

# UNESCO 1970 Convention - Periodic Reporting Form 2019

## Respondent Information

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Position :	Focal Point- 1970 Convention
Organization/Agency :	Ministry of Tourism and Antiquities
Country :	Palestine

## Policy and Legislative Framework

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

<input checked="" type="checkbox"/>	Civil Law
<input type="checkbox"/>	Criminal Law
<input checked="" type="checkbox"/>	Specific Law

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

the Tangible Cultural Heritage law (No.11, 2018)

### 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)?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

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

The Tangible Cultural Heritage law (No.11, 2018) is now in effect. This have replaced the 1966 Jordanian Law of Antiquities, number 51 which has also replaced the 1929 Law.

### 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 Tangible Cultural Heritage law (No.11, 2018), Articles 26-30 For more than a century, Palestinian cultural heritage and property has been the subject of capture and destruction by other states. The Israeli occupation authority imposes its “military law” on Palestinians living in occupied Palestine. This also applies on archaeology with the most blatant Israeli Military Order No. 119 of 1967, which revoked many of the principles of the British Mandate Antiquities Ordinance, and placed responsibility for antiquities under Israeli military authority. The “Order Concerning Law of Antiquities,” have canceled all appointments and jurisdictions granted by the Jordanian government pertaining to the management of antiquities, and responsibilities transferred to the Israelis who could enact new orders as it suits the occupying Power. The Palestinian Department of Antiquities and Cultural Heritage, re-established in 1994, is considered to be a revival of the Department of Antiquities that was established in 1920 under the British Mandate and terminated by the political events of 1948. A number of excavations have been carried out, including collaborations with foreign experts and institutions. Due to the different sets of existing archaeological legislation Palestine adapted the Tangible Cultural Heritage Law, which “resituates the archaeology of Palestine within the universe of the international discipline.” The law gives priority to combat the looting of archaeological sites in Palestine including those under occupation. The Palestinian Cultural Heritage Law finalized with the support of UNESCO encompasses provisions to safeguard all components of cultural heritage and defines administrative roles and responsibilities of all actors involved in heritage protection and management. So far, this law is a valuable achievement in the field of cultural heritage in Palestine, providing the necessary legal protection, in line with international standards and in compliance with the provisions of international conventions ratified by Palestine, such as 1970 convention of illicit trafficking of cultural property, 1954 Hugu convention and the 1972 UNESCO convention.

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

3	Clear definition of cultural property
2	State ownership of undiscovered cultural heritage
1	Regulations on trade of cultural property
1	Export controls
1	Export certificates
1	Certificate of authenticity
1	Import controls
1	Establishment of national services
2	National inventory of cultural property
2	Inventory requirements for museums, public institutions, private collections
2	Protection of archaeological sites and regulation of archaeological excavations
3	Public education and awareness raising
2	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property

3	Prohibition of import of cultural property stolen from a museum or religious/secular institution
1	Regulation of the diplomatic pouch
1	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
2	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
1	Protection of underwater cultural heritage
1	Regulations regarding the use of metal detectors
1	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?**

X	Yes
	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)**

The Tangible Cultural Heritage law (No.11, 2018) is consistent with the 1970 convention regarding illicit trafficking of cultural property and impose strict penalties in this regard.

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

no information available.

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

X	Yes
	No

**Please specify :**

Palestine, designated in June 2018, MoTA as the policy, legal, and administrative reference authority for heritage in Palestine. It has established a fund for cultural heritage, an advisory council tasked with contributing to the development of guiding policies for heritage protection, management, and promotion. MoTA's policies includes sanctions applicable to offenses or violations against tangible cultural heritage as well as cases of illicit trafficking.

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

	Yes
X	No

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 :

Palestine faces difficulties due to Israeli Occupation which controls the Palestinian land and borders.

