

Khalifa bin Zayed Al Nahyan
The President of the United Arab Emirates

Federal Law No.11 of 2017, on Antiquities

We, Khalifa bin Zayed Al Nahyan, the President of the United Arab Emirates,

- Upon perusal of the Constitution,
- Federal Law No.1 of 1972, in respect of the functions of the Ministries and the Ministers' powers, as amended,
- Federal Law No. 5 of 1985, in respect of the promulgation of the Civil Transactions Law, as amended,
- Federal Law No.3 of 1987, in respect of the promulgation of the Penal Code, as amended,
- Federal Law No.35 of 1992, in respect of the promulgation of the Penal Procedures Law, as amended,
- Federal Decree Law No.2 of 2011, in respect of the establishment of the National Emergency, Crisis and Disaster Management Authority
- and, pursuant to the proposal submitted by the Minister of Culture and Knowledge Development, the approval of the Cabinet and the Federal National Council and the ratification of the Federal Supreme Council,

Issue the following Law:

Chapter One
Definitions
Article 1

In the application of the provisions of this Law, the following words and expressions shall have the below meaning as assigned to each, unless the context requires otherwise:

State (UAE) :	The United Arab Emirates
Ministry:	The Ministry of Culture and Knowledge Development
Minister:	The Minister of Culture and Knowledge Development
Competent Authority:	The local authority concerned with antiquities in each Emirate.
Antiquity:	A. A fixed or non-fixed object that was produced, built, made, sculpted, engraved, written, painted, portrayed, modified, excavated or inhabited by humans, formed naturally within the territory of the UAE 100 years ago

or discovered, whether above or under the surface of the ground or within the internal or territorial waters, which represents a rare or unique value, in historical, artistic, scientific, literary, religious, natural, architectural or structural aspect or any other aspect of impact on humanity, or constituting a manifestation of the UAE's cultural development, including any part added thereto after that date, without prejudice to the basic formative aspect of that object and becoming an integral part thereof.

B. Human, animal or plant remains of rare or unique value that date back to 600 AD.

C. Any object considered as a national antiquity by the Ministry or the Competent Authority in accordance with the Federal or local legislations in force.

Fixed Antiquity: An immovable antiquity fixed to the ground.

Non-fixed Antiquity: A movable Antiquity that is separate from the ground, which can be relocated without affecting it or any of the Antiquities associated with it or the place where it was found.

Preservation of Antiquities: Preserving the current condition of the antiquities, maintaining and renovating them, as well as protecting them from pollutants, leakage, industrial and agricultural risks and the change in its historical and archaeological surrounding, and achieving balance between the modern urban requirements and the historical character of the archeological sites.

Archeological Site: The area containing antiquities in the Emirate, the borders of which are determined by the Competent Authority, in accordance with the legislations in force and the conditions of each site separately.

Archeological Excavation: Searching, exploration, excavation and other works aiming at finding Antiquities.

Excavation Expedition: A team of experts, specialists and researchers authorized to dig out antiquities, who are affiliated to national or foreign bodies, institutions, universities, institutes or specialized museums.

National Record: The record containing data and information on the Antiquities UAE-wide, and any maps, documents....etc. that may be appended thereto, as determined by the Ministry.

Local Record: The record containing data and information on the Antiquities in the Emirate, and any maps, documents.... etc. that may be appended thereto, as determined by the Competent Authority.

Chapter Two

General Provisions

Article 2

This Law is intended to:

1. Preserve the Fixed Antiquities and the Non-Fixed Antiquities in the UAE, in order to promote the national identity and to maintain the cultural heritage.
2. Explore and dig out Antiquities with the purpose of reviving and enriching the national heritage of the UAE.

Article 3

The provisions of this Law shall apply to the national Antiquities, without being applied to the foreign ones except in the cases specified explicitly by this Law.

Article 4

The Ministry shall prepare the National Record, in which data shall be recorded, deleted and amended under notifications to be provided by the Competent Authority, in accordance with the controls and procedures that will be issued under a resolution by the Minister.

Article 5

The Antiquities and archeological sites discovered in each Emirate shall be considered as public property thereto, unless the same are owned by another body according to the controls to be issued under a resolution by the Minister.

Article 6

The Ministry shall work in coordination with the National Emergency, Crisis and Disaster Management Authority and the Competent Authority to protect the Antiquities at the times of crises and disasters, including setting emergency plans in this regard.

