The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to the latter’s note n° GVA 0793 dated 07 October 2010, concerning the letter of Mrs. Farida Shaheed, the Independent expert in the field of cultural rights, and the questionnaire attached on the recognition, access and protection of cultural heritage, has the honour to submit attached, herewith, the relevant information as provided by the Syrian Ministry of Culture on the above mentioned issue.

ThePermanent Mission of the Syrian Arab Republic to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: as above.

Office of the High Commissioner for Human Rights
Independent Expert in the field of Cultural Rights
Palais Wilson - Genève
Answers of the Questionnaire on Access to Cultural Heritage

I. The recognition of cultural heritage:

The juridical definition of cultural heritage falls in the context of the Decree - Law No. 222, dated 26/10/1963 along with all its relevant amendments, classifying antiquities into two types:

- Immovable Antiques
- Movable Antiques

Other types of cultural heritage include:
- Tangible cultural heritage.
- Intangible cultural heritage.

The significant elements of intangible heritage in Syria include the following:
1. Oral traditions and expressions such as Hikaye, storytelling within the family; Al-Hakawati, (interactive) story reading performed in coffeehouses; Zajal, oral poetry; Qasid, oral poetry among Bedouins; and the Box of the World children’s entertainment, with most of these genres being performed in dialectal Arabic;
2. Performing arts, such as various form of traditional classical and popular music (Al-Qudud, Arada); dance (the Samah dance, and various regional Dabkbas); and performances (Karakoz shadow theatre and sword-dancing);
3. Social practices, rituals and festive events (Eids) such as the main Muslim festivities, Al-Mawlid Al-Nabawi (the Birth of the Prophet); Islamic New Year; and the main Christian festivities (Christmas and Easter, Eid Al-Khodr/Saint George day on the 6th of May, etc.
4. Knowledge related to nature and the universe, including traditional agricultural practices, such as methods of dividing river water for irrigation; midwifery; traditional healing and medicine by Attars; and knowledge about solar and lunar eclipses;
5. Traditional craftsmanship, such as copperware; the making of wood appliances and carving; embroidery; making of adobe houses and stonemasonry; manufacture of iron tilling and other agricultural instruments; the traditional production of straw chairs; frying-pans and other pottery; brocade production; silk handkerchiefs and scarves; laurel soap; traditional food ways; and various culinary and other traditions such as cheese-making, olive oil (Khareej) tobacco production, the distillation of grapes, wood appliances and wood coal.

Following are some highlighted elements of the Syrian cultural heritage:

Al-Qudud of Aleppo (also Halabi Qudud): old popular tunes and songs used on different occasions, religious and secular, by artists and non-professional practitioners;

The Damascene Arada: Joyful processions of men in the streets of the town, accompanied by music and singing, halting at public squares for with sword dancing, performed on various occasions (for instance accompanying a bridegroom to the place of wedding, celebrating neighborhood festivities, parading boys after circumcision);

The Dabka of weddings on the Syrian Coast: A very popular line dance, performed all over Syria by men and/or women at weddings and other occasions, including
national holidays, led by a ra’is, accompanied by music (various instruments are used according to the region and the occasion).

**Samah dance in Aleppo**: dance traditionally used in religious ceremonies of Sufi orders, nowadays mainly performed in some popular festivities and on stage;

**Story telling (Al-Hakawati)**: a story teller reads or rather enacts a story at a specific hour in a café, while interacting with the audience. The story may run for weeks or months. Almost extinct; manipulated by a puppeteer who adapts traditional texts to the events of the day; virtually extinct in Syria, but with good chances for successful revitalization;

**Traditional silk brocade production**: a process that requires various skills, from silkworm raising to weaving, that has become rare, since most of the production is now mechanized.

