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# The Legal Protection of the Egyptian Antiquities in the Digital Transformation Era

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## The Legal Protection of Egyptian Antiquities in the Digital Transformation Era

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### Abstract

Historical and cultural heritage serve as a bridge between a country's past and its present and serve to define its identity. Egypt therefore takes all necessary steps to safeguard its historical treasures and antiquities by passing laws that contribute to achieving this objective. There are; however, gaps in each of these laws and regulations that preclude a strict and thorough protection of the Egyptian antiquities. Utilizing contemporary technology has made it easier to sell illicit Egyptian artifacts. Therefore, the Egyptian antiquities cannot get full protection under the laws in place at this time for their protection. As a result, these laws need to be amended to accommodate the digital revolution period. This study tries to examine and identify all difficulties and barriers that come into contact with the stipulations of the existing Egyptian antiquities laws and regulations protecting the Egyptian antiquities. It outlines the required changes that must be made to several Egyptian laws and regulations in order to keep up with the digital age while also protecting the Egyptian national heritage to the fullest extent possible.

**Key words:** Antiquities – Digital Transformation- National Heritage – Monuments – Protection of Egyptian antiquities - Digitization

## الحماية القانونية للآثار المصرية في ظل التحول الرقمي في مصر

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### الملخص

يمثل التراث التاريخي والثقافي هوية الأمة ، ويشكل حلقة الوصل بين الماضي والمستقبل ، ومن ثم تبذل مصر كل الجهود اللازمة لحماية أثارها وكنوزها التاريخية من خلال سن قوانين تدعم ذلك الهدف. ومع هذا تضمنت تلك القوانين واللوائح كثير من الثغرات التي لا تحقق الحماية الكاملة لهذه الآثار التاريخية ، وخاصة في ظل الانتشار الواسع للتكنولوجيا الحديثة التي ساهمت في بيع الآثار المصرية المهربة ، الأمر الذي يستلزم تعديل هذه القوانين لتواكب عصر التحول الرقمي.

ويهدف البحث إلى دراسة وبيان كافة التحديات والعقبات التي تواجه حماية الآثار المصرية في إطار القوانين واللوائح ذات الصلة ، ويشير البحث أيضاً إلى التعديلات اللازمة التي يجب تنفيذها على القوانين واللوائح لتعظيم حماية الآثار المصرية ومواكبة التحول الرقمي.

**الكلمات الرئيسية:** الآثار - التحول الرقمي - التراث الوطني - حماية الآثار المصرية - الرقمنة

## Introduction

Cultural heritage is one of the bridges of communication between nations. The national heritage of each nation is considered as a main source of information related to the nation we want to inquire about; information about its origin and history as it is an interface of nations and their identity card in determining their cultural and historical belonging to any part of the world, which varies among different countries. It is considered as one of the main pillars for the establishment of intellectual life and the societal behavior that is unique to it; in the national environment, and it shows a noticeable difference in its extent<sup>(1)</sup>. Geographical diversity, this cultural heterogeneity is an ideal way to appreciate heritage and harness it in the service of the human cluster between countries. Among the greatest ancient civilizations in the history of humankind we can find Egypt. It was the preeminent civilization in the Mediterranean world<sup>(2)</sup>.

The word “Egypt” brings to our minds dominant historical empire<sup>(3)</sup>, extended north to present-day Syria and south to Sudan<sup>(4)</sup>. “Egypt” is a name which is extracted from the Greek name “Aiguptos”. However, the ancient Egyptians designated their country by a pharonic word “Kemet” or “Kêmi” which referred to the black land. The Egyptian pharaonic name explains it as a fertile and rich black soil, which was due to the annual flooding of the inundation of the Nile. This reveals that this ancient country is home to one of the prehistoric civilization known since the dawn of history<sup>(5)</sup>. The Egyptian

(1) S. Labadi, *Unesco, Cultural Heritage and Outstanding Universal Value ( Value-based Analyses of the World Heritage and Intangible Cultural Heritage Conventions)*, AltaMira Press, 2013, p. 11-12.

(2) F. Montserrat, « De la fouille au musée : les partages des antiquités égyptiennes au début du xxe siècle à travers l'exemple de Médamoud », *Bulletin de correspondance hellénique moderne et contemporain*, 2020, consulté le 17 Août 2022.

(3) N. J. Blerk, *The emergence of law in ancient Egypt: The role of Maat*, *Fundamina*, vol.24 n.1, Pretoria , 2018, p. 81.

(4) P. Gerstenblith, “International Art and Cultural Heritage.” *The International Lawyer*, American Bar Association, vol. 44, no. 1, 2010, pp. 487–501.

(5) D. Brewer, *Ancient Egypt : Foundations of a Civilization*, Routledge, 2005, p. 8.

civilization has recorded a profound influence on the cultures of Europe, Middle East and Africa<sup>(1)</sup>.

Egypt has two of the Seven Wonders of the Ancient World: the Great Pyramid of Cheops at Giza and the lighthouse of Alexandria. This fascinating civilization attracted, in 2019, 13 million tourists from all over the world who descend on the country incomplete for a cruise on the Nile, to the discovery of the majestic Valley of the Kings, to admire the colossi of Abu Simbel, approach the spectacular white desert, visit the temples and other monuments of Karnac, stroll through the maze of the Khân al-Khalili souk in Cairo, enter a pyramid or walk along the Alley of the Sphinxes in Luxor.<sup>(2)</sup> Everyone knows these places and monuments and dreams to visit it.

Egypt has always been identified by its exceptional historical public assets, which are symbols of national pride. Egyptian priceless monuments, artifacts, antiquities, historical buildings are being coveted by looters; for centuries Egyptian archeological sites have been looted to feed the black-market trade in antiquities. Egypt exhorted to make all its efforts to protect its valuable heritage from looters, traffickers, acts of vandalism, and deterioration.

Several laws<sup>(3)</sup> have been enacted<sup>(4)</sup> for the sole purpose of protecting this national heritage<sup>(5)</sup> from any kind of aggression<sup>(6)</sup>. However, in the era of modern technology, thieves are taking advantage of internet anonymity to

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(1) S. Attar, *The Fascination of an Egyptian Intellectual with Europe: taha husayn and france.* Arab Studies Quarterly, vol. 28, no. 1, 2006, pp. 13–32.

(2) Ph., Bourdin, « L'Expédition d'Égypte, une entreprise des Lumières (1798-1801) », *Annales historiques de la Révolution française*, 2001, p. 193- 196.

(3) M. Hamdy, « Preservation Laws: Saving Modern Egyptian Architectural Integrity », *Proceedings of Science and Technology ( Resouceedigs)*, vol. 2, 2019, p.64.

(4) Legal Website, Eastlaw, « Law n° 14 of 1912 Concerning the protection of Antiquities », accessed 29 of August 2022

(5) Legal Website, Eastlaw, « Law n°8 of 1918 Concerning the protection of Antiquities of the Arab Era », accessed 16 of January 2022

(6) H. Moosa, H. Shalaby, « Strategies of Conserving Heritage Buildings in Egypt » , Edizioni CICOP Italia, 2018, p. 6.

sell national heritage. Several platforms have been used as marketplaces to motivate this illicit trade to antiquities<sup>(1)</sup>.

New laws and regulation have to be enacted proportionally to the new danger that encounter the Egyptian artifacts<sup>(2)</sup>. This will commence with the understanding of the legal status of the National Heritages and the legal problems that prevent efficient protection of the Egyptians' antiquities in light of the world's new reorientation towards a digital transformation. Noting that Egyptian antiquities have been neglected for decades by the legislators, that they did not provide adequate protection through legal means, by Egyptian's domestic laws<sup>(3)</sup>.