Article 7

The Ministry shall work in cooperation with the Competent Authority to:

1. Recover the Antiquity lost or smuggled abroad, and to return it back to the body who owns the same.
2. Assist in finding and seizing the foreign antiquity smuggled into the UAE, and to return the same to the body who owns the same according to the international or bilateral ratified agreements or on the basis of reciprocity, otherwise it shall be confiscated by the Emirate where the same was seized.

Article 8

The Competent Authority may display some Antiquities abroad, provided there is no risk of damage, loss or theft. The Competent Authority may also bring some Non-Fixed Antiquities into the UAE in cooperation with the foreign States, Museums and scientific institutes for temporary display.

Article 9

The Competent Authority shall notify the Ministry when organizing any antiquities-related events abroad or when hosting such activities inside the respective Emirate.

Article 10

The body owning the Antiquity shall maintain and renovate the same, and the Ministry may provide technical or financial support upon the request of the body owning the Antiquity, all in accordance with the controls and procedures to be specified by the Ministry.

Article 11

A person owning an Antiquity shall bring the same before the Competent Authority in the Emirate where it was found, and he shall register the same at the Local Record not later than 2 years from the date on which this law comes into force, unless the Competent Authority specifies a longer period.

Article 12

Whoever discovers or finds an Antiquity unintentionally or becomes aware of the presence thereof shall not touch the same and shall report to the Competent

Authority, the Ministry or the nearest Police Station within 24 hours from the time of discovering or finding the same or becoming aware of the presence thereof. The Ministry or the Police Station shall, in turn, notify the Competent Authority within 24 hours from the time of reporting to them. The legislations in force in each Emirate will specify the procedures to be taken by the Competent Authority in this regard. The Competent Authority may grant the person discovering the Antiquity or becoming aware of the presence thereof and reporting the same to the Competent Authority a proper award to be specified by the Competent Authority.

Article 13

No act involving damage or alteration to the antiquities or the sites thereof in any manner shall be done. Moreover, no banners or advertisements shall be placed on the Antiquity, except in accordance with the controls and requirements to be specified by the Competent Authority in this regard.

Article 14

1. Antiquities shall not be disposed of or transferred the ownership thereof without a license or permission from the Competent Authority.
2. If an owner of registered antiquities is desirous to dispose of the same, then he shall bring these antiquities before the Competent Authority that can take possession thereof in accordance with the legislations in force in this regard. If the Competent Authority is not interested in the same, then the owner shall be entitled to dispose of the them to any other citizen, provided the Competent Authority shall be notified about the name and address of the new owner within one week from the date of disposition, in order to record such change at the Local Record according to the legislations in force, without prejudice to the new owner's obligations with regard to registration.
3. The provisions of the two clauses above shall not apply to the transfer of ownership of the registered antiquities owned by one family among its members up to the members with a relation of the second degree, provided that such transfer shall be registered at the Local Record.

Article 15

Antiquities shall not be traded without a license or permission from the Competent Authority according to its Legislation in force, except for the antiquity trading for which no written registration is required as authorized by the Competent Authority. The executive regulation of this law shall regulate the trading provisions of such type of antiquities.

No antiquities shall be counterfeited and the data and documents thereof shall not be forged.

Article 16

Antiquities shall not be exported, imported, brought into or taken out if the UAE without a license or permission from the competent Authority, in accordance with its legislations in force.

Article 17

1. If a body, other than the Competent Authority, seizes a Non-Fixed Antiquity stolen, smuggled, counterfeited or possessed illegally by any person, then it shall withhold the same and hand it over to the Competent Authority.
2. If the Antiquity referred to Clause No.1 of this Article is a private one and is lost, then the Competent Authority shall return the same to its legal owner, in accordance with the legislations in force.

Chapter Three Fixed Antiquities Article 18

The ownership of a land shall not grant its owner the right of ownership of the antiquities found under its surface or the right to prospect for antiquities therein or change the features of the antiquities therein in any form or to dispose of the same. The Competent Authority may evict the occupants of the archeological sites in the Emirate or expropriate these sites, in accordance with the legislations in force.

Article 19

The Competent Authority shall provide a fair estimated compensation to the owner of the expropriated archeological site. Such compensation shall not be linked to the value of the antiquities found in the archeological site.

Article 20

No major development or construction projects or infrastructure projects shall be commenced without undertaking archeological surveys by the Competent Authority for the areas, in which these projects will be implemented, in accordance with the procedures applied by the Competent Authority.

