
BAHRAIN

I. Information on the implementation of the UNESCO Convention of 1970 (with reference to its provisions)

1. Ratification of the Convention

The 1970 Convention has been ratified on 7 March, 2014; and has entered into force on 7 June, 2014.

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

(a) Give the references of the principal national regulations adopted in order to implement the 1970 Convention?

Decree-Law No 11 of 1995 Concerning the Protection of Antiquities.

Royal decree 24 of 2008 on adopting the National Planning Strategy for the Kingdom of Bahrain stipulates that all the government bodies are responsible of adopting a National Planning Strategy. Ensuring the protection of cultural heritage is defined as one of the crucial aspirations in the vision statement of the strategy. Based on this objective, National Heritage Strategy is being prepared foreseeing improvements in the heritage law of Bahrain.

(b) A definition of "cultural property" agreeing with the definition proposed by the 1970 Convention is important in order to increase the effectiveness of international cooperation. State what definition is used by the national laws of the country concerned.

According to the Article 2 of the Decree-Law 11 of 1995, cultural property is referred to as 'anything passed on from civilizations or left over by previous generations explored or discovered whether that be a building or a movable object relating to the arts, sciences or literature or ethics or beliefs or daily life or public events or anything that is at least 50 years of age that has an artistic or historical value...'. Additionally the law underlines that the historical documents and manuscripts and related covers are considered as monuments as well.

In Article 3, the law provides further definitions of immovable and movable monuments (also referred to as antiquities).
It should be mentioned at this place that the said Decree-Law 11 of 1995 is under the process of amendment which foresees extension of the definition of protected monument as well as other changes thereof. The amendment aims to modernise the protection of cultural heritage, in line with the recent ratifications of several UNESCO Conventions.

(c) Have specialized units been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage? Within the Heritage Department? In other government departments (police, customs)?

Bahrain Authority for Culture and Antiquities (hereinafter BACA) is the body responsible for coordinating matters relating to the illicit trafficking of cultural property.

(d) Describe briefly the administrative coordination of the activities of these specialized units, especially with the police and customs authorities.

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

Ministry of Interior cooperates with BACA (formerly Ministry of Culture) for the protection of cultural properties and police officers are on duty in the major cultural heritage sites. Meetings are held with the police officers and BACA representatives whenever needed, in order to coordinate site management and safeguarding.

Ministry of Interior Customs Affairs’ officials are as well in cooperation with BACA. In case of any suspicious incident related to illicit trafficking, BACA is informed and experts are assigned to examine the situation immediately.

3. Inventories and identification

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

Cultural property exhibited in the Bahrain National Museum as well as the objects stored in the magazines of Bahrain Authority for Culture and Antiquities are all inventorized in accordance with the international standards. The process of digitization of the inventories is in progress.

(b) Specify the degree of precision, at the national level, of the definition of “cultural property” covered by international conventions (see above I.2(b)). State whether “national treasures” are identified in an official, tentative or exhaustive list.
‘National treasures’ do not constitute a part of the Bahranian cultural heritage legislation. Instead, the Decree-Law 11 of 1995 recognizes immovable and movable monuments. The later one, is defined in general terms so as to denote the widest range of cultural manifestations, and as such corresponds to the definition of cultural property in the 1970 Convention. The former one, especially in the form of archaeological sites, constitutes the core of protected cultural heritage in the Kingdom.

(c) To what extent is the Object ID standard used? Is the standard adapted to the State’s needs?

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

4. Archaeological excavations

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

1995 Law on Antiquities regulates the archaeological excavations. According to it, archaeological excavations shall proceed after acquiring a permission issued by BACA. ‘License for Archaeological Excavations in the Kingdom of Bahrain’ has recently been updated in November 2014. The permit document specifies the essentials to be followed before, during and after the excavations.

In case of an archaeological discovery, the Directorate of Archaeology and National Heritage in BACA is the primary department to be informed. Licensee is obliged to deliver all the discovered antiquities to BACA at the end of each session.

Monitoring:
The licensing authority (BACA) shall appoint one archaeologist to view and supervise excavation works, findings and inspect records of antiquities. Additional representatives may be appointed to visit the excavation site. Monitoring of the excavations is reinforced by the periodic reports that need to be submitted to BACA every 15 days.

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

Regardless of being listed as a National Heritage, each one of the archaeological site and most of the sites with potential archaeological value are visited regularly on weekly basis. As a result of strict monitoring, illegal excavations is not a recurrent problem in Bahrain.
5. Monitoring of the export and import 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?

(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.)?

(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?

Export and import of cultural property are regulated in the Chapter V ‘Trading in and exporting antiquities’ of the abovementioned Decree-Law 11 of 1995. Trade in antiquities is forbidden unless is undertaken by a licensed trader whose responsibility is to keep official records indicating the details of the possessed items as well as their purchase and sell. These records are to be presented whenever requested by the BACA.

