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Cultural Property: International Conventions and United States Legislation

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Jennifer K. Elsea and Michael John Garcia
Legislative Attorneys
American Law Division

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Summary

The looting of the Iraq Museum in Baghdad, initially described as a devastating blow to the world's cultural heritage, has raised interest in measures to protect cultural patrimony. While more recent reports revealed that the loss of museum holdings had been exaggerated, the damage continues to be assessed as significant. There is broad international consensus that antiquities and art deserve special protection from the ravages of war, as is codified in the 1907 Hague Regulations, the 1949 Geneva Conventions, and the 1954 Hague Convention. Other agreements address protection of world heritage from pilfering and smuggling, including conventions drafted under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations International Institute for the Unification of Private Law (UNIDROIT). However, there is no international consensus on the most appropriate and effective means of providing protection. U.S. law to prevent the illicit "black market" trade in art and antiquities imposes both civil and criminal sanctions on art thieves, looters, and smugglers.

This report describes relevant treaties, U.N. Security Council Resolution 1483, current U.S. law, and proposed legislation, including H.Con.Res. 113, the Iraq Cultural Protection Act (H.R. 2009 and H.R. 3497), and the Emergency Protection for Iraqi Cultural Antiquities Act of 2004 (S. 1291 and S. 671, the latter of which has passed the Senate as an engrossed amendment to H.R. 1047, the Miscellaneous Trade and Technical Corrections Act of 2004). The report will be updated as events require.

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Cultural Property: International Conventions and United States Legislation

The illicit trade of art and other cultural property constitutes a significant portion of the worldwide “black market” of illegal trade.¹ Many States have adopted domestic laws to prevent the export of illicitly-obtained cultural property, and there has been some movement towards building an international regime to better prevent the illicit trade of such items. Still, there is little international consensus on how best to protect cultural property. The issue of protecting cultural property has not been high on the congressional agenda in recent years. However, the issue has been gaining attention in many contexts, especially with respect to the war in Iraq and its aftermath.

International Conventions on Cultural Property

Cultural property receives special protection under treaties pertaining to the laws of armed conflict. In addition, there are major international conventions that address illicit trade. However, despite continued losses of cultural treasures through war and illicit trade, there is no generally accepted enforcement regime, meaning that individual States generally determine what, if any, sanctions apply within their own jurisdiction. This is especially so with regard to property that was not stolen, but was exported in violation of the source country’s export control laws.

Protection for Cultural Heritage During Armed Conflict. Codified provisions for the protection of cultural property during armed conflict first appeared during the U.S. Civil War.² Before then, looting and plunder of conquered territories were an accepted facet of warfare; invading armies sought out treasures to carry home as trophies of conquest and destroyed much of what they could not remove.³ Nonetheless, the rules set forth during the Civil War quickly gained currency. In 1907, they were adopted by nations and incorporated into the Hague Regulations

¹ In 2001, it was estimated that the illicit trade in art and other cultural property was surpassed only by the so-called “black market of illegal drugs and weapons” as the largest and most profitable type of illegal trade worldwide. Marilyn Phelan & Lucille Roussin, *Public International Law: Cultural Property*, 35 INT’L LAW. 649 (2001) (quoting Major General Conforti, Head of the Protection of National Heritage Command of the Italian Carabinieri).

² See The Instructions for the Government of the Armies of the United States in the Field, General Order No.100, arts 34-36 (1863) (“Lieber Code”).

³ For an overview of the treatment of cultural heritage objects from ancient wars to modern armed conflict, see Anthi Helleni Poulos, *The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict: An Historic Analysis*, 28 INT’L J. LEGAL INFO. 1 (2000).

governing land warfare,⁴ and are now considered to be customary international law – binding on all nations regardless of ratification. Defenders of territory are required to identify and mark cultural monuments and buildings where cultural property is stored, and are prohibited from using such sites for military purposes. Invaders are to refrain from deliberately attacking the designated sites and destroying, seizing, or requisitioning protected property except in case of imperative military necessity or where the defending forces are exploiting protected buildings for impermissible military purposes. Soldiers are not permitted to pillage or loot. Occupying forces are to treat public cultural and religious property as if it were private property, not subject to seizure as war booty unless absolutely necessary.

