



# **THE PROTECTION OF MOVABLE CULTURAL PROPERTY**

**Collection of legislative texts**

**Iran**

**Unesco 1988**

***Collection of legislative texts concerning  
the protection of movable cultural property***

**ISLAMIC REPUBLIC OF IRAN**

**CC-88/WS 5**

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## P R E F A C E

Since its foundation Unesco has been constantly engaged in an effort to protect cultural property against the dangers of damage and destruction which threaten it and, in particular, against dangers resulting from theft, clandestine excavations and illicit traffic. The work carried out in this field in recent years has shown that national laws and regulations governing the protection of movable cultural property are little known abroad. This has prompted Unesco to embark on the collection and distribution of legislative texts for the information and use of national services for the protection of the cultural heritage, museum curators, art dealers, antique dealers, private collectors, customs and police services, and anyone else required to have a knowledge of the legal status of cultural property, with a view to fostering international co-operation in the prevention and repression of offences concerning movable cultural property.

Unesco has already published two volumes of a compendium containing extracts from the legislation in force in forty-five Member States. These appeared in French in 1979 and 1981 under the title "La protection du patrimoine culturel mobilier - Recueil de textes législatifs" and in English in 1984 under the title "The Protection of Movable Cultural Property - Compendium of Legislative Texts".

The publication of legislative texts governing the protection of movable cultural property is being pursued in the form of a series of booklets, each presenting the laws and regulations of one country. The booklets will, as far as possible, contain the full texts of legislation dealing with:

- . the definition of protected movable cultural property
- . the system of ownership and use
- . the extent of protection
  - inventory, registration, scheduling, declaration
  - rights and obligations of the owner, the person in possession or control and the authorities with respect to protected property
  - regulation of trade in antiquities
  - export regulations
  - import regulations
- . fortuitous discoveries and archaeological excavations
- . sanctions
- . authorities responsible for protection

The legislative texts are preceded by a brief introduction which provides information on the international conventions concerning the protection of movable cultural property to which the State concerned is party and gives the list of the texts reproduced in the booklet. The introduction also contains an index of the main provisions of national laws and regulations which concern specifically the protection of movable cultural property arranged under the above headings.

An index of national laws and regulations concerning the protection of movable cultural property in force in the Member States of Unesco will be issued at a later date.

ISLAMIC REPUBLIC OF IRANINTERNATIONAL CONVENTIONS CONCERNING THE PROTECTION OF MOVABLE CULTURAL PROPERTY TO WHICH THE STATE IS PARTY

Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954).

Instruments of ratification of the Convention and of the Protocol deposited on 22 June 1959. The Convention and the Protocol entered into force with respect to Iran on 22 September 1959.

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris 1970).

Instrument of acceptance deposited on 27 January 1975. The Convention entered into force with respect to Iran on 27 April 1975.

NATIONAL LAWS AND REGULATIONS SPECIFICALLY CONCERNING THE PROTECTION OF MOVABLE CULTURAL PROPERTY

- Law concerning the preservation of national antiquities, approved on 12 Aban 1309 (3 November 1930)
- Rules for the application of the Law of 12 Aban-Mah 1309, approved by the Council of Ministers on 28 Aban-Mah 1311 (19 November 1932)
- Law providing for the inclusion in the Penal Code of Article 127 bis (2 July 1968)
- Regulations concerning the import and export of cultural property (20 October 1975)

INDEX OF MAIN PROVISIONS BY SUBJECT-MATTERDefinition of protected property

Article 1 of the Law of 1930  
Article 1 of the Rules of 1932  
Articles 1 to 6 of the Regulations of 1975

System of ownership

Articles 5 and 14 of the Law of 1930

Extent of protection

- Inventory and listing

Articles 2, 3, 7 and 8 of the Law of 1930  
Articles 12 to 14 of the Rules of 1932  
Article 2 of the Regulations of 1975

- Rights and obligations of the owner, the person having possession or control and the competent authorities  
Articles 4, 5, 6 and 9 of the Law of 1930  
Articles 15 and 16 of the Rules of 1932
- Regulation of trade in antiquities  
Article 17 of the Law of 1930  
Articles 38 to 46 and Appendix of the Rules of 1932  
Article 127 bis of the Penal Code  
Articles 19 and 27 of the Regulations of 1975
- Export regulations  
Articles 17 and 18 of the Law of 1930  
Articles 47 to 51 of the Rules of 1932  
Articles 15 to 20, 22, 23 of the Regulations of 1975
- Import regulations  
Articles 7 to 14 and 21 of the Regulations of 1975  
Article 52 of the Rules of 1932

Fortuitious discoveries and archaeological excavations

- Fortuitious discoveries  
Article 10 of the Law of 1930  
Article 17 of the Rules of 1932
- Archaeological excavations  
Articles 11 to 15 and 20 of the Law of 1930  
Articles 18 to 37 of the Rules of 1932

Sanctions and penalties

- Articles 6 and 16 of the Law of 1930  
Articles 16 and 36 of the Rules of 1932  
Article 127 bis of the Penal Code

Ministry of the National Economy

No. 6010

Law concerning the preservation of national antiquities,  
approved on 12 aban 1309 (3 November 1930)<sup>1/</sup>

Article 1 - All works of art and movable and immovable creations which have been produced in Iran, as well as all historical sites, dating from before the end of the Zend dynasty, are, by virtue of Article 2 of the present law, considered as national antiquities and are placed under the protection and control of the State.

Article 2 - The State will make an Inventory of all Iranian antiquities currently known and identified, which are of specific historical, scientific or artistic interest. Any further antiquities of the same kind discovered in the future will be added to this Inventory. The Inventory will be printed and published.

Article 3 - The listing of property in the Inventory of National Antiquities will be announced by means of an order from the Ministry of Education. However, the listing of property belonging to a private person will be notified in advance to the owner and will become effective only when any protest which the owner might make has been considered. The owner does not have to assume the obligations set forth in this law until the listing of the property has become effective.

Article 4 - The owner of immovable property which, under the provisions of the present law, may be considered as a national antiquity, as well as any person coming to know of the existence of property of this kind must notify the nearest appropriate government office so that the relevant authorities, as defined in the rules for the application of the present law, can decide whether the property in question should be considered as a national antiquity and classified as such.

