



Four-year cycle 2005-2010

## Syrian Arab Republic

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National report on the implementation of the Hague Convention of 1954  
and its two Protocols (1954 and 1999)

## I. The 1954 Hague Convention

- The Syrian Arab Republic had issued, legislation and national laws for the protection of cultural property, in application of the Hague Convention.
- The law provides that the **Ministry of Culture (MC)**, represented by the **Directorate General of Antiquities and Museums (DGAM)**, which seats is in Damascus, shall be the principal national administrative entity.
- Ministry of Local Administration engaged in protection and safeguard of cultural heritage “urbanism planning, Prevent illicit buildings, and to provide public services”.

### **The National Legislation:**

Some others laws help the law of antiquities in this field, such as the Punishments law , civil law , Local Administration law , ecotourism law.

**Its important to mention that the mentioned laws have no legal effects in case it disapprove with the Syrian antiquities laws “laws dispute” which is “the Syrian antiquities law” is the executive law in case of disputing in specific cases.**

### **Antiquities Law:**

The Law of Antiquities issued under Decree - Law No. 222, dated 26/10/1963 along with all the relevant amendments listed below:

- Decree -Law No. 295, dated 2/12/1969
- Decree -Law No. 296, dated 2/12/1969
- Decree -Law No. 333, dated 23/2/1969
- Law No. 1, dated 1/1/1974
- Decree -Law No. 52, dated 10/8/1977

**Article -1-** The movable or immovable properties that man built, manufactured, produced, wrote or drew before two hundred calendar years or two hundred and six Muslim calendar years, are considered as antiquities. Antiquity Authorities can consider also, the movable or immovable properties of more recent period, if they see that these properties have historical, artistic or national characteristics, and a ministerial decision is issued for that purpose.

**Article -2-** The Antiquity Authorities are the parts that preserve antiquities in Syrian Arab Republic, and it is only for them to decide which historical monuments and archaeological sites to be considered as antique and to be registered. Registering an antique monument means that the state agrees on its historical, artistic or national importance and works to restore, preserve, study and utilise it according to the provisions of this law. “Antiquity Authorities”, mentioned in this law means the Directorate General of Antiquities and Museums.

**Article -5-** Antiquity Authorities may evacuate occupied historical monuments or archaeological areas that are possessed by the state from individuals and institutions, with exceptional cases to be decided by the Antiquity Counsel, to compensate people or institutions that occupied them before this law was issued. A special committee formed by presidential decree estimates the compensation.

**Article -7-** It is forbidden to damage, modify, harm or disfigure by writing, carving, deforming or separating a part of the movable and immovable antiques, and to stick advertising signs on registered archaeological sites and historical monuments.

**Article -8-** In setting cities and villages planning projects, expansion, beautification or what resembles that, preserving the archaeological areas and historical monuments must be considered. These projects must not be ratified without the approval of Antiquity Authorities, and after ratification, no modification must be adopted without getting the approval of these authorities.

**Article -9-** In organising, improving or beautification and removing coparcenary of cities and villages that contain archaeological areas or historical monuments. The concerned ministries, administrations and committees must consider the easements that Antiquity Authorities set, which are mentioned in articles 13 and 14 of this law and these easements must be included in organising decisions.

**Article -10-** Municipalities are not allowed to grant building and restoration permissions in areas close to archaeological sites and historical monuments without the approval of Antiquity Authorities to guaranty constructing new building in harmony with the antiquity characteristic.

**Article -11-** Antiquity Authorities, in agreement with the administration concerned in land surveying, marking out and drawing up, must define out archaeological areas, monuments and tells on cadastral maps and documents.

**Article -13-** Antiquity Authorities may specify and define what to be preserved from archaeological areas, historical monuments and ancient districts to protect and maintain them due to their genuine artistic characteristics and being evidence on a certain historical period or being connected to important historical incidents. These authorities should register them after the approval of Antiquity Council and issuing a ministerial decision in the archaeological areas and historical monuments register. This decision can include a group of districts or monuments or one district and one monument or a part of them. The decision must include the easements for the neighbouring real estate properties. In case they had been already registered without considering this easement right, a ministerial decision will be issued later for this concern, and the owners or alinors of these properties must be informed of this decision, so must the concerned administrations and municipalities and land registration departments to include in the land register.

