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THE REPUBLIC OF IRAQ
Ministry of Culture
The Public Authority for Antiquities and Heritage
Baghdad

ANTIQUITIES AND HERITAGE LAW LAW NO. 55 OF 2002

In the Name of God, the Merciful, the Compassionate

The Republic of Iraq
In the Name of the People
Office of the President

In accordance with a resolution issued by the National Council and approved by the Revolutionary Command Council based on the provisions of Article 53 of the Constitution,

The following law, Law Number 55 of 2002, the Antiquities and Heritage Law, has been enacted.

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The Antiquities and Heritage Law

Section One

Objectives of the Law and the Means of Achieving Them

Article 1:

The objectives of this law are as follows:

First, to protect the Iraqi Republic's antiquities and heritage, the country's most important national resources.

Second, to uncover the country's antiquities and heritage and to make them known to citizens and to the international community, thereby highlighting the singular role played by the civilization of Iraq in advancing the civilization of mankind.

Article 2:

To achieve the objectives of this law the Antiquities Authority shall be authorized to do the following:

First, to designate sites that are rich in antiquities and cultural treasures as well as sites of historical significance.

Second, to use the latest scientific and technical methods and means to search for antiquities.

Third, to maintain the country's antiquities, its heritage and its historical sites and to protect them from damage, harm and deterioration.

Fourth, to build modern museums where antiquities and cultural heritage materials or models thereof may be displayed, thereby enabling citizens and visitors to peruse them and learn about them.

Fifth, to manufacture models of antiquities and cultural heritage materials and to produce for display, sale, or exchange depictions of these antiquities and cultural heritage materials in photographs, slides, and films.

Sixth, to conduct studies and research that highlight the antiquities and cultural heritage of Iraq.

Seventh, to effect the temporary and occasional display of antiquities and cultural heritage materials or copies thereof in foreign museums thereby enabling foreigners to become acquainted with aspects of Iraq's ancient culture and civilization.

Eighth, to educate specialists in antiquities and cultural heritage and to upgrade the efficiency of those specialists by means of training courses as well as academic scholarships and fellowships serving that purpose.

Ninth, to organize survey teams for the purpose of conducting comprehensive surveys of antiquities and cultural heritage buildings in Iraq.

Article 3:

First, disposing of Iraq's antiquities, articles of cultural heritage, and historical sites shall be prohibited unless such acts of disposal are conducted in accordance with the provisions of this law.

Second, the owner of a site that houses an article of antiquity or cultural heritage and the

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owner of a site that is historically significant shall be prohibited from disposing of said site physically. Any excavation, destruction or alteration made to the features of such a site shall also be prohibited.

Article 4:

For the purposes of this law the following terms shall be construed in accordance with the following definitions:

First: The Ministry: The Ministry of Culture

Second: The Minister: The Minister of Culture

Third: The Antiquities Authority: The Public Authority for Antiquities and Heritage

Fourth: President of the Antiquities Authority: President of the Public Authority for Antiquities and Heritage

Fifth: Participating Party: the entity that is made up of representatives from the Ministry of the Interior, the Ministry of Religious Trusts and Religious Affairs and the Municipality of Baghdad and is designated to carry out the tasks of managing and maintaining cultural heritage buildings

Sixth: Technical Committee: The committee that is made up of specialists in the study of antiquities and cultural heritage and in the disciplines of the arts and the law

Seventh: Antiquities: Movable and fixed property or assets, not less than two hundred (200) years old, that were built, manufactured, sculpted, produced, written, sketched, or photographed by man. The term, antiquities, also means all human and animal skeletons as well as plant fossils.

Eighth, Cultural Heritage Materials: Movable and fixed property or assets that are less than two hundred (200) years old and that are of historic, patriotic, national, religious, or artistic value and that are designated to have such value in a decree issued by the minister.

Ninth, Historic Site: A site, regardless of its age, that was the scene of a significant historic event or of an event of historic significance.

Tenth, Excavation Activities in Search of Antiquities: Excavation and exploratory activities aimed at uncovering movable and fixed property or assets that are hidden beneath the surface of the earth, in river beds, lake beds, in watershed areas, or beneath the surface of regional waters.

Section Two

Fixed Antiquities

Article 5:

First, The Antiquities Authority shall maintain special records in which information about ancient buildings and archeological sites as well as all other documents relevant to those sites shall be recorded and documented. It shall also enter in those records information about any rights to which [owners of] adjoining properties would be entitled. All such information shall be published in The Official Gazette [*Al-Jaridah al-Rasmiyah*] to ensure the protection and preservation of those ancient buildings and archeological sites.

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Second, If the rights to use ancient buildings and archeological sites granted to [owners of] adjoining sites were not determined when an ancient monument or site was registered, those rights shall be determined in accordance with the law.