Article 21

Urban planning and surveying departments, municipalities and other concerned bodies in coordination with the Competent Authority shall take the proper actions to preserve the archeological site when setting planning projects, including establishing un-built buffer zone around the archeological area.

Article 22

The archeological site shall not be used as dump area for debris or wastes, and no building, cemetery or irrigation facilities shall be built thereon. No road shall be constructed and no water channel shall be dug in the archeological site, and no trees shall be implanted or removed from there, and no stone quarry or any other activity shall be opened therein, in order to avoid any change or damage to the archeological site or using the ruins of such sites.

Article 23

No heavy or dangerous industries, military or critical facilities shall be established in the areas surrounding the archeological sites, which shall not be endangered or used as dump area for disposing of wastes or debris, as animal shelter or for any other purpose that may cause damage to the archeological site. The Competent Authority shall identify the area surrounding the archeological site and shall mark it on the planning maps in coordination with the concerned bodies. Moreover, the Competent Authority, in coordination with these bodies, shall set the controls and restrictions necessary for development or infrastructure works for the archeological site or the surrounding area, with defining the authorized uses, particularly what is related to building license or maintenance at the areas near the archeological sites.

Article 24

The Competent Authority shall define the easements for the registered Fixed Antiquities, and it shall register these rights and compensate the grieved parties, in accordance with the local legislations in force.

Chapter Four

Non-Fixed Antiquities

Article 25

Without prejudice to the provision of Articles 14 and 16 of this Law, the Non-Fixed Antiquity owned by the Emirate or the UAE shall not be disposed of, excluding sending it abroad for displaying, renovation, studying or any other purpose for a period not exceeding 5 years, which can be renewed for similar period under a resolution by the Minister, if the Antiquity is owned by the UAE, or in accordance with the local legislations and controls in force, if it is owned by the Emirate, with notifying the Ministry about the actions taken in this regard.

Article 26

1. The Competent Authority may examine the Non-Fixed Antiquity owned privately by individuals for the purposes of scientific studies, identification of condition, making replica or portraying. Moreover, the Competent Authority or the Ministry may, after coordination with the antiquity owner, borrow the Antiquity that it considers as of national character for displaying the same temporarily in a museum or an exhibition, provided it shall be returned to the owner in the same condition by the end of the purpose for which it was borrowed, in accordance with the legislations in force.
2. The Competent Authority may buy the Antiquity referred to in Clause 1 of this Article according to the public interest considerations. The antiquity value shall be estimated by a specialized committee to be formed by the Competent Authority and one of the committee's experts shall be appointed by the owner.
3. The Competent Authority may accept the assignment of the antiquity by the owner by the way of donation, selling at nominal price or placing it under its control for a period to be agreed upon with the antiquity owner.

Article 27

1. Whoever possesses a Non-Fixed Antiquities shall preserve the same and make no change thereto.
2. The Non-Fixed Antiquities owner shall report to the Police Station immediately if the antiquities got lost or stolen.
3. If a Non-Fixed Antiquity got damage, then its owner shall report to the Competent Authority within 3 days. The local legislations in force will specify the procedures to be applied in this regard.

4. The Owner of the Non-Fixed Antiquity shall retain the ownership documents with regard to the Antiquities he possesses, and the Competent Authority shall be entitled to review and examine these documents.

Chapter Five

Archaeological Excavations

Article 28

1. The archaeological excavations shall fall within the competences of the Competent Authority. However, the Ministry may, upon the request of the Competent Authority, prospect for Antiquities by itself or through excavation expeditions, in accordance with the provisions of the applicable local legislations.
2. Based on the Ministry's suggestions and in coordination with the Competent Authority, the Cabinet shall determine the procedures to be applied if the antiquity is owned jointly by more than one Emirate.

Article 29

The excavation expeditions and the bodies authorized to prospect for antiquities shall follow the instructions made by the Ministry and the Competent Authority, particularly the following:

1. Handing over the Antiquities found to the Competent Authority.
2. Recording the Antiquities found in a special record that will be provided by the Competent Authority to the excavation expeditions, as soon as possible.
3. Exercising due care to preserve the Antiquities found, without any damage or alteration.
4. Submitting monthly report to the Authority concerned with the archeological excavations.
5. Not to disclose or publish any news related to the archeological excavations.
6. Allowing the Competent Authorities to follow-up and oversee the stages of archeological excavations.
7. Not to waive the license of archeological excavations to others.