The mass, systematic looting and destruction of artifacts during World War II, coupled with advances in the destructive capability of weapons, made apparent the need for a more comprehensive agreement. The Fourth Geneva Convention of 1949⁵ declared it a grave breach – a war crime subject to universal jurisdiction – to “destroy clearly recognized historic monuments, works of art, or places of worship.” The 1954 Hague Convention for the Protection of Cultural Property⁶ was negotiated as the first comprehensive treaty setting forth belligerents’ obligations with respect to cultural property. The Hague Convention elaborates on the earlier agreements, placing the responsibility on contracting Parties to prohibit any destruction, theft, pillage, or misappropriation of cultural property (art. 4). It specifically provides that an occupying power must take an active role, to the extent possible, in the protection of cultural property, in the event the national authorities are unable to provide protection (art. 5). State Parties to the First Protocol to the 1954 Hague Convention (“HP”), signed at the same time as the Hague Convention, undertake further to prevent the exportation of cultural property from territory they occupy during an armed conflict (HP art. 1), and to ban the importation of cultural property from any occupied territory into their own territory (HP art. 2). These Parties also agree to return property exported in contravention of the occupant’s obligations (HP art. 3), to pay an indemnity to good faith purchasers of such property (HP art. 4), and to return any cultural property in their custody for safekeeping to the competent authorities of the territory previously occupied (HP art. 5).⁷

“Cultural property” is broadly defined in the Hague Convention as all “movable or immovable property of great importance to the cultural heritage of every people” (art. 1). The Hague Convention provides for an international register of specially

⁴ Hague Convention (IV) Respecting the Laws and Customs of War on Land, October 18, 1907, Annex I (“Hague Regulations”) arts. 27, 47, 56, 36 Stat. 2277, TS 539.

⁵ The Geneva Convention Relative to the Protection of Civil Persons in Time of War, 6 U.S.T. 3516, 75 U.N.T.S. 287 [*hereinafter* “Geneva IV”].

⁶ Convention for the Protection of Cultural Property in the Event of Armed Conflict, May 14, 1954, 249 U.N.T.S. 215.

⁷ Parties to the Protocol may opt out of either Section I (HP arts. 1-4) or Section II (HP art. 5) at the time of signing or accession (HP art 9). President Clinton recommended that the United States exercise its option to declare Section I, which would obligate an occupying power to take specified measures to prevent the export of cultural property from an occupied territory during armed conflict, as non-binding to the United States. *See* Sen. Treaty Doc. 106-1 at 12-13.

protected places. It does not, however, specify any type of enforcement process to bring about the restitution of stolen artifacts to their country of origin. Instead, the Convention leaves each nation to decide for itself what, if any, sanctions apply within its own jurisdiction to protect cultural property (art. 28). There are more than 100 State Parties to the 1954 Convention, but the United States, though a signatory, is still not among them.⁸

Protecting cultural property during armed conflict has continued to be an issue of international concern, but there still is little consensus on principles beyond those contained in the 1954 Convention. In 1999, the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was concluded.⁹ The Second Protocol, among its provisions, applies the standards of the 1954 Convention to certain internal conflicts, specifies sanctions for serious violations of cultural property and defines the conditions in which individual criminal responsibility shall apply. It establishes a twelve-member Intergovernmental Committee to oversee the implementation of the Convention and its Protocols. The Protocol came into force on March 9, 2004, three months after the deposit of twentieth instrument of ratification, acceptance, approval or accession. The United States is not a Party to the Protocol.

Peacetime Protection under U.N. Conventions. Beyond the Hague Conventions, the international community has increasingly recognized that danger to cultural heritage is not limited to times of war. In 1970, the General Conference of UNESCO adopted a new international convention on illicit traffic in cultural property (1970 UNESCO Convention).¹⁰ This agreement calls on State Parties to take a variety of measures, consistent with their national laws, to better regulate and document traffic in cultural property. Parties are to adopt the use of a certificate that indicates an export is authorized under domestic controls. Parties are also to take measures, consistent with national legislation, to prevent institutions from acquiring illegally exported items. A separate bar on importing stolen cultural property is stated more categorically, because market countries – those that primarily import cultural property – have historically been reluctant to recognize that all imports from source countries in violation of their national export controls are illicit *per se*. Market countries are to take measures to recover and return stolen cultural property, but a Party seeking the return of such items is obligated to pay compensation in the case of either an innocent purchaser or a person holding valid legal title. Finally, the

