
Attribution Rules Relating To Compensation for Damage of Iraqi Antiquities

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Abstract

The rules of attribution are one of the most important approaches to resolving conflict of laws in private international law, which aims to solve conflict problems indirectly, and it is the approach chosen for the subject of our research in compensation for damages to antiquities. It is an important rule that aims to achieve justice and includes several elements, namely the predicate idea, the criterion of attribution, and the applicable law. These rules are usually national, i.e. made by the legislator of the judge before whom the dispute is presented, but they may be insufficient if we rely on traditional solutions, especially with regard to. In our opinion, this can only be done by directing the attribution towards a rule that provides such protection, which is represented by applying the law of the country of origin, "that is, the country in which the antiquity was discovered for the first time," and then applying the rules of the police in which the antiquities are protected.

Key words : Attribution, Antiquities, international, protection, local, conflict

1. Introduction

Antiquities are among the most important elements of the cultural heritage of countries. In this context, Iraq receives a large part of the global interest in this field, due to its richness in antiquities, whether they are sculptures, religious sites, or any artifacts that are considered antiquities in archeology. Moreover, Iraq is considered one of the most important historical, archeological and cultural areas. In this respect, the Iraqi legislator regulated antiquities in the Iraqi Antiquities and Heritage Law No. (55) of 2002, but it was a somewhat deficient law and needed some amendments.

Due to the passage of many wars in Iraq, these antiquities were subjected to destruction, vandalism, looting, and many artifacts were transported out of Iraq and placed in international museums. This requires providing legal and international protection for these effects and determining legal responsibility for all these acts.

In the field of law, two types of liability are raised; the first is criminal liability and the second is civil liability. Here we discuss the civil liability for the act of damaging that people may practice on such antiquities. We also discuss the images of the legal facts that respond to the antiquities, so if the act of damaging an antiquity located in Iraq by a foreign person occurred, or vice versa, attacking an Iraqi antiquity outside Iraq, as if the piece of antiquity was displayed in the museums of a foreign country on a temporary or permanent basis, will the traditional rules of attribution be relied upon to determine the applicable law regarding the determination of liability and compensation for tort? What is this law? This will be answered in this research.

1.1 Research problem

1. The difficulty of compensating for the looting and smuggling of antiquities by displaying them in state museums over the years of smuggling and tort, especially if the law defining the compensation is the law of a state other than the state of Iraq.
2. Since antiquities are considered money, will the attribution rule for movable and immovable funds be applied, or will the originating source of the obligation be sought, and thus resort to Article (27) of the Iraqi Civil Code?
3. The inadequacy of the traditional rules of attribution in protecting Iraqi antiquities and compensating for the tort that occurs on them by defining the place of occurrence of the harmful act in accordance with Article (27) of the Iraqi Civil Code when the antiquities are located outside Iraq.
4. The difficulty of applying the text of Article (27) if we imagine the legality of the act in the place where it takes place abroad, since the responsibility does not take place at all, with the need to double the illegality of the act in the judge's law and the place of occurrence of the harmful act in accordance with Article (27).

1.2 Research Hypothesis

Directing the attribution to the law of the country of origin of the tort antiquity so that this legislation simplifies its adequate care for the national antiquities, as the logic of this directive is to effectively protect

this group of funds from the risk of loss or dealing with them.

1.3 Scope of the Search

The current research is limited to the attribution rules for compensation for damages to Iraqi antiquities. Since the subject of antiquities is very broad and complex, this study has been limited to Iraqi antiquities in particular and the extent to which the rules of attribution in Iraqi legislation conform or contradict them.

1.4 Research Methodology

The analytical approach was relied upon to analyze the texts of Iraqi law and the texts of agreements related to the subject of the study.