b. The Ministry of Culture – Directorate of Popular Heritage, the General Directorate for Antiquities and Museums, the Ministerial committee on the implementation of the Convention of safeguarding intangible heritage, the sub-committees of cultural heritage in all the fourteenth Syrian governorates, with the communities and NGOs concerned in the specific cultural element, all contribute to identify endangered cultural heritage.

c. The purpose of classification:
   The purpose of classification is for protection.

d. **The procedure(s) to nominate and declare cultural heritage:**

Upon registration of any archaeological site, monument or tal (hill) or any old city, a file shall be prepared to contain the documents listed below:

(1) Real estate layout; (2) survey layout; (3) land registration statement; (4) photographs; (5) layouts of front and side elevations and architectural details; (6) historical description (by describing the present condition of how “antiquities reached our hands”, and also by conducting a relevant study on their original status); (7) description of all changes affecting the antiquities throughout the different ages; (8) description of the constructional condition and working out proposals for protection, maintenance and restoration of antiquities.

This file shall be presented afterwards to the Council of Antiquities to obtain the necessary approval for entry in inventories, followed by a ministerial decision to become part of the assets of protected heritage.

The documentation process, on the other hand, is undertaken by the Directorate-General of Antiquities and Museums in connection with archaeological sites and tals (hills), and the Old Cities Protection Committee is also included as another element in documentation of buildings and old cities.

- In the field of ICH: The Ministry of Culture, based on field studies done by researchers and on consensus of the communities and people concerned, proceeds with nomination by taking the necessary procedures to nominate the specific element to be inscribed on the lists of UNESCO.

e. **The stakeholders involved in the process of identification and classification:**
According to antiquities law n 222 dated on 1963 – 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.

- For the ICH: The heritage bearers and practitioners, NGO-s, etc. are encouraged to participate in identifying the elements of intangible cultural heritage as used and practiced by people.

f. The NGO-s are well represented in the sub-committees of heritage in all the Syrian governorates. Field studies and surveys look after opinions and contributions of the stakeholders and heritage bearers and practitioners. The stakeholders participate in all the meetings organized by the Ministry of Culture in the field of heritage, to enrich the meetings by their contributions to elaborating on possible best way of identification and classification, further of ways of safeguarding an element.

2. Please elaborate on existing legal definition(s) for the different types of cultural heritage in your country or whether your country is considering the formulation of such legal definitions; and if not, please explain.

Immovable antiques: Connected to the ground, like natural caves or manmade ones which was designated to the necessities of ancient man, the rocks that have drawings, inscriptions or writings made by the ancient man, and also the ruins of cities and constructions that are buried in accumulated hills (tells) and historical monuments that were constructed for different purposes like mosques, churches, temples, palaces, houses, hospitals, schools, citadels, castles, walls, play grounds, theatres, khans, Baths, graves, constructed tunnels, dams and the ruins of those monuments and whatever connects to them like doors, windows, columns, verandas, stairs, roofs, friezes, crowns, chapters, altars and tombstones.

Moveable antiques: not connected to the ground, nor to the historical monuments and can be moved like sculptures, coins, drawings, inscriptions, manuscripts, textiles and manufactured objects, no matter what their material, purpose or use are.

Some movable antiques are considered as immovable ones, in case they are parts of immovable antiques or decorations. It is for antiquities authorities to decide that.

The seventh chapter of the Law on Intellectual Property – which is being under consideration - deals with Popular Heritage (Folklore) Expressions (Articles 88 to 93). Article 88 identifies them as expressions older than 50 years, which may be:
1. Oral expressions;
2. Musical expressions;
3. Expressions in movements (dances, performances, and so on);
4. Tangible expressions;
5. Products of handicrafts;
6. Musical instruments;
7. Architectural forms.

Article 90 states that the Copyright Protection Directorate in the Ministry enjoys eternal non-assignable literary rights over popular heritage expressions and requires the Ministry to list them. Article 91 requires the origin of the expressions to be identified in this process, so as to protect them against misrepresentation. No commercial use may be made of popular heritage expressions unless the Ministry has given written permission. Customary enactment of popular heritage expressions and non-profit use is exempted from such restrictions.