Any export of cultural property must be accompanied by a license issued by BACA, otherwise the item shall be confiscated.

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

In case when the cultural property has been illicitly imported to the Kingdom of Bahrain, whether the Kingdom is its final destination or a stop in transfer, the practice is to collaborate with the country from which the object has been exported in order to determine its origin and the rightful owner.

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

(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.
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).

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

Trade in cultural goods is prohibited unless Bahrain Authority for Culture and Antiquities grants a trading license valid for one year and renewable. The trader must provide a list of cultural objects in possession and comply with additional specific rules, designed in order to control the trade. The matter is regulated by the provisions of Decree-Law 11 of 1995.

(c) Do measures exist to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)?

(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?

- what is the status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations?

- Are there any due diligence requirements in place?

- What are the rules governing the search of provenance?

In accordance with Decree-Law 11 of 1995 movable monuments and cultural items, discovered either by licensed missions or unlicensed third parties, belong to the state and may not be relinquished.

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

Individuals and private bodies are not permitted to dispose of cultural property before obtaining permission of BACA. In such cases, the state shall have a priority of purchasing said property.
7. Bilateral agreements

(a) List the bilateral agreements concluded with other countries on the import, export and return of cultural property and comment briefly on their results.

(b) What conditions are set by the importing country with regard to the admissibility of requests for restitution from a country of origin?

(c) Apart from these agreements, is there administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and customs services?

Kingdom of Bahrain is a party to the Unified Customs Regulation (Law) of the Cooperation Council for the Arab States of the Gulf. It unifies the custom regulations for the member countries of the Gulf Cooperation Council (GCC).

II. Code 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?

No.

Awareness raising and education

(b) Are the “One hundred missing objects” series and the ICOM Red Lists disseminated and read?

They are announced in regular intervals to the staff by the Director of Museums.

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

BACA has created a training committee consisting of members from each directorate. The committee is responsible to provide a mandatory training to qualify the staff about the specific aspects. Additionally, workshops for children are organized in the National Museum of Bahrain aiming at raising awareness about the cultural heritage and archaeology.
III. **Cooperation with other international and regional agencies**

**Police**

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

Bahrain’s Ministry of Interior is the responsible body for cooperation with INTERPOL. In 2013 and 2014, INTERPOL organized two seminars in Bahrain. The seminar held in October 2014 explicitly aimed at enhancing legal and judicial measures to fight against illicit trade in the Gulf region.

(b) If a 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?

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

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

Bahrain has appropriate criminal laws in case of offences against the cultural properties that are registered as National Monuments. Decree-Law 11 of 1995 protects the listed cultural properties against theft, destruction and vandalism; and contains sanctions for those, varying from fines between BHD3000 and BHD10000 (app. USD 8000 and USD 26000) to imprisonment up to seven years.

(e) Does cooperation exist with the United Nations Office on Drugs and Crime (UNODC)?

**Customs**

(f) What is the status of cooperation with the World Customs Organization and which specialized customs services can assist heritage officials in preventing the illicit export of cultural property?

(g) Do members of the customs administration follow a specific training programme?

(h) Is the UNESCO-WCO Model Export Certificate for Cultural Objects used?
European Union

Have particular measures been adopted to apply the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State.

IV. Emergency situations and heritage at risk

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

Bahrain is in progress of proposing both of its World Heritage Sites in the enhanced protection list of the 1954 Hague Convention. In addition to it, conservation plan is under study for the World Heritage Site of ‘Pearling, Testimony of an Island Economy’ which will provide a risk preparedness plan for its movable (exhibitions) and immovable components in case of natural disaster.

(b) More particularly, what are the measures undertaken to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage?

The president of BACA H.E. Sheikha Mai Al Khalifa and Arab Regional Centre for World Heritage (ARC-WH) closely follow the developments on the protection of Syrian and Iraqi cultural heritage. In March 2015, H.E. Sheikha Mai Al Khalifa has published a declaration about the destruction of Mosul Museum. In May 2015, she condemned the attacks to Syrian site Palmyra and endorsed the efforts of UNESCO to save it.

V. Other legislative, legal and administrative measures taken by the State

1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

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

Bahrain has not ratified the 1995 UNIDROIT Convention.

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

- the stage of the ratification process reached by the State concerned (close to ratification, under way, actively under preparation, not considering ratification in the short, medium or long term);
• obstacles or difficulties encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;

• the extent to which UNESCO can assist in completing the process.

Bahrain is in the process of assessing the advantages and disadvantages of the convention for Bahrain and for the national legislative system.

2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation

Describe the extent to which the State concerned is following the work of the UNESCO Intergovernmental Committee (observer, member, State concerned by a case under discussion etc.).

3. UNESCO Database of National Cultural Heritage Laws

Indicate action taken to organize the contribution to the UNESCO Database of National Cultural Heritage Laws and to check whether it contains all historical and existing laws and regulations, including successive amendments.

Approved by:

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