

**Federal Law No. (11) Of 2017
Concerning Antiquities**

We, Khalifa bin Zayed Al Nahyan

President of the United Arab

Emirates;

Having reviewed:

- The Constitution;
- Federal Law No. (1) of 1972 Concerning the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (5) of 1985 promulgating the Law of Civil Transactions, as amended;
- Federal Law No. (3) of 1987 promulgating the Penal Code, as amended;
- Federal Law No. (35) of 1992 promulgating the Penal Procedures Law, as amended;
- Federal Law No. (2) of 2011 establishing the National Emergency Crisis and Disasters Management Authority; and
- Based on the proposal made by the Minister of Culture and Knowledge Development and approved by the Cabinet and the Federal National Council and ratified by the Federal Supreme Council;

Hereby enact the following Law:

Chapter One

Definitions

Article (1)

For the purposes of this Law, and unless otherwise required by the context, the following words and expressions shall bear the meanings assigned thereto:

- State** : The United Arab Emirates.
- The Ministry** : The Ministry of Culture and Knowledge Development
- The Minister** : The Minister of Culture and Knowledge Development
- The Competent Authority** : The local authority concerned with the Antiquities in every Emirate
- The Antiquity** : a. The movable or immovable object produced, built, manufactured, sculptured, written, drawn, photographed, modified, engraved or populated by humans, naturally formed in the territory of the State before one hundred years, or discovered on the land surface, underground or in the local or territorial waters as far as it constitutes a unique or rare historical, artistic, scientific, literature, religious, natural, architectural, construction, or any other value which impacts the humanity or reflects a civilized development aspect of the State including any part added thereto after such date without affecting its main structure and becomes an integral part thereof.
- b. The human, animal or plant remains of rare or unique value dated back more than 600 Gregorian years.
- c. Whatever the Ministry or the Competent Authority deems a national heritage according to the applicable federal or local legislation.
- Movable Antiquity** : The non-movable Antiquity fixed to the ground.

- Immovable Antiquity** : The movable Antiquity that is separate from the ground, and the place of which may be changed without causing any damage to the Antiquity, to the associated Antiquities, or to its place.
- Antiquity Protection** : Keeping, maintenance and restoration of the current normal status of the Antiquity, prevention of the pollutants, leakage and industry and agriculture risks, change of the historical and monumental vicinity and striking balance between the modern urban requirements and the historical nature of the monumental sites.
- Monumental Site** : The area containing Antiquities in the Emirate and the borders of which are determined by the Competent Authority subject to its applicable legislation and conditions of every individual site.
- Antiquity Exploration** : The works of investigation, survey and excavation and other works aimed to discover the Antiquities.
- The Exploration Mission** : A team of experts, specialists and researchers authorized to explore for Antiquities and who belong to national or foreign specialized entities, authorities, universities, institutes and museums.
- The National Register** : The register containing data and information on the Antiquities at the State level and any attached maps, papers, documents, etc., as determined by the Ministry.
- The Local Register** : The register containing data and information on the Antiquities at the Emirate level, and any attached maps, papers, documents, etc., as determined by the Competent Authority.

Chapter Two

General Provisions

Article (2)

This Law is aimed to:

1. Kept the Immovable and Movable Antiquities in the State for the enhancement of the national identity and protection of the cultural heritage.
2. Discover and explore Antiquities for the revival and enrichment of the State national heritage.

Article (3)

The provisions of this Law shall apply to the national Antiquities and shall not apply to the foreign Antiquities except in the cases where expressly specified herein.

Article (4)

The Ministry shall prepare the national register where the information is entered, struck off and modified based on notices to be provided by the Competent Authority according to the rules and regulations to be issued by a Ministerial Resolution.

Article (5)

The Antiquities and antique sites located in every Emirate are public property of such Emirate, unless they are owned by another entity subject to the regulations issued by a Ministerial Resolution.

Article (6)

The Ministry shall coordinate with the National Emergency Crisis and Disasters Management Authority and the Competent Authority to protect the Antiquities in times of disasters and crises including the preparation of emergency plans in this regard.