## **Section One: The legal status of the antiquities in the Egyptian legislations throughout history**

Antiquities are a well-known term in contemporary times, but for decades have been considered an ambiguous term. The identification of the history of Egyptian antiquities and monuments, will lead us to better understand the legal status of antiquities and monuments in Egypt, towards the new threats to antiquities in the digital era<sup>(4)</sup>.

### **1. Late identification of the Egyptian antiquities by the Egyptian Laws**

Monuments and antiquities are distinguished words: the first word finds its origin from the Latin word "monumentum" that comes from "monere", which means to remind<sup>(5)</sup>. This word "monere" reflects a humans desire to be remembered for thousands of years.

(1) E.Colla, « Conflicted Antiquities (Egyptology, Egyptomania, Egyptian Modernity) », Duke University Press, Durham & London, 2007, p. 208.

(2) A. Zeidan, Britannica, « Egyptian Museum», Encyclopedia Britannica, Accessed 9th of August 2022.

(3) Legal Website, Eastlaw, « Law n° 215 of 1951 Concerning the protection of Antiquities», accessed 16 of January 2022

(4) M. Votey, « Illicit Antiquities And The Internet: The Trafficking Of Heritage On Digital Platforms », New York Journal of International Law And Politics, Vol.54, 2022, p. 660.

(5) Dictionary of the public properties, M. Cornu, F. Orsi et J. Rochfeld (dir.), PUF, 2017, p. 889, V° « Patrimoine commun de l'humanité »

In fact, emperors, kings, rulers and even ordinary people, have built magnificent buildings, tombs, statues and many other signs of their memorialization. These monuments and antiquities will honor their life's accomplishment and will make both current and future generations to remember their achievement and roles in the history of their nations<sup>(1)</sup>. As for word antiquity, it has its origin from old French word “antiquitet” which is reflected in the French modern word “antiquité” that means golden times or great age.

This word is borrowed from the latin “antiquitatem” that means ancient times. According to the Etymology dictionary “specific reference to ancient Greece and Rome is from mid-15c.; meaning “quality of being old” from about the same time. Antiquities, “relics of ancient days” is from 1510s”<sup>(2)</sup>. The previously mentioned origin of the word antiquity, which has its origin in the Latin and French language finds its echo in the Egyptian Law. No. 117 of 1983, that included for the first time a precise definition of the word antiquity.

Until the 19th century, there was no precise and or clear definition of Egyptian antiquities. The promulgation of Law. No. 117 of 1983, finally gave a definition concerning the objects considered as antiquities or historical places. The mentioned law has identified exactly the conditions applied on the real estate or chattel in order to be considered antiquity; as article 1 of the law No. 117 of 1983 states the following:

“In application of the provisions of this Law, any real estate or chattel is considered an antiquity whenever it meets the following conditions:

“I. To be the product of Egyptian civilization, or the successive civilizations, or the creation of art, sciences, literature. Or religions that took place on the Egyptian lands since the pre-historic ages and during the successive

(1) Jstor Daniel M. Stout. “Uncommon Lands: Public Property and the Rise of the Individual.” *Victorian Studies*, vol. 60, no. 2, 2018, p. 271, Accessed 14 July 2022.

(2) Etymology Dictionary, « Origin of word “Antiquity” », accessed on 20th of August 2022.

historic ages till before 100 years. 2. To be of archeological or artistic value or of historical importance as an aspect of the different aspects of Egyptian civilization or any other civilization that took place on the Egyptian lands. 3. To be produced and grown up on the Egyptian lands, and of a historical relation thereto, and also the mummies of human races and beings contemporary to them are considered like any antiquity which is being registered in accordance with this Law”.

The article read above has mentioned the conditions that have to be fulfilled to identify the chattel or real estate as antiquity. However, this identification came too late. For a very long time antiquities were not targeted by any Egyptian legislation despite its major importance and its effective contribution in the identification of a nation’s culture and history; also it is considered as a valuable source of information for scientists, historians and chroniclers. In addition to its importance, the international economy as it represents 6.1% of the world GDP 2120, the antiquities source incomparable of revenues, to the state’s coffers. Noting the Global trends travel and tourism report has indicated that the sector of travel and tourism had a larger share in the global economy before the pandemic by 10.3% of the global GDP; which is equivalent to 9.6 Trillion US Dollars <sup>(1)</sup>.

### **1.1. The late promulgation of laws protecting the Egyptian antiquities**

Egypt, which has a great archeological heritage, is of inestimable historical and financial value. This heritage consists of archeological real estate of national value and international and movable archeological property. This large historical heritage represents one third of the world’s antiquities. In spite of the importance of the Egyptian antiquities, for decades the Egyptian

(1) Site officiel, Ministère de l’économie des finances et de la souveraineté industrielle et numérique, plateforme nationale des données touristiques publiques en open data, Word travel and tourism council report, « Economic Impact 2022», accessed 24th of August 2022

monuments have been looted and trafficked abroad to be exposed in the international museum, during the absence of law and regulation that prohibit the Egyptian antiquities trade. Actually, at the end of the XVIII century and until 1970, antiquities trade was permissible in Egypt along with any other commodities<sup>(1)</sup>.

In fact, Ancient Egypt, which is the source of some of the most valuable, priceless iconic antiquities throughout its history, has been vulnerable to severe plundering. Most of the international museums are rich with Egyptian antiquities, such as the Louvre Museum in Paris and many other museums in France that include thousands of Egyptian stolen antiquities and artifacts, including the Museum of Marseille, in addition to the Museum of London that contains thousands of valuable and historical artifacts. Also, European and American Museums contain thousands of pieces of Egyptian antiquities that have been stolen along history from Egypt.

Despite the promulgation of several decrees concerning Egyptian antiquities that starts with the decree of 15th of August for the year 1835, at the time of Mohamed Ali Pasha Albania ruler of Egypt, upon the mentioned decree of 1835, all kinds of exports of the Egyptian antiquities are Prohibited<sup>(2)</sup>. However, the Egyptian antiquities remain vulnerable to all kinds of exports to European countries, even by a direct order from Mohamed Ali successors.

In March of 1869, a bylaw governing antiquities was issued that include a regulatory dispositions organizing the mission of excavations in order to prevent the series of smuggling of the Egyptian antiquities. Followed on the 24th of March 1874, another antiquities bylaw was issued indicating that all antiquities are not yet revealed, still unearthed and not located, will be

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(1) News official Website, NBC News, H. Al-Shalchi, « Egypt to museums: Return our stolen treasures», The Associated Press, 2010, Accessed 25 of August 2022.

(2) C. Tully, Walk Like an Egyptian: Egypt as Authority in Aleister Crowley's Reception of The Book of the Law, Equinox Publishing Ltd, 2010, p. 24.

considered as government property. Worth mentioning that at this time, even till date in the Egyptian vernacular language use the term “Government” is synonymous with the term “State”. Article 34 of this bylaw stipulates that any type of antiquities that will be seized during the commitment of the crime of smuggling will be totally confiscated in favor of the government.

Afterward, several laws and decrees were successively issued highlighting the prohibition of export of antiquities and granting them protection. For instance, a decree of 12th August 1897, the second article of this decree stipulated that the judge had to order in addition to the penalties decreed by law that all antiquities implied in the breach of law were to be returned back to the government, this is the equivalent to restitution in the modern legislation. Then, the First Egyptian law issued, which was Law No. 14 of the year 1912, article 1 of the mentioned law states the following “ Every antiquity in all parts of the Egyptian country that is on the surface of the earth or in its interior is the public property of the government, except for what is excluded under this law<sup>(1)</sup>”.

Despite the clear and severe provisions of the law No. 14 of the year 1912 that totally prohibited the export of antiquities from Egypt to other countries, this law provided a gate away to export the Egyptian’s antiquities through a special license, granted only by the organization of antiquities<sup>(2)</sup>.