Third, Rights to use an archeological building or archeological site shall encompass the establishment of a no-use perimeter around archeological areas and buildings as well as areas ensuring access to those sites.

Fourth, The [architectural] style, height, elevation, and colors of new as well as renovated buildings that are adjacent to historic sites shall be determined in a manner that would make them consistent with adjacent historic structures. The Antiquities Authority acting in coordination with the Participating Party shall make these determinations.

Article 6:

First, In accordance with the provisions of the Acquisitions Law, Law Number 12 of 1981, the Antiquities Authority may acquire real estate comprising antiquities. The Antiquities Authority may acquire such real estate regardless of the value of the antiquities comprised in the real estate when the cost of its acquisition is estimated.

Second, The Antiquities Authority may evacuate persons and property from archeological and cultural heritage sites as well as from their no-use perimeters in case of a threat to people and to the archeological and cultural heritage sites.

Article 7:

All historic and archeological sites, including archeological hills and mounds, owned by public juristic persons, shall be registered in the name of the Ministry of Finance. Their use shall be designated and dedicated to serve the purposes of the Public Authority for Antiquities and Heritage.

Article 8:

Acting in coordination with relevant state agencies the Antiquities Authority shall conduct a comprehensive archeological survey of archeological and cultural heritage sites and buildings in Iraq. It shall pinpoint those sites and structures on survey maps and documents with fixed coordinates, and it shall incorporate them in its own basic design plans. It shall indicate how these sites are being used as archeological land and buildings, and it shall send notice to that effect to the Real Estate Records Department, to the Municipality of Baghdad or to the competent municipalities.

Article 9:

First, When state agencies and social sector agencies seize property located inside or outside the boundaries of the basic design plans of urban areas or when they partition or divide such property, they shall refrain from exploiting archeological sites and buildings and from making distributions of those sites. Acting in coordination with

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the Antiquities Authority, they shall put in place appropriate no-use perimeters for such sites.¹

Second, Agencies engaged in the distribution of reclaimed agricultural land where antiquities are located shall obtain the written consent of the Antiquities Authority before leasing or selling such land.

Third, Agencies responsible for the preservation and maintenance of archeological sites, [cultural] heritage sites and historical sites shall obtain the written consent of the Antiquities Authority before making or altering any plans for locating general, industrial, agricultural, and housing projects at those sites. They shall also obtain the written consent of the Antiquities Authority before making or altering any plans for the construction, expansion, or beautification of cities and villages or for irrigation, [water] filtration, and road construction projects at those sites.

Fourth, When implementation of any project of major significance to the development plan at an archeological site is obstructed by excavations that are being carried out by the Antiquities Authority, the latter shall conduct said excavations at the expense of the party implementing the project. Said excavations shall be conducted over a period of time that is suitable for conducting them in a meticulously scientific manner. In conducting said excavations the Antiquities Authority shall take into account the period of time for project implementation, bearing in mind that the gradual increase in excavation costs does not exceed previously determined project appropriations.

Fifth, Building permits shall not be issued for areas comprising archeological sites and for areas that are within one kilometer of such sites without the written consent of the Antiquities Authority. Said consent is to be given within thirty (30) days of the date on which the application for a building permit is filed.

Sixth, The Antiquities Authority shall coordinate with the Municipality of Baghdad or the competent municipality in issuing a building permit concerning existing archeological buildings located inside the boundaries of the city of Baghdad and the governorates.

Article 10:

Large and small mosques, sacred sites,² places of worship, tombstones, cemeteries, monasteries for religious orders, hermitages, synagogues, churches, monasteries, and hostels or caravansaries shall be subject to the natural or juristic persons who manage them, hold title to them, or are beneficiaries of a religious trust that manages or holds title to them. Accordingly, such persons may dispose of said property, provided the property is used for the purposes for which it was established in a manner that neither damages it or disfigures it. Consideration shall be given to expanding and developing such property, particularly the sacred sites. Any such expansion and development shall be carried out in a manner that is consistent with the requirements of the age.

Article 11:

¹ Translator's Note: Although the Arabic text is ambivalent and its meaning is not clear, I believe that the translation rendered here conveys the intended meaning of the Arabic text.

² Translator's Note: The Arabic term used here usually means "threshold" or "door." I believe, however, that "site" is what is intended.

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First, The Antiquities Authority shall monitor establishments listed in Article 10 of this law periodically. The owners or managers of such establishments shall maintain and refurbish them under the supervision of the Antiquities Authority.

Second, Maintenance of properties listed in Article 10 of this law shall be carried out by the Antiquities Authority if it is established that the owner or manager of said properties is refraining from conducting such maintenance. Maintenance costs shall be collected from owners or managers of those properties or from revenues directly generated by those properties. Said costs shall be collected in a manner that is consistent with the provisions of the Law Concerning the Collection of Money Owed to the Government, Law Number 56 of 1977.