II. The legal and policy framework for the protection of cultural heritage:

3. Please specify the legal instruments that your country has ratified on cultural heritage the measures undertaken to implement them, and any measures adopted, or under consideration to ensure access to cultural heritage in line with the International Bill of human rights and with the UNESCO Declaration on Cultural Diversity.

Syria had signed on / 6 / March (1958) of the Hague convention (1954) for the protection of cultural properties in the event of armed conflict and also the Protocol No. 1 - (1954), but it was not included in the Protocol -2 - (1999) of the above Agreement.

In / 21 / February (1975) Syria presented papers acceptance of the convention of UNESCO's Convention of 1970 "on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property"

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Taking into account the richness of the cultural diversity and heritage of the Syrian Arab Republic, Syria considers cultural diversity as a crucial element of human development strategies and an essential tool of sustainable development. It is now recognized that any process of development of a population cannot be pursued without building it on self-esteem and appropriation of cultural identity as conditions for sustainable development. In this context, Syria has taken several steps and actions as in the following fields:

Cultural policy in Syria is primarily a co-operative effort between the Ministry of Culture and the cities and local administrations in the governorates. Syria has an excellent infrastructure for culture that includes hundreds of cultural centers located in almost all the Syrian cities and towns. These cultural centers are provided with stages, public libraries, halls of music and connections of internet and digitalized technologies. The Syrian cultural policy considers the digital revolution as a decisive tool for arts and culture, artists, cultural intermediaries, culture consumers and users. The digitalization progress is well recognized in the music industry, film industry and audio visual services.

The cultural sector consists of three sub-sectors: one representing public and state-run structures, one of the civil society, and one consisting of private enterprises. The collaboration between the three sectors is a pre-condition to achieve success in this field.

**Art education for cultural diversity**:

Art education supports the objectives of the UNESCO's Convention of Diversity of Cultural Expressions 2005, and of the Convention for Safeguarding Intangible Cultural Heritage 2003 through transfer of knowledge, capabilities and skills, and through development of competencies, values and attitudes.

In this context, the institutions of art education for cultural diversity have an excellent role to promote cultural diversity:

- The High Institute of Music, High Institute of Dramatic Arts, Directorate of Music Institutes, Technical Institute of Applied Arts, and the Institutes of Popular Education and Centers of Fine Arts affiliated to the Ministry of Culture have a very important role in art education and public awareness-raising.

Private sector enterprises play an important role in the field of art education for cultural heritage. The Ministry of Culture, as a formal education sector, embraces new forms of dialogue, works actively in partnership with NGO-s, stakeholders to develop new forms of arts education for cultural diversity and to safeguarding cultural heritage. In this context, the formal sector in Syria encourages private institutions to teach art by expanding facilities and exemption from taxes and fees.
Traditional expressions and cultural heritage:

Considering the acknowledged role of cultural heritage on human development and cultural diversity, cultural heritage has been identified as a priority field action, since it is both an essential factor in the identity of each country and a privileged means of facilitating mutual comprehension between countries.

4. Please give details of any existing measures (24. legislation, policies, plans, and/or programmers) that provide general or specific protection for various types of cultural heritage including:

I- Within the land management, zoning or planning acts; property and environmental laws;

II- Within laws, policies, plans and/or programmers intended to protect specific groups or populations (e.g. those relating to discrimination against women, religious, ethnic, linguistic or cultural minorities, indigenous peoples; people of African descent; persons with disabilities; tribal peoples; peasants and others);

III- Within laws, policies, and/or programmes related to tourism and the entertainment industry.

The public departments engaged in protection and safeguard of cultural heritage shall be explained as follows:

Ministry of Local Administration & Environment:

The Syrian Arab Republic is divided into administrative divisions known as Governorates. Each Governorate consists of: Governorate Center, Councils of Cities, Councils of Countries, Services Departments, and Rural Councils.