Article 5 - Private individuals who are owners or who have the usufruct of property listed in the Inventory of National Antiquities retain their right of ownership or usufruct but may not oppose measures which the State considers that it has to take for the preservation of those antiquities. If work undertaken by the State entails expenditure, no reimbursement of that expenditure may be claimed from the owner nor shall the work in question in any way affect his right of ownership.

Article 6 - The acts listed below are forbidden. Any person who performs such acts will be tried and fined from 50 to 1,000 tomans. In addition, he could also be held liable for the cost of the damage caused by him to national antiquities:

- (a) destroying or damaging national antiquities, covering them with plaster or paint, or carving designs or inscriptions on them;

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<sup>1/</sup> Unofficial translation prepared by Unesco.

- (b) undertaking works near national antiquities which could damage their structure or modify their appearance;
- (c) taking, buying or selling, without the authorization of the State, items or materials belonging to listed buildings. The repair and restoration of buildings classified as national antiquities and belonging to private owners may only be undertaken with the authorization of the State and under its supervision. Any infringement is punishable as described above.

Article 7 - Privately owned movable property considered as a national antiquity must be listed in a separate inventory, in accordance with Article 2 of the present law.

Article 8 - For each item of movable property listed in the Inventory of National Antiquities, a descriptive certificate must be drawn up in duplicate, indicating its place of origin and how it was discovered. One or more photographs should be attached.

One copy of the certificate will be kept in the national antiquities archives and the other will be delivered free of charge to the owner. This copy must accompany the property in all its changes of ownership. A change of ownership in no way affects the status of the property as a listed national antiquity.

Article 9 - If the owner of listed property wishes to sell it to a third party, he must notify the appropriate public authorities in writing. If the State wishes this property to be included in a national collection, it has a right of pre-emption but must give notice to the owner of its intention to exercise that right within ten days of receiving the owner's notification. If the State gives no such notice, the owner is free to sell the property to another purchaser. In all cases, and whatever the means by which the property has been disposed of, the previous owner must notify the State, within ten days of the disposal, of the name and address of the new owner. Anyone who sells a listed property without notifying the Ministry of Education or its representatives will be fined a sum equal to the sale price of the property in question. In addition, the State may seize the property which has been sold, reimbursing the purchaser the sum paid by him. Furthermore, if the purchaser knew that the property in question was listed in the Inventory of National Antiquities but still proceeded with the purchase, he shall be liable to the same fine as the seller, unless he himself notified the State.

Article 10 - Any person happening to discover any movable property which, according to the provisions of the present law, could be considered as a national antiquity, even if that property is on his own land, must notify the Ministry of Education or one of its representatives as soon as possible. Should the relevant public authorities decide that the movable property in question ought to be listed in the Inventory of National Antiquities, half of the property discovered, or of its value as determined by appraisal, shall be due to the finder. The State may, at its own discretion, decide whether to retain the other half or donate it to the finder.

Article 11 - The State is entitled to dig and excavate for antiquities. The State may use this right directly, or delegate it, by special authorization, to scientific institutions, societies or individuals. Such authorization must indicate the site of the excavations, their extent and estimated duration. In



addition, the State is entitled to make probes in any place where remains have been found, or where evidence suggests the existence of remains, or which seems likely to conceal remains, for the purpose of discovering antiquities and determining their nature and quality.

Article 12 - Excavations whose sole purpose is to discover antiquities or to conduct scientific research are termed 'scientific excavations'. Excavations whose purpose is the sale of antiquities are termed 'commercial excavations'. Authorization to undertake scientific excavations is granted exclusively to scientific institutions. Commercial excavations in listed buildings or on listed property are prohibited.

Article 13 - Excavations on land belonging to private individuals may be undertaken only with the authorization of the State and the consent of the owner. However, the owner of a site listed in the Inventory of National Antiquities or which the State, as a result of probes, has listed or is in the process of listing in the Inventory, cannot withhold his consent. He is entitled only to request an indemnity which shall be equivalent to half the revenue from the land which is no longer available to him on account of the excavations and half the prejudice caused and the expenses incurred in restoring the land to its original state after the excavations.

Article 14 - Items discovered during scientific or commercial excavations, at one and the same site during one and the same period of excavations, belong exclusively to the State if the State has itself undertaken the excavations. If the excavations have been undertaken by a third party, the State may select and appropriate up to ten items of historical or artistic value and donate half of the remainder to the finder, keeping the other half itself. If there are not more than ten items in all and if the State keeps them all, the expenses incurred by the excavations are reimbursed to the person who provided the funds. Buildings and parts of buildings are not covered by the above provisions regarding sharing and the State is entitled to appropriate them in toto.

Note - A period of excavations is defined as one which lasts no longer than a year.

Article 15 - Items discovered during scientific excavations and to which the State is entitled must be kept in national collections and museums. They are inalienable. Items donated to the finder become his sole property. Of the items discovered during commercial excavations which revert to the State, the State keeps all those of interest to museums and disposes of the others as it so chooses. The sale of such items shall be by auction.

Article 16 - Any person infringing the provisions of Article 10, or undertaking excavations, even on his own property, without State authorization or without the knowledge of the State, or exporting antiquities fraudulently, will be fined from 20 to 2,000 tomans. In addition, the items discovered will be confiscated by the State. Earth removal and other works of the same type not undertaken for the purpose of finding antiquities are not subject to the above-mentioned fines.

Article 17 - Persons wishing to trade in antiquities must obtain a State licence. A State licence is also required to export antiquities. Any item listed in the Inventory of National Antiquities will be confiscated by the State if any attempt is made to export it without State authorization. The

State will not refuse export licences for items which, under the provisions of Articles 10 and 14 of the present law, are the property of the finder, provided that they are not listed in the Inventory of National Antiquities. If they are listed items, the conditions under which they may be exported are set out in Article 18 below.

