

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

Name: Qais Husaeen Rasheed

Position :	Deputy Minister Of Culture For Tourism And Antiquities Affairs
Organization/Agency :	state Board of Antiquities And Heritage
Country :	Iraq

## Policy and Legislative Framework

### 1. Did your country implement the 1970 UNESCO Convention, and if so, how?

	Civil Law
	Criminal Law
X	Specific Law

Please describe the specific law(s) used by your country.

iraq antiquities law no. 55 of 2002

### 2. Does your country have an overall policy and/or strategy for fighting illicit trafficking of cultural property (i.e., a document that describes the country's overall vision for fighting illicit trafficking)?

X	Yes
	No

### 3. Please provide the name and year the policy was passed (and web link to the policy/strategy if available).

Not available Iraq has the Iraqi Antiquities Act No. 59 of 1936 as well as the Iraqi Antiquities Law No. 55 of 2002

### 4. Please describe your country's overall legal framework for protecting cultural property from illicit trafficking, referencing specific laws and years passed (including specific provisions on the return of cultural objects illegally exported from other States Parties to the Convention).

The Iraqi Antiquities Act No. 59 of 1936 and the Iraqi Antiquities Law No. 55 of 2002

### 5. To what extent does your country's policy and legislation on this issue address the following topics (Please rate the degree of achievement in accordance to options available in the drop down boxes below).

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

4	Clear definition of cultural property
5	State ownership of undiscovered cultural heritage
5	Regulations on trade of cultural property
4	Export controls
4	Export certificates
3	Certificate of authenticity
4	Import controls
3	Establishment of national services
4	National inventory of cultural property
4	Inventory requirements for museums, public institutions, private collections
2	Protection of archaeological sites and regulation of archaeological excavations
3	Public education and awareness raising
3	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property
4	Prohibition of import of cultural property stolen from a museum or religious/secular institution
3	Regulation of the diplomatic pouch
3	Provisions for the return of cultural objects stolen from a museum or other public institution
4	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
4	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
3	Protection of underwater cultural heritage
3	Regulations regarding the use of metal detectors
3	Regulations regarding the trade of cultural artefacts on internet
Other (please specify):	

6. Did your country's legal framework regarding illicit trafficking of cultural property change as a result of ratifying the 1970 Convention?

	Yes
X	No

7. What laws were passed or changed as a result of ratification? (Please provide the name of the law and the year it was passed)

□

8. Please add any additional comments on the legislative/policy framework

□

9. Has your country implemented a policy to prevent the illicit export of cultural property?

X	Yes
	No

Please specify :

Yes, Iraq had a policy to prevent illicit trafficking in Iraqi cultural property through the enactment of the Iraqi Antiquities Act No. 59 of 1936.

10. Does the implemented policy include the requirement of a legally issued export certificate of the country of origin and/or transit?

X	Yes
	No

Please specify :

Yes, the Iraqi Antiquities Law stipulates that there should be an export certificate for an artifact extracted outside Iraq issued by the General Authority for Antiquities and Heritage

11. Has your country encountered difficulties in returning/restituting cultural property to its place of origin due to incompatibilities with national judicial decisions?

X	Yes
	No

Please specify :

Iraq is suffering from the return of its cultural property because of the incompatibility of the internal laws of the countries to which the Iraqi relics are transferred illegally

## Implementation and operative framework

### Institutional Framework

12. Does your country have a specialized service for the protection of cultural property (as described in Article 5 of the Convention) whose functions may include drafting laws and legislation, establishing national inventory, promoting establishment/development of scientific and technical institutions, organizing the supervision of archaeological sites, establishing rules for curators, antique dealers, etc., developing educational activities and/or publicizing the disappearance of cultural property?

X	Yes
	No

13. Please describe this service's major roles and responsibilities.

Yes in Iraq The General Authority for Antiquities and Heritage, which is responsible for the follow-up of cultural property in general in the country, is also the body that monitors and implements the laws for the protection of Iraqi cultural property

14. Please indicate which of the following departments/ministries/agencies also have specialized services for the protection of cultural property against illicit trafficking (mark all that apply).