⁸ While the United States participated in the negotiation of the Convention, concerns about some of its language kept the Executive branch from pursuing its ratification until 1999. *See* Senate Treaty Doc. 106-1. Specifically, it appears the term “export” was thought to be inadequately defined, the standard of liability to be too strict and inapplicable to non-conventional warfare, and the Department of Defense was concerned that the Kremlin could be designated as a “cultural heritage site” and thus immune from attack.

⁹ Jean-Marie Henckaerts, *New Rules for the Protection of Cultural Property in Armed Conflict: The Significance of the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (Sept. 29, 1999), available at <http://www.helpicrc.org/Web/eng/siteeng0.nsf>.

¹⁰ Convention on the Means of Prohibiting and Preventing the Illicit Import and Export and Transfer of Ownership of Cultural Property, Nov. 14, 1970, 823 U.N.T.S. 231.

1970 Convention specifies other steps, such as various educational and scientific programs, that may be adopted by Parties in furtherance of international cooperation on protecting cultural property. The United States became a Party to the 1970 Convention in 1983.¹¹

In 1972, UNESCO adopted a separate “Convention Concerning Protection of the World Cultural and Natural Heritage” (1972 UNESCO Convention). In part, the 1972 Convention calls on Parties to take a variety of additional educational, scientific, and administrative measures to promote the protection of covered property. In this regard, the 1972 UNESCO Convention is not dissimilar from the 1970 Convention. But while the 1970 Convention also focused on the adoption of domestic legal measures to curb illicit trafficking, the 1972 Convention establishes new international entities – the World Heritage Committee and the World Heritage Fund – to aid in the identification and preservation of covered property. The 1972 Convention expressly recognizes natural features, formations, and similar sites as a component of “world heritage,” along side cultural property. The United States ratified the 1972 Convention in 1973.¹²

In 1995, a convention to refine legal standards for trade and protection of cultural property was concluded under the auspices of UNIDROIT. The declared purpose of this UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is to establish “minimal [common] legal rules for the restitution and return of cultural objects between Contracting states.”¹³ It is designed to give a general right of restitution to persons or states from whom cultural property was stolen.¹⁴ Within this framework, the Convention allows for restitution claims by private individuals; just compensation to the bona fide purchaser of a forfeited artifact, providing the purchaser exercised due diligence; and if an object is termed of “great cultural importance,” recognition of the export laws of the source nation. The Convention includes specific procedural requirements for claims of restitution, and attaches concrete statutes of limitation on those claims.¹⁵ Only 21 countries have thus far ratified or acceded to the UNIDROIT Convention.¹⁶ Most of the primary market

¹¹ See Listing of Parties to the 1970 UNESCO Convention, *available at* http://www.unesco.org/culture/laws/1970/html_eng/page3.shtml (last updated Oct. 3, 2003).

¹² Convention on the Protection of World Cultural and Natural Heritage, ratified Dec. 7, 1973, entered into force 27 U.S.T. 37.

¹³ Preliminary Draft, UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, June 24, 1995, *available at* <http://exchanges.state.gov/culprop/unidroit.html> (last viewed on Mar. 30, 2004).

¹⁴ See Phelan & Roussin, *supra* note 1, at 657 (explaining that the UNIDROIT Convention provides an international framework for the recovery of stolen or illegally exported cultural property).

¹⁵ See UNIDROIT Convention, *supra* note 13, art. 5 (defining what constitutes illegal export and significant impairment, and setting a three year limit on any return request and a fifty year limit on a return for a expired permit).

¹⁶ See Status Report, UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, *available at* <http://www.unidroit.org/english/implement/i-95.htm> (last viewed on (continued...))

countries of Asia, Europe, and North America (including the United States) are not among them.

The most recent multilateral agreement on cultural property is the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage.¹⁷ This Convention is intended “to codify and progressively develop rules relating to the protection and preservation of underwater cultural heritage in conformity with international law and practice, including the [1970] UNESCO Convention . . . , the [1972] UNESCO Convention . . . , and the United Nations Convention on the Law of the Sea” The United States is not a Party to this Convention.

