



MINISTRY OF CULTURE
DIRECTORATE GENERAL OF ANTIQUITIES AND MUSEUMS

STATE PARTY REPORT

On the application of the 1970 Convention on the Means of prohibiting and
preventing the Illicit Import, Export and Transfer
of Ownership of Cultural Property

(SYRIAN ARAB REPUBLIC)

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1. Ratification of the Convention

Ratification by the Syrian government of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property took place on 21/02/1975.

2. Implementation in the national legal system and in the organization of services

(a) References to the principal national regulations adopted in order to implement the 1970 Convention.

Antiquities law n 222 date 26 October 1963 and all its modification law n 1 on 1999

(b) Definition of "cultural property" as applied in national legislation

The juridical definition of cultural heritage falls in the context of the Decree - Law No. 222, dated 26/10/1963 along with all its relevant amendments, classifying antiquities into two types:

Im-movable Antiques and Movable Antiques.

- A. Immovable antiques: Connected to the ground, like natural caves or manmade ones which was designated to the necessities of ancient man, the rocks that have drawings, inscriptions or writings made by the ancient man, and also the ruins of cities and constructions that are buried in accumulated hills (tells) and historical monuments that were constructed for different purposes like mosques, churches, temples, palaces, houses, hospitals, schools, citadels, castles, walls, play grounds theatres, khans, baths, graves, constructed tunnels, dams and the ruins of those monuments and whatever connects to them like doors, windows, columns, verandas, stairs, roofs, friezes, crowns, altars and tombstones.
- B. Moveable antiques: not connected to the ground, nor to the historical monuments and can be moved like sculptures, coins, drawings, inscriptions, manuscripts, textiles and manufactured objects, no matter what their material, purpose or use are.
- C. Some movable antiques are considered as immovable ones, in case they are parts of immovable antiques or decorations. It is for antiquities authorities to decide that.

(c) Specialized units established in order to prevent and combat trafficking and ensure international cooperation with regard to protection of cultural heritage

There isn't any specialized unit to prevent and combat trafficking.

(e) Are working meeting held to enable police officers, customs and ministerial representatives to meet and coordinate their activities?

The communication and meetings held as necessary, (i.e., for specific cases).

3. Inventories and identification

(a) State briefly the extent to which inventories provide for the risk of misappropriation and theft

Most, but not all, protected cultural property is inventoried. Inventories of most Syrian museums funded by Government are being compiled in the national database. Eventually, as these inventories are completed, they will facilitate the monitoring of the collections. When all collections are registered and published, the monitoring task will become easier, and also increase efficiency as to describing and recognizing stolen objects from collections. As the inventories contain detailed information, including photos, they make it easier to recover stolen objects. Better inventories will reduce the risks of misappropriation and theft, both with regard to thefts by museum employees as well as by outside visitors.

A Working Group has been established to consider appropriate solutions for an internet based database with information on stolen art and cultural heritage objects. The intention is that such a database should provide a useful tool in the investigation of crime concerning art and culture.

(b) Specify the degree of precision, at the national level, of the definition of "cultural property" covered by international convention. State whether "national treasures" are identified in an official, initiative or exhaustive list.

Syria antiquities legislation still adheres to the classical and limited concept of antiquities (movable and immovable property). (Refer to 2-b)

The antiquities law usually applies a specific date or the criterion of age to define antiquities to be protected, the first article of the mentioned law describe the cultural properties as follow:

Article -1- The movable or immovable properties that man built, manufactured, produced, wrote or drew before two hundred calendar years or two hundred and six Muslim calendar years, are considered as antiquities. Antiquity Authorities can consider also, the movable or immovable properties of more recent period, if they see that these properties have historical, artistic or national characteristics, and a ministerial decision is issued for that purpose.

Accordingly, the legal definition – both in terms of terminology and content – arguably means that it cannot be matched with the definitions used in international conventions and can thus make international cooperation more difficult in preventing and combating trafficking.

As part of The Syrian government vision to obtain more protection for the Syria's cultural heritage, an effort had given to revise the antiquities lawn 222 for 1963, which had last been updated in 1999. The new amendments would govern reproduction of antiquities; impose harsher sentences on those who smuggled antiquities, and implement site management plans for ancient monuments. The committee for amending the law had finished the final version.