Article 18 - The State is entitled to refuse an export licence for items considered as national antiquities, and to purchase them at the price declared by the person concerned in his request for an export licence. If the owner refuses to sell them at the stated price, the export licence will not be granted. If the licence is granted, an export tax will be levied equal to 5 per cent of the value determined by the State-appointed valuer. In the event of disagreement between the owner and the valuer, the matter will be settled by a special commission, the composition of which will be determined by the rules for the application of the present law. The export tax provided for by the present Article is independent of the customs levies laid down for such items by the customs tariffs in force. The export of items discovered during scientific excavations undertaken with the agreement of the State and constituting the finder's share is authorized in all cases and is exempt from any levies and taxes.

Article 19 - The Council of Ministers will draw up and approve rules for the implementation of this law, stating the conditions for trading in antiquities and the conditions for the implementation of all the provisions of the present law.

Article 20 - Authorizations for excavations already granted which do not comply with the present law are hereby revoked.

Text of the law adopted by both houses (Senate and National Assembly).

Rules for the Application of the Law enacted on 12 Aban-Mah 1309  
(3 November 1930) on the Preservation of the Antiquities of Persia  
(Approved by the Council of Ministers on 28 Aban-Mah 1311  
- 19 November 1932)<sup>1/</sup>

#### DEFINITIONS

Article 1 - All the products of the arts of all the peoples who lived on Persian soil until the close of the Zend period are considered as 'antiquities'.

Antiquities are movable or immovable, immovable when they are fixed to the ground or not easily transportable, movable when they are not immovable.

Natural sites such as underground caves, rock shelters and rocks preserving vestiges of ancient civilizations are classified as immovable antiquities.

Easily transportable construction components or decorative elements, which formed part of buildings or of natural sites considered as immovable antiquities and which were found detached from these antiquities, are considered as movable antiquities.

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<sup>1/</sup> Unofficial translation prepared by Unesco.

CHAPTER I

Immovable antiquities

Article 2 - An inventory of all the currently known immovable antiquities relating to the national history of Persia shall be drawn up by the Archaeological Department of Persia.

As and when new immovable antiquities having the same historic and national character are discovered, they shall be listed in the inventory.

The antiquities thus listed, and only these, shall be considered as 'Immovable National Monuments'.

The inventory shall be called the 'Inventory of Immovable National Monuments'.

Article 3 - Any site may at any time be listed in the inventory once it has been established beyond doubt that under the ground at this place is an antiquity relating to the history of Persia.

Article 4 - Whoever possesses an immovable antiquity liable to be classified as a 'National Monument', and whoever learns of the existence of such an antiquity must, without delay, notify the Archaeological Department through the nearest representative of the Administration of National Education or, failing this, through officials of the Administration of Finances.

The Archaeological Department, after examining the antiquity in question, shall, where appropriate, propose its listing in the Inventory of National Monuments.

Article 5 - The listing in the inventory of an immovable antiquity or of a site on which is located an immovable antiquity shall be proposed by the Director of the Archaeological Department to the Minister of Education who shall decide on the advisability of listing and, if need be, shall order it by means of a decree.

However, the listing shall only become effective and its effects shall only have full legal force after the owner has been officially notified of the antiquities or sites in question and after consideration of the justification of whatever protest he may make. A period of one month shall be accorded to the owner within which to make his protest.

Article 6 - The officials of the Archaeological Department responsible for drawing up the Inventory of National Monuments must compile a comprehensive record of locally obtained information on each immovable antiquity being considered for listing.

This record must include all the information necessary for preparing the proposal for listing, i.e. as far as possible:

- the name by which the immovable antiquity is known in the locality,
- its real name,
- its exact geographical location,

- the name of its founder,
- the date of its construction,
- a concise plan of it,
- photographs,
- a statement of its legal situation,
- all relevant details which can justify listing and which are not included in this enumeration.

This record may also usefully include:

surveys making it possible subsequently to prepare plans, sections, situation diagrams and details of the construction and decoration of the monument(s);

a list of photographs and, if possible, of stamped inscriptions;

legends relating to the immobile antiquity current in the region;

where restoration was carried out prior to the date of the work, the name of the restorer(s) and indications as to the parts restored, accompanied by relevant drawings and photographs.

In short, the record should include all the documentation that can possibly be gathered, bearing in mind that no detail, however trivial in appearance, and no information, even if manifestly legendary, is to be disregarded.

When an immovable antiquity has been finally listed as a National Monument, the record used in preparing the proposal for listing, to which shall be added the ministerial decree ordering that listing, shall be deposited in the Archives of National Monuments.

After listing, detailed notes on transfers of ownership of the antiquity, conservation measures concerning it taken by the Antiquities Department and repairs carried out, shall be included in the record.

Article 7 - Private individuals who are owners or who have the usufruct of a classified immovable antiquity shall retain their right of ownership or usufruct but may not oppose measures which the State considers obliged to take for the preservation of the antiquity.

If these measures entail expenditure, no reimbursement of that expenditure may be claimed from the owners nor shall it in any way affect their right of ownership.

Article 8 - The Archaeological Department shall be responsible for carrying out the work ordered by the State as necessary for the preservation of the national monuments. When a private individual who owns or has the usufruct of a building classified as a national monument wishes to restore or repair this building at his own expense or change it in any way whatsoever, he shall first submit a detailed plan of the work he wishes to undertake to the Minister of Education and obtain authorization to carry it out.

The Minister of Education may refuse the authorization requested if in his opinion the planned work endangers the structure or poses a threat to the appearance of the building. He may require this work to be executed in the way he considers appropriate and, in particular, require the re-use of old materials or the employment of techniques or materials similar to those used by the original builders.

This work, the details of which will be laid down in the ministerial authorization, shall be executed under the supervision of the Archaeological Department.

If work being carried out is abandoned, the Archaeological Department shall be responsible for continuing it at the expense of the defaulting owner.

If the work is not carried out in accordance with the plan laid down in the ministerial authorization, demolition and proper reconstruction may be required, without prejudice to the penalties established by law for damage to national monuments. Or, should the Minister of Education consider it suitable, the State may itself carry out demolition and construction work at the expense of the owner.

Article 9 - Protective zones, in which it shall be forbidden to put up buildings, plant trees, carry out excavation work and establish cemeteries, may be established in order to protect the National Monuments and sites which are of particular value for the history of Persia.

The Minister of Education shall, in each case, decide on the conditions for the establishment of these protective zones and shall determine the compensation that may be accorded to the parties involved.