U.N. Security Council Resolution 1483. U.N. Security Council Resolution 1483 (May 23, 2003), regarding the administration of Iraq until an “internationally recognized, representative government” is established there, calls on all member nations, regardless of whether they are parties to the 1970 UNESCO Convention, to assist in the protection of Iraq’s cultural heritage. Paragraph 7 obligates all U.N. member States to take appropriate steps to facilitate the safe return of stolen articles of cultural value, including a ban on international trade in “Iraqi cultural property and other archaeological, historical, cultural, religious and rare scientific items that were removed illegally from the Iraq National Museum, National Library and other locations since the adoption of resolution 661 (1990) of 6 August.” It is not clear whether the ban will expire upon the formation of a new permanent government in Iraq.

United States Law on International Cultural Property

Law Applicable to the Armed Forces. The protection of cultural heritage during armed conflict is incorporated in the military manuals of the armed forces. The Army manual on the Law of Land Warfare (FM 27-10),¹⁸ for example, incorporates the international law of war and provides for the recognition and protection of cultural sites, whether marked as such or not. The Uniform Code of Military Justice (UCMJ) provides punishment for soldiers who participate in looting or pillage.¹⁹ Battlefield trophies are strictly prohibited, and soldiers may be punished for trading in captured or abandoned property of any type.

National Stolen Property Act. The comprehensive National Stolen Property Act (“NSPA”), first enacted in 1934, provides one means for recovering looted antiquities.²⁰ Under the NSPA, the United States government prosecutes the offender on behalf of the foreign government. The NSPA criminalizes both the possession and the trade of any item known to have been stolen, regardless of

¹⁶ (...continued)
Mar. 30, 2004).

¹⁷ *Reprinted at* 41 I.L.M. 40 (2002).

¹⁸ U.S. DEP’T OF ARMY, FIELD MANUAL 27-10, THE LAW OF LAND WARFARE (July 1956).

¹⁹ Art. 103, 10 U.S.C. § 903.

²⁰ 18 U.S.C. § 2314.

whether the United States has an agreement with the claimant nation. However, the NPSA applies only if the item in dispute has a value of over \$5,000. Moreover, the statute does not guarantee restitution of the item to the claimant nation,²¹ providing only for forfeiture of the item to the United States government. A criminal statute, the NSPA requires a high evidentiary burden of proof, because each element of the crime must be proven beyond a reasonable doubt, leading, some say, to the relative rarity of convictions under the NSPA. Convicted offenders face up to ten years in prison and a fine of no more than \$10,000.

Cultural Property Implementation Act. Congress enacted implementing legislation to fulfill U.S. obligations under the 1970 UNESCO Convention in 1983 (the year after the United States became a Party) through the Cultural Property Implementation Act (“CPIA”).²² The accompanying Senate report pointed to the increase in looting and destruction of antiquities, which was depriving nations of their cultural patrimony and the world of knowledge of its past, as the main consideration necessitating the CPIA.²³ It also noted that the United States’ status as a principal market for stolen cultural goods was straining its relations with other nations.

Like the 1970 UNESCO Convention, the CPIA distinguishes between stolen property and property that has been exported contrary to the laws of a source country. The CPIA flatly bars the import of any article of cultural property that is stolen from a museum, religious or secular public monument, or similar cultural institution. The regulation of illegally exported cultural property is somewhat knottier. The CPIA does not automatically attach legal consequences to all imports alleged to be in violation of the export laws of a source country. Rather, a source country that is a Party to the 1970 Convention may request that the President enter into an agreement with it for the imposition of U.S. import restrictions on cultural property exported illegally from it. The requirements for such requests are stringent. The Party must state that its cultural patrimony is in jeopardy, that import restrictions by importing countries would serve substantially to overcome a serious danger of pillage, and that less drastic remedies are not available. Even after such an agreement has been concluded and U.S. import restrictions imposed, those restrictions may be suspended if they prove ineffective or if other importing countries do not implement similar restrictions. Cultural property may be excepted from regulation if it can be shown that the property has been in the United States for a specified period. This period may be as brief as three years in the case of good faith, well publicized purchases by museums and similar institutions, or as long as 20 years in the case of any good-faith purchaser for value, depending upon the frequency and prominence of the property’s public display and the availability of other information indicating that the property has been in the United States. Where the appropriate time limit has not been met, foreign cultural property that has been stolen or imported in violation of U.S. import restrictions is subject to seizure and forfeiture. The standards for forfeiture and the

²¹ See 18 U.S.C. §§ 2314, 2315 (noting that the claimant nation may negotiate with the United States government for the return of the item).