Article (7)

The Ministry shall coordinate with the Competent Authority in order to:

1. Recover the lost or smuggled Antiquities in the State which are owned by the State;
2. Assist in finding, seizing the smuggled foreign Antiquity smuggled to the State and returning it to the entity proved to be its owner under the ratified international or bilateral conventions and subject to the reciprocity principle, otherwise to confiscate it for the Emirate where it was seized.

Article (8)

The Competent Authority may display some of the Antiquities outside the State, provided that they are not exposed to damage, loss or theft and may allow the entry of some Immovable Antiquities in collaboration with the States, museums and foreign scientific institutes for temporary display.

Article (9)

The Competent Authority shall notify the Ministry when organizing events related to Antiquities abroad or when hosting such events in the concerned Emirate.

Article (10)

The entity owning the Antiquity shall be in charge of its maintenance and restoration. The Ministry may provide the technical or financial assistance upon the request of the entity owning the Antiquity under the rules and regulations set by the Ministry.

Article (11)

Whoever privately owns an Antiquity shall present it to the Competent Authority in the Emirate where it is discovered and shall get the same registered in the local register within two years from the date this Law comes into force unless the Competent Authority sets a longer period.

Article (12)

Whoever unintentionally discovers or finds an Antiquity or knows about its existence shall not touch it and must notify the Competent Authority, the Ministry or the nearest police station within (24) hours from the date of discovering, finding or coming to know about the Antiquity. The Ministry or the police station shall notify the Competent Authority within (24) hours from the date of being notified. The legislation applicable in every emirate shall set the measures to be taken by the Competent Authority in this regard. The Competent Authority may determine and pay an appropriate reward to the person who discovers, or knows about the existence of the Antiquity and who notifies the Competent Authority.

Article (13)

No action that may damage or change the Antiquities or their sites may be taken in any form. In addition, no signs or posters may be put on the Antiquity unless in accordance with the rules and conditions set by the Competent Authority in this regard.

Article (14)

1. The Antiquities may not be disposed of; nor may their ownership be transferred unless with a license or permission from the Competent Authority.
2. If the owner of any registered Antiquity wishes to dispose thereof, he shall refer it to the Competent Authority for ownership under the legislation applicable in this regard. If the Competent Authority does not so desire, he may dispose thereof to any other citizen, notifying the Competent Authority with the name and address of the new owner within one week from the date of disposal to mark such change in the Local Register according to its applicable legislation, without prejudice to the new owner's obligations of registration.
3. The transfer of ownership of registered Antiquities owned by a single family between persons of the same family till the second degree shall be exempted from the provisions of the two preceding paragraphs, provided the transfer is registered in the Local Register.

Article (15)

Antiquities may not be traded in unless by virtue of a license or permission from the Competent Authority according to its applicable legislation, with the exception of the trade of Antiquities that the Competent Authority certifies that they do not need written registration according to the legislation referred to above. The Executive Regulations of this Law shall set the provisions of trade in such type of Antiquities.

The falsification of Antiquities or the falsification of their data, documents and papers shall be prohibited.

Article (16)

Antiquities may not be exported to outside the State, imported or entered thereto unless with a license or permission from the Competent Authority according to its applicable legislation.

Article (17)

1. If any authority, other than the Competent Authority, seizes a stolen, trafficked, imitated or illegally possessed Movable Antiquity, it shall keep it under custody and hand over the same to the Competent Authority.
2. If the Antiquity referred to in Paragraph (1) of this Article is private and lost, the Competent Authority shall return it to its owner subject to the applicable legislation.

Chapter Three

Immovable Antiquities

Article (18)

The ownership of a land does not entitle its owner the right to the Antiquities beneath it; nor does it entitle him the right of exploration for Antiquities, change of the characteristics of Antiquities in any way, or disposal of the Antiquities. The Competent Authority may vacate the monumental sites in the Emirate from their occupants or expropriate them according to the applicable legislation.

Article (19)

The Competent Authority shall estimate a fair compensation to be paid to the owner of the expropriated monumental site. Such estimation shall not have any relation to the value of the Antiquities discovered in the monumental site.

Article (20)

No major developmental, infrastructure or construction projects may be implemented unless after the Competent Authority conducts the monumental survey works for the areas where such projects are implemented according to the measures applicable at the Competent Authority.