1.5 Research Outline

The current research, entitled "Attribution Rules Relating to Compensation for Damage of Iraqi Antiquities," was divided into four topics as follows:

- [1] The first topic: Iraqi antiquities and the legal responsibility arising from damage to them.
- [2] Section One: Iraqi antiquities.
- [3] Section Two: Legal liability arising from damage to Iraqi antiquities.
- [4] The second topic: The rules of attribution for Iraqi antiquities.
- [5] The first section: The rules of attribution of Iraqi immovable antiquities.
- [6] The second section: The rules of attribution of Iraqi movable antiquities.
- [7] The third topic: The rules of attribution of Iraqi antiquities according to the basis of civil liability arising from them.
- [8] The first section: The basis of civil liability arising from damage to Iraqi antiquities
- [9] The second section: Applying Local Law.
- [10] The fourth topic: Deviating from the traditional rules of attribution of Iraqi antiquities.
- [11] The first section: Reasons for deviating from the traditional rules of attribution of Iraqi antiquities.
- [12] The second section: Directing the attribution of the law of the country of origin (the origin of antiquities)

1.5.1 Iraqi Antiquities and the Legal Liability Arising From Damage to Them

When countries claim their antiquities that were stolen or smuggled illegally by states or people, or when they are attacked, they face many problems. This matter raises the legal liability arising from the actions resulting from it as part of the legal protection and restoration of rights, which requires addressing the identification of these effects and the legal responsibility arising from them as follows:

1.6 Iraqi Antiquities

The word 'antiquities' is the plural form of the singular word 'antiquity'. It is defined as everything of historical or scientific value or any of the values, and the state has a national interest in possessing or preserving them as public money, and it is not permissible to dispose of them or own them by statute of limitation or seize them in any way in fulfillment of any debt or mortgage or any other right of the agreement.

The Iraqi legislator has defined antiquities in Article (4/7) of the Antiquities and Heritage Law in force as "movable and immovable property that was built, made, carved, written, drawn or photographed by man and is not less than 200 years old, as well as human or animal skeletons".

With this definition, the Iraqi legislator adopted the view prevailing in most Arab and Western countries in that antiquities do not limit the scope of material effects to human production only, but rather expand this scope to include, in addition to material things made or built by man, the remains of human, animal and plant strains, and specified a period of time, which is 200 years have passed since.

Iraq has more than 30% of the world's undiscovered antiquities. Moreover, it owns more than 12,000 archaeological sites (confirmed). In 1974, Iraq joined the World Heritage Convention of 1972 with the aim of obtaining international protection for its antiquities that would prevent all forms of encroachment on them, after registering them with the countries of the world in special maps, so that they would not be harmed as a result of wars and conflicts. These sites receive international aid for the purpose of rehabilitation and maintenance. These antiquities in the United States of America, Britain, France and Germany are estimated at more than one million artifacts.

The Turanian associations interested in the history of the Old Testament of the Torah, especially (the book of Genesis) and the books of kings (the first and second covenants), were interested in researching what was related to this matter of antiquities and manuscripts.

All these reasons increased the movement of travelers and treasure hunters by heading towards the East, especially the Arab region. It was the largest share of Iraq due to its archaeological site on the direct road to India. It was also because of all that was mentioned in the books of the Old Testament of the Torah about the important cities of Iraq, such as Ur of the Chaldeans, the upbringing of the Prophet (Abraham), peace be upon him, Babylon, the life of (Daniel) in it, Nineveh, and the role of both (Nahum and Jonah) in it. Throughout history, Iraqi antiquities have been exposed to many thefts, lootings and demolitions since the nineties of the last century after the events of the second Gulf War in 1991 and 2003 after the fall of Baghdad. Furthermore, the looting operations carried out by individuals, the latest of which was the entry of the Islamic State, which controlled vast areas of the Iraqi territory, including Mosul, destroyed nearly (90) of the original pieces inscribed on the World Heritage List, the most important of which are :

1. The ancient city of Nimrud.
2. The ancient city of Nineveh.
3. The city of Ashur.
4. The ancient hills:

2. Legal Liability Arising From Damage to Iraqi Antiquities

Cultural property, including antiquities, has a unique characteristic. This characteristic is that it is an integral part of the cultural identity of the state to which these properties relate. Therefore, their theft or destruction constitutes a breach of an international obligation that implies responsibility, because the issue of protecting these antiquities has been regulated by international agreements.

In this context, Article of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict tabulates that “the High Contracting Parties undertake to respect the cultural property located on their territory or the territory of the other High Contracting Parties, by refraining from using this property or the means designated for its protection, or places directly adjacent to it for purposes that might expose it to destruction or damage in the event of an armed conflict, and by refraining from any hostile action against it”.