(c) To what extant is the object ID standard used? Is the standard adapted to the state's needs?

DGAM has included the Object ID standard in its objects database, and we have a list of the stolen objects according to this. Usually the list circulated through the museum staff, police and customs agencies and INTERPOL.

But the objects are transmitted to the other ministries such as Ministry of Endowments, municipalities or other groups are not mentioned in any of the preceding tables.

Thus, we find that the absence of an inventory of the immovable proprieties (public and private) is making any request to get back the objects impossible because of lack of evidence.

(d) Are there systems to combat theft and to train museum staff and have specific measures been adopted libraries, archived and manuscript, and any specialized units established to monitor them ?

With the beginning of 2012, UNESCO launched "**The Emergency Safeguarding of the Syrian Cultural Heritage project**" aimed to mitigate the on-going loss of cultural heritage in Syria and pave the way for post-conflict priority actions, and medium and long term actions, following the considerable damage to, and loss of, cultural heritage since March 2011, with the overall objective of contributing to restore social cohesion, stability and sustainable development in Syria.

One of the project's aims was to protect and safeguard Syrian cultural heritage through enhanced technical assistance to and capacity-building of national stakeholders and beneficiaries. The Training of police and customs officers in Syria and adjacent countries used as transit stations, including Lebanon, Turkey, Iraq and Jordan on how to distinguish suspected looted antiquities was organized on 10/11/2014 in UNESCO Beirut office.

The one week training provided information on archaeological site and museum security and prevention of theft, as well as operational mechanisms for the import, export and transfer of cultural objects, thus providing especial emphasis to the role of custom and police officers, Basic legal training on national and international legislations regarding the safeguarding of Cultural heritage. Practical training on preventive tools (Object ID, model export certificate, fight against traffic on the Internet, etc....). UNESCO-WCO Model Export Certificate, the Object ID Standard Form for the basic inventory of cultural objects, the UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM Code of Ethics for Museums, the UNESCO-INTERPOL-ICOM.

According to information from The Syrian Customs, no such unit has been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage.

The DGAM in collaboration with Ministry of Interior willing to establish the **specialized units** we contact UNESCO officially on 2014 to provide us with case studies about such units (frameworks, administration procedures etc...) which can help us to organize the legal and administration of the units, but unfortunately we haven't get any respond.

4. Archeological excavations

(a) Summarize the basic principles of the regulation on archaeological excavations and on the monitoring of excavations in force in the country.

- Archaeological excavations are regulated by Law and are subject to the Antiquities authorization. Only scientific institutions with the required skills and the necessary financial resources can obtain an excavation authorization. Depending on the legislation, excavations may under an agreement negotiated by the parties concerned. The conditions for granting an authorization, and the rights and obligations of the holder of an authorization are also laid down in the law, which also regulates the monitoring of excavations, the security measures to be implemented on sites during excavations, the conditions and procedure for revoking an authorization, ownership of the scientific results of the excavations and ownership of the objects unearthed during the excavations.
- The antiquities Law prohibits trafficking in antiquities and determines prison punishment / 1 / to / 15 / year and a fine of / 100 / A to / 500 / Syrian thousand pounds in the event of violation of this prohibition.

(b) Is there a recurrent problem of illegal excavations? If so, what are the reasons and when it begins? What steps have been taken to combat this scourge?