The Competent Authority shall suspend the activities of the archeological excavations if the obligations referred to are violated.

The Competent Authority may also suspend these activities for the safety of the authorized excavation expedition or for the national security requirements.

Article 30

The Competent Authority shall provide the Ministry with copies of the agreements and licenses related to the archeological excavations falling within its competences, as well as a copy of the reports and researches presented by the excavation expeditions or the licensed bodies, without prejudice to the copyright that is limited to the Competent Authority. The Ministry shall maintain the confidentiality of the data it receives, if such data are confidential ones.

Article 31

The Customs Departments shall clear through Customs on a temporary basis the Antiquities brought for temporary display at museums, exhibitions or other antiquities-related artistic events, as well as the antiquities brought back after renovation, studying or displaying abroad.

The Customs Departments shall also clear the Antiquities brought into the UAE lawfully according to the prescribed procedures.

Article 32

The Ministry and the Competent Authority shall qualify and train the national cadres in the field of prospecting for and preserving Antiquities.

Chapter Six Punishments Article 33

Whoever steals an antiquity or a part thereof, conceals it with the intention of retaining it in his possession or seizes it illegally shall be punished by temporary imprisonment and a penalty not less than two hundred thousand Dirhams and not exceeding five hundred thousand Dirhams.

Article 34

Whoever commits any of the following acts intentionally shall be punished by imprisonment for at least two years and a penalty not less than five hundred thousand Dirhams and not exceeding ten million Dirhams, or any of these two penalties:

1. Demolishing, causing damage to or deforming an antiquity.
2. Leveling an archeological site, constructing structures thereon, implanting therein, removing plant from there or making any changes to its form.
3. Prospecting for antiquities without a license from the Competent Authority.
4. Smuggling Antiquities to or from the UAE, presenting incorrect data or documents with the purpose of facilitating smuggling Antiquities from or to the UAE.
5. Counterfeiting national or foreign Antiquities with the intention of deceiving others.

In all cases, the Antiquities, the subject of the crime, as well as the equipment, devices and tools used in the crime shall be confiscated, without prejudice to the rights of any third party of good faith.

Article 35

Whoever commits any of the following acts intentionally shall be punished by imprisonment and a penalty not less than one hundred thousand Dirhams and not exceeding three hundred thousand Dirhams, or any of these two penalties:

1. Violating the conditions of the license given to him for prospecting for Antiquities
2. Taking, moving or using ancient ruins or stones from an archeological site without a license from the Competent Authority.

Article 36

Whoever commits any of the following acts intentionally shall be punished by imprisonment for not more than two years and a penalty not less than fifty thousand Dirhams and not exceeding two hundred thousand Dirhams, or any of these two penalties, with the possibility of confiscating the seized items:

1. Possessing an Antiquity and failed to register the same within the period prescribed under Article 11 hereof.
2. Disposing of Antiquities without license or permission from the Competent Authority.
3. Presenting any false data or information or incorrect documents to get registration or license.
4. Placing advertisements, stickers or writings on the Antiquities or painting them.

Article 37

The applications of the punishments prescribed herein shall not prejudice any severer punishment stipulated under another Law.

Article 38

An Antiquity seized or confiscated by virtue of this Law shall be handed over to the Competent Authority it belongs to or to the one in whose area of competence the antiquity was seized, if the antiquity owner is unknown. But if the smuggler himself is the owner of the antiquity, then the same shall be handed over to the Emirate in which he resides.

Chapter Seven Final Provisions Article 39

The employees selected under a resolution by the Minister of Justice in agreement with the Ministry or the Competent Authority shall have the capacity of judicial officers for examining any violation to the provisions of this Law and the resolutions issued in implementation hereof, each within the limits of his competence.

Article 40

Without prejudice to the competences of any other bodies as stipulated in this Law, the Cabinet shall issue the executive regulation of this Law within 6 months from the date on which it comes into force , based on the suggestion of the Ministry.

Article 41

Any provisions violating or contradicting the provisions of this Law are superseded.

Article 42

This Law shall be published in the Official Gazette, and it shall come into force within one month from the date of its publication.

/Signed/
Khalifa bin Zayed Al Nahyan
President of the United Arab
Emirates

Promulgated by Us at the Presidential Palace in Abu Dhabi:
On 16 Ramadan 1438 H
corresponding to: 11 June 2017