

On August 21, 2019, the U.S. Department of State published notification in the Federal Register of the receipt of a request from the Government of the Kingdom of Morocco to the Government of the United States of America for import restrictions on archaeological and ethnological material from Morocco representing Morocco's cultural patrimony. The following public summary does not contain sensitive or privileged information. This summary does not represent the position of the Government of the United States, which has yet to review the request under the Convention on Cultural Property Implementation Act.

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### **PUBLIC SUMMARY**

Request by the Government of the Kingdom of Morocco to the Government of the  
The United States of America for Imposing Import Restrictions to  
Protect its Cultural Patrimony under Article 9 of the UNESCO Convention (1970)

The Kingdom of Morocco is home to a significant cultural heritage documenting human history, beginning with the discovery of the oldest known remains of Homo sapiens, dating from antiquity, to the rich heritage of the Islamic period. To protect its cultural heritage, Morocco has a legal and institutional framework that dates back to 1912. In addition to this domestic legal framework, Morocco has ratified international conventions, including the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, which was ratified on February 3, 2003. Since this date, Morocco has taken a broad range of measures to protect its cultural sites and objects against the dangers of theft, clandestine excavation, and illegal export. Despite these measures, however, Morocco's heritage is still in jeopardy due to attempts to steal and illegally export archaeological, ethnological, and paleontological materials. The Kingdom of Morocco is thus seeking to ratify a bilateral agreement that will impose restrictions on the import of archaeological, ethnological, and paleontological materials.

#### **Immoveable Heritage**

Morocco's architecture and monuments are a key part of its cultural heritage and they reflect the authenticity and continuity of ancestral knowledge. This wealth is exemplified by Moroccan medina areas and the variety of urban and architectural components in religious, military, domestic, and public structures of the Andalusian-Moroccan style, more commonly known as Hispano-Moorish.

The medina is a fundamental component of Morocco's urban space. The historic value and architectural and urban features of the medina make it a part of universal cultural heritage. For this reason, several Moroccan medinas are now on the World Heritage List, including the medinas of Fez, Marrakesh, Meknes, Tetouan, and Essaouira.

In the arid and semi-arid regions of southeastern Morocco, earthen architecture is common. There are three types: Kasbahs (stately homes built in the style of high fortresses), Ksar (clusters of residences arranged around a public square and surrounded by a wall) and Igoudars (granaries or fortified community warehouses)

### **Movable Heritage**

This is divided into three categories: archaeological artifacts, historical objects, and ethnographic items. The first category covers objects that have been uncovered during an archaeological excavation (planned, accidental, illegal) from any historical period from the first vestiges of human settlement in Morocco to the beginning of the twentieth century. “Historical objects” are ancient works that have been removed from historical monuments (friezes, doors), or that are part of a historical asset that has been preserved and handed down (manuscripts, parchment, stamps, engravings, books, all manner of artifacts, etc.): in other words, any object that has historical value, but has not been obtained from an archaeological excavation. “Ethnographic items” are works produced using traditional knowledge that have cultural significance to a country (pottery, rugs, clothing, instruments, ornaments, objects used for ceremonies, games, artistic expression, etc.). This is considered representative evidence of the traditional, relational knowledge and techniques that characterize a community, or more generally, a traditional way of life.

### **Evidence of Pillage and Jeopardy to the Cultural Patrimony of Morocco**

For quite some time, Morocco’s movable heritage has been the target of crimes that violate the ownership and integrity of major national sites and monuments. One manifestation of these crimes are the illegal excavations carried out by treasure hunters (the “Kennaza”). This phenomenon has existed since at least the medieval period. It has been attested to in historical sources, such as the *Prolegomena* of Ibn Khaldun, which devotes a section to the subject, as well as in a description on Africa by Leo Africanus.

Since at least 2000, illegal excavations and pillaging have been recorded at ancient mausoleums, tombs, villages, bridges, and historic monuments. In many cases, the perpetrators were arrested. Prehistoric sites, ancient sites (Moorish (Lybico-Amazigh), Phoenician, Roman), Islamic sites and monuments, and ethnographic works are all targets for illicit traffickers. Another category of interest are scientific sites, such as deposits of fossil or paleontological remains, as well as sites of meteorite impacts. The most sought-after cultural property items include manuscripts (particularly Arabic and Hebraic), rock art, lithic tools, funerary steles, fossils (especially from vertebrates like dinosaurs), and architectural elements. In addition to sites on land, there is also illegal activity in territorial waters at the sites of shipwrecks.

