deal with this cultural heritage, whether it is a building, a monument, or a mixture between them, under the current laws? This is precisely the reason that prompted the researcher to conduct this search.

2. LITERATURE REVIEW

Many studies discussed the amendments of buildings laws, codes and regulations to comply with the changes. The amendments in New Zealand's building code have caused some shortfall in complying with the changes, which have limited the usefulness of building regulations. Some studies explore the challenges facing compliance with the building code amendments and the improvements of it. The conclusions of some studies were there were complexities in the construction law [1]. A proposed framework was improved to encourage building code compliance to achieve many targets such as disaster resilience and simplification of building codes [2].

An essential regulatory role for government in the execution of building codes by local authorities in Bihar in India for the purpose of protecting lives and property from earthquakes. The recent 2014 byelaws shows some imperfection like ambiguities which cause opportunities for failures [3]. Some review made of the non-democratic administrative system to the heritage conservation in Egypt. In order to achieve an effective democratic many items must be studied and analyzed such as: the specific laws and legislations governing the process of heritage conservation, the conservation problems in the heritage sites, most of the administrative stakeholders concerned with such heritage sites, the current situation of the management of heritage conservation in Egypt, and, finally, the modification of the system according to: strategic, planning, and site management [4].

The lack of administrative stability and disappearance of the police and enforceable laws and regulations in the field of cultural heritage management makes Egypt's heritage highly unsafe. Museums were attacked and robbed. Many individuals have come to protect their heritage against the imminent destruction. This presents greater cooperation between Egyptian and governors which promote to create new systems of administration and laws to protect cultural heritage by engaging modern Egyptians in formulating heritage management and values [5].

It is essential to consider heritage conservation as a synthetic. Antiquities are protected by law but modern heritage is a matter of ambiguity when it comes to preservation efforts. The architectural heritage was concerned with the preservation of monumental architecture till the mid-19th century. Conservation authenticity consist of age, material, style and structure. It is important to make some revisions and amendment of the Egyptian heritage laws to include modern heritage to the scope of the governmental protection [6].

3. HISTORICAL BACKGROUND

The urban heritage theft is a crime punishable by law, but some laws contributed to making it a legitimate act for some time, as in Egypt, where dozens of laws, regulations and decisions were issued to protect antiquities, which contributed to the loss of many of them by the system of dividing what was discovered under the ground, or some of them were presented for sale in the Egyptian Museum, or some Egyptian rulers allowed themselves to gift hundreds of rare antiquities, and some holders who own special collections of rare pieces replace them with counterfeit ones and smuggle them. The following are documented cases, whether with documents or in the custody of its narrator or reference, which illustrate the problem magnitude of diversion of Egypt's antiquities.

3.1 Theft of Antiquities During the Pharaohs Era.

In the time of the Pharaohs, mummies and coffins were moved from one cemetery to another, even though the priests resorted to tricks to transport the mummies to secret hiding places, or set graves' fictitious doors, the papyri mentioned what describes the robberies, as Many kings of Egypt used to obtain antiquities from those who preceded them and put their names on it, even that Ramses II admitted in the inscriptions (Abydos) that he obtained his father's antiquity [7].

3.2 Antiquities Theft During the Fatimid and Ottoman dynasties

Rulers During the era of the Fatimid and Ottoman states, committed crimes against Egyptian antiquities, such as trying to destroy the pyramids to extract its treasures, the Mamluks transferred many stones, whether to build their palaces or build houses after the earthquake that struck Egypt at this time, but there were no thefts or smuggling, as they added the most amazing Islamic antiquities the Muslim artist's creations, and they did not take with them any possessions of what they made in their era [7].

3.3 Antiquities Theft in the Modern Era

The first model: Muhammad Ali Pasha, as will be mentioned in detail, was the first to compose a method for official dedication in the modern Egypt's history. The beginning was when Muhammad Ali Pasha gifted the Luxor Temple's obelisk, and this obelisk is one of two were placed by the king Ramses II in front of the edifice he built in the Luxor Temple to be the entrance to the temple, which is known today as the famous Concorde obelisk of France's King, Charles, and overlooks the Champs-Élysées in Paris as shown in Figure 1, and also the zodiac towers [8].