Third, If it is established that the owner or caretaker of a site is impoverished, he shall be relieved of his obligation to pay refurbishing and maintenance costs, unless the building has its own means for generating revenue.

Fourth, The owner or caretaker of any site or structure listed in Article 10 of this law shall not undertake to demolish, transport, refurbish, renovate, or alter such site or structure or any part thereof until he has obtained the written consent of the Antiquities Authority. Otherwise, the structure shall be restored to its original condition by the Antiquities Authority at the expense of the owner or caretaker who shall also be subject to the penalties stipulated in this law and to a judgement ordering him to pay compensation if that is necessary.

Article 12:

Anyone who discovers a fixed article of antiquity or learns of the discovery of such an asset must report said discovery to the nearest official agency or community organization within a period of twenty-four (24) hours. Said agency or organization shall inform the Antiquities Authority immediately.

Article 13:

First, Occupants or tenants of locations wherein fixed archeological and cultural heritage sites and buildings are located shall grant the Antiquities Authority access rights to said sites and buildings. The Antiquities Authority shall have access to said sites at suitable times for the purpose of conducting inspections of those sites; sketching their layout; photographing and taking in-depth measurements of them; or conducting excavations, maintenance or refurbishing operations at those sites. Access shall be granted to workers and to the tools, machinery, and equipment they use for said purposes. In case of damage to the site the Antiquities Authority shall be obligated to pay appropriate compensation. Said payment shall be made voluntarily or by court order.

Second, The presence of the Antiquities Authority at archeological and cultural heritage sites and buildings for the purpose mentioned in the preceding paragraph of this article shall not be construed as an act carried out by the Antiquities Authority to take possession of the land.

Third, If privately owned land, state-owned land, or land registered to a religious trust is used in a manner that would diminish its value as an archeological or cultural heritage site, the Antiquities Authority may act to prohibit such use. The proprietor, caretaker,

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or administrator of such land, respectively, shall not be entitled to filing a claim requesting compensatory payment for being prevented from using the land in that manner.

Article 14:

First. Anyone sustaining losses resulting from the imposition of usage rights on his property or from the evacuation of areas where antiquities are located shall be compensated in accordance with the provisions of this law.

Second. A committee chaired by a representative of the Antiquities Authority shall be formed within a period of ninety (90) days from the date on which usage rights were imposed or an order of evacuation issued to determine the compensation stipulated in the foregoing paragraph of this article. Members of the committee shall include representatives of the relevant municipal departments in the Municipality of Baghdad or representatives of the administrative unit of the relevant governorate. It shall also include a representative of the Real Estate Records Department, a representative of the Department of State Owned Real Estate, and a representative of the Real Estate Tax Office for the area where the property is located. Otherwise, the decree issued by the Antiquities Authority establishing annexation rights or ordering evacuation of the site shall be considered null and void.

Article 15:

[The following] shall be prohibited:

First. Trespassing on archeological, cultural heritage, and historical sites. These sites include hills and flat lands where archeological objects were found, as well as sites whose names and designations were not published in The Official Gazette. The latter sites, nevertheless, are subject to this prohibition since they are sites whose circumstances are such that an ordinary person could have gained knowledge of them.

Second. Farming, residing, building a residence or constructing any other structure on these archeological and cultural heritage sites, or altering them or those locations within them that are considered sacred in any way.

Third. Using archeological sites to deposit construction debris or refuse or to erect buildings or burial structures or using them as quarries.

Fourth. Uprooting trees and vegetation and removing structures from archeological sites or undertaking any work that would result in changing the features of the archeological sites.

Fifth. Establishing industries that pollute the environment or that pose a threat to public health in areas that are less than three (3) kilometers away in all directions from archeological sites and cultural heritage buildings.

Sixth. Tearing down an archeological or a cultural heritage building, disposing of its construction materials, or using it in such a way as to risk damaging it, harming it or altering its distinguishing features.

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Section Three

Movable Antiquities and Construction Materials

Article 16:

The Antiquities Authority shall maintain the following records:

First. Records of movable antiquities it receives from citizens who find them by chance and turn them in to the Antiquities Authority.

Second. Records of cultural heritage and archeological materials located at those sites specified in Article 10 of this law. The Antiquities Authority, which shall provide the party that has possession of those sites with a special document, shall conduct routine inspections of those sites.

Article 17:

First. Natural and juristic persons shall be prohibited from possession of movable antiquities.

Second. Anyone who is in possession of movable antiquities shall turn them over to the Antiquities Authority within thirty (30) days of the date on which this law goes into effect.