It is forbidden

Article 10 - (1) to destroy or damage National Monuments, to cover them with plaster or paint, or to carve designs or inscriptions on them;

(2) to undertake any work near listed buildings which may endanger their structure or alter their appearance;

(3) to appropriate, buy or sell, without the authorization of the Minister of Education, materials belonging, or which formerly belonged, to the buildings listed in the inventory.

Anyone guilty of any of these infringements shall be tried and sentenced to a fine of from 50 to 1,000 tomans. In addition, he may also be held liable for the cost of repairing the damage caused by him to the National Monuments.

Article 11 - The safeguarding of immovable National Monuments located far from any town shall be the responsibility of special caretaker's posts responsible for keeping a constant watch over them.

Where immovable National Monuments are located in or near a town and are unable to see to their own protection, it will generally be sufficient for the ministerial decree ordering the listing to impose on the town council of the

area the obligation to guard them by whatever means it considers appropriate, but under the full responsibility of the head of that council. The Minister of Education shall determine in each case the guard system to be adopted, e.g. a special caretaker's post, surveillance by the regular personnel of the monument or surveillance by the town council.

The Archaeological Department shall satisfy itself as to the effectiveness of the measures taken.

## CHAPTER II

### Movable Antiquities

Article 12 - Movable antiquities relating to national history and located in Persia in the possession of private individuals shall be listed in a special inventory, subject to the provisions of Article 3 of the Law. This inventory shall be called the 'Inventory of Movable National Monuments'. A movable antiquity may be listed in the inventory at any time.

The effects of having been listed shall apply to the antiquity whoever its owner might be.

Article 13 - When a movable antiquity has been finally listed as a 'National Monument', the records used in preparing the proposal for listing, to which shall be added the ministerial decree ordering the listing, shall be deposited in the Archives of National Monuments. Any subsequent change of ownership and, in general, any event relating to a listed movable antiquity shall be the subject of detailed notes to be included as and when necessary in those records.

Article 14 - For each item listed in the inventory, a descriptive certificate shall be drawn up, in duplicate, by the Archaeological Department, indicating, as far as possible, its place of origin and the circumstances of its discovery. One or more photographs should be attached.

One copy of the certificate shall be kept in the Archives of National Monuments and the other delivered free of charge to the owner of the item. This copy will accompany the property in all its changes of ownership.

Article 15 - The movable antiquities listed in the inventory may be modified, restored or repaired only with the authorization of the Minister of Education and under the supervision of the Archaeological Department.

The destruction of a movable National Monument and any infringement of the provisions of this article shall be punishable by a fine proportional to the damage caused.

Article 16 - If the owner of a listed movable antiquity wishes to sell it, he must notify the Minister of Education by registered letter. The sale may not take place until ten days after reception of this letter.

If the government notifies the owner, within this ten-day period, of its intention to purchase the property for inclusion in the national collections, it shall have priority over other purchasers, other things being equal. If it does not give notice within the prescribed period of its intention to purchase the property, it shall be considered as having waived its right of pre-emption.

In all cases, except where the State is the purchaser, and whatever the means by which the property changes ownership, the previous owner must notify the Minister of Education, within ten days of the change of ownership, of the name and address of the new owner.

Anyone who sells a movable National Monument without notifying the Minister of National Education shall be fined a sum equal to the sale price of the property in question. In addition, the government may seize the property, reimbursing the purchaser the sum paid by him. Furthermore, if it is proved that the purchaser knew that the property in question was listed in the Inventory of National Monuments, he shall be considered as an accomplice of the seller and liable to the same fine as him, unless he himself notified the government.

Article 17 - Any person happening to discover movable antiquities, even if such antiquities are on his own land, must notify the Minister of Education without delay through his nearest official representative or, failing this, through officials of the Administration of Finances.

After examination of the items by the Archaeological Department, half of the items, or of their commercial value as determined by appraisal, shall be returned to the finder. The State may, at its own discretion, retain the other half or donate it to the finder.

### CHAPTER III

#### Excavations

Article 18 - The State enjoys the exclusive right to dig and excavate in search of antiquities.

Article 19 - The State may use this right directly and have excavations carried out by its Archaeological Department or delegate it temporarily, by special licence, to individuals or scientific institutions.

Article 20 - The State is entitled to have probes made by its Archaeological Department wherever it believes it worthwhile to seek evidence of the existence, nature or age of an ancient site.

Article 21 - Excavations are termed 'scientific' when their purpose is to discover material permitting the study of the ancient civilizations of Persia and of their relations with other civilizations.

They are termed 'commercial' when their purpose is to discover antiquities for commercial transactions.

Article 22 - Licences to carry out excavations on sites listed in the Inventory of National Monuments shall be granted by the Council of Ministers, and only to scientific institutions. Licences to carry out excavations on sites which are not listed in the Inventory of National Monuments shall be granted by the Minister of Education.

No commercial excavation may be carried out on sites or in monuments listed in the Inventory of National Monuments.

Article 23 - Requests for licences to excavate should be addressed to the Minister of Education.

They must contain the under-mentioned details:

1. The name, first names, occupation, address and nationality of the applicant, or if the applicant is a scientific institution, the names, first names, occupations, addresses and nationalities of its official representative to the Persian Government and of the scientist(s) in charge of the excavations.
2. Exact information, with an accompanying plan or drawing, as to the name, location and boundaries of the site(s) to be excavated.
3. A summary of the purpose of the excavation and of the work plan.

Article 24 - Licences will be granted for one or more sites and for one or more years.

They will state the period of time for which they are valid, the areas in which the excavations may be carried out and the boundaries of the concessions. They will lay down the technical conditions that the Minister of Education may think fit to impose on the excavators.

Article 25 - Excavations on land belonging to private individuals may be carried out only if the person excavating has the authorization of the owner of the land as well as a government licence.

However, the owner of land listed in the Inventory of National Monuments or of a site which, as a result of initial probes, is shown as having to be listed in the inventory, cannot withhold his authorization. He is entitled only to request an indemnity, calculated on the basis of the prejudice caused to his property, which shall be twice the revenue lost as a result of the excavations and the expenses incurred in restoring the land to its original state after the excavations.