The same article added that illicit trafficking of antiquities without a license; these antiquities will be seized and confiscated for the sake of the government. Law No. 14 of 1912 did not provide complete protection to the Egyptian antiquities, as it allows the exports of antiquities as indicated above by the organization of antiquities, also it adopted the division system. During

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(1) Legal Website, Eastlaw, « Law n’ 14 of 1912 Concerning the protection of Antiquities», accessed 29 of August 2022.

(2) A. Gräzer Ohara, “Treasures From The Lost City Of Memphis, Ancient Egypt Research Associates”, Inc., 2020, p. 42-43

this system, it permits the repartition of discovered and extracted antiquities, between the person who extracted them and the organization of antiquities. Consequently, it can be deduced that law No. 14 of 1912 did not grant any solid and rigid protections of the Egyptians' artifacts at that time.

### **2. The negligence of antiquities and monuments in the early Egyptian constitutions**

Egypt was a monarchy under the reign of king Fouad. This latter adopted and approved the constitution of 1923, where it can be found that public property has been accorded some attention even in this high-tension political era. Article 64 of the constitution of 1923 explicitly prohibited any minister from buying or renting "state property". The word state property<sup>(1)</sup> at this time reveals that Egypt recognized the state property of public assets dedicated to the public interest. The mentioned article stipulated the following: "A Minister may not buy or rent any state property, even if such be via public auction, and may not, during his tenure, accept the membership of any company's board of directors or actually participate in a commercial or financial business."

Then it can be noticed that article 9 of the same constitution of 1923 also reveals that public property has been recognized by the Egyptian Monarchy as the mentioned article stipulates in the hereunder text;

"Primary education shall be compulsory for Egyptian boys and girls, and shall be free in public schools" The word public school means that these schools are the state property and dedicated for the public interest".

Afterwards, the constitution of 1930 was adopted and approved on the 22nd of October 1930. However, the embedded articles related to state properties are still the same. Noting that article 137 in the constitution of 1923 has remained the same in the following constitution of 1930 in article 126 as it has stipulated the following;

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(1) F. Melleray, "Définition et critères du domaine public", RFDA, 2006, p. 906.

“...Every liability the subject of which is using a natural resource of the country or a public interest and every monopoly may not be granted unless by virtue of a law for a limited period. Parliamentary approval shall be required prior to creating or suspending railways, public roads, canals, drainage and other irrigation works which concern more than one province, as well as in every gratuitous disposal of State property<sup>(1)</sup>”.

The importance of the state properties has been declared in the above mentioned articles, as it prohibits any disposal of the state property without the approval of the parliament who represent the Egyptian citizens that would clarify the major importance of public property<sup>(2)</sup> at this time for the good of the people and for the common interest of Egyptian citizens.

However, the deep analysis of the articles of the constitutions of 1923<sup>(3)</sup> and 1930, indicates, that at that time there was no definition of public property that included the antiquities. In the same vein, both constitutions of 1923 and 1930 remained silent regarding Egyptian antiquities, and it did not accord any definition or any kind of protection, protection against any types of aggressions or illegal acquisition of the Egyptian antiquities. It has been found normal and proportional, since there was not yet a clear notion of the public properties itself. The Egyptian constitution, in fact, remained silent regarding all national heritage from monuments, antiquities, and other historical assets; the legal status of these valuable heritages remained ambiguous<sup>(4)</sup>.

(1) N. Bernard- Maugiron, « Les constitutions égyptiennes (1923-2000) : Ruptures et continuités », CEDEJ, 2001, p. 13.

(2) C. Mauge et G. Bachelier « La nouvelle définition du domaine public implique le retour à une règle simple fondée sur un régime binaire : un bien est ou n'est pas dans le domaine public », Les Cahiers de la fonction publique, mai 2006, p. 6.

(3) M. Camau, « Articulation d'une culture constitutionnelle nationale et d'un héritage bureaucratique : la dés-articulation du constitutionnalisme au Maghreb aujourd'hui », in Seurin J.- L. (dir.), Le constitutionnalisme aujourd'hui, Paris, Economica, p. 139-145.

(4) Official Website, Ministry of Tourism and Antiquities, “Predynastic Period”, accessed 17th of August 2022.

### **3. The export of antiquities is prohibited by a consecutive series of Egyptian laws**

In 1951, law No.215 for the same year was issued stipulating severe and harsher penalties for any illicit act against Egyptian antiquities<sup>(1)</sup>. This law totally prohibited the exportation of the Egyptian antiquities abroad, unless there were multiple items similar to them, and after the approval of the organization of antiquities. This law specified that the approval should be a written one, based upon the minutes of a meeting of committees, formed of the director of the concerned museum, one of the museum curators, for examination and reviewed in the present of one of the representative of the department of customs. The lack of any of these procedures, will be considered as a violation of the law No. 215 for the year 1951 and in this case according to the mentioned law the antiquity will be stolen or smuggled from Egypt.

Upon the Egyptian Revolution of 1952<sup>(2)</sup>, the constitution of 1956 did not mention explicitly the antiquities, however. In article 27, it stipulated that “Public property is inviolable. Its protection and support shall be the duty of every citizen”. This is a major shift toward the protection of public property. It indicates firmly and strictly the inviolability of the public property, noting that monuments are parts of these public properties. The Egyptian Constitution of 1971 did not stipulate any text regarding the Egyptian antiquities as well. However, the current law No. 117 for the year 1983, have prohibited completely any kind of exports of Egyptian antiquities abroad.

Since law No. 117 of 1983 has stipulated in article 6 the following: “All real-estate and movable antiquities and lands which are considered archaeological lands are considered public property except the wakfs and

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(1) A. Alojji, *The Institute of Arabic Manuscripts and its role in protecting manuscripts and facilitating their use*, Unknown publisher, 2010, p. 86.

(2) S. Botman, *Egypt From Independence To Revolution, 1919-1952 (Contemporary Issues in the Middle East)*, Syracuse University Press, 1st edition, 1991, p. 105.

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.” Accordingly, to the previous text the Egyptian antiquities have been granted constitutional protection. The same law added in article 8 any kind of trade, sale or commerce of any antiquities including all antiquities possessed as a private property shall be completely prohibited according to the provisions of law N. 117 of 1983<sup>(1)</sup>.

Article 42 bis (2) of the same law NO. 117 of 1983 amended by the law No. 20 of 2020 has imposed a severe sanction against any attempts of smuggling the Egyptians antiquities abroad. Article 42 of the said law stipulated that “Whoever smuggles an antiquity outside the republic of Egypt, together with his knowledge of such act shall be punished by life imprisonment and by a much not less than 1000,000 (one Million) Egyptian Pounds and not more than Ten million Egyptian Pounds. In this case, the antiquity, object of the crime, shall be confiscated together with sets, instruments, machinery, and cars used in the said crime for the benefit of the Council.”

Then article 43 sanctioned the crime of stealing antiquities that belongs to the state by stipulating the following “ Whoever steals an antiquity or part of such, whether this antiquity is a registered antiquity owned by the State, under registration or discovered through archaeological excavations of the Council or licensed missions, bodies or universities work for the purpose of smuggling such shall be punished by life imprisonment and by a much not less than 1,000,000 ( One Million) Egyptian Pounds and not than 5000,000 (five Millions) Egyptian Pounds. Whoever hide an antiquity or part of such for smuggling it shall be punished by Intensive imprisonment. In all cases, the antiquity, object of the crime, shall be confiscated together with sets, instruments, machinery, and cars used in said crime for the benefit of the

(1) Official website, “African- Achaology, Law n° 117 of 1983 concerning the enactment of the law protecting antiquities”, accessed 22th of August 2022.