X	Magistrates and/or judges
X	Police, gendarmerie, and/or Department of Interior
X	Public prosecutor
X	Customs
	None
	Other (please specify):

15. Please describe the roles and responsibilities of these specialized services in more detail.

There is a joint work between the parties mentioned above. They work as a joint team, despite the different responsibilities that are in the hands of each side. They are considered as supporting bodies to implement the policy of the General Authority for Antiquities and Heritage in implementing the laws related to the protection of cultural property

16. How do relevant stakeholders (Ministry of Culture, police, customs, etc.) coordinate regarding the protection of illicit trafficking? Mark all that apply

X	Formal coordinating committee, working group, etc.
	Coordination lead by specialized service (as described in Article 5), antenna or focal point

X	Communication and meetings as necessary (i.e., for specific cases) Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	No Coordination
	Other (please specify) :

17. **Please provide more detail on this coordination, including how it functions and who is involved.**

As we have shown previously, work is shared through time and common wisdom and there are responsibilities on each side

18. **Does your country use a database of stolen cultural objects?**

X	Yes, we have our own national or/and regional database that is not linked with the INTERPOL database
	Yes, we have our own national or/and regional database that is linked with the INTERPOL database
	Yes, we use the INTERPOL database (and do not have our own national database)
	No, we do not currently have a national database or use the INTERPOL database
	We would request assistance to establish such a database

19. **Please provide additional details on how your country uses such a database.**

The Iraqi Museum inventory all assets and create a database. There is still continuous work in the inventory of all the artifacts in the museums as well as a database of stolen items from the Mosul Museum

## Protection and Prevention Systems

20. **To what extent do museums and religious or secular public monuments have their own specific inventories of their cultural property/collections?**

	All/almost all cultural property is inventoried
X	Most, but not all, cultural property is inventoried
	Some cultural property is inventoried, but significant gaps remain
	Very little cultural property is inventoried
	No/almost no cultural property is inventoried

21. **Please provide additional details on these inventories, specifying whether they are digitized, and including any challenges in creating/maintaining them.**

Iraqi museums have these stocks, some digital and others in their own records

22. To what extent does your country have a centralized national inventory of cultural property?

	All/almost all protected cultural property is inventoried
X	Most, but not all, protected cultural property is inventoried
	Some protected cultural property is inventoried, but significant gaps remain
	Very little protected cultural property is inventoried
	No/almost no protected cultural property is inventoried

23. Please provide additional details on this inventory, including any challenges in creating/maintaining it.

Archaeological artifacts are still being kept in Iraqi museums. There are challenges of understaffing due to the large number of artifacts found in Iraqi museum stores

24. Please describe the extent to which looting/pillaging/illegal excavations of archaeological and ethnological objects is a challenge, including actions taken to combat it.

There is a great challenge after the looting and vandalism carried out by daish terrorist gangs

## Knowledge, Skills and Values of Stakeholders and the Public

25. Has your country undertaken any public awareness campaigns related to the protection of cultural property in the past five years?

X	Yes
	No

26. Please describe, including methods, target audience, etc.

The focus was on school students and children

27. To what extent is the public in your country engaged in the protection of cultural property? Examples of engagement may include :

5	Excellent
4	Very Good
3	Good

2	Satisfactory
1	Poor

4	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
3	Return of objects to relevant authorities
3	Sharing information on stolen objects with authorities
3	Placing pressure on museums to change acquisition policies
3	Advocating for policy change

28. **Overall, to what extent do police and/or gendarmerie have the necessary resources and knowledge to address cultural property crime?**

	To a great extent
	To a considerable extent
X	To some extent
	To no extent

29. **Overall, to what extent do customs officers have the necessary resources and knowledge to address cultural property crime?**

	To a great extent
	To a considerable extent
X	To some extent
	To no extent

30. **What type of training do police receive on cultural property crime?**

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

31. **Please provide additional details on the content and frequency of these trainings.**

Are very simple courses carried out by some international organizations

32. **What type of training do customs officers receive on cultural property crime?**

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

33. **Please provide additional details on the content and frequency of these trainings.**

Are very simple courses carried out by some international organizations

34. **To what extent have museums in your country adopted a code of ethics, such as the ICOM Code of Ethics, that is in line with the principles of the 1970 Convention?**

X	All or almost all have adopted such a code of ethics
	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
	None/only a few have adopted such a code of ethics
	Other (please specify) :