Article (17) of the UNESCO Convention of 1970 states that “UNESCO may offer its good offices at the request of at least two of the States Parties to this Convention between which a dispute arises regarding its implementation, in order to reach a settlement between them.”

On February 12, 2015, the UN Security Council issued a resolution on the protection of cultural heritage in Iraq number (2199) for the year 2015, and then another resolution number (2253) condemning the destruction of cultural heritage and ordering legally binding measures to combat illegal trafficking in artifacts and cultural property brought from Iraq and Syria, including banning cross-border trade in these items. Based on these decisions, the US Department of Justice filed a civil lawsuit against the US "Hobby Lobby" company based on the Iraqi government's request to return thousands of artifacts smuggled after 2003 through the UAE and Israel, and purchased by this company. In July 2017, Hobby Lobby stores agreed to hand over 3,450 Iraqi artifacts to the US authorities and to pay three million dollars to the US Department of Justice as a settlement of the case against it.

In terms of forms of legal liability, two types of liability are entailed, according to the type of damage that occurs. If it was a tort, that would result in a tort civil liability, and if it was a criminal act, that would result in criminal liability. With regard to private international law, we focus on the tort that requires compensation. Whenever the harmful act occurs on antiquities, civil liability ensues, and the perpetrator is obligated to compensate the owner of the antiquity for the damage, such as loss of value, loss or sale. The basis of civil liability here is based on tort and gain without reason.

The harmful act on antiquities is represented within the scope of civil liability as affecting the aesthetic appearance of the antiquity, painting it, or altering it. These acts are considered an illegal act that requires compensation, even if it does not rise to a crime level, due to the lack of criminal intent. This also includes affixing posters to the antiquity, obscuring some of its cultural aspects, as these acts are harmful and it is difficult to categorize them as crimes. These acts also include selling antiquities on the black market inside and outside the state that owns the antiquities.

Which law of compensation for these damages should be followed if the perpetrator of this act has a nationality other than the nationality of the state that owns the antiquity? Are the rules of attribution that govern the money itself or the rules of attribution of tort liability applied?

2.1 The Rules of Attribution of Iraqi Antiquities as Independent Money (Law of In-Kind):

In order to determine the base of attribution for the ruling on compensation for damages to Iraqi antiquities, these antiquities must first be defined, which, according to their definition in the Iraqi Antiquities and

Heritage Law, are considered movable and immovable funds. This will be clarified after dividing this topic into the attribution rules for immovable Iraqi antiquities and the attribution rules for movable Iraqi antiquities as follows:

2.2 The Rules of Attribution of Iraqi Immovable Antiquities

Immovable antiquities include buildings, archaeological sites, mosques, holy shrines, places of worship, shrines, cemeteries, hospices, hermitages, churches, monasteries, and khans owned or endowed, as well as sites that were the scene of an important historical event or of historical importance, regardless of its age.

The repealed Iraqi Antiquities Law defines immovable antiquities in Article (2) as "the ancient antiquities built on the land and connected to it, such as buildings, hills, caves, and other things that are usually associated with buildings and constitute part of them."

According to the traditional attribution rule found in the Iraqi civil law with regard to immovable property and related legal actions such as contracts or legal facts such as the harmful act, it is the law of the location of the property, and it is a rule that has been established in practice since the era of the old Italian School of Conditions. In this context, Article (25/2) of the Iraqi Civil Code stipulates that "the law of the location of the property is the one that applies to the contracts concluded in its regard."

In this context, too, Article (24) of the same law stipulates that "issues pertaining to ownership, possession, and other real rights, and in particular the methods of transmission of these rights by contract, inheritance, will, and others, are subject to the law of the site in relation to real estate..."

Accordingly, the law of the site of the property, which is represented by the Iraqi law, is the one that applies to all legal facts related to Iraqi antiquities. Moreover, matters related to real estate are subject to the law of its location. This is based on justifications represented in:

2.3 Political Justifications

It is represented in the fact that the property is part of the territory of the state. The region is one of the most important pillars of the state, as the state controls everything related to the region, including actions and facts related to it. The difference in the nationality of the parties and the change of the party initiating the dispute shall not affect the jurisdiction of the law of the site of the property. This is because the only criterion to consider in real estate transactions is the site of the money. So the legislative jurisdiction is for the money site law only.