Council. The following shall be punished by Intensive imprisonment for not less than Three years and not more than 7 (seven) years and by a mulct not less than 500,000 thousands (Five Hundred thousand) Egyptian Pounds and not more than 1000,000 (one Million) Egyptian Pounds:

1. Whoever intentionally pulls down or damages or spoils or changes the distinguishing features of a movable or immovable antiquity or intentionally separates part of the same.
1. 2. Whoever executes archaeological excavation for the purpose of finding antiquities without license. Penalty in the above-mentioned cases shall be by Intensive imprisonment and by a much not less than 1000,000 (one Million ) Egyptian Pounds and not more than 2,000,000 ( Two Millions) Egyptian Pounds if the doer is one of those working in the Supreme Council of Antiquities or officials or workers of excavation missions or of the contractors having a contract with the Council or their workers. The mentioned article are imposing strict and severe sanctions against the crime perpetrators towards the Egyptian national heritage<sup>(1)</sup>.

The legislator went further by affirming that all kinds of attacks and thefts of the Egyptian antiquities and cultural properties considered national heritage are intolerable, this has been indicated in article 47 bis (1) by emphasizing that all forms of assault and theft of the Egyptian antiquities is imprescriptible.

The current Law n' 117 of 1987 has been amended several times by the law n' 3 of 2010, law n'91 of 2018 and the law n'20 of 2020 in order to criminalize and deter all kind of trafficking and smuggling of state –owned Egyptian antiquities and cultural properties despite all exerted efforts by the legislator to incriminate all kind of attacks and thefts against the Egyptian antiquities and cultural properties. Looters; international mobs found refuge

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(1) J. Chedouki, “ Protection juridique du patrimoine historique égyptien et politique de patrimonialisation : le cas de Louxor” in Les quartiers historiques. Les Quartiers historiques, Pressions, enjeux, actions, 2013, p. 206.

to the modern technology to accomplish their crimes, accordingly this requires other amendments to current laws governing the Egyptians antiquities to assure the rigid protection to the Egyptian antiquities by the Egyptian legislators.

## **Section Two: Inadequate and outdated laws governing antiquities in Egypt**

The current laws related to the management and protection of the Egyptian antiquities, especially law NO. 117 of 1983, which was enacted 39 years ago, almost 4 decades ago, are not proportional and adequate to the major changes and rapid technological development in contemporary times. Despite the various amendments that have been made to this law, it is still incapable of preventing escalating crude attacks against Egyptian antiquities, which are still confronting lots of risks and dangers. These priceless artifacts are the main target of antiquities looters. The black market traders of the Mafia, gangs, looters and others, who want to put a hand on Egyptian antiquities for the sole reason, of supplying the black market with our national treasures that are sold on different digital platforms. Meanwhile, the current laws protecting these antiquities are powerless to provide a severe and rigid protection to antiquities in light of rapid technological development which poses a significant threat to our cultural relics. With no action taking to protect and preserve our national heritage.

### **1. The legal flaws related to the law n’117 of 1983 and its amendments**

Article 1 of the law NO. 117 for the year 1983 has inserted a vital condition in order to consider the object, whether real-estate or a movable object as antiquity; it’s clear in the following text “In application of the provisions of this law any real-estate or chattel is considered an antiquity whenever it meets the following conditions<sup>(1)</sup>”:

(1) Official Website, Court of Cassation, «Law n’ 117 of 1983 modified by the Law n’ 20 of 2020», accessed 21 August 2021.

1. To be the product of Egyptian civilization or the successive civilizations or the creation of art, sciences, literature, or religions 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 as aspect of the different aspects of Egyptian civilization or any other civilization that took place on the Egyptian lands.
3. To be produced and grown up on the Egyptian lands and of a historical relation thereto and also the mummies of human races and beings contemporary to them are considered like any antiquity which is being registered in accordance with this Law<sup>(1)</sup>.”

According to the above text of Article 1 of Law NO. 117 of 1983 modified by law NO. 18 of 2020, the legislator erred in putting a condition that the antiquities must at least 100 years old, because there are assets that are less than 100 years old and are considered as antiquities, for their artistic, scientific, religious, and other value; Therefore, the legislator should have removed the 100-year condition. Law No. 117 of 1983 provides solid protection for Egyptian antiquities. However, these antiquities have not been granted yet a constitutional protection since the Egyptian constitution of 1971 did not mention at all the Egyptian antiquities.<sup>(2)</sup>

In fact, article 6 has clearly indicated that antiquities are considered public property, as stipulated in the following text: “All real-estate, movable antiquities and lands that are considered archaeological land are considered public property except the wakf and private properties...” According to the previously listed provisions and despite the fact that antiquities are public properties of the state, the law has allowed the private ownership of the

(1) Legal Website, Manshurat, «Executive regulation of the n’ 117 of 1983», accessed 22 of August 2022.

(2) Site juridique, Digitheque MJP, «La Constitution Egyptienne du 11 septembre 1971», consulte le 22 Août 2022

discovered antiquities. This has been consolidated by the abolished Article 9 of Law No. 117 of 1987 indicated that private ownership of discovered antiquities is allowed and its owners have right to dispose of antiquities they own after the approval of the competent minister of cultural affairs. The legislator did right by abolishing article 9. However, he kept the right to private ownership of the discovered antiquities at the time of the promulgation of the law No. 117 of 1987 in article 8 which acknowledges the holding of antiquities as private property; the same article 8 allows the disposal of the antiquities after getting the consent of the Council within 60 days.

Article 47 through 50 of the Egyptian Constitution are violated by the text of the aforementioned article 6 and 8 of the law No. 117 of 1987. In Article 49 of the Egyptian Constitution of 2014, the state is responsible for protecting and preserving the Egyptian antiquities by stipulating the following: “The state commits to protecting and preserving antiquities and their areas, and to maintaining them, renovating them, working to retrieve those that have been taken, and organizing and supervising excavations thereof. It is prohibited to give away any of them as gifts or exchange them. Attacks upon them and trafficking in them are a crimes for which there is no statute of limitations.”

According to this text, the Egyptian State is the only public juristic person allowed to protect, maintain, and preserve antiquities and their areas; thus Article 8 is violating the a constitutional text by allowing the private ownership of the antiquities and stopping the State from fulfilling its constitutional duties to protect and preserve the Egyptian national heritage. Also article 50 of the actual constitution explicitly states that “Egypt’s material and moral civilizational and cultural heritage of all types and from all of the Pharaonic, Coptic, Islamic, and modern periods, are a national and human heritage that the state commits to protect and maintain.” That means that the Egyptian antiquities belong to all Egyptians as public property and allows the private

ownership of the Egyptian antiquities in articles 6 and 9 which are a direct violation of the above mentioned constitution articles.

Therefore, it is clear that Article 6 must be modified by deleting the paragraph that grants the private ownership of the Egyptian antiquities. As for Article 8, it has to be repealed and another text has to be added to confiscate the antiquities owned by private persons against fair compensation.

### **2. The precarious protection of public property despite its constitutional inviolability**

Decades later The Egyptian constitution of 2012 was published, with Article 20 stating: “The protection of coasts, seas and waterways. The state commits to protecting its coasts, seas, waterways and lakes, to maintaining monuments and nature reserves, and to removing any encroachments<sup>(1)</sup>.” The monuments finally were accorded constitutional protection for the first time in 2012 constitution. However, it still can be considered that this constitutional protection is granted to antiquities as it’s part of public property. Since 1971 these properties<sup>(2)</sup> have been explicitly protected by the Egyptian Constitution.

The contemporary constitution of 2014 promulgated in 2014 added an entire section dedicated to Egyptian national heritage and culture, which includes 4 articles, the most important of which is Article 49 which explicitly indicates the protection of Egyptian monuments. This article stated that “The state commits to protecting and preserving antiquities and their areas, and to maintaining them, renovating them, working to retrieve those that have been taken, and organizing and supervising excavations thereof. It is prohibited to give away any of them as gifts or exchange them. Attacks upon them and trafficking in them is a crime for which there is no statute of limitations.”