35. **Please provide additional details on the degree to which museums adhere to such a code of ethics.**

Iraqi museums are committed to and operate through the ethical code

36. **To what extent do dealers and auction houses in your country follow practices that are in line with the principles of the 1970 Convention, such as those outlined in the UNESCO International Code of Ethics for Dealers in Cultural Property and the Operational Guidelines of the 1970 Convention?**

	All or almost all follow such practices
X	Most follow such practices
	Some follow such practices

	None/only a few follow such practices
	Other (please specify) :

37. **Please provide additional details on the policies and practices of dealers and auction houses in your country.**

"There are very few auctions in Iraq that are interested in cultural property and they work according to the Iraqi Antiquities Law, which defines the way they work

38. **How has your country engaged art and antiquities dealers around the issue of illicit trafficking of cultural property?**

We have no posts

39. **Do you regulate the trade of cultural objects on internet?**

	Yes
X	No

40. **Have you entered into a specific agreement with an internet platform?**

	Yes
X	No

## International Cooperation

41. **Please list any bilateral agreements your country has regarding the protection of cultural property, including the years for which the agreement is in effect.**

There is currently only Iraq working to sign memoranda of understanding with a number of countries on the protection of cultural property from theft and smuggling

42. **Please indicate how the 1970 Convention helped with return/restitution cases your country has been involved in?**

	To no extent	To some extent	To a considerable extent	To a great extent
Provided a legal framework for return/restitution		X		

Provided a moral framework for return/restitution			X	
Provided a diplomatic framework for return/restitution		X		
Other (please specify):		The 1970 UNESCO Convention helped Iraq to pressure the signatory states to return their cultural property		

43. **Please provide additional details on or examples of how the 1970 Convention has facilitated return/restitution cases**

Only helped in the recorded pieces, and those that were not registered, the States did not respond to the UNESCO Convention

44. **Does your country have a system in place to facilitate international cooperation (e.g. single points of contacts and easily accessible information) in cases of illicit trafficking of cultural property?**

X	Yes
	No

**If yes, please specify**

Yes, we have points of contact, the General Authority for Antiquities and Heritage

45. **How has your country promoted this system and ensure the international community is aware of it?**

The General Authority for Antiquities and Heritage is in contact with all organizations and countries

## Overall

46. **Yearly statistics**

### Thefts

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	6000	Number of objects

Additional information : A large number of robberies are still ongoing

## Illegal Excavations

1st Year reporting	0	Number of objects
--------------------	---	-------------------

Additional information :

2nd Year reporting	0	Number of objects
--------------------	---	-------------------

Additional information :

3rd Year reporting	0	Number of objects
--------------------	---	-------------------

Additional information :

4nd Year reporting	200	Number of objects
--------------------	-----	-------------------

Additional information : Big numbers

## Seizures (cultural objects originating from own country)

1st Year reporting	0	Number of objects
--------------------	---	-------------------

Additional information :

2nd Year reporting	0	Number of objects
--------------------	---	-------------------

Additional information :

3nd Year reporting	0	Number of objects
--------------------	---	-------------------

Additional information :

4nd Year reporting	200	Number of objects
--------------------	-----	-------------------

Additional information : Big numbers

## Seizures (cultural objects originating from another country)

1st Year reporting	00	Number of objects
--------------------	----	-------------------

Additional information :

2nd Year reporting	00	Number of objects
--------------------	----	-------------------

Additional information :

3nd Year reporting	00	Number of objects
--------------------	----	-------------------

Additional information :

4nd Year reporting	00	Number of objects
--------------------	----	-------------------

Additional information :

## Restitutions

1st Year reporting	00	Number of objects
--------------------	----	-------------------

Additional information :

2nd Year reporting	00	Number of objects
Additional information :		
3rd Year reporting	00	Number of objects
Additional information :		
4nd Year reporting	00	Number of objects
Additional information :		

47. **Please rate the extent to which each of the following is a challenge your country faces in preventing theft and illicit exportation of its cultural property.**