## 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.

The specialised service for the protection of cultural property in Palestine are: General Directorate of Protection (MoTA): The department is in charge of the protection of moveable and immovable cultural heritage in Palestine. It implements the law and regulations concerning the procedural and judicial problems relating to cultural property trade and illicit trafficking. It conducts periodic visits to sites and places where illegal excavations are carried out. General Directorate of the National Register and Preservation (MoTA): The department is in charge of the development and organisation process for the inventory to register the movable and immovable cultural properties and to create certificates for them. Among its duties, is to establish an inventory of stolen cultural properties.

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).

	Magistrates and/or judges
X	Police, gendarmerie, and/or Department of Interior
	Public prosecutor

	Customs
	None
X	Other (please specify): MoTA has a specialised services for the protection of cultural property against illicit trafficking: General Directorate of Protection General Directorate of the National Register and Preservation

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

The Police of Tourism and Antiquities is a specialised unit whose job is to preserve Palestinian antiquities and prevents the illegal excavations and the unlawful smuggling of artefacts. It also plays a role in preventing illegal excavations of antiquities and the unlawful smuggling of artefacts. General Directorate of Protection (MoTA): The department is in charge of the protection of moveable and immovable cultural heritage in Palestine. It implements the law and regulations concerning the procedural and judicial problems relating to cultural property trade. It conducts periodic visits to sites and places where illegal excavations are carried out. General Directorate of the National Register and Preservation (MoTA): The department is in charge of the development and organisation process for the inventory to register the movable and immovable cultural properties and to create certificates for them. Among its duties, is to establish an inventory of stolen cultural properties.

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

	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.

There is a cooperation and coordination between the above mentioned stakeholders regarding the prevention of illicit trafficking. Several of these entities are campaigning to raise awareness within the Palestinian public on the importance of preserving this rich national heritage. The main stakeholders are Ministry of Tourism and Antiquities, Police of Tourism and Antiquities, and the Customs Police. Regular meetings also take place between the different parties to share information and organize the tasks of preventing illicit trafficking.

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

	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
X	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.

no information available.

## 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
	Most, but not all, cultural property is inventoried
X	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.

Museums under the authority of the Ministry of Tourism and Antiquities contain digitized inventory for the archaeological and cultural objects, each piece is assigned a national number, while private museums are in need of more work in description and documentation in order to create a national number.

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

	All/almost all protected cultural property is inventoried
	Most, but not all, protected cultural property is inventoried
X	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.

A comprehensive inventory is needed on the national level of cultural property, for all museums. Main challenges are due to occupation, example: The Palestine Archeological Museum Rockefeller is under Israeli control, due to the occupation of east Jerusalem, it cannot be accessed by Palestinian officials and Israeli authorities prevent them from assuming their full effective role in conservation and management of the museum. Palestinians need additional scientific and technical training for the staff working in the fields. Assistance to increase the knowledge and "savoir faire" Capacity building

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.**

Robbing archaeological sites in Palestine has been facilitated by modern technology, which has a more destructive effect, causing irreparable damage. Bulldozers and metal detectors are widely used. This phenomenon has reached an extremely dangerous level, putting archaeologists at risk of being left only with contaminated debris and demolished sites in the near future. Hundreds of archaeological sites have been looted and plundered, and there has been an active illegal trade in cultural properties. Many sites have been abandoned and left without any protection. Most importantly, there is a lack of public awareness of the significance of cultural heritage due to the heavy impact of political and ideological claims placed on archaeology by the Israeli settlement policy. Official Israeli policy stimulates the looting of archaeological sites and the illegal trade of antiquities in Palestine. The years of occupation have witnessed a great escalation in the volume of illicit trade and damage caused to archaeological sites. The occupied Palestinian territory has turned into one of the most looted spots in the world. Hundreds of people are engaged in these illegal activities.

## 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 Ministry of Tourism and Antiquities ran workshops and lectures for the police of the Tourism and Antiquities in order to raise awareness of the importance of cultural heritage showing them how to confront and detect illicit traffic. They also introduced to the public the "Tangible Cultural Heritage law (No.11, 2018)" Further work needs to be done in this domain.