(1) P. Tavernier, « La nature juridique des biens du domaine propre du Conservatoire de l’espace littoral et des rivages lacustres. Contribution à l’étude du domaine des établissements publics », AJDA, 1981, P. 513.

(2) H. Hubrecht : “ La définition conceptuelle, soupçonnée d’entendre de manière non raisonnable « le syndrome du veilleur », a donc fait l’objet concomitamment a son invention d’une réflexion permanente pour tenter de lui trouver des critères réducteurs” ADJA, 2005, p. 598.

According to the texts of Article 49 of the 2014 Constitution, the state has indicated the importance of the protection of monuments and historical assets, and not only their protection, but also its restructuring and renovation. The article also added that it is the first time that this text has been inserted in an Egyptian constitution and that it totally prohibits offering any Egyptian antiquities as gifts or even replacing them in exchange for another object. This marks the regime's major shift towards the National Historic Treasures. Despite the constitutional protection accorded to the Egyptian antiquities, these latter are still vulnerable to many risk as this protection can't be found, it echoes in the existing laws that doesn't include the technological tools that can provide a firm and rigid protection to the antiquities in Egypt. Several modifications to the law current No.117 of 1983 has taken place to intensify sanctions against all source of threats on the Egyptian antiquities the last modification was by the law NO.18 of 2020. However, the Egyptian antiquities are still vulnerable to different kind of risk as indicated in the following points.

### **2.1. The vulnerability of the Egyptians antiquities governed by the law No. 117 of 1983**

In reality, Law No. 117 of 1983 has been amended several times in order to provide complete and rigid protection to Egyptian monuments and antiquities. The recent amendments in 2020 by the law n'18 of 2020. It has stipulated a basic and common methods related to the registry of any immovable or movable antiquities without referring to the usage of modern technologies as it states in article 26 the following “ The Council undertakes enumerating, photographing, drawing ,and registering immovable and movable antiquities together with gathering information pertaining to said antiquities in registers prepared for such uses. Registration is effected in accordance with terms and conditions by which a decree by the Board of Directors is issued. The

registered antiquities are those registered at the date of effecting present law on the registers set for it. The Council aims at generalizing archaeological survey in archaeological sites and lands and defining places and characteristics of the said and recording them on maps together with sending photocopies of such to both the competent local department and the General Authority for Urban Planning for the observance of such at the preparation of the general planning. The Council shall prepare a register for environmental and urban data and factors affecting every archaeological site according to its importance”. Together with this can be found at article 25 of the executive regulation for Law NO. 117 for year 1987, that indicates the registration process of all real-estate considered as antiquity. This process has to be as follows:

First a written report should be submitted to the concerned head of department based on official record that includes all archeological, historical and decoration specification of the real-estate and detailed identification of this specifications, consolidated by a scientific and technical report, beside colored photo for the real-estate, additionally each photo must include clear identification of what it represents.

### **3. Complicated procedure concerning the registration of the Egyptian antiquities**

The registry should include the precise location and address of the building, a brief description of the building history, a general description of topography related to the building, – detailed external and internal description of the building, the construction methods and the utilised tools and materials – the Hall’s thickness and height, a topographic map signed and stamped by the department of topography and properties. Official inspection record should be submitted and signed by the department of topography and properties. Upon the final approval of the concerned minister for the registration of the real-estate as antiquity, the registration decision shall be published in the Egyptian Gazette.

For the movable pieces, there is a very long and complicated process that has to be fulfilled before the registration of the movable object, as per article 26 of the same executive regulation as the law n°117 of 1987, modified by the law No.18 of 2020, that stipulates that any object proven to be antiquity must be supported by a scientific report prepared by a specialized committee related to the Egyptian antiquity council, and the scientific missions that have discovered this artifact will submit a report as well, that includes a detailed description of the artifact and the period to which it belongs.

These artifacts should be photographed from all sides. Then the artifact should be registered in the specified registers after the approval of the specialized committee and the Antiquities Council. That registration data should include the date and location of the artifact's discovery whether it was seized or recovered, or discovered by chance or as the result of illegal excavation, as well as detailed report describing the material this artifact is made of and any drawing or decoration that exists on it, as well as its dimensions, size, and weight and finally a photos of this artifact.

### **Section Three: The necessary recourse to new technologies to protect and manage the Egyptian antiquities**

In fact, based on the analysis of the previously mentioned articles, it can be deduced that the registration process of any discovered artifact requires very long, hard and difficult steps that need to be fulfilled for a complete and proper registration . Thus, these burden procedures should be facilitated by the realization of digital inventory. The digitization of archives compensates for the inevitable degradation of documents<sup>(1)</sup>, which are often single copies,

(1) D. Tapscott, The Digital Economy ( Rethinking promise and Peril in the Age of Networked Intelligence), 2nd edition, Mc Graw Hill, 2000, p. 123.

or in very small numbers<sup>(1)</sup>. It also facilitates access and consultation, given the considerable volume of documents that waste lots of effort and time. The law NO. 117 of 1987 modified recently by the law NO. 18 of 2020 and the presidential decree NO. 176 of 1993, has to include lots of amendments that erase this long and hectic procedures of Egyptian's antiquities registration by adding text that allows the use of computers, Clouds storage, Drones, Cameras, 3D methods and other modern technologies, that will allow a better management and preservation of the Egyptian antiquities of all types.

Starting by the presidential decree NO. 176 of 1993 of the National Library and Archive's House, that stipulated the following in its article 2 "The establishment of the library and Archive's house was for spreading culture among the people by facilitating access to the intellectual, literary and scientific production of human civilization, and generalizing library services and delivering them to citizens, as well as reviving the intellectual heritage in all its forms and facilitating its study and benefit from it, through:

- (A) Collecting manuscripts, publications, periodicals, photographs, records, documents of national history and what is related to it at all ages and other means of knowledge and preserving them by all means.
- (B) Preparing these holdings to be placed at the disposal of scholars, researchers and the public for viewing and benefiting from them at the headquarters of the house and its attached libraries, evaluating them, preparing them, indexing them, and so on.
- (c) Cooperation with various libraries and scientific and cultural institutions at home and abroad.
- (D) Supervising the implementation of laws and decisions related to depository.

(1) C. L. Kunz, N. Cahn, S. Brown Walsh, Research HandBook On Electronic Commerce Law, Access to Digital Assets, Edited by John A. Rotchild, Edward Elgar Publishing Limited, 2016, p. 91

(e) Establishing and managing specialized scientific centers in their fields of work<sup>(1)</sup>.”

Pursuant to the above-mentioned article 2 of presidential decree No. 176 of 1993 related to the house of libraries and archives, we can realize that all valuable and historical books, documents, maps, manuscripts, and other valuable documents are reserved in a manual way without resorting to digitization of this priceless national heritage, which makes them vulnerable to all kinds of thefts, attacks and sabotage that can be committed against these historical treasures. They are also vulnerable to natural disasters, which can take place unexpectedly without us having any digital archive or 3D printing of these historical treasures. This leads to the necessity of core modification the presidential decree No. 176 of 1993 that allows the digitization of all valuable documents and to make 3D printing of all the historical national documents reserved in shelves and warehouses the National library and archives' house.

All digitized data from valuable and rare and books, will aid in the preservation of our national heritage from any threats. The National Library and Archive in 2011 have been exposed to a dramatic event as this valuable place has been burned and lots of national and historical books and documents has been destroyed and burn. The digitization of all these books and valuable documents would have saved them from disappearing and from destruction, even if only virtually.