2.4 Practical Justifications

It is represented in the fact that the real estate site law is the closest law in the world to governing real estate, which makes it easier for the real estate site court to disclose and inspect it. This ensures that the state of the property is evaluated in terms of the rights and obligations related to it, and then a fair judgment is reached for the dispute related to the property. The state also exercises its regional jurisdiction over real estate that falls within its jurisdiction. But it does not have the authority to extend its authority over any real estate located outside its territory, except as an exception.

As for the scope of the law of the real estate site for antiquities, it includes, according to the general rules of the Iraqi civil law, several issues, including:

1. Determining the nature of the property as a property by nature or a property by allocation.
2. Owner's powers (use, investment and disposal).
3. Personal rights and their transmission mechanism.

2.5 Rules of Attribution for Movable Iraqi Antiquities

Article (62/2) of the Iraqi Civil Code stipulates that "movable is everything that can be moved and transferred without damage, and it includes money, offerings, animals, measures, weights, and other movable things."

The abolished Iraqi Antiquities Law defines movable antiquities in its second article as "ancient antiquities separated from the land and buildings and which are easy to separate from and move to any other place."

Since the era of the Italian School of Conditions, the actions related to the movable were subject to the law of the owner's domicile. Several views appeared in this regard, namely:

1. Subjecting the disposal of the movable to the law of the owner's domicile. This idea goes back to the Old Italian School of Conditions.
2. Subjecting the disposition of a movable to the law of its supposed location, and assuming that it is located in the owner's home because it is in constant motion.
3. Subjecting the disposal related to a movable property to the law of the location of the actual money, not the supposed one. This rule gives legislative jurisdiction to the law of the location of movable money.

The Iraqi legislator subjected the transferred to the law of its location, by stipulating it in Article (24) of the

Iraqi Civil Code by saying: "...the law of the state in which the transferred is located at the time of the occurrence of the matter that resulted in the acquisition or loss of the right applies to the movable."

If we accept this rule, the law of the location of money will apply to all actions that occur on artifacts inside and outside Iraq, such as the regulations of the Code of Hammurabi or the Winged Bull.

2.5.1 The Rules of Attribution of Iraqi Antiquities According To the Basis of Civil Liability:

The previous rules of attribution may not be applied to compensation resulting from damage to Iraqi antiquities, "the law of the location of the real estate, the law of the home of the debtor," given that the legal facts that respond to the antiquities are adapted according to the basis of civil liability arising from them, such as illegal work and gain without reason, as follows:

2.5.2 The Basis of Civil Liability Arising From Damage to Iraqi Antiquities:

The legal facts that respond to antiquities, according to the basis of civil liability arising from them, can be considered an illegal act, "tort liability" or illegal personal gain. It is every material action that entails the enrichment of one person at the expense of another person in a way that leads to (enriching) the financial liability of the first and the lack of financial liability of the second without a legitimate reason.

Thus, the right is granted to the one who lost his money to return to the one who obtained wealth at his expense and demand him to return the money that he obtained without a legitimate reason. Among the forms of illegal personal earning is the extravagance, and the fulfillment of the debt of others by someone's command.

Illegal personal gain can occur on antiquities, for example, when a lost profit is achieved for Iraq to benefit from the revenues of the antiquities in front of foreign tourists, so the wealth is achieved by the country to which the antiquities are smuggled. The act of the aggressor entails an obligation to compensate, whether it is a state or a person, i.e. a monetary financial obligation and is considered a debt owed by him. Debts owed are not subject to the law to which material funds are subject. Moreover, illegal personal gain requires compensation, that is, the state that owns the antiquities gets part of the proceeds from the investment of Iraqi antiquities; displaying them in museums of foreign countries over the years of smuggling.

And since the applications, conditions and effects of the beneficial act and the illegal act differ from the law of one country to the law of another country, the conflict may arise between the laws of different countries on this. This entails determining the law to be applied to resolve this conflict. Accordingly, it is necessary to classify the law to which the source of the obligation to compensate is subject, that is, the basis of the legal incident that results in the harmful act or illegal personal gain, and in which the attribution rule of local law is applied.

