

## **Federal Decree by Law No. (2) of 2017**

### **Concerning the Immunity of Certain Foreign Cultural Objects from Seizure or Confiscation**

**We, Khalifa bin Zayed Al Nahyan**

**President of the United Arab Emirates;**

- Upon reviewing the Constitution;
- Federal Law No. (1) of 1972, concerning the Functions of the Ministries and the Powers of the Ministers, and amendments thereof;
- Federal Law No. (10) of 1973 on the Federal Supreme Court and amendments thereof;
- Federal Law No. (11) of 1973 Regulating Judicial Relationships Amongst Member Emirates of the Federation;
- Federal Law No. (6) of 1978 concerning the Federal Courts and Transferring the Jurisdiction of Judicial Authorities in some Emirates thereto, and amendments thereof;
- Federal Law No. (17) of 1978 Regulating the Cases and Procedures of Appeal by Cassation before the Federal Supreme Court, and amendments thereof;
- Federal Law No. (5) of 1985 Promulgating the Civil Transactions Law, and amendments thereof;
- The Law on Evidence in Civil and Commercial Transactions promulgated by Federal Law No. (10) of 1992 and amendments thereof;
- The Civil Procedures Law promulgated by Federal Law No. (11) of 1992 and amendments thereof;
- Federal Decree No. 90 of 2005 concerning the accession of the state to the

Convention for the Protection of Cultural Property in the event of an armed conflict, the Hague, May 14, 1954;

- Federal Decree No. (76) of 2006 concerning the agreement of measures to be taken to prohibit and prevent illegal import, export and transfer of cultural property;
- Based on the proposal of the Minister of Culture and Knowledge Development, and the approval of the Cabinet;

**Promulgate the following Decree by Law:**

## **Article (1)**

### **Definitions**

In application of the provisions hereof, the following words and expressions shall have the meanings ascribed thereto unless the context requires otherwise:

**The UAE** : The United Arab Emirates

**The Ministry** : The Ministry of Culture and Knowledge Development

**The Minister** : The Minister of Culture and Knowledge Development

**Cultural Object** : Every foreign artefact, piece of art or heritage borrowed by a federal or local government agency from a foreign Museum or Exhibition that it legally owns or possesses.

**The Lender** : The foreign Museum or Exhibition contracted to lend cultural objects from its belongings to display in the State according to

the arrangements as agreed with one of the federal or local government agencies.

**Immunity** : Protection is granted to the foreign cultural objects that enter the State against seizure or confiscation, or any measures that aim at preventing their return to the Lender until they leave the territory of the State in accordance with the conditions stipulated in this Decree by Law.

## **Article (2)**

### **Scope of Application**

This Decree by Law applies to every cultural piece borrowed by a Museum or Exhibition of any federal or local government agency, for temporary display in the State.

## **Article (3)**

### **Granting Immunity**

1. Immunity from seizure or confiscation of cultural objects borrowed under an agreement signed by one of the federal or local government agencies shall be granted, provided that the Ministry is informed of the data and details of the borrowed cultural pieces before entering the State, to register them in the register established by the Ministry in accordance with the provisions of Article (8) of this Decree by Law.
2. The Ministry undertakes the registration of cultural objects subject to borrowing and shall provide the requesting party with the registration certificate within a period not exceeding (15) fifteen working days from the date of receiving the request in accordance with clause (1) of this Article.

3. The federal or local government agency to which the Museum or Exhibition is affiliated shall not borrow cultural objects that are the subject of a serious dispute between the Lender and a third party. In such a case, the Ministry may refrain from registering cultural objects in the registry and shall inform the relevant government authority within a period not exceeding (15) fifteen working days from the date of receiving the request according to Clause (1) of this Article.

## **Article (4)**

### **Immunity Effects**

No Authority exercising a judicial or administrative jurisdiction may accept the request for seizure or confiscation of a cultural piece that has been granted immunity under this Decree by Law and this includes the following:

1. No request or claim may be accepted regarding the prevention of the Museum or Exhibition from returning one of the cultural objects to the Lender after the expiry of the Exhibition period.
2. No action may be taken to prevent the Museum or Exhibition from returning the cultural object to the Lender.

## **Article (5)**

The cancellation or compensation claim for granting immunity from seizure or confiscation of the cultural piece shall be rejected.

## **Article (6)**

### **Returning Cultural Objects**

The Minister may, on his own initiative, or at the request of one of the competent authorities, request the borrowing party to return the borrowed cultural pieces to the Lender

State, if the cultural piece is the subject of a serious dispute between the Lender and a third party, according to how serious is the dispute within a period specified by the Minister, provided that it does not exceed six months, and in the event that the request is not implemented, the immunity of such cultural object in question shall be lifted.

## **Article (7)**

### **Objection to Granting Immunity**

1. Anyone who has been harmed by granting immunity to a cultural object in accordance with the provisions of this Decree by Law or who finds out that the information and data on which the immunity is granted is not valid, may submit an objection to the Minister in accordance with the mechanism determined by a decision of the Minister.
2. The federal or local government agency to which the Museum or Exhibition is affiliated, in coordination with the Lender, shall respond to the objection within the period specified by the Minister.
3. The Minister shall decide on the objection request, and if the objection is serious, the Minister shall issue a decision causing the return of the cultural object to its source according to how serious is the objection. the authority to which with the Museum or Exhibition or the Lender is affiliated shall be granted no more than six months to return it to the Lender's State.

## **Article (8)**

### **Register**

The Ministry shall establish a register of cultural objects entering the State for the purpose of temporary display, provided that it includes the following:

1. Data that enables the identification of cultural objects.
2. Requests, decisions and objections related to the cultural piece.

3. Any action taken regarding the cultural object.

The Ministry may, upon the request of the concerned parties, grant a statement or a certificate of the registered objects in the registry, in accordance with the terms and conditions determined by a decision of the Minister.

## **Article (9)**

### **Publication and Entry Into Force**

This Decree by Law shall be published in the Official Gazette and shall come into force as of the day following the date of its publication.

**Khalifa Bin Zayed Al Nahyan**

**President of The United Arab Emirates**

Issued by us at the Presidential Palace in Abu Dhabi:

Date: Shawwal 18, 1438 H

Corresponding to: July 12, 2017