It results from the above interpretation and explanation of the current laws regulating the Egyptian antiquities and its primitive way of archiving and registering our national heritage, its now necessary to carry out digital inventory as it is an essential prerequisite for the development of cultural policies for the conservation, restoration, and enhancement of the Egyptian

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(1) Official website, National Library & Archives ( Dar El kotob we wathaek), Republican Decree No. 176 of 1993 regarding the establishment of the General Authority of the National Library and Archive House, Egypt, accessed 23 of August 2022.

antiquities, whether it concerns tourism promotion or the creation of cultural products. It will be particularly useful for managing heritage, defining tourist or entertainment products (tours, guides, exhibitions, signage), enriching the knowledge of researchers and academics, etc.

The inventory assesses each item of heritage as rigorously as possible, taking particular account of its state of conservation and any needs and means necessary to protect it. In many ways, computer tools have become indispensable in the creation and management of inventories. Indeed, inventory creation is based on a rigorous and scientific working method that relies heavily on descriptive systems and thesaurus, which guarantees its consistency. The establishment of a documentary database offers the possibility of having all the information on each piece of data accurately and reliably recorded in the form of an identity card indicating, for example, the date, the location, or the state of conservation.

### **1. The required law modification for the implementation of 3D printing**

Nowadays, lots of countries are striving to save their national heritage from wars, climatic changes, wind, rain, and pollution. Several historical places have been destroyed and lost forever, such as the Buddhas of Bamiyan statues that were destroyed by the Taliban government in 2001 in Afghanistan (Taliban dynamited them in 2001). ISIS partially destroyed other historical sites such as Palmyra city, in 2015. Thus, all antiquities and national heritages around the globe are vulnerable to several risks, as indicated in the above paragraphs, due to climatic change. What is happening in Europe due to a severe high temperature and major weather shifting is proof of the great risks that encountering antiquities entails.

Unexpected accidents can occur and expose antiquities and monuments to imminent danger, like what happened in Lisbon. When a young man, tried to

climb onto the historical statue of King Sebastiao to take a selfie, he knocked the statue to the ground and broke it into small pieces<sup>(1)</sup>.



**(Picture 1: Damaged Statues of King D. Sebastiao)**

Consequently, new digital technology can help us preserve heritage, at least virtually, through 3D scanning, modeling, and digital storage<sup>(2)</sup>. These projects can be realized on the ground through cooperation and the formation of partnerships between governments, universities, industry, and non-profit institutions.

3D model technology can perfectly restore and preserve antiquities. Artifact or archaeological site will be scanned by a laser-scanning device that beams light at the object and then assembles the clouds of points that make up its structure. The scanner captures many overlapping images of the object from all possible angles, which are then assembled into a large macro surface

(1) See pic. 1 Demaged Statues of the King D. Sebastiao

(2) B. Dufay, « Les technologies numériques au service du patrimoine dans une collectivité : retour d'expérience sur une décennie d'usages multiples au conseil départemental d'Indre-et-Loire », In Situ, France, 2019, consulté le 23 Août 2022.

image and drawn lines from point to point to create a wireframe model. High-quality digital cameras add color and texture to create a wireframe. When the form is fully assembled, it can then be viewed, printed, or processed, and further touched.

Indeed, as Bruno Dufa<sup>(1)</sup> states about 3D images, “Indeed, the image can make you dream, plunge the visitor into a vanished world.” These words consolidate and emphasise the importance of implementing modern technologies in protecting and managing national heritages.

Furthermore, these scans do more than simply store data in a database. Using very precise measurements, archaeologists can find hidden passages or discover ancient engineering tricks. If an archaeological site is destroyed or distorted, scanners can be used to rebuild what was there; This is what actually happened to one of the World Heritage sites, the Kasubi Tombs in Uganda, which were built of wood in 1882 and then destroyed by fire in 2010, and rebuilt in 2014, largely based on 3D models made in 2009.

In fact, for the moment, the current law No. 117 of 1983, as modified by law No. 20 of 2020, remains silent regarding the usage of such technology, article 5 of the mentioned law, just indicates that the Supreme Council has the exclusive right to restore antiquities in Egypt, as it establishes the following;

“ .....The Council has the exclusive right to inspect the museums and stores of ministries, government agencies, and public authorities that contain antiquities to ensure their registration and security, the council solely has the right to maintain and restore those antiquities at the expense of the aforementioned bodies<sup>(2)</sup>”.

“ .....The Council has the exclusive right to inspect the museums and stores of ministries, government agencies and public authorities that contain

(1) Chief heritage curator, head of the Archeology department of the Indre-et-Loire department

(2) Legal Website, Mansurat, «Antiquities Protection Law n° 117 of 1983», accessed 26th of August 2022.

antiquities to ensure their registration and security, the council solely has the right to maintain and restore those antiquities at the expense of the aforementioned bodies<sup>(1)</sup>”.

This article explains that the supreme council has the exclusive right to restore and preserve all antiquities in Egypt without indicating the procedure to achieve such goal, passing to the executive regulation No. 712 of 2010 that did not mention the procedures related to the application of the modern technologies tools in the registration or the restoration procedures of Egyptian antiquities. This can be observed in article 101 of the aforementioned executive regulation of antiquities law that states “

“Except for the holdings of the National library and Archive’s house and other public authorities, the Council is the only competent body to list all immovable and movable antiquities, including manuscripts, in the Arab Republic of Egypt, and it shall copy, draw, record and to collect all data related to it in a records prepared for this purpose and through a unified database at the competent antiquities registration center, as the case may be”.

The above stated text was still silent regarding the usage of the technology that will contribute efficiently in the examination for the artifacts subject to restoration. In fact, the new technology will help the preservation and the restoration of the Egyptian national heritage. Thus necessary amendments to the Egyptian law No.117 for the year 1983 modified by the Law No. 20 for the year 2020 to insert a Text in article 5 regarding the usage of 3D scanning technology during the preservation and the restoration of all Egyptian artifact<sup>(2)</sup>.

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(1) Legal Website, Manshurat, Ibid.

(2) B. Dufay, P. Mora, Les restitutions 3D du prieuré Saint-Cosme (La Riche–Indre-et-Loire). La modélisation d’un ensemble complexe à plusieurs phases chronologiques, Retrospect 2013. Actes du colloque. Bordeaux ,p. 38- 42.

## **2. The required amendments of the law n'117 of 1983 for the usage of drone technology to protect the Egyptian antiquities and archeological sites**

After the Egyptian Revolution of 2011, there have been successive attacks on archeological places. This has devastating effects on the Egyptian antiquities. Robbers and organized Mafias began the process of plundering. These successive patterns continue which resulted in dramatic losses of sites and artifacts. The Egyptian Villagers started to illicitly grab land by building their cemeteries and houses onto the significant archeological sites, looting these historical sites as well. This archeological site has been left deliberately by archeologists to be explored in the future by next generations using modern technologies.

There are serious problems concerning the protection of antiquities in Egypt. The insufficient number of guardians who are assigned by the Supreme Council of Antiquity. These guards are usually unarmed, and those who do carry arms only have access to outdated weapons, while the new types of tomb robbers have sophisticated weapons. Looters also outnumber the Ministry guards by as many as 15 to 1, making it all the more difficult to run them off. The supreme council is charged with assigning guards to protect antiquities, museums, stores, archeological sites. All these historical places are being guarded as well by the competent police force, which is making tremendous efforts to protect the Egyptian national heritage.

Thefts may take a variety of forms. Individuals may dig several random holes in archeological sites in the hopes of discovering hidden historical treasure or artifact that can be sold on the black market, or, more frequently, these plunderers hope to find fictitious pharaonic gold or the mythical “red mercury.” These substances are known to cure severe illness and untreatable diseases, dramatically lengthen life, and give their owners a great strength.

These illegal excavations and diggings are so numerous, and they can be clearly visible on satellite images. This unsupervised digging has a negative impact on the archaeological sites, not only because historical objects are stolen, but also because the context of the historical place is compromised.