## **Legal Framework**

Historically, Morocco has had a legal framework that protects its heritage for the benefit of the public good. This effort began with the Sharifian *dahir* of November 29, 1912, on the conservation of historic monuments and inscriptions. Other laws have been enacted regarding the preservation of historic monuments and sites, inscriptions, art objects, and antiquities, and address the concepts of registration and classification. The sale or transfer of heritage is subject to special measures. Movable art objects and antiquities that are of special interest to Morocco cannot be exported (according to the relevant authorities); however, temporary export authorizations may be granted, mainly for museum exhibits or for the purposes of study and analysis.

Moroccan legislation requires that private museums maintain an inventory of their collections. The Law also provides for sanctions, which include confiscation, fines, or imprisonment, regulates archaeological excavations, and prohibits illicit excavations. Under Moroccan law, the government owns any objects or artifacts obtained in the course of authorized excavations or accidentally, or as part of illegal excavations.

## **National Institutions**

### *Ministry of Culture*

The Ministry of Culture's sovereign functions regarding Morocco's movable heritage include proposing new laws; inventory; registration and classification of works and artifacts; representing Morocco in international bodies; and signing international agreements and protocols on behalf of the Kingdom of Morocco related to cooperation in the fight against illicit trafficking of cultural property. In 2013, the Ministry of Culture designated a national coordinator for the 1970 Convention.

Duties of the Cultural Heritage Office (*Direction du Patrimoine Culturel*) include implementing legislative and regulatory texts regarding the conservation and protection of cultural heritage; coordinating technical management of inspections of historic monuments and natural sites; planning archaeological research and monitoring excavation sites; and collecting the necessary documentation for compiling an inventory of tangible and intangible cultural heritage.

The Regional Office of Culture (*Direction Régionale de la Culture*) oversees several entities including Provincial Offices of Culture; Regional Heritage Conservation Offices; Regional Inspection Offices of Historic Monuments and Sites; Curators of Sites and Historic Monuments; and Curators of Medinas (Essaouira, Azemmour and El Jadida, Meknes).

The Ministry also manages several research centers that manage heritage including the National Center for Rock Art in Agadir and the Center for the Conservation and Restoration of the Architectural Heritage of the Atlas and Sub-Atlas Zones (CERKAS) in Ouarzazate.

#### *Moroccan Commission for Military History*

The Moroccan Commission on Military History is a scientific institution that promotes research on Morocco's military history. The Commission proposes measures to protect and promote military archaeological heritage; for example planning archaeological research in the area of military history, and organizing and monitoring excavation sites; preserving military museums; and scientific management, oversight, and inspection of museums.

#### *National Museum Foundation*

This is a non-profit institution and financially independent legal entity. On the government's behalf, the Foundation manages and promotes the national museums under its direction.

### **Educational and Professional Development**

Morocco has a National Institute for Archaeological Science and Heritage (INSAP), the first institution of its kind in North Africa. Created by ministerial decree in 1985, and placed under the supervision of the Ministry of Culture, INSAP is designed to be an entity for teaching, training, and research in archaeological science and heritage. As of 2016, INSAP has trained over 240 graduates, most of whom are recruited within the Ministry of Culture. They hold all positions and responsibilities in the area of cultural heritage (department heads, division heads, regional curators, site or museum curators), as well as related responsibilities, such as regional or provincial directors of culture.

In the area of ongoing training, many curators (INSAP graduates) have benefitted from bilateral, regional, and international cooperation programs that offer ongoing training programs.

Examples include a Masters degree program in heritage at Senghor University in Egypt; courses in Algeria and Tunis on preventive conservation of museum collections and conservation of historic monuments; and training of heritage architects.

The Ministry of Culture has also carried out a national program to strengthen capacity at the national level, for which technical support was requested from UNESCO and the Spanish Agency for International Cooperation and Development (AECID). The program was offered to institutions involved in the protection of cultural property in Morocco and resulted in an Arabic language manual to assist in the development of training modules that are in line with national legal measures and instruments, as well as international conventions prohibiting the pillaging of and illicit trafficking of cultural property.

## **Museums and Inventories**

Most Moroccan movable heritage is found in the public museums that fall under the auspices of the Ministry of Culture. There are thirteen such museums, and in 2014 their administration was transferred to the National Museum Foundation (*Fondation Nationale des Musées*), which is now in charge of managing and promoting these museums. In addition to museums administered by the Government of Morocco, there are nearly 20 public museums operating in Morocco.

The Ministry of Culture's collection contains most of Morocco's movable heritage, and covers one million years of the country's cultural history. The official inventory of this collection lists tens of thousands of registered pieces and includes an indexed typology (under development).