- Starting with the crisis in Syria on 2012, Important and key archaeological sites in the history of Syria are being subjected to unlawful pillaging perpetrated by extremist armed groups, such as ISIS and others, as well as specialized antiquities thieves and local groups including hundreds of people, hired in some Syrian regions and involved in looting and illicit trafficking of the Syrian cultural property.
- The most significant historical sites suffering grave damage. Syria's archaeological richness together with its 10,000 sites or more has made it a coveted and permanent target for antiquities thieves linked to huge networks exchanging Syrian cultural objects through well-known channels of selling and buying. It is worth mentioning that the phenomenon of illegal excavation was common in Syria before the crisis; nevertheless, it has lately become more intense and worsened dramatically.
- The DGAM depends in obtaining information on the status quo from the reports received from the staff of the departments of antiquities in the governorates as well as experts and guards who still report for duty. In addition, we have more than 2500 employees who provide information; however, they cannot sometimes intervene in conflict zones to prevent what is happening due to security reasons, the absence of state authorities and threats of armed gangs – which has guaranteed a fertile environment for these groups to carry out their illegal excavation.
- Over the past four years, the Syrian authorities have confiscated more than 6000 artifacts of different sizes as they were being smuggled. Besides, the DGAM constantly receives reports from the INTERPOL providing information confirming the confiscation of artifacts in neighboring countries, like Turkey and Jordan. All of that keeps us updated on what is happening in those areas.
- In addition, the DGAM sent out a call at the international level to urge the neighboring countries to provide support through closing borders in the face of these gangs, stop ongoing illegal excavation at the archaeological sites and combat trafficking in cultural objects. The DGAM has also appealed to all countries more than once to do their duties in accordance with the governing international conventions which call for fighting illicit trafficking in cultural property. Besides, we have stressed the importance of controlling borders, and we also believe that there is no justification for any country not to carry out its moral obligations in defending a nation's memory and identity subjected to looting and destruction due to the crisis in Syria.

5. Monitoring of the import and export of cultural property

(a) Give an estimate of the scale of the illicit export or import of cultural property .Are up to date statistics compiled on the theft of cultural property?

The majority of the artifacts in the 34 Syrian national museums have been transferred to secure warehouses, almost all the looted items are from excavations and the warehouses on archaeological sites. Syria had more than 10000 archaeological sites; the increasing magnitude of the danger threatening the Syrian cultural heritage was beyond the DGAM's capabilities to contain alone. Illegal excavations have increased, as evidenced by satellite pictures which show increasing numbers of excavation holes in most archaeological sites. But we don't have a precise figure about the volume of looted objects, because we don't know what has been dug out. Most of the looted objects are freshly unearthed and thus not catalogued or registered.

(b) Is the illicit export of cultural property a recurring problem? If so, for which reasons (lack of financial and human resources, shortcomings in the legal supervision framework, etc. ...)?

- Despite the often detailed regulations, Syria is plagued by illegal excavations for many reasons. In addition to the inadequacy of control mechanisms, other causes include the insufficient number of guards on the sites, poverty and unemployment among local people living near the archaeological sites, the rise in the world prices of archaeological objects, the people's low educational attainment and lack of awareness, and the lack of law enforcement. Some illegal excavations are carried out following fortuitous discoveries, or even to fulfill specific orders.
- And during the Syrian Crises starting from 2011 the situation became more serious and the theft of archaeological sites in Syria has become systematic. Vandalism in the city is an old phenomenon and is not related to the crisis, but the thieves who are active in this area have found greater freedom to operate during this crisis.
- On spring 2013 we have informed that an International Groups specializing in the theft of antiquities entered Syria, then the most important archeological sites which are fundamental to our understanding of the history of Syria and its archaeological heritage were being devastated by illicit excavations. There were signs that thieves have brought in antiquities experts from Iraq, Turkey and Lebanon to advise them about the best places to dig, and gangs are ready to pay any militia, any armed group, any army to facilitate illegal excavations and smuggling.
- The main reason for increasing the illegal excavations is the lack of Collaboration with the neighboring countries which serving as transit, and this is the result of the loss of security control and the absence of any power to prevent or limit the existence of organized and armed groups which came from inside and outside Syria formed for this purpose and work until the moment almost daily and night.

(c) What are the main rules (administrative and legal) for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force)? What categories of cultural property are covered by the rules?

Trade in antiquities is prohibited, while authorizing temporary exports for purposes of exhibitions, studies or research and requiring the competent administrative authority to ensure that illegally exported antiquities and other cultural objects are recovered.

(d) Do the rules provide for the restitution of illicitly imported cultural property?

According to Article -12- on the antiquities law: Antiquity Authorities, according to international agreements, convention, recommendations and foundation, must work on recovering antiquities that were smuggled out of Syrian Arab Republic and helping in returning smuggled foreign antiquities, on condition of reciprocity.