Article 26 - Excavations may be inspected at any time by the Director of the Archaeological Department or any person appointed by him. Items discovered should always be available for inspection by him.

In addition, the person excavating must agree to the presence of a representative of the Archaeological Department at each of his sites.

Article 27 - Persons excavating shall themselves be responsible for protecting their sites.

Article 28 - Any licence carries the obligation to work on each of the sites conceded for not less than 60 days a year, except in cases where excavations are completed in a shorter period of time.



Article 29 - Persons excavating are forbidden to treat the antiquities discovered in such a way that they might be damaged.

Article 30 - A person licensed to carry out excavations must leave in position the immovable antiquities whose displacement and temporary removal may have been authorized by the government, and must restore them to the state in which he found them.

At the end of each period of excavations, he shall fill in isolated borings and bury bones or similar debris the sight of which might offend passers-by.

Article 31 - Antiquities discovered during regular scientific or commercial excavations, at one and the same site during one and the same period of excavations, shall be shared between the State and the excavator as follows: the State may initially select up to ten items which will thus become its property and then share the remainder equally between the excavator and itself. Immovable antiquities may not be shared in this way. They may be appropriated by the State.

If the items found were not to exceed ten in number and if the State appropriated them all as it would be entitled to do, it would reimburse to the excavator the expenses incurred by him.

The excavator shall be authorized to take away his share of the antiquities which he discovers only after payment of the indemnity due to the owner.

Note: a period of excavations is defined as one which lasts no longer than a year.

Article 32 - As the antiquities discovered during scientific excavations are by definition purely documentary in character, items of this kind which revert to the State shall, as of right, form part of the national collections and may not be sold.

After selecting the items to be included in national collections from those antiquities reverting to it from commercial excavations, the State shall dispose of the remainder as it sees fit.

Article 33 - At the end of each period of scientific excavations, the excavator shall give the Management of the Archeological Department:

1. a plan of the excavation site(s) with a legend indicating the positions of the buildings and of the main items discovered;
2. a list of all the buildings and objects found, including those falling to him as his share;
3. a concise report on the background to the excavations, indicating the principal findings, with reference to the plan and the list of items.

Article 34 - The persons excavating and the scientific institutions that they represent shall send to the Archaeological Department two copies of each of the books, contributions to journals and sets of photographs or drawings published by them on the facts noted and items found during their excavations.

Article 35 - In the event of any infringement of the provisions of any of the foregoing articles, the excavations may be suspended by decision of the Minister of Education until the infringement has ceased.

The licence to excavate may even be withdrawn in the event of a serious infringement.

Article 36 - Any person infringing the provisions of Article 10 of the Law or Article 17 of the present rules, or carrying out excavations without due authorization, or exporting antiquities fraudulently, shall be fined from 20 to 2,000 tomans.

The items discovered shall be seized and confiscated by the State.

Article 37 - Probes, excavations and earth removals shall not be considered as having had the search for antiquities as their purpose if the person carrying them out had no reason to believe that the site could contain antiquities. The person in question shall not be liable to the penalties provided for in the previous Article.

#### CHAPTER IV

##### Trading in antiquities

Article 38 - Any person wishing to trade in antiquities as a business must obtain a licence, which it is up to the Ministry of Education to grant or refuse.

Licences to trade in antiquities shall be strictly personal.

Article 39 - Applications for licences must be addressed to the Minister of Education. They should contain:

- 1 The name, first names, address and nationality of the applicant.
2. Information concerning the place where the applicant wishes to trade.

Article 40 - Licences to trade in antiquities shall conform to the model appended to the present regulations. The Minister of Education shall, however, continue to reserve the right to modify the text of the licence whenever he thinks this fit, in order to exercise better supervision of the antiquities trade.

Article 41 - The following may be traded in:

1. items which are or have been a part of immovable National Monuments when trade in them has been authorized by the Minister of Education;
2. antiquities of licit origin which are on the market when the law concerning the preservation of antiquities is promulgated;
3. antiquities discovered by chance, which shall be the property of their finders in accordance with Article 10 of the Law and Article 17 of the present rules;

4. those antiquities discovered during excavations carried out by the State which shall be judged to be of no value for the development of the national collections and which shall be put on to the market by the State;
5. the share of the antiquities, discovered during commercial explorations, to which the excavators are entitled;
6. those antiquities from commercial excavations to which this State is entitled and which it shall put on the market;
7. those antiquities seized and confiscated by the State, by virtue of Articles 16 of the Law and 36, 48 and 50 of the rules which it shall put on sale.

Article 42 - Any person trading in antiquities must possess a register, of the kind approved by the Archaeological Department, in which he shall note, on a day-to-day basis and with serial numbers, the entry and departure of antiquities bought and sold by him and whose sale price is more than 20 tomans.

All details of size, substance and colour, enabling the antiquities in question to be identified, shall be noted in this register as well as information making it possible to establish that they can be traded in legally.

Before the register is used, each page must be initialled by an inspector from the Archaeological Department.

Article 43 - Where a person trading in antiquities exercises his trade in several places, the transport of antiquities from one place to another must be mentioned in the registers of the two establishments as if it were a sale and purchase.

Article 44 - Inspectors of the Archaeological Department, accompanied or unaccompanied by policemen, may at any time have entrance to all the parts of a building used for trading in antiquities to inspect the register of purchases and sales, to check that it is being properly kept and to check the trader's stock.

The trader must facilitate this inspection and provide any explanations requested concerning his trade.

After each inspection, the official of the Archaeological Department shall initial the register of the business.

Article 45 - Trading in antiquities without the necessary licence, and any infringement of the provisions of the present Chapter, shall be punished by the appropriate court.

The judge may order the withdrawal of the licence to trade in antiquities.

Article 46 - Any broker or trader who acts as an intermediary in any capacity whatsoever in the sale of antiquities found during illegal excavations shall be considered as an accomplice of the excavator and liable to the same penalties as him.

Article 47 - Any person wishing to export antiquities must apply for a licence to do so from the Minister of Education.

This application, accompanied by a list indicating the number of items, their nature, origin and commercial value, shall be submitted to the Archaeological Department for examination together with the cases or packages containing the antiquities about to be exported.