Organized mafias and mobs represent an even greater danger. These people were antiquities traders in the past, and have now become illegal traders, collecting lots of money due to the high demand for their products. These organized criminals, have very powerful networks that extend to Europe, North America, the Middle East. These networks grant them access to all the necessary tools to execute the illegal trafficking of Egyptian artifacts, by giving them access to ships that are leaving from unregulated and unsecured ports in the Red Sea and on the Mediterranean coast, thereby allowing for easy export of their illegal merchandise.

The organized criminals, since 2011 have employed villagers as well throughout Egypt to dig at sites and bring them objects to purchase, with the result that small-scale looters are encouraged. Even property owners near archaeological sites illegally excavate their own homes in the hope of discovering valuable artifacts to sell to these organized criminals. The Ministry of Interior has issued over 8,960 warrants for the illegal excavation of their homes or areas near archaeological sites<sup>(1)</sup>.

Sites from Alexandria to Aswan have been plundered via these methods, particularly those in Middle Egypt, as they were already policed minimally due to other tensions in the area. With the escalating threats to Egypt's valuable monuments and artifacts, it's time to take advantage of modern technology by using drones to provide firm protection on archaeological sites.

In fact, drones offer a practical low-level airborne recording platform for documenting historical structures, monuments, archaeological sites, and

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(1) Egyptwatch, Due to economic conditions illegal excavations are doubling in Egypt, accessed, 25th of July 2022.

landscapes. They are capable of transporting several different types of sensors, such as cameras, multi-hyperspectral imaging units, and even laser scanners, so it can capture visually compelling images of locations while simultaneously producing metrically precise information for survey and conservation work.

Using this efficient and technological tool will offer Egyptian national archeological sites, stores and museums a great protection from looters, traffickers, and organized criminals. This can be applied through the modification of the current laws governing antiquities, because these law are not serving the Egyptian state's need for comprehensive digital transformation. Therefore, article 29 in law No. 117 of 1983 modified by Law No. 20 for 2020, has to be modified or changed in order to permit the usage of digital tools to protect the national antiquities. For example, the following sentence can be added to the text of Article 29: "Additionally, in order to provide firm protection to Egyptian national heritage, the Council is also charged with taking advantage of using all new technologies to preserve and protect all historical monuments." Thus, the article can be read as follows after adding the above-mentioned paragraph "The Council is charged with taking care of antiquities, museums, stores, archaeological sites and areas, and historical buildings, besides the guarding of such through the competent police, and special watchmen and guards commissioned by the stated Council in accordance with the rules regulating such . "Furthermore, in order to provide firm protection to Egyptian national heritage, the Council is tasked with preserving and protecting all historical monuments using all new technologies".

The assignment of a huge number of guards to protect all museums, stores, and archaeological sites will require a lot of money to be paid as salaries to hire more guards, who will take on the responsibility of surveilling and protecting all archaeological sites, museums, and stores. The suggestion to

allow, through the modification of current laws, the use of digital tools and equipment will save lots of money related to the protection of the national treasure. In addition, it will be providing daily and complete information related to each historical place or object that is protected by modern tools and not just humans. It will consolidate and increase for tourists the of feeling of being safe and well protected, not just by the Egyptian authorities represented by the national police or by the private guards assigned by the Supreme Council or any other public bodies. However, by utilising cutting-edge digital technologies, a safe and well-monitored zone can be provided to any location visited by tourists or scientists.

It will be a conundrum to keep using the old way of protecting the Egyptians' antiquities without implementing the new digital tools that will contribute efficiently and rapidly in the protection of all historical places and objects. In fact, modernizing the current laws will help the Egyptian government to manage and exploit its historical heritage at minimal cost. Which will have a very positive effect on the Egyptian economy. Because antiquities are part of a vital sector that generates \$174 billion in revenue, which accounts for 15% of the country's GDP prior to the global pandemic.

## **Conclusion**

The Egyptian historical assets are a cherished aspect of the Egyptian heritage and the key contributor to the national economy. Actually, the Egyptian monuments attract millions of people to visit and witness this majestic historical land with all its diversified antiquities, the pearl of all different civilizations that took Egypt as their home. Therefore, the State's role is to protect the Egyptian antiquities from squandering and to work on using various public assets including antiquities as a historical heritage for the ultimate benefit of the people and the common interest of the nation. The attention towards the Egyptian antiquities has undergone massive changes

that have positively affected it. Since the world is changing rapidly towards a major digital transformation, special emphasis on the Egyptian domestic laws, including the one governing the Egyptian antiquities, must be revisited.

This study has examined the definition of the word “antiquities” in the Egyptian by-law, laws and decrees through the history of all legislations that governed antiquities in Egypt from 1835 by the decree promulgated by Mohamed Ali ruler of Egypt at this time till the promulgation of the current law No. 117 of 1987 and all its amendments. Hence, the legal status of the Egyptian antiquities over the course of history and till date has been highlighted; the vulnerability of all Egyptian antiquities during the absence of efficient law which explicitly prohibits the trade of the Egyptian antiquities. Being a part of public properties and the wealth of the nations, the Egyptian antiquities should have been protected by all successive Egyptian constitutions. As the result, the legal flaws related to current law No. 117 of 1987 and its amendments that governed the antiquities in Egypt have been identified. It also revealed the violations of Articles 47-50 of the Egyptian constitution of 2014 by the article 6 and 8 of the law No.117 of 1987 and its amendments that governed the antiquities in Egypt.

In addition, the study has pinpointed the necessity to make use of new technologies to protect and effectively manage the Egyptian antiquities. Accordingly, amendments to article 2 of the law No. 176 of 1993, article 5 and article 29 of law No. 117 of 1983 has been suggested through this study. Digital tools, such as 3D models and drones, should be used to provide a full protection of the Egyptian national heritage which is vulnerable to mobs and looters who trade it in the international black market. Thus, it has become a necessity to confront all risks that encounter our priceless treasure trove of antiquities, by revising all laws and regulations governing the Egyptian antiquities to assure the usage of the aforementioned digital tools and equipment that will provide a rigid protection and a perfect exploitation of Egyptian antiquities.

## References

1. S. Labadi, Unesco, Cultural Heritage and Outstanding Universal Value ( Value-based Analyses of the World Heritage and Intangible Cultural Heritage Conventions), AltaMira Press, 2013, p. 11-12.
2. F. Montserrat, « De la fouille au musée : les partages des antiquités égyptiennes au début du xxe siècle à travers l'exemple de Médamoud », Bulletin de correspondance hellénique moderne et contemporain, 2020, consulté le 17 Août 2022.
3. N. J. Blerk, The emergence of law in ancient Egypt: The role of Maat, Fundamina, vol.24 n.1, Pretoria , 2018, p. 81.
4. P. Gerstenblith, "International Art and Cultural Heritage." The International Lawyer, American Bar Association, vol. 44, No. 1, 2010, pp. 487–501.
5. D. Brewer, Ancient Egypt : Foundations of a Civilization, Routledge, 2005, p. 8.
6. S. Attar, The Fascination of an Egyptian Intellectual with Europe: taha husayn and france." Arab Studies Quarterly, vol. 28, No. 1, 2006, pp. 13–32.
7. Ph., Bourdin, « L'Expédition d'Égypte, une entreprise des Lumières (1798-1801) », Annales historiques de la Révolution française, 2001, p. 193- 196.
8. M. Hamdy, «Preservation Laws: Saving Modern Egyptian Architectural Integrity», Proceedings of Science and Technology ( Resouceedigs), vol. 2, 2019, p.64.
9. H. Moosa, H. Shalaby, "Strategies of Conserving Heritage Buildings in Egypt" », Edizioni CICOP Italia,2018, p. 6.