It is an executive power, whereby such offices act in the cultural field in accordance with the following:

- Curb, control and eliminate violations committed against archaeological sites, monuments and tals (hills) as well as old cities.

- Issue building and restoration licenses within archaeological sites, monuments and tals (hills) as well as their respective easements after obtaining the approval of the authorities concerned with antiquities.

- Concerning old cities, Chief of the Executive Office “the Governor” is the Chairman of the Old City Protection Committee as has been explained earlier in the above mentioned paragraphs. In the event of unavailability of a Governorate Centre in the old city, Chairman of the City Council shall be the Chairman of the Protection Committee. As a result, such a committee shall be in charge of issuance of building and restoration licenses within the old city pursuant to the building control system of the city.

- Ministry of Housing and Utilities
The main duties performed by the Ministry of Housing and Utilities in the field of heritage are as follows:

(a) Approval and ratification of building systems in the old cities

(b) Laying out the organizational charts for cities, countries and villages, besides marking all archaeological sites, monuments and tals (hills) on such charts to enable their protection and safeguard.

• Ministry of Endowments (Awqaf)

The Syrian Administrative structure provides for a governance form which combines the different actors and offers an administrative model to search for a synthesis among the different positions.

This form is the Supreme Council for Antiquities, which represents the highest authority in the matter of preservation of cultural heritage in Syria. It reunites the representatives of the Ministry of Culture (the General Directorate of Antiquities and Museums), of the Ministry of Tourism, of the Ministry of High Education and of the Ministry of Finances. The Supreme Council for Antiquities is responsible for validating and approving the studies aiming to include a certain monument into the list of the inventoried historical monuments with a well-defined procedures. Beyond its specific tasks, however, the Council provides a forum to discuss and compare the positions of its members as well as to search a synthesis if major differences emerge. In this respect, it is important to underline the fact that the two members most interested in the management of heritage sites are the Ministry of Culture and the Ministry of Tourism. These ministries are very different for history, human capital and other institutional characteristics, including what is generally referred to as “organizational culture”.

The living archaeological cities, where human activities have continued until now, each of these cities has a special building control system governing construction and building works therein according to the peculiarity of each city. The building control system, which derives its rules and regulations from the Law of Antiquities issued under “Decree - Law No. 222 together with all its amendments”, is formulated by a committee known as the Old City Protection Committee, which is formed in a decision by the Prime Minister stating names of members and duties of this committee.

In general the owner of the historical sites and buildings is in most cases the Directorate General of Antiquities and Museums. Religious authorities (Islamic Waqf and various other Christian Waqf) also own most of the religious properties. A small part of the heritage is private property. The Directorate General of Antiquities and Museums is responsible for the management of all registered sites through the application of the Antiquities laws.

Recently, The Ministry of Culture and the Ministry of Tourism have both established a new strategy and organizational chart, aiming at improving their performance. Their
new programmes contribute at the development of the cultural tourism, each one in its own mandate, and often in collaboration with one another. The Committee’s proposed building control system shall be endorsed by the Minister of Housing and Utilities, and accordingly the Committee shall implement the mentioned system as per the legal context provided therein.

For the ICH:

a.i. The Directorate of Popular Heritage cooperates with academics, researchers, local societies and heritage bearers and with private organizations. Between 2007 and 2009 the Ministry created Popular Heritage Committees in all the 14 Governorates. These Committees are affiliated to the local Cultural Directorates with the task of supervising, collecting, registering and documenting tangible and intangible heritage.