Third. The following are exceptions to the “First” provision of this article:

- A. Movable antiquities found on sites identified in Article 10 of this law.
- B. Ancient manuscripts, coins and medals registered with the Antiquities Authority, whose possession by natural or juristic persons is authorized by the Antiquities Authority.

Fourth. The party that owns, is in possession of, or is in charge of the antiquities and articles referred to in the “Second” paragraph of this article shall be bound by the following:

- A. To register these antiquities and articles with the Antiquities Authority within a period of one hundred and eighty (180) days of the date on which this law goes into effect or the date of his acquisition of said article or articles.
- B. To safeguard these antiquities and articles and to notify the Antiquities Authority in writing of everything that might put them at risk of loss or damage so that the necessary measures may be taken for their preservation.
- C. To obtain the consent of the Antiquities Authority to any transfer of ownership or possession to an Iraqi citizen residing in Iraq who shall pledge to the Antiquities Authority that he shall meet the obligations of the party that previously had ownership or held possession of these antiquities and articles.
- D. To turn over these antiquities and articles to the Antiquities Authority upon its request for the purpose of enabling it to study or photograph these antiquities and articles. The Antiquities Authority shall issue a receipt in exchange for these antiquities and articles, and it shall return them to the owner at its own expense.

Fifth. In case the antiquities and cultural heritage articles identified in the “Third” paragraph of this article are lost or damaged, the Antiquities Authority shall determine the liability of the party that failed to meet its obligations in that respect. It shall

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confiscate those antiquities and articles if it is established that the owner or caretaker was totally or partially responsible for their loss or that his negligence contributed totally or partially to it.

Article 18:

First. The Antiquities Authority may purchase from the owner any ancient manuscript, coin, or medal that was registered with it. The purchase price shall be determined by a technical committee and agreed to by both parties.

Second. The seller shall commit himself to refrain from publishing the manuscript without the written consent of the Antiquities Authority.

Article 19:

First. Any person who discovers or learns about the discovery of a movable object or article of antiquity or cultural heritage shall be obligated to report said discovery to the nearest official agency or community organization. His report shall be made within a period of twenty-four (24) hours of the date of discovery or the date on which he learned of it.

Second. The department or community organization that was notified of the discovery of a movable article or object of antiquity or cultural heritage shall report this information immediately to the Antiquities Authority.

Third. The Antiquities Authority may grant the person who made the discovery or who learned of it an appropriate reward for reporting it. The reward, which shall be determined by a technical committee, shall not be less than the value of the article of antiquity, if it were made of gold, silver, or precious stones, regardless of how ancient it is and regardless of its craftsmanship or its historical or artistic value.

Article 20:

First. Anyone who introduces into Iraq a movable object or article of antiquity or cultural heritage in accordance with the law shall be obligated to declare it to customs authorities upon its introduction into the country.

Second. The Customs Authority shall report to the Antiquities Authority the particulars of the movable object or article of antiquity or cultural heritage within a period of forty-eight (48) hours from the date on which declaration of its introduction into the country was made.

Third. Anyone who introduces into Iraq a movable object or article of antiquity or cultural heritage shall be obligated to register that object or article with the Antiquities Authority. Said article shall be registered within a period of thirty (30) days in accordance with the provisions of Items "B," "C," and "D" of the "Fourth" Paragraph of Article 17 of this law.

Fourth. The Antiquities Authority shall confiscate an object or article of antiquity or cultural heritage that is introduced into Iraq if it is established that said object or

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article was unlawfully removed from its original location. It shall [then] return it to its original country, taking into consideration the principle of reciprocity.

Article 21:

First. The Antiquities Authority may remove from Iraq the movable object or article of antiquity or cultural heritage. Such action, carried out for the purpose of scientific study, maintenance, or temporary display, shall be consistent with internal regulations to be issued by the minister.

Second. Based on a decree issued by the minister, movable objects and articles of antiquity and cultural heritage may be exchanged with museums, institutions, universities, and Arab as well as foreign scientific institutions. Such exchanges, which may be made if the country can do without such objects and articles because it has identical versions thereof, are made for the purpose of achieving scientific or historic benefit or to assist in the enrichment of Iraqi museums.

Third. The Antiquities Authority shall make the movable objects and articles of antiquity and cultural heritage available for display to the public in museums and galleries in Iraq.

Article 22:

First. The following activities are not permitted:

- A. Making a forgery or an imitation of an article of antiquity.
- B. Making casts or models of an article of antiquity.
- C. Breaking or disfiguring an article of antiquity by writing on it, making an etching in it, or altering its features or characteristics.

Second. The Antiquities Authority or an entity designated by it shall undertake the task of manufacturing the casts or models mentioned in Item "B" of the Paragraph, "First," of this article. To prevent fraud and forgeries the Antiquities Authority or its designee shall perform these tasks in accordance with defined conditions and methods.