(e) What are the main obstacles encountered in securing the restitution of illicitly exported cultural property? What type or obstacles are they (administrative, legal, or political) and why do they arise (legal loopholes, unwillingness by importing countries, lack of international cooperation, etc...)?

There are many obstacles encountered in securing the restitution of illicitly exported cultural property such as the difficulty of proving the origin and ownership of the property because of the shortcomings of inventories and because objects have been excavated illegally, the laws of the importing countries that do not recognize the illegality of the export and protect the good-faith purchaser, the financial costs of judicial proceedings, the complex nature of

administrative and judicial procedures, a lack of knowledge about the international art market and a flourishing of art market specially in Lebanon. There are other obstacles which have not been highlighted during the Crisis such as lack of awareness of the importing countries' legislation and of general mechanisms for mutual international administrative and judicial assistance and restitution conditions formulated in the 1970 Convention and in bilateral agreements and lack of coordinating from the neighborhood countries.

(f) If the country has succeeded in securing the restitution of a stolen cultural object, describe the circumstances and state whether that involved legal proceedings, arbitration or alternative dispute resolution.

Over the past four years, the Syrian authorities have confiscated more than 6000 artifacts of different sizes as they were being smuggled. Most of the artifacts were returned from Lebanon with strong cooperation with the Lebanese authorities.

6. System for trade- in, acquisition, ownership and transfer, of cultural property

a) Give a brief description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the internet).

Act prohibits the trafficking of cultural properties and determines the prison punishment from / 1 / to / 15 / year and a fine of / 100 / to / 500 / thousand Syrian pounds in the event of violation of this prohibition. This prohibition does not prevent the transfer of ownership. The law allows already the state to sell the properties of less importance, especially those on multiple copies. This can be sold by presidential decree after the approval of the antiquities high council. Also, the antiquities authority allows individuals to sell their property.

(b) What are the main rules governing trade in cultural goods? Are control measures in place for such trade, in particular through the internet (for example, reference to the basic measures proposed by UNESCO, INTERPOL, and ICOM.

According to the Syrian antiquities law, there are no instructions for trade of cultural property license, and the law also, did not specify the sale of certain types of properties and there are no precise obligations on traders.

(b) Do measures hold to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institution from acquiring cultural property exported illegally from other state)?

Import and Export are forbidden by law.

(d) Specify the existing legal system concerning ownership of cultural property:

- **Is the principle of inalienability applied to cultural items in national collections and objects originating in heritage sites?**

All movable and immovable antiques and archaeological sites in are considered as public properties of state, except special items such as:

The movable antiques that discovered by chance and the state do not want to set its ownership, in condition that this property is registered.

- **What is the statue of yet unfound cultural objects, of cultural items found by chance and archaeological artifacts found during legal or illegal excavations?**

Objects unearthed in archaeological excavations, whether legal or illegal, also belong to the State. According to the law of antiquities:

- A. All movable and immovable antiques and archaeological sites in are considered as public properties of state.

B. Possessing a land, legally, does not give the right to its owner to deal conclusively with the movable or immovable antiques that may exist on or interior it and does not permit him to excavate in it.

- ***Are there any due diligence requirements in place?***

Institutions and individuals have the right to own movable antiques, but Antiquity Authorities must be informed to register the important ones. The owner of the registered antique will be responsible for preserving it and not to make any change on it. In case of losing or damaging it, the owner is obliged to inform the Antiquity Authorities immediately. If the antique is not important, the owner is free to deal with it according to a special permission given by the Antiquity Authorities, the rules of registering or not must be organized by a ministerial decree.

- ***What are the rules governing the search of provenance?***

The immovable antiques that their owners can prove owning them by official documents are considered as private prosperity.

(e) Are there special rules on the transfer of title deeds in respect of cultural property? If so, please summarize their content.

The ownership of registered movable antiques can be transferred according to prior Antiquity Authorities approval.

Also it is forbidden to transport the antiques from one place to another without an authorization from the Antiquity Authorities that must offer their experience to transport these antiques in a technical method.