Provided that on examination, no item of fraudulent or suspect origin is found, and once the declared commercial value has been confirmed by the government appraiser, the cases and packages shall be sealed and the export licence granted, on payment of an export duty amounting to 5 per cent of the value of the items.

This export duty shall be independent of customs duties.

Article 48 - If the examination by the Archaeological Department reveals the presence of items of fraudulent origin, these items shall be seized and confiscated by the State. Their owners or exporters may have charges brought against them in pursuance of the law concerning the preservation of antiquities.

Objects of suspect origin may be kept until satisfactory explanations have been obtained concerning them.

Article 49 - In cases of disagreement between the exporter and the government appraiser concerning the value of an item about to be exported, the dispute shall be brought before an arbitrator chosen by both the exporter and the Director of the Archaeological Department.

Article 50 - The government may, when it considers it relevant to the development of the national collections, buy at the price declared by its owner any antiquity listed in the inventory of National Monuments for which an export licence has been requested.

In the event of an owner refusing to sell it to the State, the export licence would not be granted.

Article 51 - Any antiquity which it is attempted to remove from Persia without the proper licence may be seized and confiscated by the State.

Article 52 - Persian antiquities being returned to Persia must be shown to the Archaeological Department. Their owners will be given an import certificate. This certificate must be shown in the event of re-exportation.



WITH THE HELP OF ALMIGHTY GOD  
WE DECREE:

(space for the Imperial signature)

Having regard to Annex No. 27 to the Constitution,

Article 1 - The present decree gives effect to the law providing for the inclusion in the Penal Code of Article 127 bis, adopted by both houses, the Senate and the National Assembly, the text of which is reproduced below:

Article 2 - The government is charged with the application of the present law.

11 tir 1347 (2 July 1968)

No. 2404 dated 17/4/47 (tir) 2/7/68 of the Imperial Register.

Law providing for the inclusion in the Penal Code of Article 127 bis<sup>1/</sup>

Sole article - To the Penal Code is added a new Article 127 bis, as follows:

Article 127 bis

1. Any person who, for gain, damages all or part of any buildings and installations, decorations and accessories, or movable items and equipment belonging to the historic sites covered by the law concerning the preservation of antiquities, adopted in 1309 (1930), and classified as part of the national heritage, shall be punished by a term of imprisonment of from two to ten years.
2. Any person stealing movable items, equipment, materials, or parts of national or historic monuments from museums, exhibitions or historic or religious sites, or from any other place under the protection and control of the State, or who, knowing such items or equipment to have been stolen, buys them or receives them, will be punished by a term of imprisonment of from two to five years.
3. Any person who, without the authorization of the Ministry of Culture and the Arts, undertakes in the proximity of national monuments or historic buildings within a perimeter determined and notified by that Ministry, works which could jeopardize the structure of such monuments or buildings or cause them damage, shall be punished by a term of imprisonment of from one to three years.
4. Any person exporting antiquities covered by the law concerning the preservation of antiquities, in violation of the provisions of that law, shall be punished by a term of imprisonment of from one to three years. Any person who has taken the first steps towards committing the offence referred to in the above paragraph will be considered as having committed it.

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1/ Unofficial translation prepared by Unesco.

5. Any person undertaking excavations in lands, tappeh or historic sites, in violation of the provisions of the law concerning the preservation of antiquities, with the intention of finding antiquities, even if the said lands or tappeh belong to him, shall be punished by a term of imprisonment of from six months to three years.
6. Any person entering, for the purposes of gain, lands, tappeh or historic sites which are classified as national heritage and which are not private property, shall be punished by a term of imprisonment of from six months to two years provided, however, that the Ministry of Culture and the Arts has previously defined in situ the boundaries and features of those areas and has marked them off.
7. Any person wishing to trade in antiquities as a profession must obtain an authorization from the Ministry of Culture and the Arts. The procedures and conditions for obtaining this authorization will be laid down in regulations which have been submitted for the approval of that Ministry. The Ministry of Culture and the Arts will prevent those persons who fail to obtain such authorization from pursuing their activities. In addition, offenders will be punished by a term of imprisonment of from two to six months.

Note 1 - Any person trading in antiquities before this law became effective must request such authorization within three months, failing which he will be liable to proceedings as outlined in the preceding paragraph. The Ministry of Culture and the Arts will deliver the authorization after making sure that the conditions laid down in the above-mentioned regulations have been met.

Note 2 - Any person trading in antiquities before this law became effective, must, within six months, submit a detailed list of the items in his possession to the Ministry of Culture and the Arts. Such items will then be considered in order. Anyone failing to comply with this requirement shall be punished by a term of imprisonment of from one to three months.

The conditions and procedures for submitting the above-mentioned lists, as well as the conditions for the sale and purchase of the items once the detailed list has been submitted, will be laid down by the above-mentioned regulations submitted for the approval of the Ministry of Culture and the Arts.

8. Any person knowingly selling antiquities listed in the Inventory of the National Heritage, in violation of the provisions of the law concerning the preservation of antiquities, shall be punished by a term of imprisonment of from three months to one year.
9. Any person covering with paint or plaster any antiquities listed in the National Inventory, or carving, drawing, writing or otherwise defacing them, or who modifies their appearance or form, or damages any part thereof, shall be punished by a term of imprisonment of from six months to two years and fined from 20,000 to 200,000 rials.

10. Any person undertaking the restoration, repair, transformation, or delimitation of listed buildings, architectural decorations or antiquities, in violation of the provisions of the law concerning the preservation of antiquities, shall be punished by a term of imprisonment of from two to six months.
11. Any person chancing to find antiquities covered by the law concerning the preservation of antiquities, even on his own property, must notify the Ministry of Culture and the Arts, its representatives, or the police, within 15 days.

Any person violating the provisions of the preceding paragraph shall be punished by a term of imprisonment of from three months to one year and fined from 5,000 to 50,000 rials.