2.5.3 Local Law Enforcement:

Most of the legal legislations, jurisprudence opinions, and judiciary rulings tend to apply local law to non-contractual obligations of illegal work and illegal personal gain. In this context, Article (27) of the Iraqi Civil Code stipulates in Paragraph (1) that: "Non-contractual obligations shall be subject to the law of the state in which the incident giving rise to the obligation occurred." The law of the country in which the incident that creates the obligation occurred is defined by the local law, and it is a law agreed upon in most of the laws of the countries, but they differ in determining the rule that is referred to in knowledge of this law, especially when the elements of the act that create the obligation are distributed (error and damage). If an attack takes place on Iraqi antiquities, the applicable law will be the law of the country in which this attack took place, whether outside or inside Iraq. The law of the country in which the damage occurred is often applied based on objective theory and protection for the injured party.

The Convention of the International Institute for the Unification of Private Law (UNIDROIT) regarding stolen or illegally exported cultural objects for the year 1995 stipulated in Article (9/1) that: "Nothing in this agreement prevents a contracting state from applying any more appropriate rules than those provided for in this Convention, for the return of stolen cultural objects or the return of illegally exported objects."

Accordingly, national courts have the possibility of excluding the rules of the Convention in order to apply other rules that they may deem more appropriate to adjudicate the dispute. Most likely, the court may refer mainly to the rules of conflict of laws that apply in cases of private conflict of an international nature, which will determine the applicable law. In most cases, the law of the occurrence of the act that creates the obligation will be applied. But is the attribution rule related to the location of the incident that gives rise to the obligation and other attribution rules appropriate and sufficient for the ruling on compensation for damages to Iraqi antiquities, given that the antiquities are public funds that require protection?

The researcher believes that it is possible to classify the aforementioned rules of attribution with the traditional rules of attribution, which can be deviated from, but when will these rules be deviated from and a

new attribution rule adopted? We will try to answer this question in the next section.

2.6 Deviation from the Traditional Rules of Attribution:

The previously specified traditional attribution rules may not respond to providing the necessary protection for antiquities, especially if the antiquities are temporarily displayed in a foreign country or found with a foreign person who acquired them. It may have reached his hands legitimately, such as if the goods are offered for sale in a public auction, or it may have reached his hands through illegal channels. This requires resorting to a modern attribution rule to protect antiquities, as follows.

2.6.1 Reasons for Deviating From the Traditional Rules of Attribution:

The application of the traditional rules of attribution when damaging Iraqi antiquities, such as the law of the state of the money or the place of occurrence of the incident that creates the obligation, may lead to damage to the antiquity and is considered inappropriate for it or for the country to which it belongs. Besides, this procedure may oppose dealing with antiquities outside the country of origin, with what was stated in the attribution rule mentioned in Paragraph (2) of Article (27) of the Iraqi Civil Code, which states that “the provisions of the previous paragraph do not apply with regard to obligations arising from work other than what is legitimate in the events that occur abroad and are legitimate in Iraq, even if they are considered illegal in the country in which they occurred”.

This means that this rule is excluded from the rule of attribution in Paragraph (1) of the same article, which is related to the application of the law of the place of the incident that gives rise to the obligation. From the scope of its application are the facts that occur abroad and are legitimate in Iraq, even if they are considered illegal in the country in which they occurred. It is understood from this that the Iraqi legislator stipulated for the application of the law of the incident that creates the obligation to double the illegality of the act in the place of its occurrence and in the country of the judge, i.e. in Iraq. In the event that the illegality is not doubled, another law will be applied. However, the Iraqi legislator did not specify the alternative law when the case of non-duplication in the illegality of the act is achieved. Accordingly, attribution in such a case must be directed to another law in which adequate care and protection of antiquities is achieved.

There is nothing better than national law in providing protection for such funds from loss or dealing with them illegally.

2.6.2. Guidance of Attribution to the Law of the Country of Origin (The Origin of Antiquities):

The law of the country of origin is usually used, according to general rules, as an attribution control to determine the applicable law in relation to copyright. It has been defined as "the law of the country of publication of the first work". This publication gives mental production its value, as it is the place where the idea emerges into tangible reality, and it is the law of the state in which it was spread and appeared. Therefore, the law of the state in which it came into existence is the one that guarantees the regulation of the rights contained therein the same applies to antiquities, as the law of the country in which it appeared and was discovered there for the first time is the place of the country of origin.