Fig. 1: left: The obelisk of the Luxor Temple overlooking the Champs-Élysées, France. Right: Dendera Zodiac decorating the ceiling of the Louvre Museum, from the dedication of Muhammad Ali Pasha.

The second model: Dr. Sobhi Al-Sharouni, mentioned on the theft of Van Gogh's painting Figure 3 from the Muhammad Mahmoud Khalil Museum the following: "The international police were active in searching for it, its picture was published everywhere, and after two years, the painting was returned after it was rumored that it had arrived in Kuwait, and the condition for its returning was that no one should be brought to trial, and the Egyptian police accepted this bargaining"[9].

The third model: Ali Al-kamash mentioned: "It was not strange that (Richard Ellis), the head of combat Antiquities smuggling in England during the unveiling of the Grand Theft of Antiquities in 1994, in which an estimate of weight of the stolen antiquities per ton, due to their large weight , as the stolen items amounted to 8.5 tons of antiquities. And the Fourth Model: The jewelry and necklace encrusted with precious stones were given to the wife of the French President who deposited them At the Louvre Museum [7].

4. RESEARCH METHODOLOGY

The research uses an inductive analytical approach by extrapolating the successive Egyptian antiquities laws as well as international treaties and charters related to those laws, and then analyzing the impact of those laws on antiquities and related housing by monitoring the

consequences of the laws articles on the population attitude and behavior towards both the antiquity and the housing.

4.1 Research Objective

The research aims to present a vision to amend the current antiquities law to serve both the antiquity and the residents whose homes are related to this antiquity, and to bring the residents' views and aspirations closer to the governmental bureaucracy.

4.2 Research Problem

The research problem is determined by the deficiency existence in laws and legislations that define the necessary actions towards the heritage residential areas under study where the antiquity is discovered and which impede the preservation of the heritage area.

5. A REVIEW OF THE FOLLOWED LAWS WITH ANTIQUITIES IN EGYPT

Egypt is one of the first countries in the world to legislate laws and regulations to protect antiquities, started in 1835, which is concerned with antiquities protection, exit controls, handling, and even by railways and other means of transportation. The low legalization stages can be divided as following:

1. Stage before 1804: There were no official dedications before 1805, but it was rather a period that could be described when the Egyptian antiquities were permissible, so whoever found something he was free to own, sell it, or leave the Egyptian country with it [10].
2. The stage of Muhammad Ali Pasha era and the gift system (1805 -1849) "Muhammad Ali Pasha asks the director of Esna to provide the prospectors with workers and tools, because these excavations belong to the governor of Egypt". The beginning was after the rise of the modern state in the nineteenth century by Muhammad Ali Pasha through Decree 15 August in 1835, regarding procedures to protect antiquities, that decree contained only three articles. The first one: is defining the antiquities as a past centuries wonder. The second ONE: To protect them and dictate the necessity of collecting them and the excavations that will be produced in the future in a special place in Cairo city. The last one: It states absolute ban on the export of antiquities in the future. Muhammad Ali Pasha decided to refuse foreigner expeditions' request to apply the division system for the discovered antiquities, and it seems that he found no fault in acting in what appeared on earth. He preferred to preserve underground antiquities to benefit from it in the future, and preferred the gifting system, which may not differ much from it as it is fixed in the permit to excavate Figure 2. [8-11].
3. The stage of the Khedive Tawfiq era and the division system: During the reign of Khedive Said and Khedive Ismail, Egyptian laws and regulations were issued that provided for state ownership of the Egyptian discovered antiquities, and considered them public property, which shouldn't be owned by others. However, the Khedive Tawfiq issued a decree on November 17, 1891, Figure 2, which provided for the first time a division system, which meant the division of antiquities between the state and the discoverer [12].