12. If offences referred to in Article 127 of the Penal Code and in the present Article are committed by a corporate institution, each of the directors and managers having given the order to commit them, as the case may be, will be liable to punishment as above.
13. Anyone entering into possession of objects as a result of an offence described in Article 127 and in the present Article, will have such objects confiscated and placed in the keeping of the Ministry of Culture and the Arts. Should that person be found guilty, the Court will attribute ownership of the objects in question to the Ministry of Culture and the Arts.
14. With respect to the offences described in Article 127 of the Penal Code and in the present Article, the Ministry of Culture and the Arts is considered as empowered to bring prosecutions or actions for damages, as appropriate.

The above law, composed of one single Article, was adopted by the Senate on Wednesday, 29 khordad 1347 (19 June 1968) and by the National Consultative Assembly on Thursday 6 tir (27 June 1968).

The Vice-President of the National Consultative Assembly  
Hossein Khatibi

The original of the Imperial decree and of the present law is kept in the Office of the Prime Minister.

By order of the Prime Minister - Mahmud Kashfian.



Supreme Council for Culture and the Arts  
28/7/1354 (20/10/1975)

No. 18.128  
(Official Gazette No. 8980 of 10 aban (1 November 1975))

REGULATIONS CONCERNING THE IMPORT AND EXPORT  
OF CULTURAL PROPERTY  
Decree of the Council of Ministers<sup>1/</sup>

Ministry of Culture and the Arts

At its meeting of 28/7/1354, the Council of Ministers, in accordance with proposal No. 747/15/10.405 of 25/6/54 (shahiwar) (16.9.75) submitted by the Ministry of Culture and the Arts, with the approval of the Ministry of the Economy and Finance, in accordance with the provisions of Article 13 of the law concerning exemption from customs duties and taxes for the import and export of antiquities and original, certified cultural and artistic property, adopted the following regulations with respect to the import and export of cultural property.

PART I - DEFINITION OF CULTURAL PROPERTY

Article 1 - Under the terms of the present regulations, the following are considered as cultural property: Iranian antiquities, foreign antiquities, cultural and artistic works.

Article 2 - Iranian antiquities are property whose characteristics were laid down by the law concerning the preservation of national antiquities, adopted in Dey 1309 (December-January 1930-1931), and the rules for the application of that law, and by any other provisions concerning antiquities and national monuments.

Article 3 - Foreign antiquities are property which is recognized as such in its country of origin, or in the country in which it was discovered.

Article 4 - The cultural heritage, whether of Iranian or of foreign origin, includes the following:

1. Rare manuscripts and incunabula, books, documents and publications of special historical, artistic, scientific or literary interest, whether singly or in collections.
2. Phonographic, photographic, cinematographic and other archives of cultural interest.
3. Historical objects, including the history of science and technology, military and social history, as well as biographies of leaders, thinkers, scholars and artists, and events of national importance and social interest.
4. Rare zoological, botanical, mineralogical, paleontological or ethnological collections and specimens, as well as all objects and materials of archaeological or anthropological interest.
5. Collectors' items and all objects and cultural works which are more than one hundred years old.

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1/ Unofficial translation prepared by Unesco.

Article 5 - The artistic heritage, whether of Iranian or of foreign origin, includes the following property:

1. Pictures, paintings and drawings which are entirely hand-made on any kind of backing and of any materials.
2. Artistic statuary and sculpture of any material.
3. Lithographs, engravings and etchings made entirely by hand using lithographic or engraving techniques and bearing a seal, signature or number affixed by the artist himself.
4. Elements from the structure of works of art referred to in the present regulations, or from parts of such works of art.
5. Collectors' items and all artistic objects more than one hundred years old.

Article 6 - Cultural property is considered as 'original' if it meets all the stated conditions and if it is not a forgery, imitation or transposition, unless the forgery or imitation itself constitutes a cultural or artistic work.

Cultural property is considered as 'recognized' if it is of special importance and cultural or artistic value.

#### PART II - IMPORT OF CULTURAL PROPERTY

Article 7 - Imported cultural property must be legally acquired in a way which is not contrary to the prohibitions set out in the law concerning the acceptance by Iran of the 'Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property', ratified on 30 azar 1353 (21 December 1974).

Article 8 - Imported cultural property is exempt from customs duties and from profits taxes provided that it possesses the features and qualities stated in Part I of the present regulations.

Article 9 - Cultural property is subject to the provisions applicable to bonded goods from the moment it enters the country until it has received customs clearance, bearing in mind the provisions which regulate commercial imports. If, according to the importer or in the judgement of the customs service, the goods may be entitled to the exemptions provided for by the law on the import and export of cultural property, the goods shall be submitted for appraisal to the commission mentioned in Article 10 below, in accordance with the procedure laid down in the present regulations.

#### PART III - APPRAISAL

Article 10 - A five-member commission is hereby established to identify cultural property, determine whether it is recognized and original, evaluate it and determine whether it may be exempted from customs duties and profits taxes. The members of the commission shall be chosen by the Supreme Council for Culture and the Arts from ten eminent persons recommended to it by the Minister of Culture and the Arts.

Note - At least four members must be present at the meetings of the commission referred to in the present Article, and decisions, to be valid, must have the agreement of at least three members. The organization of the work of the commission and the procedures it shall follow in carrying out its tasks are governed by guidelines submitted for the approval of the Minister of Culture and the Arts.

Article 11 - In making its appraisals, the commission must conduct a meticulous examination of the cultural property, taking the following into account:

1. Imported cultural property must present the characteristics laid down in the present regulations.
2. For cultural property to be recognized and authenticated, one of the following documents must be produced:
  - (a) a certificate from official sources or government departments in the country of origin or the country in which the imported item under consideration was bought or found;
  - (b) a certificate from departments or bodies attached to Unesco or coming under its authority;
  - (c) a certificate from a gallery or official public sales centre or from a dealer operating outside the country, the reputation of which is confirmed by government or official bodies in their respective countries;
  - (d) a certificate from a recognized museum in a foreign country or from official experts or cultural departments or organizations of the government or judicial authorities of the country in question.
3. With regard to the valuation of the cultural property, the figure given in the documents mentioned in paragraph 2 above will be accepted; if no figure is given, the commission will itself determine the value of the property under consideration.

Article 12 - The authenticity of seals and signatures affixed to the certificates and documents mentioned in Article 11 above must be attested by a certificate drawn up by one of the representatives of the Imperial Iranian Government abroad, and the property should be checked to ensure that it does indeed present the characteristics claimed in the certificates and documents mentioned above.