A Ministerial Heritage Committee was appointed by the Minister of Culture to implement the results of the MEDLIHER Project, and prepare plans for implementing the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003, and to oversee the implementation of these plans.


ii. There is a considerable amount of documentation underway about Syrian ICH.

iii. Communities concerned are actively involved in number of projects of safeguarding activities. This is according to the spirit of the UNESCO Convention 2003, as each State Party has to endeavor to ensure that ‘within the framework of its safeguarding activities of the intangible cultural heritage’, they ‘ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management’. Most projects and various individual researchers interview older community members to collect information about Syrian ICH, including for example, the Rawafed project and the Youth Cultural Bus.

The Al-Makan Art Association is the Syrian implementing body for a project called Youth Cultural Bus, run in collaboration with COSV (Comitato di Coordinamento delle Organizzazione per il Servizio Volontario), a development NGO based in Italy with a regional office in Lebanon.

Community involvement in planning, research and capacity building is also a feature of Rawafed’s project. Rawafed’s role is purely as a facilitator of this process. The participatory research approach involved members of the local community in the process of gathering information, and training was provided to students in research techniques such as undertaking surveys. In addition local representatives were chosen in each participating village to work closely with the research team and facilitate and participate in the process. The projects adopted for the next phase will also be community-driven.
b. Ensure important data on cultural heritage is recorded (Please explain the purpose of such recording and whose responsibility this is at the local, sub-national and national levels);

For the Antiquities: The purpose of recording mainly is protection the recording process for heritage done by Ministry of Culture and the authorities concerned with antiquities, namely, the Directorate-General of Antiquities and Museums, have been clarified in Articles (1), (2) and (13) of the Law of Antiquities issued under Decree-Law No. 222, dated 26/10/1963 and all its relevant amendments.

For the ICH: The purpose of the recording is to protect, revitalize ICH elements and transfer to the upcoming generations. The responsibility is for the local sub-committees in the local governorates and of the Ministry of Culture.

c. Take into account the potential adverse impact on cultural heritage, including natural resources, at all stages of development planning, implementation and assessment processes;

For the antiquities: All properties registered pursuant to the ministerial registration decisions, included in the archaeological sites, monuments and tals (hills) as well as old cities, are protected and safeguarded along with the environmental surroundings. The protection of these archaeological monuments is carried out in accordance with the Law of Antiquities issued under Decree-Law No. 222, dated 26/10/1963 and all its relevant amendments.

For further clarification, each archaeological site, monument or tal (hill) in the old Damascus City is protected and listed under the category of archaeological sites, monuments and tal (hill) as well as old cities in accordance with a registration decision issued by the Minister of Culture in light of the approval given by the Council of Antiquities for such registration. The Minister of Culture’s decision shall also specify the boundary of the archaeological site along with the boundary of its protected area and the building system for ears located outside the respective easement.

Similarly, unregistered archeological sites, monuments and tals (hills) as well as old cities are also protected together with surrounding buildings by having them marked on the relevant organizational charts without detriment to these places according to the Law of Antiquities. However, they shall protect the same status until a ministerial registration decision is issued in their favor.

Relationship between planning and protection goes through the Old City Protection Committee’s which proposed building control system and development projects shall
be endorsed by the Minister of Housing and Utilities, and accordingly the Committee shall implement the mentioned system as per the legal context.

For tangible and intangible cultural heritage: The Ministry of Culture – Directorate of Popular Heritage records and documents popular songs, music and dances to be kept in the Directorate of Popular Heritage. The Heritage sub-committees are doing the same work in the local level.

d. Several natural reserves in the territory of the Syrian Arab Republic are enjoyed State protection.

e. The Aramaic Language is considered one of the Syrian national elements of cultural heritage as an endangered element, and efforts are going on to protect this ancient language. The Aramaic Language Teaching Institute in Ma’loula, was established in 2007. It is affiliated to and financed by Damascus University. Teaching courses are offered over 2 month periods, 5 days a week. The Aramaic language is in need of safeguarding because very few people still speak that language (living in Ma’loula, Jabi’deen and Bakha’a, 50 km North of Damascus.