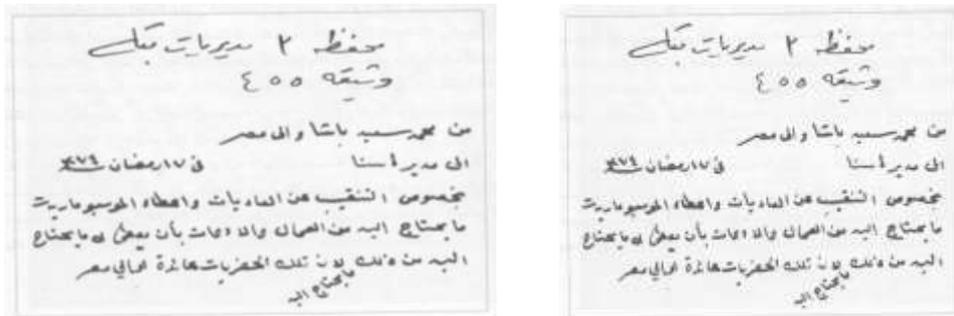
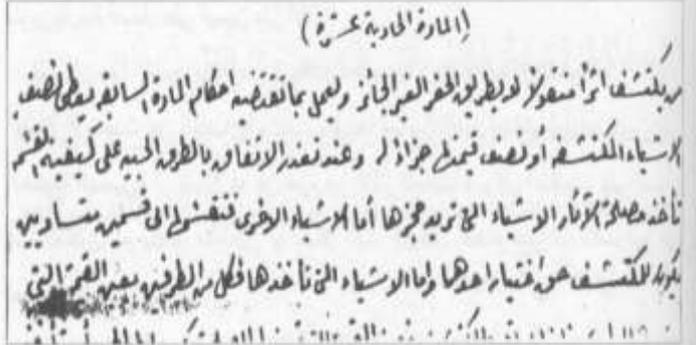


Fig. 2: A permit to dig and excavate by hand by the governor of Egypt, Muhammad Ali Pasha, in which the excavation output was given to the workers [8].

4. Law No. 14 Stage of 1912 : It is the first complete legislation, in the legal meaning, to put division system and antiquities trafficking in its priority list top. It consists of 22 article. Its articles explain and refute the method of division and the controls of trafficking. The law has already permitted the division system, but some difficulties and obstacles were put in it. The law texts allowed the exit of antiquities except rare or valuable pieces, and it also gave the antiquities authority the upper hand in the division issue, see figure 3 [8].



“Whoever discovers a movable antiquity, not through an unlawful excavation, and works according to the provisions of the previous article, half of the discovered objects or half their value are given as a reward for him, and when it is not possible to agree by good methods on how to divide, the antiquities authority takes the things that it want to seize, the rest would be divided into two equal halves the discoverer has the right to choose one of

Figure 3. Text of Article 11 of Law No. 14 of year 1912 [8].

5. The stage before the July Revolution 1952: Law 215 of year 1951 illustrated in Figure 4 was issued during the reign of King Farouk the first (1952- 1963) with the aim of establishing procedures to eliminate the illegal antiquities trafficking, but this law was more encouraging to smuggling, theft and trafficking as following: (1) The law allowed, in some cases, and with official approval, that the proportion of antiquities divided with foreign expeditions reaches 100%, and this law was still applied even during the era of President Gamal Abdel Nasser until the issuance of Law 117 of year 1983.(2) An exception was made for the exit of duplicated antiquities and those that have an alternative in the country, with the Antiquities Authority written approval. (3) Although it has tightened controls on exporting duplicated antiquities, it left a loophole, fifth article, allowing the passing of an entire museum in legal exit from Egypt.(6) The Culture Minister issued an important decision No. 14 for the year 1983, consisted of one article, concerned with the cultural and intellectual campaigns escalation against international trafficking. The decision to "moratoria granting individuals licenses to export antiquities, no matter its source, outside the Republic Arab Egypt." It was renewed annually until the issuance of Law of 1983, which abolished completely the export of antiquities [12].



it was 117

" Law No. 125 of 1949 extending its sovereignty. The draft law on customs tariffs and the draft law on production fees were presented to Parliament and Law No. 14 of 1912 regarding antiquities based on what the Minister of Finance presented to us and approved the opinion of the Council of Ministers"

Figure 4. Law 215: For the year 1951 and the Royal decree to impose Customs duties on Exported antiquities [8].