²² Pub. L. 97-446, tit. 3, 96 Stat. 2350, *codified at* 19 U.S.C. §§ 2601 *et seq.*

²³ S. Rep. No. 97-564 (1982).

disposition of forfeited property differ according to whether the property was stolen or illegally imported. In the case of stolen property, a U.S. buyer for value without reason to believe the property was stolen is entitled to recover the purchase price, unless the laws of the source country would allow the uncompensated return of property stolen from a U.S. institution as a matter of reciprocal practice.

Iraq Sanctions Regulations. With respect to Iraqi cultural heritage, importation is controlled by 31 CFR part 575, which previously regulated all transactions with Iraq as well as those involving goods originating in Iraq as part of the economic sanctions instituted after the 1990 invasion of Kuwait. On May 23, 2003, the Office of Foreign Assets Control issued a general license lifting most of the sanctions against Iraq in accordance with U.N. Security Council Resolution 1483. However, the license (provided in 31 CFR 575.333) does not authorize any transactions with respect to Iraqi cultural property or other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since August 6, 1990. Any trade in or transfer of such items, including items with respect to which reasonable suspicion exists that they have been illegally removed, remains prohibited.

Proposed National Legislation to Address Post-War Looting of Iraqi Cultural Property

In response to the looting of Iraqi cultural antiquities in the aftermath of the war in Iraq, a number of legislative measures have been proposed in the 108th Congress, though most have not made it out of committee. On March 25, 2003, within days after United States troops entered Iraq, a concurrent resolution was introduced in the House to urge all governments involved in the conflict “to take all reasonable measures to avoid damage to the cultural antiquities in Iraq until hostilities have ceased.”²⁴ Other proposed measures include the Iraq Cultural Protection Act (H.R. 2009 and H.R. 3497) and the Emergency Protection for Iraqi Cultural Antiquities Act (S. 1291 and title IV of H.R. 1047).

Some members of the cultural heritage community believe new legislation is necessary to close a potential loophole in U.S. laws and regulations that could permit the import of illegally removed Iraqi antiquities into the United States. Although such imports are currently prohibited under regulations promulgated by the Treasury Department’s Office of Foreign Assets Control (OFAC),²⁵ proponents of specific legislation view these protections as insufficient. They argue that OFAC’s legal authority to issue sanctions is derived from Executive Order 12722²⁶ and the Iraqi Sanctions Act,²⁷ which in turn premise sanctions upon the existence of an emergency

²⁴ H.Con.Res. 113, 108th Cong. (2003). The resolution was referred to the House Committee on International Relations.

²⁵ 31 C.F.R. § 575.533.

²⁶ Exec. Order. 12722, 55 Fed. Reg. 31,803 (Aug. 2, 1990).

²⁷ Pub. L. 101-513 §§ 586-586J, 104 Stat. 2047 (1990) [*hereinafter* “Iraqi Sanctions Act”].

situation occurring with respect to Iraq.²⁸ Accordingly, OFAC sanctions could be lifted upon a presidential determination that emergency conditions in Iraq no longer existed;²⁹ a determination that could potentially occur when an Iraqi interim government is established. At any rate, Iraqi cultural heritage materials do not now enjoy the tailored protections available under the CPIA.

The Iraq Cultural Protection Act. H.R. 2009, was introduced in the House on May 7, 2003. The Act would ban the importation into the United States of any Iraqi archaeological or cultural material that was removed from Iraq after the issuance of Executive Order 12722 of August 2, 1990 without a certification from the Government of Iraq that the material’s exportation was not in violation of Iraqi law. It would define ‘archaeological material of Iraq’ to mean

any object or fragment or part of an object, including human and animal skeletal remains and plant and floral remains, that was first found within the borders of Iraq as such borders existed on August 2, 1990, that

- (i) was built, manufactured, sculpted, produced, or written by humans;
- (ii) is at least 100 years old; and
- (iii) was discovered as a result of scientific excavation, illegal or clandestine digging, accidental discovery, or exploration on land or under water. . . .”