Accordingly, it is possible to apply the law of the country of origin, which is the Iraqi law regarding Iraqi antiquities.

In this context, the judge in the field of antiquities must adhere to the application of attribution rules that provide the same protection as the police and security rules in his country provide for antiquities, given the importance of antiquities from the national point of view, as they represent part of the state's heritage. The rules related to antiquities are among the peremptory rules, as Article of the Iraqi Antiquities and Heritage Law in force stipulates that:

First: It is forbidden to dispose of antiquities, heritage, and historical sites except in accordance with the provisions of this law.

Second: The owner of the land on which the antiquities, heritage, and historical site are located is prohibited from physically disposing of it, excavating it, destroying it, or changing its features.

This prohibition brings them close to peremptory norms. Consequently, the national law applies to them through a base of attribution that depends on the rule of the state of origin. Therefore, the intervention of the police rules in the country of origin and their extension to protect the national antiquity that was attacked in a foreign country is necessary to achieve the necessary protection for the antiquities.

In addition, this law, which is referred to by the reference base related to the country of origin, can be applied in the event of a deficiency or absence of the reference rule contained in Article (27) of the Iraqi Civil Code. In the event that the duality of the illegal act was not achieved between Iraq and the foreign country in which the incident creating the obligation occurred, instead of resorting to the most common

principles of private international law stipulated by the Iraqi legislator in Article (30) of the Iraqi Civil Law by saying: "It shall be followed in what is not mentioned." Concerning it, a text in the previous articles regarding cases of conflict of laws stipulates the most common principles of private international law." This is supported by the text of Article (3) of the decision of the International Law Academy in its session in 1991 in the city of Basel, that: "The provisions of the law of the country of origin related to export must be applied." ". This represents the texts governing export procedures rules of necessary application.

3. Conclusion

After completing the writing of the current research entitled "Attribution Rules Relating to Compensation for Damage of Iraqi Antiquities," the most important findings and recommendations are listed below.

First: Findings:

- [1] Antiquities require special legal protection considering the antiquities, whether movable or immovable, as part of the state's territory.
- [2] It is not possible to focus the relationship with regard to its subject matter "the obligation to compensate" or to the persons "the perpetrator of the harmful act and the injured person" on the grounds that its contact with these elements is an indirect contact and the direct contact is through the source of the relationship.
- [3] The rules of attribution related to compensation for damages to Iraqi antiquities varied into rules of attribution that can be considered traditional and related to the location of the property, the place of the movable, or the place of occurrence of the incident that creates the obligation.
- [4] The traditional rules of attribution are somewhat limited in providing the necessary protection for antiquities due to their specificity. Therefore, the attribution was directed to the law of the country in which the antiquity appeared, i.e. the law of the country of origin.

Second: Recommendations:

- [1] Calling for joint and unified international cooperation to protect antiquities all over the world, and intensifying international efforts for this.
- [2] Establishing a special attribution rule for the protection of antiquities, in which the attribution control is the country of origin, i.e. the country in which the antiquity was found for the first time, as is the case in the attribution rule for literary and artistic property rights, with the necessity of applying the police rules in force in the country of origin. This rule should be added to the Iraqi Antiquities and Heritage Law No. (55) of 2002, and its formula is as follows:
- [3] The provisions of this law apply to Iraqi antiquities that are found for the first time in the Republic of Iraq, given that it is the country of origin, whether the holder of the antiquity is an Iraqi or a foreigner, a natural or legal person inside or outside Iraq.