Third. Selling or gifting articles of antiquity or cultural heritage or taking them out of Iraq shall be prohibited except under those conditions that are stipulated in this law.

Section Four

Fixed Cultural Heritage Assets

Article 23:

First. The Antiquities Authority shall continue to meet its obligation to document information pertaining to cultural heritage buildings and areas in a scientific manner. It shall continue to carry out the duties that were entrusted to it to protect the cultural heritage in Iraq.

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Second. The participating agency shall maintain a special record in which cultural heritage buildings and residential areas and neighborhoods that have their own cultural, architectural style shall be registered for their historical or cultural importance, their architectural features, or their importance as examples of Arab and cultural heritage. Such records, which shall be maintained at the discretion of the Antiquities Authority, shall be written and made public.

Third. The participating agency shall proclaim the preservation of buildings and residential areas and neighborhoods described in the paragraph, "Second," of this article as historical landmarks. It shall prepare maps for those sites and issue the necessary decrees for their protection as sites containing architecture of cultural significance. It shall determine how those sites shall be used, and it shall define the necessary no trespass and usage rights for neighboring sites. This shall be done within a period of ninety (90) days of the date notice of them is made public in the Official Gazette.

Fourth. The Antiquities Authority shall give the competent Real Estate Records Department due notice, asking it to place a sign indicating that cultural heritage buildings registered with the Antiquities Authority are not to be disposed of in any way. It shall issue a decree regarding protecting or not protecting those buildings within a period of ninety (90) days from the date on which the sign was posted.

Article 24:

First. The participating agency may acquire cultural heritage buildings in accordance with the provisions of the law governing the acquisition of property.

Second. The participating agency shall evacuate the occupants of cultural heritage or historical buildings and order the removal of assets therein in case of a threat to those buildings or their occupants. It shall also order the evacuation of sacred sites and order the removal from them of all persons and property in accordance with rules to be issued by the aforementioned agency.

Article 25:

The participating agency shall evacuate a leased cultural heritage building for the purpose of conducting maintenance and refurbishing operations. The evacuation shall be carried out after due notice is sent to the lessor and within ninety (90) days of the date of said notice. This is an exception to the Real Estate Leasing Law, Law Number 87 of 1979.

Article 26:

When undertaking the construction of public projects, state agencies and the socialist sector shall be obligated to preserve cultural heritage and historical buildings and to coordinate such preservation efforts with the Antiquities Authority.

Article 27:

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The owner of a cultural heritage building covered by a decree requiring its preservation or registration shall have the following privileges:

First. He may receive a grant or a loan to help him preserve the cultural heritage building. Said loan or grant is to be disbursed from funds [administered by] the participating agency in accordance with rules it shall publish.

Second. He shall be exempt from payment of the real estate tax.

Third. He may lease the cultural heritage building as an exception to the provisions of the Real Estate Lease Law, Law Number 87 of 1979.

Article 28:

First. The following shall not be permissible:

A. Buildings and neighborhoods that have been declared in The Official Gazette to have cultural significance shall not be infringed upon or demolished. The professions and specialized activities practiced therein and in shops, markets, and streets of cultural significance shall not be changed, nor shall the basic function of these sites, the function that gives them their cultural heritage significance, be abolished.

B. The cultural nature of a cultural site existing in someone else's property shall not be abolished by having its occupant removed from the premises. In case of a dispute between the lessor and lessee the Public Taxation Authority shall assess the rent amount to preserve the cultural heritage site and prevent its disappearance.

C. Buildings that are subject to a preservation or registration decree shall not be demolished, rebuilt, or refurbished. They shall not be put to a different use or made to serve a different purpose without the consent of the Antiquities Authority. A permit must also be obtained from the participating agency ensuring that [such changes] are consistent with the architectural features and general standards of the area that is subject to the preservation and registration decrees. A decision on an application that is filed to obtain such a permit shall be granted within thirty (30) days of the date of application.

Second. A participating agency may order a party that violates the provision of item "C" of the paragraph, "First," of this article to correct the violation by a deadline it shall set in the manner it determines should be followed by the violator to correct said violation. Otherwise, the participating agency shall correct the violation at the expense of the party that is responsible for it.

Third. A participating agency shall pay compensation to a party whose interests were damaged as a result of usage rights being imposed on its property, as stipulated in the paragraph, "Third," of Article 23 of this law. Similarly, it shall pay compensation to a party whose interests were damaged when it was removed from a cultural heritage area in accordance with the paragraph, "Second," of Article 24 of this law. In both cases compensation shall be paid within a period of ninety (90) days from the date said usage rights were imposed or evacuation [order] enforced. Otherwise, the decree issued by the participating agency regarding the imposition of usage rights or the enforcement of an evacuation shall be considered to have been withdrawn.