**Article -14-** The easements include providing a protection area around the archaeological areas and historical monuments and defining the style of new and renewed buildings, their heights, materials and colours, to be in harmony with the ancient building. This includes preventing to open windows, verandas without permission from Antiquity Authorities.

**Article -23-** The owner of a registered immovable antique according to the provisions of this law, do not have the right to destroy or move it, partially or totally, and can not restore, renew or change it without a permission from Antiquity Authorities.

The permitted works must be carried out under the supervision of the authorities. In case of violation, the Antiquity Authorities return the historical monument to its original shape and the owner must pay the costs, in addition to the penalty mentioned in this law.

**Article -25-** A registered archaeological lands not allowed to be a store for debris or wastes and constructing any building, graveyard, irrigation or digging, planting, cutting off trees or changing the shape of the land without the permission or supervision of Antiquity Authorities. It is forbidden to use the debris of the destroyed historical monuments, soil or stones of archaeological areas without the official permission of these authorities.

**Article -26-** It is forbidden to establish heavy, dangerous industry and military constructions within a border of 500 m. from registered immovable archaeological and historical properties.

The Syrian authority had registered six cultural properties to the WHL which are as follows:

- Damascus ancient city
- Aleppo old city
- Bosra old city
- Site of Palmyra
- Crac des Chevaliers & Salahdin castles.

The first four cities had been registered for more than 25 years, at that time there were no clear strategy to manage it with specific goals can be applied concerning the listed sites on the WHS list.

**The Distinctive emblem:**

DGAM is preparing regularly to mark the distinctive emblem of the convention.

**Military measures:**

The Ministry of Culture had introduced to the Military of Defense to take the provisions of the convention in its military regulation.

According to Article 26 of Antiquities law: It is forbidden to establish heavy, dangerous industry and military constructions within a border of 500 m. from registered immovable archaeological and historical properties.

Syrian constitution was declared in 13/03/1973 by the decree number /208/, and it contains in its contents four chapters which include:” Basic principles- the powers of the state- the constitution modification- and general provision”, and it was distributed on /156/ articles, the article number /21/ declared the laws that establish the preservation principles, manage and rehabilitate the cultural heritage and the nation policies towards it, and it is: “The educational and cultural system aims at creating a socialist nationalist Arab generation which is scientifically minded and attached to its history and land, proud of its heritage, and filled with the spirit of struggle to achieve its nation's objectives of unity, freedom, and socialism, and to serve humanity and its progress”.

**Sanctions:**

There is no criminal jurisdiction for sanctions the convention but the antiquities law takes within its framework such sanctions in general.

**National Report on implementing of the 1999 second protocol to the 1954 Hague Convention.**

**Safeguarding of cultural property:**

The responsibility of protecting the cultural heritage in Syria is on the Ministry of Culture, the high council of antiquities and the Directorate General of Antiquities and Museums “DGAM”, and its rules are organized by the legislative decree /222/ for the year 1963, and its modifications which its last law was number /1/ dated /28/02/1999. And some others laws help the law of antiquities in this field, such as the Punishments law which was declared by the

legislative decree number /148/ dated 22/05/1949> and the civil law which was declared by the legislative decree number /84/ dated /18/05/1949. Local management law declared by decision number / 15/ dated /11/05/1971/ modified with the law number /12/ dated /20/06/1971, and law number /9/ dated /22/01/1974 concerning organize and classify the cities. And the legislative decree number /25/ dated /09/04/2007 which contains the forest law and the environmental and touristic investees, and also the law number /1/ dated /29/03/2003 deals with this preservation in some of its sides including some administrative directors and the cities and countries councils concerning the violations, and give it the executive role.

The DGAM prepare the inventories of movable objects and saved it in a special archive which contains identity of the object and all information about it.

The Historical Monuments Directorate prepares the registration files for the immovable cultural prosperities in all the Syrian cities; these registration lists include all the information about the cultural property that ensures the maintenance from any damage.

**Enhanced protection:**

DGAM is preparing the official letter for the enhanced protection to the World Heritage Sites.