“Cultural material” of Iraq would mean

any object, regardless of age, including manuscripts, and materials used for traditional or religious ceremonial purposes, or a fragment or part of an object, that was, on or after August 2, 1990, in the care of Iraq’s cultural or religious institutions and is of historic, artistic, religious, scientific, or cultural interest.³⁰

In the event of an attempt to bring a covered item into the United States without the required documentation, customs officers would be required to hold any such objects and deliver them to a bonded warehouse in order to allow the consignee 90 days to procure and file the required certification. Failure to file the documents in a timely manner could result in seizure and forfeiture of the materials, which would then be returned to Iraq.

H.R. 2009 would also amend the CPIA to (1) redefine an object of archaeological interest as being at least 100 years old, as opposed to the current standard of being at least 250 years old; (2) allow its application to cultural or archaeological materials from countries who are not parties to the 1970 UNESCO agreement (and during emergencies, regardless whether the country requests it); (3) generally extend the period during which import restrictions under the CPIA may be placed on the archaeological or ethnological material

²⁸ See 149 CONG REC. S8236-37 (daily ed. June 19, 2003) (statement of Sen. Grassley on introducing S. 1291, a previous version of Iraqi Antiquities Act).

²⁹ *Id.*

³⁰ H.R. 2009 § 2, 108th Cong. (2003).

of any country to ten years; and (4) extend from five to ten years the effective period for bilateral or multilateral agreements for import restrictions on archaeological or ethnological materials.

A second version of the Iraq Cultural Protection Act was introduced on Nov. 17, 2003 as H.R. 3497. This version differs from H.R. 2009 in that it excludes coins and coin-like objects less than 250 years old from the import restrictions; requires certification issued by the appropriate governing authority in Iraq rather than the Government of Iraq (which may be ambiguous as a result of the U.S.-led occupation of Iraq); brings the period of restriction in line with U.N.S.C. Resolution 1483 (plus 6 months); and modifies the composition of the Cultural Property Advisory Committee under section 306 of the CCPIA (19 U.S.C. § 2605).

Emergency Protection for Iraqi Cultural Antiquities Act of 2004. On March 4, 2004, the Senate passed H.R. 1047, the Miscellaneous Trade and Technical Corrections Act of 2004, with an engrossed amendment that incorporated S. 671. Title IV of H.R. 1047 (as passed by the Senate), the Emergency Protection for Iraqi Cultural Antiquities Act of 2004 (Iraqi Antiquities Act), would authorize the President to exercise his authority under the CPIA section 304 (19 U.S.C. § 2603) to implement emergency import restrictions with respect to Iraqi “archaeological or ethnological material” as if Iraq were a State Party to the 1970 UNESCO Convention. The Act would define “archaeological or ethnological material” as:

cultural property of Iraq and other items of archaeological, historical, cultural, rare scientific, or religious importance illegally removed from the Iraq National Museum, the National Library of Iraq, and other locations in Iraq, since the adoption of United Nations Security Council Resolution 661 of 1990.³¹

Certain limitations on Presidential discretion made by section 304(c) of the CPIA, such as the requirement that a State Party (in this case, Iraq) first request the President to act before he exercises his discretionary power, would be inapplicable for purposes of the Iraqi Antiquities Act. The President’s authority to impose import restrictions under the Iraqi Antiquities Act would terminate on the earlier of (1) 5 years after the date on which the President certifies to Congress that normalization of relations between the United States and the Government of Iraq has been established or (2) September 30, 2009.

³¹ H.R. 1047 § 4002. UN Security Council Resolution 661 called on UN members to impose economic sanctions on Iraq. In accordance with this request, Congress adopted the Iraq Sanctions Act of 1990, which provides the President with specific authority to comply with UN sanction recommendations towards Iraq and impose trade embargoes against it. *See* Iraq Sanctions Act, *supra* note 27.