Article (21)

The urban planning departments, survey departments, municipalities and the other related authorities shall coordinate with the Competent Authority to take the necessary measures for protection of the monumental sites when setting the planning, projects including the creation of non-built reserved area around the monumental site.

Article (22)

The monumental site shall not be a warehouse used for remains or wastes; no building, cemetery or irrigation facilities may be constructed thereon; no road or channel may be excavated therein; no trees may be cut therefrom; no quarry may be built thereon; no change or damage may be made thereto; and the remains of such sites shall not be utilized.

Article (23)

No heavy or dangerous industries, or military or critical facilities shall be constructed in the areas surrounding the monumental sites; nor may they be exposed to danger, used for the disposal of wastes or remains or used as animal shelter or for any other use that may affect or damage the monumental site. The Competent Authority shall demarcate the area surrounding the monumental site on the planning plans in coordination with the competent authorities and shall, in coordination with such authorities, set the rules and restrictions for the development or infrastructure works in such area or the surrounding area and show the authorized uses particularly in relation to the building or maintenance licenses in the places nearby to the monumental sites.

Article (24)

The Competent Authority shall set the easement rights in respect of the registered Immovable Antiquities, the registration of such rights and indemnification of the affected party according to the applicable local legislation.

Chapter Four
Movable Antiquities
Article (25)

Without prejudice to the provisions of Articles (14) and (16) hereof, the Movable Antiquity owned by the Emirate or the State may not be disposed of. As an exception, this shall not apply to the Antiquities leaving the State for display, restoration, study or any other purpose for a period of not more than (5) renewable years upon a resolution from the Minister if the Antiquity is owned by the State and according to the applicable local legislation if the Antiquity is owned by the Emirate and to notify the Ministry of the action taken in this regard.

Article (26)

1. The Competent Authority shall inspect the Movable Antiquity owned by persons for its scientific study, to ensure its conditions or to make a copy or drawing thereof. The Competent Authority or the Ministry may, after coordination with the Antiquity owner, borrow the Antiquity it deems of national nature for display in museums or exhibitions, provided that it shall be returned to its owner in the same condition once the purpose for which it is borrowed ceases to exist, and subject to its applicable legislation.
2. The Competent Authority may purchase the Antiquity referred to in Paragraph (1) of the present Article according to the public interest considerations, provided that its value shall be estimated by a specialized committee to be formed by the Competent Authority, including one specialized expert appointed by the owner.
3. The Competent Authority may also accept the owner's assignment of the Antiquity owned thereto as a gift or symbolic sale or keeping the Antiquity under its custody for a period to be agreed with its owner.

Article (27)

1. Whoever possesses a Movable Antiquity shall keep it and shall not make any change thereto.
2. The owner of a Movable Antiquity shall immediately notify the police station if it gets lost or stolen.
3. If the Movable Antiquity is damaged, its owner shall notify the Competent Authority within three days. The local applicable legislation shall set the procedures to be taken in this regard.
4. The owner of a Movable Antiquity shall keep the ownership documents to prove the authenticity of the Antiquities he possesses. The Competent Authority shall have the right to have access to and review the documents.

Chapter Five

Exploration of Antiquities

Article (28)

1. The exploration of Antiquities shall be the duty of the Competent Authority. Upon the Competent Authority's request, the Ministry may explore for Antiquities by itself or through the Exploration Missions according to the provisions of the applicable local legislation.
2. Upon the Ministry's proposal and in coordination with the Competent Authorities, the Cabinet shall set the measures to be taken if the Antiquity is jointly owned by more than one Emirate.

Article (29)

The Exploration Missions and the agencies authorized for exploration shall comply with the instructions issued thereto by the Ministry and the Competent Authority, particularly in relation to the following:

1. Handing over the discovered Antiquities to the Competent Authority;
2. Registration of the discovered Antiquities in a special register to be provided by the Competent Authorities to the Exploration Missions;
3. Acting with due diligence to keep the discovered Antiquities undamaged and unchanged;
4. Providing a monthly report to the Competent Authority on the exploration works;
5. Not to disseminate or publish any news related to the exploration processes;
6. Giving the Competent Authorities access to the exploration phases for supervision; and
7. Not to assign the exploration license to any third party.