6. The stage of law 117 of year 1983: Complete antiquities export abolishment was the most important article of that law, but it didn't ban its absolute interaction, it came in the article (8) "The owner or the possessor of any antiquity may not dispose of, allow deterioration of or leave such except after getting a written consent from the Council within 60 (sixty) days at least in accordance with the procedures, terms and conditions, of which a resolution from the Minister is issued, otherwise such act shall be illegal". The meaning of the word dispositions includes buying and selling, and it is one of the defects in the phrasing in the law. This law included more stringent provisions in protecting antiquities by standards in 1983, amounting to imprisonment and a fine, and the law stipulated a prison sentence of no less than five years and no more than seven years for the crimes of unlicensed excavation, and a definitive prohibition of the licensed trade in antiquities from the date of its issue. The penalties were unknown in the field of antiquities protection, this law had many legal loopholes that allow infringement¹⁶. It is noticeable that the law was devoid of articles that clarify the relationship between the international law for cultural and civilizational heritage and this law, as this Egyptian law has not been subjected to the various aspects of cooperation between UNESCO and the Egyptian Antiquities association [13].

6. LAW NO. 117 OF 1983 AS AMENDED BY LAW NO. 3 OF 2010

Which is an amendment and termination of some provisions of the previous law (117 of 1983) with a total of 52 articles, taking into account the repetition and the repealed. One of the most important texts in the new law is the abolition of the text of article (36) of the old law, which used to give the right to foreign expeditions to obtain some duplicate movable discovered antiquities that lead to open a wide official door for the exit of Egypt's antiquities without justification. The new law in Article (35) provided that: "All discovered antiquities found by any of the foreign or Egyptian scientific excavation mission are the property of the State" [14]. A review of the most important points of the new law:

6.1 Antiquities' Definition in the New Law and the Antiquities' Affairs Authority

According to ARTICLE 1; any real-estate or chattel is considered an antiquity whenever it meets the following conditions: (1) To be the product of Egyptian civilization or the successive civilizations that took place on the Egyptian lands since the pre-historic ages and during the successive historic ages till before 100 years. (2) To be of archaeological or artistic value or of historical importance.....(3) To be produced and grown up on the Egyptian lands and of a historical relation thereto and also the mummies of human races [14]. Determining the authority concerned with antiquities came in article (5) of the law. "The Council is the exclusive authority concerned with all that is related to antiquities' affairs at its museums and stores.." [14].

6.2 Building Permits on Archaeological Sites or Lands

The law, in Article (32), gave the Supreme Council of Antiquities the authority to grant building permits for archaeological sites and lands that contain antiquities, after submitting to the relevant permanent committee, to authorize specialized scientific bodies and national and foreign universities to search for antiquities or excavate them in specific sites and for specific periods with a private license and non-assignable one, as stated in Article (35) of it that all the discovered antiquities that foreign and Egyptian scientific excavation missions find are the property of the state.

6.3 Cultural and Architectural Heritage Sites Management

The law gave the authority only to Antiquities Supreme Council to manage antiquities exclusively in accordance with Article (5). It came in accordance with the previous law that gives the Antiquities General Authority exclusive supervision the management of various heritage areas rather than others [14].

6.4 Antiquities' Possession and Trade

According to Article (8) of the law, the possession of antiquities is not prohibited, but rather the antiquities' trade is prohibited, as in the following text

Trade, sale or commerce in antiquities including all antiquities held as private property shall be prohibited. ... "Knowing that the previous Law 117 of 1983 prohibited the possession of antiquities according to its Article n. (7)

6.5 Antiquities Penalties

The current law has stricter penalties more than the previous law that is according to Articles (41), (42), (43), (44) and (45). Article (41) punishes crimes related to smuggling outside the country, article (42) punishes crimes concerning antiquities theft with the intention of smuggling, while Article (43) deals with crimes related to recorded antiquities and state-owned, which includes the antiquities transfer or removal from its place without written permission from the Council, or transfer uses of antique buildings or lands without a license. Article (44) punishes the possession violation of and trafficking with the same penalty of Article (43), and finally Article (45) is concerned with the crimes of placing advertisements, billboards, engraving or paints or smear antiquities. Thus, the legislator found a required balance in the field of imposing protection on antiquities, and was even gradual in imposing antiquities legal protection.