10. E.Colla, « Conflicted Antiquities (Egyptology, Egyptomania, Egyptian Modernity) », Duke University Press, Durham & London, 2007, p. 208.
11. A. Zeidan, Britannica, « Egyptian Museum», Encyclopedia Britannica, Accessed 9th of August 2022.
12. M. Votey, « Illicit Antiquities And The Internet: The Trafficking Of Heritage On Digital Platforms », New York Journal of International Law And Politics, Vol.54, 2022, p. 660.
13. Dictionary of the public properties, M. Cornu, F. Orsi et J. Rochfeld (dir.), PUF, 2017, p. 889, V° « Patrimoine commun de l’humanité »
14. Jstor Daniel M. Stout. “Uncommon Lands: Public Property and the Rise of the Individual.” Victorian Studies, vol. 60, No. 2, 2018, p. 271, Accessed 14 July 2022.
15. Etymology Dictionary, « Origin of word “ Antiquity” », accessed on 20th of August 2022.
16. Site officiel, Ministère de l’économie des finances et de la souveraineté industrielle et numérique, plateforme nationale des données touristiques publiques en open data, Word travel and tourism council report, « Economic Impact 2022», accessed 24th of August 2022
17. News official Website, NBC News, H. Al-Shalchi, « Egypt to museums: Return our stolen treasures», The Associated Press, 2010, Accessed 25 of August 2022.
18. C. Tully, Walk Like an Egyptian: Egypt as Authority in Aleister Crowley’s Reception of The Book of the Law, Equinox Publishing Ltd, 2010, p. 24.

19. Legal Website, Eastlaw, « Law n° 14 of 1912 Concerning the protection of Antiquities », accessed 29 of August 2022.
20. A. Gräzer Ohara, “Treasures From The Lost City Of Memphis, Ancient Egypt Research Associates”, Inc., 2020, p. 42-43
21. F. Melleray, “ Définition et critères du domaine public”, RFDA, 2006, p. 906.
22. N. Bernard- Maugiron, « Les constitutions égyptiennes (1923-2000) : Ruptures et continuités », CEDEJ, 2001, p. 13.
23. C. Maugue et G. Bachelier “ La nouvelle definition du domaine public implique le retour à une règle simple fondee sur un regime binaire : un bien est ou n’est pas dans le domaine public”, Les Cahiers de la fonction publique, mai 2006, p. 6.
24. M. Camau, « Articulation d’une culture constitutionnelle nationale et d’un héritage bureaucratique : la désarticulation du constitutionnalisme au Maghreb aujourd’hui », in Seurin J.- L. (dir.), Le constitutionnalisme aujourd’hui, Paris, Economica, p. 139-145.
25. Official Website, Ministry of Tourism and Antiquities, “Predynastic Period”, accessed 17th of August 2022.
26. A. Aloji, The Institute of Arabic Manuscripts and its role in protecting manuscripts and facilitating their use, Unknown publisher, 2010, p. 86.
27. S. Botman, Egypt From Independence To Revolution, 1919-1952 (Contemporary Issues in the Middle East), Syracuse University Press, 1st edition, 1991, p. 105.
28. Official website, “African- Achaeology, Law n° 117 of 1983 concerning the enactment of the law protecting antiquities”, accessed 22th of August 2022.

29. J. Chedouki, “ Protection juridique du patrimoine historique égyptien et politique de patrimonialisation : le cas de Louxor” in Les quartiers historiques. Les Quartiers historiques, Pressions, enjeux, actions, 2013, p. 206.
30. Officiel Website, Court of Cassation, «Law n° 117 of 1983 modified by the Law n° 20 of 2020», accessed 21 August 2021.
31. Legal Website, Manshurat, «Executive regulation of the n° 117 of 1983», accessed 22 of August 2022.
32. Site juridique, Digitheque MJP, «La Constitution Egyptienne du 11 septembre 1971», consulte le 22 Août 2022.
33. P. Tavernier, « La nature juridique des biens du domaine propre du Conservatoire de l’espace littoral et des rivages lacustres. Contribution à l’étude du domaine des établissements publics », AJDA, 1981, P. 513.
34. H. Hubrecht : “ La définition conceptuelle, soupçonnée d’etendre de manière non raisonnable « le syndrome du veilleur », a donc fait l’objet concomitamment a son invention d’une réflexion permanente pour tenter de lui trouver des critères réducteurs” ADJA, 2005, p. 598.
35. D. Tapscott, The Digital Economy ( Rethinking promise and Peril in the Age of Networked Intelligence), 2nd edition, Mc Graw Hill, 2000, p. 123.
36. C. L. Kunz, N. Cahn, S. Brown Walsh, Research HandBook On Electronic Commerce Law, Access to Digital Assets, Edited by John A. Rotchild, Edward Elgar Publishing Limited, 2016, p. 91
37. Official website, National Library & Archives ( Dar El kotob we wathaek), Republican Decree No. 176 of 1993 regarding the establishment of the General Authority of the National Library and Archive House, Egypt, accessed 23 of August 2022.

38. B. Dufay, « Les technologies numériques au service du patrimoine dans une collectivité : retour d'expérience sur une décennie d'usages multiples au conseil départemental d'Indre-et-Loire », In Situ, France, 2019, consulté le 23 Août 2022.
39. Chief heritage curator, head of the Archeology department of the Indre-et-Loire department
40. Legal Website, Manshurat, «Antiquities Protection Law n° 117 of 1983», accessed 26 of August 2022.
41. B. Dufay, P. Mora, Les restitutions 3D du prieuré Saint-Cosme (La Riche-Indre-et-Loire). La modélisation d'un ensemble complexe à plusieurs phases chronologiques, Retrospect 2013. Actes du colloque. Bordeaux ,p. 38- 42.
42. Egyptwatch, Due to economic conditions illegal excavations are doubling in Egypt, accessed, 25th of July 2022.
43. H. Sanad, M. Abdel-Hafez, The Protection and retrieval of Egyptian antiquities in the light of international treaties, 1st edition, Dar El Nahda El Arabia, 2012, p. 7.
44. F. Evin, Journal International, Le Monde, L'Unesco sonne l'urgence pour contrer les pillages des sites antiques en Egypte, consulté le 20 Août 2022
45. Selon L. Rapp, « L'appartenance publique d'un bien ou d'un droit est la condition première ] ...[ de sa propriété publique. Il n'y a pas de propriété publique dans le patrimoine d'une personne privée, quand il peut y avoir de la propriété privée dans celui d'une personne publique », RFDA, 2006, p. 920.

46. Site officiel, Ministère de la culture française, Restitution aux autorités égyptiennes de huit pièces archéologiques saisies par la douane française en janvier 2010, consulté le 20 Août 2022.
47. Official website, International Council of Museums, Des biens culturels égyptiens en péril, Maison de l'UNESCO, 2011, p. 3.
48. Dictionary of the public properties, M. Cornu, F. Orsi et J. Rochfeld (dir.), PUF, 2017, p. 889, V° « Patrimoine commun de l'humanité »
49. Jstor Daniel M. Stout. "Uncommon Lands: Public Property and the Rise of the Individual." *Victorian Studies*, vol. 60, No. 2, 2018, p. 271, Accessed 14 July 2022.
50. Constantin, Daniela-Luminita, et al. « Les biens immobiliers municipaux et les défis du nouveau management public. Pleins feux sur la Roumanie », *Revue Internationale des Sciences Administratives*, vol. 84, No. 1, 2018, p. 131-152.
51. Razik Hasan, *Stages of Socialist Transformation in Egypt*, collective book : the Egyptian road toward socialism, Cairo, Dar el Mareef, Cairo, Egypt, 1962, p. 93
52. Constantin, Daniela-Luminita, et al. « Les biens immobiliers municipaux et les défis du nouveau management public. Pleins feux sur la Roumanie », *Revue Internationale des Sciences Administratives*, vol. 84, No. 1, 2018, p. 131-152.
53. Razik Hasan, *Stages of Socialist Transformation in Egypt*, collective book : the Egyptian road toward socialism, Cairo, Dar el Mareef, Cairo, Egypt, 1962, p. 93