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Section Five

Searching for Antiquities

Article 29:

The Antiquities Authority shall devote itself to the task of searching for antiquities in Iraq. It may permit scientific organizations, scientists, universities, as well as Iraqi, Arab and foreign institutes to search for antiquities [in the country] after it ascertains the capabilities and scientific and financial competence of these institutions and individuals.

Article 30:

First. Searching for antiquities may be conducted in state-owned land where antiquities are located. Such searches may also be conducted in land owned by natural or juristic persons.³

Second. Institutions and persons identified in Article 29 of this law shall be obligated to restore land where excavations were carried out to its original condition prior to the start of excavation activities. They shall also be obligated to compensate owners of said land for any damages after excavation activities are completed. Said damages shall be assessed by a decree issued by the Antiquities Authority.

Third. The Antiquities Authority shall determine the length of the period of time during which excavations are to be carried out in land not owned by the state. This period of time may be extended by a decree from the minister.

Article 31:

Excavations shall be carried out in a scientific manner under the supervision of a board whose members are appointed by the minister or his designee.

First. The chairman of the board or delegation shall be a well-known scholar of archeology who was previously involved in excavation activities.

Second. An architect specializing in the history of architecture.

Third. An assistant, well versed in the skills of drafting and photography.

Fourth. A specialist who can decipher old manuscripts when necessary.

Article 32:

Anyone other than the Antiquities Authority must meet the following conditions before undertaking any excavation work:

First. File an application with the Antiquities Authority to carry out excavation activities. Said application shall include the following:

A. The applicant's name, his designation, his previous experience, and his financial

³ Translator's Note: There is either a typographical error or an omission in the Arabic text of this article. The translation reflects the meaning that I think was intended.

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capabilities.

B. Authorization from a well-known scientific institution that is concerned with excavations and the study of antiquities and with which the applicant is affiliated.

C. The number of people who will be working with the applicant as well as their scientific qualifications in the area of excavation activities.

Second.

A. A map, showing the boundaries of the area to be excavated and the archeological site where the search will be carried out.

B. A report on the work plan that will be followed during the course of a 5-year excavation.

Third. The minister's approval of the excavation activity proposed by the applicant. Said approval shall be based on a study of the application completed by the Antiquities Authority and its assessment thereof.

Fourth. A contract that shall be drawn up between the applicant and the Antiquities Authority spelling out the rights and obligations of both parties.

Article 33:

The Antiquities Authority shall conduct inspections of excavation activities and of antiquities uncovered by those activities at any time it deems appropriate.

Article 34:

First. The Antiquities Authority shall halt excavation activities when such activities violate one of the conditions of excavation. It shall serve those carrying out the excavation activities with notice warning them that the violation must be removed within a certain period of time deemed to be appropriate by the Antiquities Authority.

Second. The minister may revoke the permit by means of which his approval of excavation activities was granted. This permit may be revoked if the violation is not corrected or removed, if it is gross, or if the status of the party carrying out the excavation activities requires it.

Article 35:

First. Antiquities uncovered during excavation activities and information collected from the results of such activities, including photographs, maps, and plans, shall become public property. They may not be disposed of or published inside Iraq or abroad without the written consent of the Antiquities Authority.

Second. In lieu of fees the Antiquities Authority may grant the party carrying out excavation activities the following:

A. Models, photographs, plans, and maps of the uncovered antiquities.

B. Broken pieces of pottery, pieces of organic material, and soil. The party carrying out excavation activities would receive these articles for the purpose of analyzing and studying them. Its receipt of those articles is contingent upon it providing the results

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of the analysis and study to the Antiquities Authority within one year of the date on which these materials were received.

Third. Materials identified in the paragraph, “Second,” of this article shall be exempt from export permits and customs fees. They shall be exported under the direct supervision of the Antiquities Authority.

Article 36:

Still photographs and motion picture photography of archeological sites and cultural heritage areas may not be used for commercial purposes. Such photographs and films may not be promoted to and in the media without the consent of the Antiquities Authority.

Article 37:

In its efforts to bring back to Iraq antiquities that were stolen from Iraq and taken outside the country, the Antiquities Authority shall use [all] possible legal methods and diplomatic means. It shall pursue its quest for the return of those antiquities in a manner that is consistent with international conventions.

Section Six

Penalties

Article 38:

Anyone who has in his possession a movable article of antiquity that was not turned over to the Antiquities Authority within thirty (30) days of the date on which this law went into effect shall be punished by serving a term in prison of not more than ten (10) years. He shall also pay a fine that shall be twice the assessed value of the article of antiquity.