6.6 Conditions and Requirements for International Cooperation, the International Organizations and Treaties in the New Law

The new antiquities' law does not mention the cooperation with international organizations and treaties, and this deprives Egypt of benefiting from the technical expertise and economic assistance decided by the international bodies for the protection and maintenance of archaeological areas. Despite the defects in the current antiquities law, it has many advantages, including the following:

- Banning trafficking and selling and buying behavior permanently.
- Establishing a specific antiquities' definition
- It canceled the 10% that foreign expeditions could obtain from the discovered antiquities.
- Accepting the stat's intellectual property and trademark rights of the antiquities images.
- Establishing regulations over the archaeological areas in a way that preserves and maintain their splendor.

6.7 The Main Reasons for the Egyptian Antiquities' Theft and Smuggling

There are many reasons that led to the antiquities' theft spread in Egypt, and they are as follows:

- Guarding and Security: The most important factors that encourage the antiquities' theft is the guarding system deficiency, the lack of tools and its weak potential
- Status of antiquities stores: Antiquities stores are spread all over the country, and the conditions of these warehouses are responsible for a large part of the cultural heritage loss
- Antiquities registration and Inventory: Indiscriminate registration that conflicts with the measures must be taken in accordance with the UNESCO Convention 1970 to prohibit the illegal export and transfer of cultural property, foremost of which is that the antiquity should be registered in its country, a registration that facilitate its recovery process¹².
- Exploring antiquities through foreign expeditions: which raise a kind of concern regarding antiquities security, especially if the expedition isn't at the required scientific and ability standard (article 95).

- Weak archaeological awareness: Weak archaeological and historical awareness at both governmental and popular levels.
- Current and previous antiquities law's deficiencies: Antiquities laws throughout the ages have helped antiquities' smuggle, the current law has gaps, such as its indirect declaration of possession, as mentioned in Article (6), which states: "All real-estate and movable antiquities and lands which are considered archaeological lands are considered public property except the Wakf and private properties. The ownership, possession or disposal of is not permitted except in the terms and conditions stipulated in said law and its executive regulation."

7. THE CURRENT ANTIQUITIES LAW'S IMPACT AND ITS IMPLEMENTING REGULATIONS ON THE URBAN HERITAGE

Some of the articles of the current law and its executive regulations that affected the population's behavior and actions towards the urban heritage, in the case of discovering an antiquity related to it, mentioned the following:

7.1 Articles Related to Urban Heritage

Article (2), which contains some definitions that directly affect housing, which are specifically three definitions, the first definition came as following: (1) "Antiquity Sacrum" means places or lands adjacent to the antiquity determined by the Competent Permanent Committee to ensure protection for the antiquity. (2) "Antiquities Public Utilities Lands" means the State-owned lands, which are proved to be archaeological lands according to archaeological evidences existing in the same. (3) "Adjacent Places or lands" means the places or lands lying outside the range of the archaeological sites, places or lands, and it extends to any distance determined by the Council... (9) This gives authority to the competent committee according to what will be mentioned in Article (6) of the executive regulations regarding expropriation of these houses adjacent to antiquity or any surrounding area, and the compensations decided in this regard do not adequately compensate the residents.

Article (5), which states the following: "The Council is the exclusive authority concerned with all that is related to antiquities' affairs. (9) ". It is an absolute authority of the Supreme Council of Antiquities to control, even, the residents' economic activities that are located within the assessed antiquity surrounding area, even if the land is owned by the population, while the residents consider this process (antiquities theft and smuggling) is a legitimate business.

Article (16): which states the following: "Supreme Council for Planning and Urban Development is entitled to arrange easement on real-estates adjacent to the archaeological sites and historic buildings within the Antiquity Sacrum....9" It is noticed in this article that the legislator is keen on the antiquity that may be a stone or gold without considering at all local population who live above or around it, except for financial compensation.