III. Access to cultural heritage:

5. Please explain any legislation, policies and/or special programmes in place or under consideration in your country to ensure access to cultural heritage, including:

Syrian constitution was declared in 13/03/1973 by the decree number /208/, and it contains in its contests 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.”

5.b. in the framework of the MEDLIHER project (Mediterranean Living Heritage) a national assessment was carried out in the Syrian Arab Republic in order to evaluate national capacities for implementing the convention for Safeguarding of Intangible Heritage.

c-Steps taken in the educational sector to promote appreciation for the cultural heritage of all cultural groups in your country and to ensure access to such cultural heritage by all;

Project child culture museum is (a joint program between the Syrian Ministry of Culture and NGO Society rainbow)...

which is non-profit concerned with improving the living conditions of children
deprived of family, and neglected children who are abused, as well as it works to promote children's rights in Syria, and a focus on prevention and care, and community integration for these groups of children.

This project is in framework of the agreement between the National Museum (Educational Department) with the Ministry of Education, to ensure pre-booked school trips, the museum complete the work of the school in the definition of history, and artifacts on the ground ... and seek to revive the Syrian craft heritage.

5.c. In addition to all steps mentioned in the paragraphs above , the Ministry of Culture , Ministry of Education promote appreciation for cultural heritage . The Ministry of Education has inserted in the new curriculum many topics related to the cultural heritage in order to raise awareness and valorization for cultural heritage .

5.d. Artistic groups , communities , NGO-s are encouraged by the Ministry of Culture to appropriation of their own local heritage , by practicing , revitalization , etc.

e. Ways in which technological developments can promote and support access to cultural heritage

There is a cooperative program with the Italian government to revival of the heritage of the Syrian and development through the documentation, artistic production, restoration projects and exchange experiences.

The project establish the new Centre for databases Syrian heritage which is considered the infrastructure for databases, the ambition that this databases of Syrian heritage will be connected to the museums all around country. Also there will be a process of linking with the GEF systems in order to allow researchers and interested to see the Syrian heritage in general.

9. Are there new or emerging issues related to cultural heritage identification, classification, protection and access that need to be addressed at the national, regional and international levels?

In its present situation, the Syrian Antiquities Law No. 222 of 1963 does not take into consideration or reflect the varied composition of the cultural heritage within Syria. However, the integrated approach needed for an appropriate protection of the Cultural Heritage refers to a much broader vision which includes other categories generally considered by international conventions including those of UNESCO, and which encompass the intangible heritage and the natural environment constituting the wider context of the cultural heritage such as the Cultural Landscape. It is therefore essential to adopt for a wider definition of heritage in the revision of the Syrian Law of Antiquities, a definition that envisages a wider scope and a global vision for cultural heritage.

The Directorate General of Antiquities & Museums (DGAM) is undertaken now the procedures to amendment of the Law of Antiquities.
6. As mentioned in paragraph g.2. Article 90 states that the Copyright Protection Directorate in the Ministry enjoys eternal non-assignable literary rights over popular heritage expressions and requires the Ministry to list them. Article 91 requires the origin of the expressions to be identified in this process, so as to protect them against misrepresentation. No commercial use may be made of popular heritage expressions unless the Ministry has given written permission. Customary enactment of popular heritage expressions and non-profit use is exempted from such restrictions.

IV.

8. Yes, in the framework of the MEDLIHER project (Mediterranean Living Heritage) a national assessment was carried out in the Syrian Arab Republic in order to evaluate national capacities for implementing the convention for Safeguarding of Intangible Heritage.

9. The Ministry of Culture has launched a national campaign as from September 15th, 2010 to document the elements of intangible cultural heritage national wide, starting with performances arts, and making inventory lists. This campaign aims to protect and revitalize national intangible cultural heritage.

10. Priority should be given to the developing countries for inscription on the UNESCO Lists (The Representative List and the Urgent Safeguarding List, as a way of encouraged those countries to promote their national cultural heritage.