	Not a challenge	Somewhat of a challenge	A considerable challenge	A major challenge
Gaps in national legislation to protect cultural property			X	
Lack of police capacity related to cultural property			X	
Lack of customs capacity related to cultural property			X	
Lack of coordination between relevant stakeholders		X		
Lack of inventories and databases in museums		X		
Inadequate security systems in museums and places of worship			X	
Inadequate security of archaeological sites			X	
Lack of cooperation from the art market				X
Lack of expertise/capacity in the legal field (lawyers, judges, prosecutors, etc.)		X		
Lack of regulation on the internet		X		
Lack of public awareness		X		
Other (please specify):				

48. **If applicable, please describe the three biggest barriers your country faces in securing the return/restitution of cultural property that has been stolen/illegally exported (e.g., cost of legal proceedings in other countries, lack of communication with counterparts in other countries, etc.).**

The internal laws of the States possessing antiquities are in conflict with the UNESCO Convention of 1970

49. **If applicable, please describe the most common reasons why your country is not able to fulfill requests for return/restitution made by other countries (e.g., requests made outside parameters of existing legal framework, lack of evidence for claims, etc.).**

The most important reason for not returning Iraqi cultural property is our demand for evidence of theft and evidence, such as their place of registration in Iraqi museums.

## UNESCO Support for the Implementation of the 1970 Convention

### General awareness raising and communication strategies

50. **UNESCO and its partners have developed a number of tools to help State Parties implement the 1970 Convention. Please rate how helpful these tools have been to your country :**

	Not helpful	Somewhat helpful	Very helpful	Extremely helpful
Object ID Standard (ICOM, the Getty, and UNESCO)			X	
UNESCO International Code of Ethics for Cultural Property Dealers		X		
ICOM Code of Ethics for Museums			X	
UNESCO Database of National Cultural Heritage Laws			X	
Basic Measures Concerning Cultural Items Offered for Sale on the Internet (INTERPOL, UNESCO, ICOM)			X	
Model Provisions Defining State Ownership of Undiscovered Cultural Property (UNESCO and UNIDROIT)			X	
Model Export Certificate for Cultural Objects (UNESCO and WCO)			X	

51. **Please provide additional details on how your country has used UNESCO's tools.**

Through the obligation of the States organizing the UNESCO Convention on the return of cultural property to Iraq

52. **Please indicate whether your country has uploaded relevant national laws to the UNESCO Database of National Cultural Heritage Laws.**

no

53. **What additional tools would be helpful for UNESCO to develop ?**

Member States must be obliged to return stolen and stolen property from countries of origin

54. **Have you or other stakeholders in your country participated in any of UNESCO's capacity building workshops or projects related to preventing illicit trafficking of cultural property in the past five years?**

X	Yes
	No

55. **How did these workshops or projects contribute to the implementation of the 1970 Convention in your country? Please provide specific examples where possible.**

Yes through initiatives and workshops that contribute to the restoration of archaeological sites and museums in the city of Mosul

56. **There are a number of ways the UNESCO Secretariat could support State Parties in the implementation of the 1970 Convention in the future, in addition to servicing the governing bodies of the Convention. Please indicate the extent to which the Secretariat should give priority to the following activities :**

	No priority	Low priority	Somewhat of a priority	High priority
Support in reforming national policies and legislation		X		
Promoting policy dialogues between countries			X	
Support for inventorying projects			X	
Specialized trainings for police		X		
Specialized trainings for customs		X		
Specialized trainings for museum staff			X	
National workshops to bring together stakeholders across departments, ministries, etc.		X		
Regional workshops to bring together stakeholders from across the region across departments, ministries, etc.			X	
Awareness raising activities (press releases, video clips, etc.)			X	
Development of more legal and practical tools such as the WCO model export certificate, the Database of National Cultural Heritage Laws, etc.			X	
Facilitating the sharing of best practices between countries (e.g., online or through a newsletter)		X		

Other (please specify):			Hopefully it will be done soon	
-------------------------	--	--	--------------------------------	--

57. **Please provide any additional suggestions for how UNESCO should focus its work on this topic going forward.**

58. **What difficulties did you State encounter while implementing the Convention during the last reporting cycle period ?**

59. **How has your country used the Operational Guidelines of the 1970 Convention adopted in UNESCO during the Third Meeting of States Parties (2015)?**

Largely through coordination over what the gangs have done to encourage the destruction and theft of archaeological sites

60. **Any other additional issues or comments you would like to share.**