To possess and transport the antiques in the customs zone that is originally specified, custom documents that is prescribed by the effective clauses must be organized. Transporting the antiques across Syrian Arab Republic is subject to a prior approval from the Antiquity Authorities.

7- Bilateral agreements

Syria has no bilateral agreements with other countries on the import, export and return of cultural property.

Before the crisis, there was cooperation with some countries that helped to brought back the antiquities objects that illegally exported for example:

- 14 pieces of mosaic in April 2004 from Canada.
- A wide range of pieces smuggled into Germany from Canada.
- An objects collection from the Museum of Limassol in Cyprus.
- Thousands number of the cuneiform tablets from France in 2006.

With the start of the crisis on 2011, Lebanon is the only country cooperates on illegal import and export of the Syrian artifacts; the Lebanese police have seized over 1,000 antiquities.

8- Codes of Ethics, awareness raising and education

Ethical Standards

(a) Are the UNESCO international code of Ethics for dealers in cultural property and that of ICOM for museums known to the professionals concerned (in particular; curators, antique dealers, merchants and collectors)? How is their observance checked?

Museums curators are aware of ethical standards, as set out in the ICOM code of ethics and in UNESCO's international code of ethics for dealers in cultural property, but the dissemination of these standards outside professional circles is limited. Furthermore, compliance with these standards by museums, antiquarians, art dealers and collectors is not monitored.

Awareness Raising and Education

(b) Are the one hundred missing objects series and the ICOM Red List disseminated and read?

The ICOM Red Lists and the "One hundred missing objects" series have been disseminated and read within the police central unit and museums professionals.

(c) Briefly describe activities carried out to raise awareness of the authorities and educate the public, children in particular, regarding the series damage that can be caused by illegal excavations, theft of cultural property and illegal export. How far can UNESCO contribute to these activities?

On 2012, the Syrian Directorate of Antiquities and museums undertook to inform the general public about risks and challenges associated with illicit trade in cultural property. Campaigns are held frequently considered and take variety forms: heritage days; open days in museums; poster campaigns in archaeological sites and airports; travelling exhibitions in schools and other public venues; lectures on the cultural heritage to pupils in primary and secondary schools, students and local communities; encouraging the efforts of non-governmental organizations in the cultural heritage field; and inclusion of cultural-heritage courses in school curricula.

A national campaign under the banner "Save Syria's History" was launched on 2012 to raise awareness on the current looting of museums and illegal excavation of archaeological sites. Posters and other audio-visual material were widely disseminated across Syria to support the campaign's message.

To further raise awareness several workshops focused on the fight against the illicit trafficking of cultural property, was held at the National Museum in Damascus.

In the framework of the project "The Emergency Safeguarding of the Syrian Cultural Heritage project" UNESCO Produced awareness-raising video clip on the dangers of the illicit trafficking of Syrian cultural property and of the destruction and loss of cultural heritage, it was distributed on international basis (airports, train stations, travel hubs, etc.). The mentioned project will support the media campaign to target all stakeholders; this will be done on different levels, and will address immediate and long-term matters.

9- Coordinating With Other International and Regional Agencies:

Police

(a) What is the state of national cooperation with INTERPOL? What specialized police service can heritage offices call on for antiquities, legal proceedings and punitive measures?

DGAM cooperate with INTERPOL whenever one of the parties finds it appropriate. The DGAM also work closely with customs in the event of theft or illicit export, they routinely inform the national police, which transmit the information to INTERPOL and the customs through the national INTERPOL office.

Customs is working on control and helps restitution of cultural property passed. Usually there role come after they informed by DGAM about the illicit traffic of the cultural property and sometimes the customs asked for antiquities authority opinion about illicit exporting smuggling outside the country.

No such unit has been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage.

(b) If the cultural object is stolen, is the INTERPOL database on stolen objects checked? Is information on the persons implicated in the theft of cultural property transmitted to INTERPOL?

As a rule, when a cultural object is stolen and reported, The INTERPOL databases checked, also, the Police transmit information on the person implicated when expedient.

(c) Do members of police services follow a specific training program?

No specific training on this issue

(d) Do criminal law provisions allow for the punishment of fraud and theft related to cultural property? Are judges specialized in this field?