Article 13 - Should there be good reason why the importer is unable to produce acceptable documents as provided for in Articles 11 and 12 above, the commission of evaluation will take account of the importers' explanations and of the documents that he produces in order to come to a decision as to the authenticity of the object in question and its recognition as cultural property, and in deciding on its value.

Article 14 - Once the commission has come to a decision on the authenticity of the object in question, its recognition as cultural property and its value, the importer shall pay a sum to the Fund for the Protection of Artists equal to 5 per cent of the object's value.

#### PART IV - EXPORT OF CULTURAL PROPERTIES

Article 15 - Iranian antiquities listed in the Inventory of the National Heritage may not be exported, by virtue of the law concerning the preservation of national antiquities and the regulations for its application; nor may they be exported if, following a request for an export licence and the scrutiny to which such requests are subjected, it is found that, by virtue of its importance, the property in question can be classified as part of the national heritage; on the other hand other antiquities may be exported freely, in accordance with the provisions of the present regulations.

Article 16 - Any person wishing to export cultural property, whether of Iranian or foreign origin, must obtain a licence from the Ministry of Culture and the Arts.

Note - Cultural property for which an export licence is requested must have been acquired legally.

Article 17 - The exporter must describe all the features of each object under consideration; he must state how the objects were acquired as well as their real value, according to the guidelines laid down by the Ministry of Culture and the Arts.

Article 18 - To examine the cases of cultural property for which export licences are requested, a five-member commission is hereby established, the members to be chosen by the Minister of Culture and the Arts from eminent and highly qualified experts. Under the provisions of the present regulations, this commission will in every case advise the Ministry of Culture and the Arts as regards both the examination of the request for an export licence and the valuation of the property in question. If there is no reason to oppose the export of the property, the licence is issued, in which case the exporter must pay to the Fund for the Protection of Artists a sum equal to 5 per cent of the value of the property, without prejudice to the other provisions applicable to the export of property.

Note - The organization of the work of the commission covered by the present Article and the procedures it shall follow in carrying out its tasks are governed by guidelines submitted for the approval of the Minister of Culture and the Arts.

#### PART V - MISCELLANEOUS PROVISIONS

Article 19 - Any Iranian or foreign importer who, under the provisions of Article 4 of the law concerning exemption from customs duties and taxes payable on the import and export of original, recognized cultural property, has imported goods defined in the present regulations as cultural property and wishes to sell them by displaying them in places intended for that purpose or in auction halls, galleries or any similar premises, must first obtain the authorization of the Ministry of Culture and the Arts, must act under the supervision of the said Ministry and pay to the Fund for the Protection of Artists a sum equal to 5 per cent of the sale price of such goods.

Purchasers of cultural property as defined under the present Article may, within one month of the date of purchase or of the end of the exhibition, export such property without paying the 5 per cent tax on its value.

Article 20 - Any person wishing to export cultural property temporarily in order to exhibit it in exhibition halls, scientific centres or other similar places, may on submission of all the relevant information, present a request to the commission mentioned in Article 18 above for the temporary export of that property. The Ministry of Culture and the Arts, once it has obtained the necessary guarantees concerning the return of the property, will deliver a temporary export licence without payment of the 5 per cent tax on the value of the property.

Note - The temporary export of cultural property listed in the Inventory of the National Heritage, or considered as belonging to that heritage, is subject to the approval of the Council of Ministers.

Article 21 - Cultural property covered by the law under which Iran acceded to the seven customs conventions based on the recommendations of the Customs Co-operation Council in Brussels, and of the United Nations, may be temporarily imported under the provisions of that law and without payment of the 5 per cent tax on their value as required under the present regulations. In other cases, the importer must submit a request for a temporary import licence to the Ministry of Culture and the Arts indicating the reasons for the request and what it covers so that the necessary guarantees can be obtained enabling the imported goods to leave the country within the required time without payment of the 5 per cent tax on their value.

Article 22 - Any Iranian creator of cultural property as defined under the present regulations may take his own creations with him out of the country and bring them back without paying the 5 per cent tax on their value.

In cases falling under the provisions of this Article, the commissions provided for in Articles 10 and 18 above will, as appropriate, examine creators' requests and decide on them in conformity with the provisions of the present regulations.

Article 23 - The Ministry of Culture and the Arts may, in order to enlarge the collections of public museums, to create new museums, to add to cultural, artistic or scientific collections, to endow public sites or buildings, or cultural, artistic or science centres, or for any other purpose which may benefit the public, purchase and appropriate any objects for which an export licence has been requested, at the price declared by the person submitting the request, with the exception of objects coming under Article 7 of the above-mentioned law and Article 20 of the present regulations.

Article 24 - Should the importer or exporter of cultural property, or the Minister of Culture and the Arts, dispute the valuation of the commissions established by Articles 10 and 18 above, a commission is hereby established, composed of three members chosen by the Minister of Culture and the Arts, to determine the true value of the property in question. The commission will decide in all equity on the value of the said property. Its decision, once ratified by the Minister of Culture and the Arts, shall be final.

Article 25 - Craft items of a commercial nature, whether Iranian or foreign, which do not come under the provisions of the present regulations, are subject to the general regulations for the import and export of merchandise.

Article 26 - To aid and protect artists, 5 per cent of the duties mentioned in the present regulations shall be deposited in a special bank account where

they will accumulate, with interest, for the benefit of the Fund for the Protection of Artists, in conformity with the regulations of the Fund, to be adopted by the Supreme Council for Culture and the Arts acting on a proposal submitted by the Ministry of Culture and the Arts and the Ministry of the Economy and Finance.

Article 27 - No one may deal in, export or import cultural property without the authorization of the Ministry of Culture and the Arts. The conditions under which such authorization may be granted, as well as arrangements for the supervision of the profession, have to be approved by the Supreme Council for Culture and the Arts.

Note - Licences for dealing in Iranian antiquities shall be delivered according to the provisions which regulate this branch of activity.

The original of the present document is kept in the Office of the Prime Minister.

The Minister Councillor and the Vice-Prime Minister  
for the Executive Hadi Hadati.