References

- [1] Dr. Hassan El Hadawy, and Dr. Ghaleb Ali Al Daoudi, Private International Law, Section Two, Conflict of Laws, Conflict of Jurisdiction and Execution of Foreign Judgments, first edition, Dar Ibn Al-Atheer for Printing and Publishing, University of Mosul, 2005.
- [2] Dr. Okasha Mohamed Abdel-Al, Conflict of Laws, a comparative study, Al-Halabi human rights publications, Lebanon, 2007.
- [3] Ghaleb Ali Al-Dawoudi and Hassan Muhammad Al-Hadawi, Private International Law, Part 1, The Legal Library, Baghdad, 2017.
- [4] Dr. Hisham Ali Sadiq, Conflict of Laws, A Comparative Study of General Principles and Positive Solutions Approved in Egyptian Legislation, 3rd Edition, Knowledge Facility in Alexandria, 1974.
- [5] Dr. Hisham Ali Sadiq, Studies in Private International Law, 1st edition, University House, Egypt, 1981.
- [6] Dr. Younes Salah El-Din Ali, Private International Law, An Analytical Study of Conflict of Laws and Conflict of International Jurisdiction and the Implementation of Foreign Judgments, first edition, Zain Law Publications, Lebanon, 2016.
- [7] Anis S Mokhtar*, Nurhayo Asib, A. R. R. . R. M. A. . (2022). Development of Saponin based Nano emulsion formulations from Phaleria macrocarpa to Control Aphis gossypii. *Journal Of Advanced Zoology*, 43(1), 43–55. Retrieved from <http://jazindia.com/index.php/jaz/article/view/113>
- [8] Faisal, H. T. ., Abid, M. K. ., & Abed, A. . (2022). Study Of Some Biochemical Parameters in Dose During Pregnancy in Goats. *Journal Of Advanced Zoology*, 43(1), 01–06. <https://doi.org/10.17762/jaz.v43i1.109>

- [9] Mokhtar, A. R. R. A. S. . (2022). Development Of Saponin Based Wettable Powder Formulation from *Phaleria macrocarpa* To Control *Pomacea maculate*. *Journal Of Advanced Zoology*, 43(1), 17–31. Retrieved from <http://jazindia.com/index.php/jaz/article/view/111>
- [10] Dilshad Abd al-Rahman Yusuf al-Buraifakani, Anas Mahmoud Khalaf al-Jubouri, Tikrit University Journal of Law, published by the Faculty of Law at Tikrit University, Volume 2, Issue 5, 2010.
- [11] Habib Obaid Marza Al-Amari and Abd Al-Rasoul Abd Al-Ridha, Conflict of Legislative Jurisdiction regarding Copyright and Its Investment, Journal of the University of Babylon, a journal issued by the University of Babylon, Volume 27, Number 3, 2019.
- [12] Dr. Salah El-Din Boujalal, International Legal Guarantees and Mechanisms for the Protection and Recovery of Arab Cultural Property Illegally Traded, Journal of the International Law College, a journal issued by the Kuwaiti International College of Law, Research of the Fifth International Annual Conference 9-10/5/2018.
- [13] Ghazi Faisal Aziz, Antiquities of Iraq and UNESCO, Al-Ma'mun University Journal, a journal published by Al-Ma'moon University College, Issue 16, 2010.
- [14] Dr. Muhammad Hassan Hamo, International Mechanisms for the Recovery of Stolen Iraqi Antiquities, Al-Rafidain Journal of Law, a journal published by the Faculty of Law at the University of Mosul, Year 21, Volume 19, Issue 68, 2019.

Laws:

- [1] The Abolished Iraqi Antiquities Law No. (59) of 1936.
- [2] Iraqi Civil Law No. (40) of 1951.
- [3] The Iraqi Copyright Protection Law No. (3) of 1971, as amended.
- [4] The Iraqi Antiquities and Heritage Law No. (55) of 2002.
- [5] Iraqi Foreigners Residence Law No. (76) of 2017.

Fifth: International Agreements:

- [1] The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted and published publicly and opened for signature, ratification and accession by the Intergovernmental Conference on the Protection of Cultural Property in the Event of Armed Conflict, in The Hague on 5/14/1954, and entered into force on 7/8 /1956.
- [2] The UNESCO Convention of 1970, published by the UNESCO website on the Internet and at the following site:
- [3] <http://www.unesco.org/eri/la/convention.asp?KO=13039&language=E&orde=alpha>
- [4] The International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects of 1995, published on the Internet and on the following website: https://www.unidroit.org/wp-content/uploads/2021/06/1995_Convention_arabic.pdf

Sixth: Judicial Rulings:

- [1] The case of the United States of America and Guatemala in 1990.
- [2] United State district court, NDIL Illinois 14 October 1993 ED.845.f.s.p.544.