Article 39:

The penalty for anyone whose intentional or negligent act results in the loss of a manuscript, a medal, a coin, or a registered article of cultural heritage that was in his possession or for anyone who was instrumental in its total or partial damage shall be imprisonment for not more than ten (10) years and payment of a fine that shall be twice the assessed value of the article that was lost or damaged.

Article 40:

First. The penalty for anyone who steals an article of antiquity or cultural heritage held in the custody of the Antiquities Authority shall be imprisonment for a term that shall not be less than seven (7) years and not more than fifteen (15). He shall also pay a fine that shall be six (6) times the assessed value of the stolen article if it is not recovered. If the perpetrator is someone who was entrusted to manage, safeguard, or

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guard the article of antiquity or cultural heritage, the penalty shall be life in prison. If the perpetrator used threats or coercion in committing the theft or if two people or more committed it and one of them was carrying a visible or a concealed weapon, the penalty shall be death.

Second. A person who collaborates with another in committing the crimes referred to in the paragraph, "First," of this article shall be considered a perpetrator of those crimes.

Article 41:

First. Anyone who knowingly takes an article of antiquity out of Iraq or who contemplates doing so shall be punished by death.

Second. The penalty for anyone who knowingly takes out of Iraq an article of cultural heritage shall be imprisonment for no more than three (3) years and payment of a fine in the amount of one hundred thousand (100,000) dinars.

Article 42:

The penalty for anyone who causes damage to an archeological site or to its sacred contents, spots, or articles of antiquity while engaged in excavation activities at the site or in attempts to uncover antiquities for which the written approval of the Antiquities Authority had not been secured [in advance], shall be imprisonment for a period of time that shall not be more than ten (10) years and payment of compensation that shall be twice the amount of the assessed value of the damage. The antiquities uncovered at the site shall be seized, and the excavation equipment confiscated. If the perpetrator of such acts is a person affiliated with the Antiquities Authority, the penalty shall be imprisonment for no more than fifteen (15) years.

Article 43:

First. Anyone who conducts an excavation at a declared archeological site or who builds, plants, or sets up residence in one shall be punished. Anyone who removes, alters, breaks, uproots, disfigures, or tears down an article of antiquity or a building of historical or cultural significance shall be punished. Anyone who disposes of the construction materials of a building of historical or cultural significance or who uses the building in such a way as to expose it to the risk of being damaged, harmed, or having its character altered shall also be punished. He shall serve a term in prison of not more than ten (10) years, and he shall also pay a fine that shall be twice the amount of the assessed damaged. He shall also be compelled to remove or correct the violation at his own expense.

Second. The penalty for an employee or a representative of a juristic person who knowingly causes damage to archeological sites or to buildings and neighborhoods of cultural value shall be that stipulated in the paragraph, "First," of this article.

DRAFT TRANSLATION

Article 44:

The penalty for anyone who traffics in articles of antiquity shall be imprisonment for no more than ten (10) years and payment of a fine in the amount of one million (1,000,000) dinars. The articles of antiquity that were being trafficked shall be confiscated. If the person trafficking in articles of antiquity is affiliated with the Antiquities Authority, the penalty shall be imprisonment and payment of a fine in the amount of two million (2,000,000) dinars.

Article 45:

The penalty for anyone who traffics in forgeries or copies of articles of antiquity without a permit from the Antiquities Authority shall be imprisonment for no more than three (3) years and payment of a fine of one hundred thousand (100,000) dinars. The materials and equipment used in committing that crime shall be confiscated. If the perpetrator is affiliated with the Antiquities Authority, the penalty shall be imprisonment.⁴

Article 46:

The penalty for anyone who infringes upon declared cultural heritage buildings, shops, or neighborhoods that have been so designated in the Official Gazette by demolishing them or using them for any purpose other than the one designated for them shall be imprisonment for no more than seven (7) years. He shall be obligated to restore these sites at his own expense to their earlier condition before the infringement was committed.

Article 47:

First, If any one of the buildings referred to in Article 10 of this law is demolished or if such a building or any part of it is moved, refurbished, renovated, or altered without the approval of the Antiquities Authority, the owner of such a building or his designee shall be punished. The penalty shall be imprisonment, and the offender shall be obligated to restore the building to its original condition at his own expense.

Second, Anyone who violates the provisions of Articles 12 and 15; the provisions of the paragraph, "First," of Article 19; those of the paragraphs, "First" and "Second," of Article 20; those of the paragraphs, "First" and "Third," of Article 22; and the provisions of Article 36 of this law shall be imprisonment for no more than two years or payment of a one hundred thousand (100,000) dinar fine.

⁴ Translator's Note: The length of the prison term is not specified here in the Arabic text.