Article (25): which states the following: "A committee formed by a decree from the Minister, wherein the Board of Directors is represented, undertakes estimating the compensation."

It is observed in the governmental bureaucratic compensation procedures whereby the expropriated house owner's right is lost, and many residents are unaware that seizure itself is a transferring ownership method, and mere possession for a period up to 33 years is the right of the holder to own these lands. According to the expropriation law, the expropriation value of the property is estimated in case that the resident appeals against the committee assessment at the expropriation decision date. Virtually, the compensation final decision is issued after the lapse of nearly 10 years after the real expropriation, so the value is completely disproportionate to the current price.

7.2 The Executive Regulations Articles Related to Heritage Urbanization

Article (6) states the following: "All real-estate and movable antiquities and lands which are considered archaeological lands are considered public property except the wakfs and private properties. "This article deprive the dwellings residents, where the antiquity is discovered, of any advantage due to the presence of this antiquity under their own dwelling. Rather, their homes' fate is to expropriate them, as will be mentioned in the next Article (41).

Article (23) states the following: "Within a period of three months, the Council is entitled either to take stated immovable present in the property of individuals or undertake procedures of expropriation of the land".

Article (52) states the following: "The Council -whenever the State finds such a national interest- may adjust the status of the tenants of historic buildings or archaeological places, the expropriation of which was not determined, and related rent relationships shall be ended within one year as from the date of the procedure of status adjustment by finding suitable alternative places or giving them a fair compensation." One of the main reasons the residents dig and excavate away from official authorities is the lack compensate them for their house where the antiquities may be found. They refuse to extract them without the slightest compensation. Sometimes it comes to displacing residents from their fathers and grandfathers' houses, without any compensation.

Consequently, the new antiquities law and its regulation make residents of areas related to an antiquity to be the first to try to violate the law and dig and excavate away from the official authorities, and that leads them to also search for antiquities dealers who are specialized in finding antiquities, to help them to extract and sell the antiquities. The researcher tries to put forward a vision to amend the current Antiquities Law to avoid deficiencies that affected heritage residences in particular, and this proposal will be addressed in the next section.

8. THE REQUIRED AMENDMENTS PROPOSAL TO THE CURRENT ANTIQUITIES LAW AND ITS IMPLEMENTING REGULATIONS.

These amendments research is interested not only in avoiding the previously mentioned negatives, but also in referring to international treaties and conventions that the Arab Republic of Egypt has signed in order for these amendments to be in line with international laws and legislation. Thus Egypt benefits from the facilities and international cooperation decided accordingly. Based on the above, some changes and amendments are necessary to the law on several levels are as follows:

8.1 Antiquities' Possession and Ownership

The current law prohibits antiquities' ownership, possession and trafficking, except for the possession and ownership existing before the law's promulgation, the suggested amendments clarified in Table 1.

8.2 The Authority Concerned with Antiquities Affairs

The current law makes the Supreme Council of Antiquities the authority concerned with antiquities affairs (9), which contradicts the general foundations of the Washington Charter for Historic Cities and Regions Preservation 1987. Some of these foundations stated that "These principles are supposed to be applied according to the social and cultural reality of each country separately, in cooperation with the technicians who work in historic cities" It also contradicts with what was stated in the International Charter for Archaeological Heritage Management in 1990. Its introduction states that "the archaeological heritage protection must depend on the real cooperation of several specializations technicians, and it also requires cooperation between governments and academic researchers from the private and public sector". That means the necessity of another party existence in the administration, namely the technical specialists, who are mostly from the private sector, which also is not discussed in the current laws and legislations. Article (2) of the same previous charter mentioned that the Cultural

heritage protection must be integrated with global, national, regional and local planning policies, and that effective public participation must be part of the archaeological heritage protection policy, and that is essential where people live around the heritage, the suggested amendments clarified in Table 1

8.3 Conditions and Requirements for International Cooperation and the International Organizations and Treaties

Article (2) included that among integrated protection policies of the International Charter for Archaeological Heritage Management of 1990, "... .. the cultural heritage protection must be integrated with global, national, regional and local planning policies" Article (9) also on international cooperation states that "Cultural heritage is a general heritage of all humanity, International cooperation is essential in developing...etc."

