

Cabinet Resolution No. (88) of 2020
Regarding the Executive Regulations of Federal Law No. (11) of 2017
Regarding Antiquities

The Cabinet,

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Regarding the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (11) of 2017 Regarding Antiquities;
- Federal Decree by Law No. (2) of 2017 Regarding the Immunity of Certain Foreign Cultural Objects from Seizure or Confiscation; and
- Upon the proposal of the Minister of Culture and Youth, and the approval of the Cabinet,

Hereby resolves as follows:

Article (1)

Definitions

The definitions stipulated in the above-referenced Federal Law No. (11) of 2017 shall apply to this Resolution.

Article (2)

Protection of Antiquities During Crises and Disasters

The Ministry shall act in coordination with both the National Emergency Crisis and Disasters Management Authority and the Competent Authority for the protection of antiquities at times of crises and disasters, including the following:

1. Develop emergency plans for protection of antiquities at times of crises and disasters;
2. Establish appropriate procedures to protect movable antiquities within the response plans of the concerned authorities; and

3. Create a practical guide for the management of expected and unexpected risks in accordance with the recognized scientific and professional antiquities protection standards.

Article (3)

Recovery of Lost or Smuggled Antiquity

1. The Ministry shall act in cooperation with the Competent Authority for achieving the following objectives:
 - a. Recover the antiquity lost or smuggled from the state through diplomatic channels, in cooperation with the Ministry of Foreign Affairs and International Cooperation, so that the recovered antiquity would be returned to its lawful owner; and
 - b. Assist in locating, seizing, and returning the foreign antiquity illegally smuggled into the State to its lawful owner, in accordance with the ratified international or bilateral agreements or on condition of reciprocity. Otherwise, the foreign antiquity seized shall be confiscated in favor of the Emirate in which it is seized.
2. In implementation of the provision of Clause (1) of this Article, the Minister may issue a resolution on the formation of a committee that comprises representatives of the Ministry, the Competent Authorities, and any other relevant entities. The committee shall take over the following duties:
 - a. Registration in the International Criminal Police Organization – INTERPOL database for lost and smuggled antiquities;
 - b. Inventory the antiquities seized by the Customs Departments and have the same registered in the INTERPOL's database;
 - c. Identify the origins of seized antiquities by consulting relevant experts and specialists; and
 - d. Perform any other relevant duties or matters brought before the committee by the Competent Authority for opinion.

Article (4)

Obligations of the Competent Authority

The Competent Authority shall notify the Ministry upon organizing antiquities-related activities abroad or upon hosting any such activities in the concerned Emirate, in the following manner:

1. Where the antiquities-related activity is planned to be organized outside the State, the notification shall include the following details:
 - a. The host State of the antiquities;
 - b. Nature and duration of the antiquities-related activity;
 - c. The number and details of the antiquities intended to be exhibited;
 - d. The measures to be taken in order to preserve the antiquities from damage, loss or theft;
 - e. Any change in the foreign exhibition's scheduled events or the cities where the antiquities are planned to be exhibited;
 - f. Antiquities that have been replaced or new antiquities that have been added; and
 - g. Any increase or extension of the previously agreed-upon exhibition period.
2. If the antiquities-related activity is organized in the concerned Emirate, the notification shall include the following details:
 - a. The nature of the antiquities-related activity and its duration;
 - b. The number and details of the borrowed antiquities;
 - c. The measures taken to preserve the antiquities from damage, loss, or theft;
 - d. The date of registration of the borrowed foreign antiquities with the Ministry;
 - e. Antiquities that have been replaced or antiquities that have been added;
 - f. Any increase or extension of the previously agreed-upon exhibition period.

Article (5)

Trading in Unregistered Antiquities

Without prejudice to the provisions of Article (15) of the above-referenced Federal Law No. (11) of 2017, it shall be permissible to trade in antiquities where the Competent Authority, pursuant to its applicable legislation, has determined that they do not require written registration. The persons wishing to trade in such antiquities shall meet the following conditions:

1. Obtain a license or permit from the Competent Authority in accordance with its applicable legislation;
2. Conduct trading activities at a licensed commercial premises;
3. Refrain from promoting antiquities through electronic websites or social media platforms;
4. Display the license or permit issued by the Competent Authority in a visible location within the commercial premises;
5. Not to transfer the license or permit issued by the Competent Authority to any third party;
6. Place a sign in front of each antiquity, indicating whether it is original but unregistered in writing or a replica, along with its specified price;
7. Provide a certificate verifying the source of the antiquity offered for sale and the extent of its authenticity;
8. Preserve the antiquities in their possession in accordance with the best applicable international standards;
9. Refrain from selling any of the antiquities owned by a third party without obtaining prior written permission or authorization from the same;
10. Report any damage, loss, or theft of the antiquities;
11. Any other requirements or standards determined by the Competent Authority.

Article (6)

Preservation of Archaeological Sites

1. Urban planning and survey departments, the municipalities, and other concerned entities shall, in coordination with the Competent Authority, take the necessary measures to preserve archaeological sites when designing, planning, and carrying out planning projects, including the establishment of an unbuilt buffer zone around the archaeological site.
2. The Competent Authority shall, in coordination with concerned entities, define the area surrounding the archaeological site and reflect it on the planning maps.

Article (7)

Obligations of Archaeological Excavation Missions and Licensed Excavation Entities

1. Archaeological excavation missions and licensed excavation entities shall comply with the instructions issued by the Ministry and the Competent Authority, particularly as regards the following matters:
 - a. Hand over any discovered antiquities to the Competent Authorities;
 - b. Ensure that the newly discovered antiquities are registered on an ongoing basis, in a special register provided by the Competent Authorities;
 - c. Exercise due care to preserve discovered antiquities without causing damage or alteration;
 - d. Submit a monthly report to the Competent Authority detailing excavation results;
 - e. Refrain from broadcasting, publishing any news, information, or data regarding excavation operations;
 - f. Enable the Competent Authorities to inspect and supervise excavation stages;
 - g. Refrain from transferring the excavation license to any third party;
 - h. Conduct excavation works in accordance with internationally recognized standards, ensuring no damage is caused to the archaeological site, antiquities found or expected to be found therein;

- i. Submit the reports, studies, and scientific research related to archaeological sites and discovered antiquities to the Competent Authority or the Ministry.
2. The Competent Authority shall order the suspension of excavation activities if the excavation missions violate the obligations stipulated in Clause (1) of this Article.
3. The Competent Authority may order the suspension of excavation works for any of the following reasons:
 - a. Safeguarding the national security considerations; or
 - b. Where there are concerns related to the safety of members of the excavation mission or licensed excavation entity from any danger.

Article (8)

Qualifying National Personnel in the Field of Archaeological Excavation and Antiquities Preservation

1. The Ministry shall, in coordination with the Competent Authority, establish frameworks that ensure that the national personnel are duly qualified in the field of archaeological excavation and antiquities preservation.
2. The Competent Authority shall qualify and train the national personnel in the field of archaeological excavation and antiquities preservation through the frameworks established by the Ministry in this regard.

Article (9)

Repeals

Any provision that conflicts with or contradicts the provisions of this Resolution shall hereby be repealed.

Article (10)

Publication and Entry into Force

This Resolution shall be published in the Official Gazette, and shall enter into force as of the day following the date of its publication.

Mohammed Bin Rashid Al Maktoum

Prime Minister

Issued by Us

On :14 Jumada I, 1442 A.H

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