DRAFT TRANSLATION

Fourth. It shall determine the size of the reward that would be paid to anyone who uncovers a monument or article of antiquity or reports it.

Article 50:

The minister shall issue regulations for determining the following:

First. Wages and Fees:

- A. Entrance fees to museums, archeological areas, and buildings of antiquity and cultural heritage.
- B. Wages paid to guides for accompanying [visitors] to archeological areas and buildings of antiquity and cultural heritage.
- C. Fees for taking still photos or videos in museums, archeological areas, and buildings of antiquity and cultural heritage.
- D. Fees for land surveys.

Second. The prices of articles referred to in the paragraph, "Second," of Article 22 of this law.

Third. Appropriations for those engaged in the activities of uncovering antiquities.

Article 51:

First. Law Number 40 of 1926, the Law To Ban Smuggling Antiquities; Law Number 59 of 1936, the Antiquities Law; and Law Number 73 of 1937, the Law Concerning Fees for Exporting Ancient Articles of Antiquity are hereby repealed.

Second. Law Number 35 of 1946 setting fees for visiting museums shall remain in effect until it is superceded or repealed.

Article 52:

The minister may issue instructions to facilitate implementation of the provisions of this law.

Article 53:

This law shall go into effect on the date of its publication in The Official Gazette.

Done in Baghdad on the twenty-eighth day of [the month of] Sha'ban, 1423 A.H.

Coinciding with the third day of November 2002.

[illegible signature]

Saddam Husayn

President of the Republic

DRAFT TRANSLATION

Compelling Justifications

This law was enacted to preserve ancient monuments and cultural heritage buildings in the Iraqi Republic. These monuments and cultural heritage buildings, which are considered the cultural and scientific legacy of the Iraqi people, are a manifestation of their cultural identity. They are directly related to the dawn of their civilization and its advancement throughout the ages. These monuments and cultural heritage buildings have also played an active role in providing the fundamental ingredients for the building blocks of human civilization. All that has made recording and protecting this heritage imperative. Measures for maintaining this heritage and for preventing its destruction or any infringements on it are also required so that its features and characteristics can remain present and visible to all, telling viewers that Iraqis have played a distinguished role since the dawn of human civilization. They were the ones who laid down the first building blocks of that civilization. This law was also enacted to preempt possession of these articles of antiquity and to preclude their manipulation or their export to other countries, except for what is permitted for public interest considerations. It was enacted to punish those who do and to ensure that these treasures of antiquity are safeguarded and that they remain in Iraq. The law was enacted to safeguard and protect this heritage.

DRAFT TRANSLATION

Section Seven

General and Concluding Provisions

Article 48:

First. **A.** Anyone who reports information on articles of antiquity or cultural heritage that are being unlawfully held by anyone, or anyone who assists in the apprehension of such articles may receive a monetary reward from the Antiquities Authority.

B. The chief of the Antiquities Authority shall have the authority to decide claims arising from crimes referred to in Articles 12 and 15; in the paragraph, "First," of Article 19; in the paragraphs, "First" and "Third," of Article 20; in the paragraphs, "First" and "Third," of Article 22; and in Article 36 of this law.

C. The chief of the Antiquities Authority shall have the authority to serve as a judge and to decide misdemeanor cases as stipulated in Item B of the paragraph, "First," of this article.

D. Decisions rendered by the chief of the Antiquities Authority in his capacity as a judge authorized to decide misdemeanor cases may be appealed within fifteen (15) days of the date notice of the verdict or the decision is given or considered to have been given. The appeals shall be heard by a permanent appeals board chaired by a judge who shall be at least a judge of the second grade and shall be appointed by the minister of justice. In addition to the chief, the board shall consist of two members appointed by the minister of culture. Decisions rendered by the appeals board shall be final.

Second. For the purposes of this law an inspector working for the Antiquities Authority shall be authorized to serve as investigator.

Third. For the purposes of this law guards and monitors working for the Antiquities Authority shall be authorized to serve as officers of the court.⁵

Fourth. Reports prepared by the Antiquities Authority identifying archeological and historical sites, cultural heritage buildings, articles of antiquity and cultural heritage, or forgeries thereof shall be considered evidence by the courts of law.

Article 49:

The technical committee shall undertake the following:

First. It shall determine whether an article is an article of antiquity, one of cultural heritage, or a forgery.

Second. It shall assess the value of articles named in the paragraph, "First," of this article in accordance with commercial rates. These rates shall not be less than the value of these articles if they were made of gold, silver, or precious stones.

Third. It shall assess the amount of compensation for damages affecting the monument or the article of antiquity or cultural heritage.

⁵ Translator's Note: I was unable to get independent confirmation that the phrase, officer of the court, used here in this translation conveys the same sense intended by the Arabic term used in the Arabic text.