The Competent Authority shall suspend the exploration works if they are carried out in violation of the above-mentioned obligations.

The Competent Authority may suspend such works for the safety of the authorized Exploration Mission or for national security reasons.

Article (30)

The Competent Authority shall provide the Ministry with copies of the agreements or licenses related to exploration for Antiquities within its jurisdiction, in addition to copies of the reports and research provided by the licensed Exploration Mission or entities, without prejudice to the right to dissemination which is restricted to the Competent Authority. The Ministry shall keep confidentiality of the information furnished if it is of a confidential nature.

Article (31)

The Customs Departments shall temporarily release the Antiquities entered for temporary display purposes at the museums, exhibitions or other artistic events related to Antiquities and the recovered Antiquities after display, study or restoration outside the State.

The Customs Departments shall release the Antiquities legally entered according to the set procedures.

Article (32)

The Ministry and the Competent Authorities shall provide training to the national resources in the field of exploration and restoration of Antiquities.

Chapter Six

Penalties

Article (33)

The penalty of temporary imprisonment and / or the fine of not less than two hundred thousand dirhams and not more than five hundred thousand dirhams shall apply to whoever steals or hides an Antiquity or a part thereof with the intention of its ownership or whoever illegally obtains such Antiquity.

Article (34)

The penalty of imprisonment for not less than two years and / or the fine of not less than five hundred thousand dirhams and not more than ten million dirhams shall apply to whoever intentionally commits any of the following actions:

1. Demolition, damage or defacement of an Antiquity;
2. Landfilling, making constructs, cultivating, or altering a monumental site;
3. Initiation of Antiquity exploration works without license from the Competent Authority;
4. Trafficking of Antiquities to or from the State, or misrepresentation for entry or exit of

the Antiquities;

5. Forgery of national or foreign Antiquities to deceive others.

In all cases, the Antiquity subject of the offense as well as the devices, tools and machines used in such forgery shall be confiscated, without prejudice to the rights of any bona fide third parties.

Article (35)

The penalty of imprisonment and / or the fine of not less than one hundred thousand dirhams and not more than three hundred thousand dirhams shall apply to whoever intentionally commits any of the following actions:

1. Breach of the conditions of Antiquity exploration license issued thereto.
2. Taking, transporting or using monumental remains or rocks from a monumental site without license from the Competent Authority.

Article (36)

The penalty of imprisonment for not less than two years and / or the fine of not less than fifty thousand dirhams and not more two hundred thousand dirhams shall apply to whoever intentionally commits any of the following actions:

1. Possession of an Antiquity and failure to register it within the period set in Article (11) of this Law;
2. Disposal of Antiquities without license or permission from the Competent Authority;
3. Providing false statement or information or incorrect documents to obtain registration or license;
4. Fixing unto the Antiquity any advertisements, stickers, writings or paints.

Article (37)

The application of the penalties specified in this Law shall be without prejudice to any more severe penalty prescribed in any other law.

Article (38)

Any seized Antiquity shall be handed over or confiscated under the provisions of this Law to the Competent Authority to which it belongs or in the jurisdiction of which it is seized in case its owner is not known, unless the Antiquity owner is smuggling it, then it shall be handed over to the Competent Authority in the Emirate to which the Antiquity owner belongs.

Chapter Seven

Final Provisions

Article (39)

The officers nominated by a resolution from the Minister of Justice in coordination with the Ministry or the Competent Authority shall have the capacity of judicial seizure officers in the establishment of any acts committed in violation of the provisions of this Law and the resolutions issued in implementation thereof within their respective areas of jurisdiction.

Article (40)

Without prejudice to the functions of other authorities referred to in this Law, the Cabinet shall issue, upon the proposal of the Ministry, the Executive Regulations of this Law within six months from the date it comes into force.

Article (41)

Any provision conflicting with or contradicting the provisions of this Law is repealed.

Article (42)

This Law shall be published in the Official Gazette and shall come into force one month after the publishing date.

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

Issued at the Presidential Palace in Abu Dhabi

On: 16 Ramadan 1438 AH

Corresponding to: 11 June 2017 AD