Yes, criminal law provisions allow for the punishment of fraud and theft related to cultural property.

Judges are not specialized they usually hire antiquities experts for the heritage criminals.

(e) Does cooperation exist with the UN office of drugs and crime (UNODC)?

The Interior Authority, working on cultural heritage cases, has no cooperation with UNODC.

Customs

a) What is the statue of cooperation with the WCO and which specialized customs services can assist heritage officials in preventing the illicit export of cultural property?

The Syrian Customs and WCO have not established a special focus on illegal trade of cultural heritage.

b) Do members of customs administration follow a specific training program?

Members of the Customs administration have not participated in a specific training program.

c) Is the UNESCO_WCO model export certification for cultural objects used?

The UNESCO-WCO export certificate for cultural objects does not used, as we mentioned antiquities trade is banned by the Syrian law.

EUROPEAN UNION

Have particular measures been adopted to apply the council of the European Communities Directive 83/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from territory of member state.

IV. Emergency situation and heritage at risk

What is the strategy in place in your country to face emergency situation for heritage in case of natural disaster or conflict?

From the starting for the conflict on 2012 DGAM works depend on the following main goals:

1. The DGAM strength the working with local authorities in preventing the damages, more than 6000 has returned archaeological artifacts during the past four years through confiscations carried out by the concerned bodies (the police, the customs, the governorate, the municipalities and other public bodies).
2. Cooperate with Organizations, governmental and non-governmental, Universities and various private Associations (Engineering union, Architecture University, Heritage commissions, Archaeology University , organize trainings for university students on the protection of cultural heritage in critical areas and in some cases DGAM collaborating with military in the service of rescuing museums like what happened in Homs and Deir ez -Zor.
3. Maintaining at full level the cadre of functionaries and guards, who have been, and are being, paid their salaries without intermission.
4. The immediate removal, at the start of the troubles, of the museum's collections to safe storages has meant that none of our precious objects has been lost, in contrast with what has happened in other cases we were unable to prevent massive looting, because of the violence in the area.

5. Most of the Syrian museum's collections (300,000 objects and 1,000 Ottoman manuscripts dating from the 16th to the 20th centuries) packed up and evacuated. Local museums are now "99 per cent secured except for some rare cases.
6. The staff and cadres of the DGAM in all governorates are putting forth tremendous efforts and cooperating with members of local communities, mediators and social and religious and intellectual elites to protect hundreds of archaeological sites and safeguard them from the repercussions of the current events. Moreover, success rates vary from one place to another based on people's support, which makes hope the dominant factor more often than not.
7. The Directorate General has maintained the most active cooperation with all international agencies concerned with the protection of antiquities. We establish a strong cooperation with the INTERPOL in fighting trafficking in Syrian antiquities. Also, cooperating with the international organizations in exchanging visions and information, shared experiences and building capacities for the local staff.
8. Keeping up-to-date the inventory of damages, and collaborating with international archaeological missions and agencies in the task of stopping illicit traffic.

(a) More particularly, what are the measures undertaken to implement UNSC Resolution 2199 for protection of Syrian and Iraqi cultural heritage?

The Syrian law is relevant to the UNSC resolution to prevent the importation of the looted archaeological objects. Anyone who knowingly receives, transports or deal in such stolen cultural objects is liable to criminal prosecution under the Syrian antiquities law.

V. Other legislation, legal and administration measures taken by state

1. Accession to the 1985 UNIDROIT convention on Stolen or illegally exported cultural objects.

(a) Has this convention been ratified, in addition to that of 1970?

The convention has not been ratified yet.

(b) If not, please indicate, where possible:

- The stage of ratification process reached by the state concerned.

The Syrian government approved officially to ratify the convention, documents had been sent to the UNESCO Syrian delegation to take the administration measures.

2. Intergovernmental committee for promoting the return of cultural property to the countries of origin.

Syria is following the Intergovernmental committee for promoting the return of cultural property to the countries of origin. Syrian delegate attend the committee meetings as observers by representative of the Syrian delegation to UNESCO in Paris.

3. UNESCO national data base

The UNESCO national data base currently contains Syrian law and regulations they are slightly outdated.



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