It should be noted that there are bodies concerned with the cultural heritage protection, such as the UNESCO Heritage Protection Committee and the UNESCO Antiquities Protection Fund, in addition to international treaties concerned with the protection of cultural heritage, but the current legislation does not have anything about the issue of international cooperation with international agencies, organizations and international treaties, the suggested amendments clarified in Table 1.

Table 1. Amendments proposal to the current antiquities law

Article #	Text	Interpretation	Comments	Amendments
Antiquities' Possession and Ownership. Article (5) Article (35)	"Legislation must be based on the idea that the archaeological heritage is all humanity all groups and peoples' heritage and not for an individual or country"	Makes all discovered antiquities' ownership after the law directly devolves to the state	That contradicts with what came to international conventions article (3) of the International Charter on Heritage Management for year 1990	It is proposed that the law will be formulated in a way that makes the owner of the house in which the antiquity is discovered can have a share of it and any government's future action related to the antiquities will benefit the antiquities' discoverer, with maintaining the right of final disposal to the state. That will generate a citizens' desire to preserve the antiquities, and significantly reduce antiquities trafficking and smuggling.
The Authority Concerned with Antiquities Affairs. Article (2)	"In the application of the provisions of this Law, the capitalized words..."	It mentioned that the Cultural heritage protection must be integrated with global, national, regional and local planning policies, and that effective public participation must be part of the archaeological heritage protection policy.	That is essential where people live around the heritage and the necessity of another party existence in the administration	The current law makes the Supreme Council of Antiquities the authority concerned with antiquities affairs (9), which contradicts the general foundations of the Washington Charter for Historic Cities and Regions Preservation 1987
Conditions and Requirements for International Cooperation	"Cultural heritage is a general heritage of all humanity,	It should be noted that there are bodies concerned with the cultural heritage protection	Current legislation does not have anything about the issue of	The research suggests to address this, the law takes into account the establishment of a permanent committee or permanent body to manage the

and the International Organizations and Treaties/ Article (9)	International cooperation is essential in developing... etc.”		international cooperation with international agencies	relationship between local bodies and international bodies.
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9. CONCLUSIONS

Through this study, a set of conclusions was reached, the most important of them is:

- 1- The successive Egyptian antiquities laws throughout history included many loopholes and negatives that helped greatly in losing enormous national wealth, and they did not and did not take into account the general conditions of international organizations and treaties, thus losing technical and financial support from those organizations.
- 2- Most of the theft of antiquities is carried out under the auspices of businessmen or prominent government figures in sovereign bodies.
- 3- There is a case of dissatisfaction among the residents of the areas associated with or surrounding the antiquity of the current and previous Antiquities Law, which makes them unwilling to apply it at all, because from their point of view it came to punish them or impose restrictions on their unlawful behavior on their properties.
- 4- Many residents of heritage locations resort to the demolition of their houses stealthily and carry out excavation work far from the official authorities. This is due to the deficiency of the current law in dealing with these cases, and that leads to the loss of the antiquity and the heritage sites.
- 5- Heritage and civilization are not only ancient antiquities or manuscripts, but rather a whole system of which one of its elements cannot be overlooked at the expense of another, and among its most important elements is the current individual associated with that heritage and the contemporary activities that he practices, and any antiquities law must take this into account. The most important flaw in the current law of antiquities is that it is concerned only with antiquities, without a comprehensive vision of the society around it, or any attempt to develop it, which makes it a non-comprehensive law.

10. RECOMMENDATIONS

Based on the previous results, a set of recommendations were made, which can be summarized as follows

1. Arrangements at the state level must be taken to curb the theft of antiquities and heritage
2. Developing and updating the method of activating international laws and treaties and implementing them in a correct manner
3. The use of modern technological means in documenting all the heritage that is disclosed, even if any of them appear anywhere in the world, they can be retrieved.
4. Activating international treaties that provide for the exchange and recovery of antiquities that appear between countries

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