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

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

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?**

X	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	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.**

□

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

X	No specific training on this issue
	Training has occurred in the past, but is not ongoing



	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.**

no information available.

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?**

	All or almost all have adopted such a code of ethics
X	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.**

The ICOM Code of Ethics was used as reference for the museums who adopted such a 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
	Most follow such practices
	Some follow such practices
	None/only a few follow such practices
X	Other (please specify) : All forms of trade of antiquities are forbidden in Palestine! No specific regulation for other cultural property.

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

According to the new law auctions and trade of antiquities are prohibited in Palestine. No regulation for other cultural property.

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

Dealers were informed that trade of antiquities is forbidden. No action has been yet taken regarding other cultural property.

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 cooperation with neighboring countries regarding the protection of cultural property, but no agreement was signed in this regard.

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):	no information available. No restitution cases in the last 4 years.			

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

## **cases**

MoTA, in close cooperation with the Ministry of Foreign Affairs and Permanent delegation of Palestine in UNESCO is working to establish an information system on Stolen Artifacts targeting the international institutions.

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?**

	Yes
X	No

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

no information available.

## **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	0	Number of objects
Additional information :		

### **Illegal Excavations**

1st Year reporting	15	Number of objects
Additional information : no information available.		
2nd Year reporting	34	Number of objects
Additional information : no information available.		
3nd Year reporting	49	Number of objects
Additional information : no information available.		
4nd Year reporting	22063	Number of objects

Additional information : Pottery, coins, glass, metal.....
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### Seizures (cultural objects originating from own country)

1st Year reporting	20714	Number of objects
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Additional information : Pottery, coins, glass, metal.....
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2nd Year reporting	1363	Number of objects
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Additional information : Pottery, coins, glass, metal.....
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3rd Year reporting	7582	Number of objects
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Additional information : Pottery, coins, glass, metal.....
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4nd Year reporting	22063	Number of objects
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Additional information : Pottery, coins, glass, metal.....
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### Seizures (cultural objects originating from another country)

1st Year reporting	0	Number of objects
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Additional information :
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2nd Year reporting	0	Number of objects
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Additional information :
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3nd Year reporting	0	Number of objects
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Additional information :
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4nd Year reporting	0	Number of objects
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Additional information :
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### Restitutions

1st Year reporting	0	Number of objects
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Additional information :
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2nd Year reporting	0	Number of objects
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Additional information :
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3nd Year reporting	0	Number of objects
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Additional information :
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4nd Year reporting	0	Number of objects
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Additional information :
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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	Somewhat	A	A major
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	challenge	of a challenge	considerable challenge	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.).**

1- the Israeli occupation restrictions on Palestinian officials in charge of combating illicit activities of cultural property. 2- the absence of a detailed inventory and records for stolen cultural properties.

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.).**

No request has been addressed to the Palestinian authority in this regard.

## 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.**

Model of Export Certificate for Cultural Objects was not used since Palestine did not have any kind of certificate for export and/or import of cultural property.

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

The "Decree Law concerning Tangible Heritage", which has been prepared by MoTA with technical and financial support from UNESCO Office in Ramallah and came into force on 3 June 2018, has been submitted by UNESCO Ramallah office to the Secretariat for upload in June 2018.

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

A Regularly updated Guidelines for customs and police services for combating illicit traffic of cultural property.

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.**

Mainly in the development of national legislations and policies to protect, manage and promote Palestinian Cultural Heritage Law which was culminated by the preparation and entry into force of the Decree Law no. 11/2018 on Tangible Cultural Heritage in 3 June 2018.

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):				

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

Regular capacity building programme

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

The main difficulty was to prohibit the illegal excavations by Israeli settlers in the occupied Palestinian land; And to prevent the illicit transfer of cultural artifacts from the Palestinian museum Rockefeller in occupied Jerusalem.

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

It was very useful during the drafting of the national law in Palestine.

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

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